

# Legislative Journal

WEDNESDAY, OCTOBER 19, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 90

## 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, McConnellsburg, Pennsylvania, offered the following prayer:

Our Lord and Blessed Redeemer, Thou hast endured the ever present doubts in the minds of men, and Thou hast endured the constant foolish questions which have come to Thee from every generation. Look down upon us with tender compassion and forgive us for trying to judge Thy actions and manipulate Thee according to our desires. O God, grant to each of us a confident faith to reach out to Thee for the assurance which is Thine to give, and to acknowledge Thee as the Lord and Father of us all. In Thy blest name, and for Thy sake, we humbly and gratefully pray. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, October 18, 1977, will be postponed until printed.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker is about to take the master roll call for today. All members within the hearing of his voice will report promptly to the floor of the House.

The following roll call was recorded:

#### YEAS—196

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

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

NAYS—0

NOT VOTING—4

Bennett Mackowski Shelton Wiggins

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1781 By Mrs. KELLY, Messrs. OLIVER, CIANCIULLI, RUGGIERO, DONATUCCI, GIAMMARCO, KATZ, D. M. O'BRIEN, SALVATORE, HAMILTON, POTT, GRIECO, SCHMITT, SWEET, ENGLEHART, GARZIA, CESSAR, KNEPPER, REED, JOHNSON, BELLOMINI, BENNETT, McLANE, MUSTO, PITTS, E. H. SMITH, MANMILLER, PICCOLA, POLITE, MCGINNIS and MISCEVICH

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), regulating maximum service of members of professional licensing boards.

Referred to Committee on State Government.

**No. 1782** By Mr. KOWALYSHYN

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for the contents of the notice of cancellation or failure to renew.

Referred to Committee on Insurance.

**No. 1783** By Messrs. DiCARLO, LINCOLN, MILLER, SCHWEDER, REED, JONES, NOYE, OLIVER, McLANE, KLINGAMAN, D. R. WRIGHT, STEWART, SHUMAN and DOMBROWSKI

An Act relating to the inspection and visitation of hospitals and hospital related health care facilities; providing that the Department of Health coordinate a single inspection by all State and municipal agencies; providing for biennial or less frequent departmental inspections of accredited hospitals; and repealing the annual inspection requirement by the department.

Referred to Committee on Health and Welfare.

**No. 1784** By Messrs. BENNETT, MANDERINO, HALVERSON, CIANCIULLI, SPENCER, LIVENGOD, Mrs. KELLY, Messrs. OLIVER, JOHNSON, GIAMMARCO and L. E. SMITH

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the Pennsylvania Film Commission and making an appropriation.

Referred to Committee on State Government.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

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

**SENATE BILL No. 204**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes further providing for making arrests for aggravated assault or resisting arrest.

Referred to Committee on Judiciary.

**SENATE BILL No. 665**

An Act amending the act of July 14, 1970 (P. L. 485, No. 165), entitled "An act removing for a limited time the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by State and local governments authorities agencies and instrumentalities" changing the time limit.

Referred to Committee on Finance.

### LEAVE OF ABSENCE GRANTED

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 caucus chairman.

Mr. S. E. HAYES. Mr. Speaker, I request a leave for the gentleman, Mr. MACKOWSKI, for the remainder of the week.

The SPEAKER. Without objection, leave is granted.

### BILLS REPORTED FROM COMMITTEE AND TABLED

**HB 1676, PN 2017**

By Mr. McCALL

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), providing for test generation and sliding scale of rates for electric utilities.

Mines and Energy Management.

**HB 1731, PN 2102**

By Mr. McCALL

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; \* \* \*," providing for hearings and appeals not involving rate determination matters.

Mines and Energy Management.

### ANNOUNCEMENT HOUSE SCHEDULE

The SPEAKER. The Chair is about to make an announcement as to the schedule for today and for the remainder of the week. The Chair would suggest that each member should be interested in this announcement of the schedule.

The House will adjourn for the week at the close of today's session. Session for next week will begin at 1 o'clock on Tuesday. The House will adjourn for the week at the close of today's session.

The Chair would advise the members that next week could be a very long week, depending upon, of course, the activities in the Senate this week. The Chair would advise the members to follow those activities with great intensity as those activities may very well shape the direction of the House's activities next week and the duration thereof.

### CALENDAR

#### FINANCE BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1507, printer's No. 1807**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), providing for a certain election of tax relating to aircraft.

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

Ordered, to be transcribed for third consideration.

#### CONSUMER AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill**

No. 1506, printer's No. 1814, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177, No. 175), granting additional powers to the Office of Consumer Advocate and creating the Consumer Advocate Federal Grant Fund.

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

BILL RECOMMITTED

Mr. SCHMITT moved that House bill No. 1506 be recommitted to the Committee on Consumer Affairs.

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

The following roll call was recorded:

YEAS—185

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

NAYS—0

NOT VOTING—15

Barber	Gleeson	Miscevich	Shelton
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Beloff	Harper	Rappaport	Weidner
Bennett	Mackowski	Rhodes	Williams
Dumas	McGinnis	Richardson	

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

The SPEAKER. The bill is so recommitted.

JUDICIARY BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 483, printer's No. 522**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes by further providing for finger printing insofar as it relates to retail theft.

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

The SPEAKER. For the information of the members, although your calendars had been marked up until this time that an amendment will be offered to the bill by the gentleman, Mr. Ruggiero, he has withdrawn that amendment and is not offering an amendment.

The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. I did not quite understand your remarks relative to an amendment. Was there an amendment?

The SPEAKER. The gentleman, Mr. Ruggiero, had announced previously that he was going to offer an amendment. He has today withdrawn that amendment. So the bill is before us without the offering of an amendment on final passage.

Does the gentleman wish to debate the bill?

Mr. THOMAS. No, I would just like to voice my opposition to the bill and let the vote stand.

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

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

The question is, Shall the bill pass finally?

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

YEAS—55

Barber	Gallagher	Kelly	Prendergast
Beloff	Geisler	Kernick	Richardson
Berlin	Giammarco	Kowalshyn	Rieger
Berson	Gillette	Laughlin	Ruggiero
Borski	Goebel	Lincoln	Scanlon
Caltagirone	Gray	Manderino	Schmitt
Caputo	Greenfield	McIntyre	Scirica
Cianciulli	Greenleaf	Milanovich	White
Cohen	Hayes, D. S.	Milliron	Wiggins
DiCarlo	Hopkins	Mullen, M. P.	Williams
Dombrowski	Hutchinson, W.	Mullen, M. M.	Wise
Donatucci	Itkin	Musto	
Dumas	Johnson	Oliver	Irvis,
Englehart	Jones	Pievsky	Speaker
Flaherty			

NAYS—135

Abraham	Garzia	Miller	Smith, E.
Anderson	Gatski	Miscevich	Smith, L.
Armstrong	Geesey	Moehlmann	Spencer
Arthurs	George, C.	Morris	Spitz
Bittinger	George, M.	Mowery	Stairs
Bittle	Goodman	Mrkonic	Stapleton
Brandt	Grieco	Novak	Stewart
Brown	Halverson	Noye	Stuban
Brunner	Hamilton	O'Brien, B.	Sweet
Burd	Hasay	O'Brien, D.	Taddonio
Burns	Haskell	O'Connell	Taylor, E.
Butera	Hayes, S. E.	O'Donnell	Taylor, F.
Cassidy	Helfrick	O'Keefe	Tenaglio
Cessar	Hoefel	Pancoast	Thomas
Cimini	Honaman	Parker	Trello
Cole	Hutchinson, A.	Petrarca	Valicenti
Cowell	Katz	Piccola	Vroon
Davies	Klingaman	Pitts	Wagner
DeMedio	Knepper	Polite	Wansacz
DeVerter	Kolter	Pott	Wargo
DeWeese	Lehr	Pratt	Wass
Dietz	Letterman	Pyles	Weidner
Dininni	Levi	Ravenstahl	Wenger
Dorr	Livengood	Reed	Wilson
Duffy	Logue	Renwick	Wilt
Fee	Lynch	Ritter	Wright, D.
Fischer, R. R.	Madigan	Ryan	Wright, J. L.
Fisher, D. M.	Manmiller	Salvatore	Yohn
Foster, A.	McCall	Scheaffer	Zearfoss
Foster, W.	McClatchy	Schweder	Zeller
Freind	McGinnis	Seltzer	Zitterman
Fryer	McLane	Shuman	Zord
Gallen	Mebus	Shupnik	Zwikl
Gamble	Meluskey	Sirianni	

NOT VOTING—10

Bellomini	Gleeson	Rappaport	Shelton
Bennett	Harper	Rhodes	Yahner
Doyle	Mackowski		

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

REMARKS ON VOTE

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

Mr. DOYLE. Mr. Speaker, I was not in my seat when HB 483, PN 522, came up for a final-passage vote. I would like to be recorded in the negative.

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

HB 1106 PASSED OVER

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes. Does the gentleman have an amendment to offer?

Mr. S. E. HAYES. I do not have an amendment, Mr. Speaker, but it has just come to my attention that the gentleman, Mr. Hutchinson, and the gentleman, Mr. Dorr, are both preparing amendments to this bill. I request a hold until next week, if at all possible.

The SPEAKER. The Chair would request that if the gentle-

men have amendments that they announce those amendments to the Chair prior to the calling of the bill so that we would be prepared to deal with those amendments on time.

However, without objection, the Chair reconsiders its announcement that the question occurs, Does the House agree to the bill? And HB 1106, PN 2081, will go over for the day.

Agreeable to order.

The House proceeded to third consideration of **Senate bill No. 199, printer's No. 1257**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes further defining the offense of obscenity redefining obscene and further providing for injunctions.

On the question,

Will the House agree to the bill on third consideration?

**SB 199 REVERTED TO PRIOR PN**

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

Mr. M. P. MULLEN. Mr. Speaker, I move that SB 199, PN 1257 be reverted to its prior printer's number.

The SPEAKER. Will the gentleman give the members of the House the prior printer's number?

Mr. M. P. MULLEN. It is printer's number 966.

The SPEAKER. The Chair believes that printer's number 966 should be in the members' folders. That is a prior printer's number to SB 199.

The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, on the motion.

Mr. M. P. MULLEN. Mr. Speaker, I would like to explain to the members why I am asking them to revert this bill back to the prior printer's number. First of all, the bill before us is the anti-smut bill and, if we revert to the prior printer's number and the bill passes and it becomes law, we will effectively have wiped out smut in Pennsylvania.

What has happened here, if you recall, we passed this bill on two other occasions. The bill went to the Governor and the Governor vetoed it, and for some reason or other we have never been able to override his veto.

In the early part of this session, myself and many of you joined in and cosponsored HB 70. HB 70 is incorporated into the Senate version of SB 199, PN 966. Now all of us take great pride in authorship, but I think all of us also are interested in getting the bill passed. Now SB 199, which came from the Senate, as I said before, is basically HB 70. But when the bill came over to the House from the Senate, it was sent to the House Judiciary Committee and what we did in the House Judiciary Committee was to amend the bill, and the amendments are incorporated in PN 1257.

Now what we actually did in amending the bill was to legalize smut in Pennsylvania. What they did was to rip out the basic definition of hardcore pornography and they stated that you could use hardcore pornography in Pennsylvania anywhere you wanted to providing you did not advertise. Now certainly that is no help in knocking out the smut that we are talking about. What we want to do is close it out effectively. So what we will

do by reverting it to the prior printer's number is in fact pass basically HB 70 in the form of SB 199.

Now the great advantage of doing that is, when SB 199 passed the Senate, it passed with 38 votes, and, of course, it takes 34 votes to override a Governor's veto. And this is the first time in about 4 years that we have been able to get the Senate to reach a point where they would give us a two-thirds majority necessary to override a veto.

So I strongly suggest that we revert the bill to the prior printer's number and pass the bill without any other amendments, so that it can be sent to the Governor and vetoed. Then when it comes back to the Senate, override his veto there and then override the veto in the House. And let us have a good anti-pornography bill on the books, so that we can wipe out all of this filth and trash that we have had to put up with in the last 5 or 6 years.

Now basically that is all I have to say about it. So I do hope that you will all revert it to the prior printer's number.

I think that I should make one more comment about the amendments put into the bill by the House, and that is that this is the second amendment which dealt with using children to produce smut movies and things like that. That is being eliminated too because we no longer need that since, if you will recall, last week we passed SB 717 which handled that item separately. That is already on the Governor's desk, and I hope that he will sign that. So with SB 717 and with HB 199, PN 966, I think we will have handled the problem very effectively.

Thank you.

The SPEAKER. On the motion to revert the bill to the prior printer's number, the chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, in support of what Mr. Mullen has stated, the Governor has changed his mind in regard to wiretapping. He has taken a strong stand on that in the past but he has come around 180 degrees, and I believe that he will do so on this for this reason: The city of Philadelphia, which must be commended in regard to the move that they have made in regard to pornography by ordinance, was the first city that I knew of in the State of Pennsylvania to take such a strong stand. Many cities in the State are wanting a copy of this ordinance. Now I realize that it will probably be tried in court, but they need support.

I believe that by reverting it back to printer's No. 966 and getting it back in its original form, in the form we had it years ago when the Governor vetoed it, I believe that with the move that Philadelphia has made and the problem that we find in organized crime in the State of Pennsylvania, which he admits are the ones that are the big backers of pornography, I think it is time that we give him a chance to see whether or not he really is going to veto it, and I do not think that he will. I think that he has seen the light. I really do believe it in regard to that particular area and I believe that we should give it a try and get a strong anti-pornography bill as law and to back up what Philadelphia has done and many other cities that are trying to move into that area. So I really do back and I support, and I wish everyone here would, the printer's No. 966.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher, on the motion.

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

If I thought that the Governor, as Mr. Zeller has said, had seen the light on the issue of pornography, the outline of hardcore pornography for adults, I would not be standing up addressing you at this microphone; rather I would be voting with Mr. Mullen to support the reverting to the prior printer's number. But I do not think that he has seen the light nor do I believe that there are two-thirds of the members elected to this House and particularly to the Senate who, in the final analysis, will vote to override the veto of the Governor, which I believe, if we passed the bill in its prior printer's number, is an inevitable veto.

I also think, unfortunately, the courts of this Commonwealth for all too long have been opposed to any statutory language in our laws outlawing pornography in Pennsylvania. I think that as soon as the law which is embodied in the prior printer's number gets to those courts, there is a strong likelihood that that law will be ruled unconstitutional.

So let me just explain to you a little bit as to where we are today and what is embodied in the present bill. Today on the books in Pennsylvania we have no law against pornography, either for minors or for adults or for display. Last week we passed SB 767, which, if signed by the Governor, will go a long way to outlawing child pornography, the new phenomenon as it is known. But we have no pornography law on the books today, and until this General Assembly enacts some sort of law, we have no law which can stop the sale, the display, exhibition of pornography to children. This is where I think we should be directing our first attention — to children. Secondly, we have no law on the books which would prohibit the display, the sale, the exhibition, billboards, drive-in movie screens, these types of things that are visible that would provide that pornography would be visible to the general public, the unknowing public, who is not interested in viewing it.

I think that the provisions that are contained in the present printer's number of SB 199 are provisions that clearly, if we enact them, will be signed into law. And what will they do? They will outlaw the display, the sale and the advertisement of hardcore pornography of any kind in the Commonwealth of Pennsylvania. They will outlaw the display, the exhibition, the sale of newspapers, books, movies and the showing of movies to minors in Pennsylvania. And these are the two things that I think are priorities.

The bill does not, as Mr. Mullen has said, legalize pornography for adults. What it does is it does not insert the objectionable section that will lead to the Governor's veto.

I say what we should be doing here is trying to overcome those first two matters that I have raised. We should try to enact a law that will put something on the books to help the sale to minors and to help the unknowing and the unwilling and the unwanted display to the general public.

Just wait. We know one thing for sure, in 1979 we are going to have a new governor in this Commonwealth. We do not know who it is going to be, but it is going to be a new governor.

Hopefully, maybe that governor will have seen the light, such as Mr. Zeller has said, and perhaps we can then put a law back on the books outlawing hardcore pornography for adults. But until that time I think it is futile to try to deal with a bill that basically is the bill we have seen vetoed and not overridden for the last 6 years in Pennsylvania.

I can remember that prior to my service in the legislature, I had drafted similar legislation, which is almost embodied in the prior printer's number, and it has been floating around this Commonwealth and we still have no law.

So I say, let us get on with it today. Let us oppose the motion to revert and let us get some sort of law on the books, a law which I believe the Governor of Pennsylvania will sign. He will have to sign it, and at least we will have something to outlaw the sale to minors.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Brown, to speak on the motion to revert.

Mr. BROWN. Thank you, Mr. Speaker.

Would Mr. Mullen stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Mullen, indicates that he will so stand. The gentleman, Mr. Brown, is in order and may proceed.

Mr. BROWN. Mr. Speaker, since I am not yet sure how I am going to vote on this request to revert to a prior printer's number, could you explain how the mechanics will work in a community if there is a problem with pornography, just so I know how and who is going to carry out what function?

Mr. M. P. MULLEN. Yes. What would happen is that the district attorney in the county where the action would originate would go to a court of equity in the common pleas court of the county and allege to the court that someone was showing a moving picture which he felt was violating this particular law. Then the court would have to notify the person who was the alleged defendant that an action was pending against him. Then he would have a right to go in and defend the action. He would be entitled to a trial by jury, if he so desired, and an injunction would not be issued until he was given adequate notice of the injunction. All the rights of the defendant are protected 100 percent. We were very careful about that, because that is one of the most important things in due process, protecting the rights of defendants. So his rights would be protected 100 percent, and then the question would be a matter for the courts or for the jury to determine whether what he was doing was in fact in violation of the law.

Mr. BROWN. If a district attorney in any given county would feel that a novel or a record album, let us just say, would have some obscene words in either the album or the novel, could he begin a process to eliminate that album or novel from that community?

Mr. M. P. MULLEN. Theoretically, I guess that he could. He would have to, of course, prove that the album fell within the definition of obscenity, which is quite detailed in this bill that we have before us. We have detailed definitively, and this has been the major portion with the prior bill which was declared unconstitutional. As a matter of fact, I will answer it just a little more because I want to take in Mr. Fisher's answer too.

He said we do not have any law on the books today dealing with hardcore pornography. He is incorrect. We do. Section 5903(c) pertains to hardcore pornography and is in fact a law today, regardless of this bill before us.

In the MacDonald case in York County in 1975, when we were dealing with the moving picture "Deep Throat," when the matter reached the Pennsylvania Supreme Court, the Pennsylvania Supreme Court said, in fact, that there was nothing wrong with our existing law pertaining to minors. It followed closely the Miller v. California case, which was the United States Supreme Court case that told the states what they could do in this field and what they could not do.

It said that section 5903 C, which dealt with minors, met all the requirements. It said that we had clearly defined what was *obscene in relation to minors, and, therefore*, that section is, in fact, law today in Pennsylvania. But section A, pertaining to adults, which is basically the subject matter of this bill before you today, was in fact unconstitutional because it could not meet one of the five standards which we must meet in order to have a constitutional bill, which was enunciated in the Miller v. California case, and what we lacked is what we are trying to put into the bill today, and that is, a definition of what obscenity is.

So really it is a question of what obscenity is and it is a question for the judge and jury to decide that, based upon the definition which we have incorporated into this bill.

Mr. BROWN. All right, one last question: In your opinion, could a district attorney in any given county, if he finds, let us just say for example, in a Hemingway book in a library or a bookstore, five or six descriptive sex acts, could he say that that is obscene? Would that be grounds? See, I am just worried about censorship and I want to make sure how this bill affects that kind of problem before I vote. Could a district attorney say that some Hemingway's novels or author "X's" works are obscene and take them out of bookstores or at least begin legal proceedings against that bookstore?

Mr. M. P. MULLEN. I doubt it very much because you will find that we have a section in this bill that deals with those particular novels, things of artistic quality and things of that nature, which are found in libraries and things like that. They are specifically exempt from this particular bill.

What we are really trying to do is get rid of the smut stores which are throughout the state. That is basically all we are trying to do. We are not trying to impose censorship. We are not interested in censorship. We think it is wrong. I do not think that in the factual circumstances you presented to me that the district attorney could, in fact, be successful in doing what you suggested he might want to do.

Mr. BROWN. But he would have the option to at least say what is and what is not artistically of value?

Mr. M. P. MULLEN. Yes. He could, but he does not make the final decision.

Mr. BROWN. Right, right.

Thank you, Mr. Speaker. I have no further questions of Mr. Mullen.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Berson, on the motion to revert.

Mr. BERSON. Mr. Speaker, as a lawyer, I think I ought to really support Mr. Mullen's motion to revert to a prior printer's number because I can think of no bill that has come before this chamber in recent memory that is going to generate more business for the legal profession than this one, if it is reverted. I could spend a good deal of time, I suppose, discussing the constitutional fine points of this bill, but I think that would probably bore you all to death. I would just content myself with reiterating what Mr. Mullen said. This is a bill that deals with adults. If this bill is reverted to its prior printer's number, we are back in the business of censorship. We are going to be back in the business of telling people what they can see and read and hear.

I do not think we ought to be in that business. I think we ought to stay out of it. I think, as far as the adults of Pennsylvania are concerned, we ought to let them decide what they can see and read and hear. What we ought to do is what we are doing in this bill and say that if people do not want it thrust upon them against their will and you try and do that, then you can be enjoined in a proper legal procedure from doing it. In order to accomplish that, we need a definition of what is obscene and we did put that in the bill.

So I think that the wise course of action to take is to pass a bill as this one is, saying we are not going to allow you to thrust this stuff upon unwilling people. But as far as adults are concerned, if they want to see it, they want to view it and they want to hear it, and they do it in a way that does not disturb anyone else who does not want to see it or hear it or view it or read it, that is their business because they are over 21 or they are over 18 or whatever we have established the age of majority to be, and that is up to them to decide. I would suggest that you reject Mr. Mullen's motion to revert to the prior printer's number.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, on the motion to revert.

Mr. ZELLER. Thank you, Mr. Speaker.

It is difficult for me to believe that my ears are hearing what I am hearing in regard to the two areas in which the opponents of any control over this smut and rotten garbage are trying to dump on the public. And they say, oh, you are going to stop me from having my rights; I will put it in plain language; they call it censorship. You are trying to stop me from seeing what I want to see. I hear that all the time, and that is a bunch of garbage itself to even say it.

Another point they use is this business about lawyers. Now they put the killer in there because they know most of us have a bad taste in our mouth for lawyers anyway, especially serving in the legislature. So, therefore, we feel that, oh, now here is another one who is going to make it good for himself to have a lot of business. That is exactly what Mr. Berson has been trying to brainwash us into. And that will kill it for sure. I am sure that many of us in here will say, oh, these lawyers are going to make out now, so we have got to kill this. That is another good point that they bring out. That is the killer point.

Now what we are getting down to is something that my good friend, Mr. Fisher, mentioned. The Governor has come around, regardless of how you feel, I have my problems with him, too,

like many others do in his liberal areas. But he has been told by the top law-enforcement agencies in this State of Pennsylvania and in the nation that the two areas in which we are having the most problems are drugs and pornography. These are the two big areas and they have been told they are controlled by organized crime.

Now how can some of these people get up here and talk so graciously about saving our poor little warped minds and eyes from seeing some of this smut and they are going to do it because of the fact that we are violating the Constitution of the United States, and all that jazz? When they are coming right down to it, they are aiding and abetting organized crime in the State of Pennsylvania.

What they are doing is giving you that good tasting frosting on a rotten tasting cake. It just does not work. So the sooner the better that we quit this business of talking out of both sides of our mouth to our people back home about how great we are, trying to save the State of Pennsylvania and coming down here to Harrisburg and doing just the opposite.

It is about time we meet this thing head on and give her a try. Try the Governor out for size. See what he is going to do about it. He has turned around on the wiretapping. Let us see if we can turn him around on this, because all you are going to do with this bill in its present form is you are going to control advertising. And they say, well, let us give it a try in that area once, because the Governor will veto it in printer's number 966. Well, I would like to ask, and, please, I know that sometimes we get up here and we get a little wild—I will admit that—and sometimes irritate some of the members, but I happen to tell it like it is. I am not up here trying to pacify anybody and I care less who feels and how they feel in regard to what I say in regard for this reason. As I said, I do not mean to be rude with you but I say it, do not irritate me. I do not get ulcers over it if someone does not like what I say here on the floor. I have been questioned before and even had some who considered censorship even. Imagine that. So when they want to stop me from speaking on the floor of the House in regard to telling what I think is the truth about an issue and they say they are worried about violating their poor little old eyeballs and their little minds in regard to reading some of this smut, I say garbage. But they are worried about Zeller. He talks too much on the floor of the House about some of these issues and that my people in my district—and I believe they are no different than Philadelphia, because Philadelphia passed the pornography bill. These people—want to see decency. They love their children, too. My people are telling me that they want this garbage stopped. I think it is about time all of you start getting that message.

It seems like the politics right now is all tax, tax, tax—that big spending Democratic Party, and we Republicans have got to hold that line. But who is worried about the garbage out there poisoning the minds of our children? Who is worried about that? I think they had better get on that ball once instead of worrying about taxes all the time. Let us get into this business of smut, the garbage and organized crime, and at least, finally, we have got the Governor turned around on one issue. Let us turn him around on this one. I would like to hear some of the so-

called campaigners out there now start hitting them in some of those areas.

So I say let us give it a try. Let us get rid of all these so-called liberals and Civil Liberties Union and all of these characters and all the bleeding hearts, and let us start working for the people of Pennsylvania and our children.

I have not heard much—pardon me.

You know what bothers me, Mr. Speaker, and after this remark I am going to shut up. I figured you would like that one, but this is one that you are going to like.

I heard, before the budget, all the bleeding hearts who were hollering about our children. We have to have this budget. Our poor children are suffering. I have not heard one word from that group who is trying to defend the poor little children in Philadelphia about all these strikes. I mentioned that to one of the guys yesterday from Philadelphia, and he said, "Joe, you are right." That same group, who got up here and hollered about our poor little children down in Philadelphia who are suffering, has not gotten on this floor to say anything about the strikes. Do you know why? Because they do not want to buck the unions on account of the election. They say the kids can go to hell; I am going to work for the unions now. That is what they are talking about. I would like to see those birds get up here now and defend the children, because they are going to have organized labor on their rear ends. They do not have the guts. Thank you.

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

Mr. DOYLE. As they say in show biz, that is quite an act to follow. I do not know if I am up to that.

Mr. Mullen said, really, everything that was of importance here, and I can add little except to impress upon this body that the Supreme Court has specifically delineated the terms and the words, even, of what they consider to be passable and constitutional in its definition of obscenity.

We have, in reverting to the prior printer's number here, adopted the very words that the United States Supreme Court has dictated in the California case. There is no question that what we are doing here will stand a constitutional test.

Mr. Berson said that we do not want any censorship. What he means is exactly what Mr. Mullen said, that we do not want any restrictions whatsoever; not just censorship, but any restrictions whatsoever. The United States Supreme Court has said that the states do not have to adopt that. This obscenity, under our definition, does not fall within the realm of free speech if there are bounds which people have to be subjected to in the way of literature or art or anything else.

I think it is a very commensense thing. When you drive down a street, as I did in New York during that convention, and go for maybe 25 blocks and see marquee after marquee after marquee advertising explicit sex acts on stage, live, boy to boy, girl to girl, and everything else. And that is art. I think anyone who would try to convince us that that is art ought to be someplace else other than here. That is not art; that is raw, hardcore pornography.

The Supreme Court has told us what we can do about it. The surest, quickest way to do something about it is to vote in favor

of Mr. Mullen's motion to revert, because by reverting to the prior printer's number this bill will be in a position for a final vote. When it is voted finally here, it will go directly to the Governor. It will not have to go back to a conference committee or to the Senate to be re-amended possibly again. If we want to stop it and stop it within the bounds of reason, then this is the way to do it, and that is, to support Mr. Mullen's motion to revert to the prior printer's number.

The logical conclusion to adopt this no censorship whatever argument is to say that it happens to be their particular bag when they like to be massaged and they like to see some 11-year-old on a stage with another 11-year-old; that is their bag. If that is what they like, let them have it. I say, no; you have to draw the line somewhere. This is where we draw the line here today. I urge you to support Mr. Mullen's motion.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell, to speak on the motion.

Mr. O'DONNELL. Mr. Speaker, those of us who have sat through this debate today have witnessed the strongest argument against unlimited freedom of speech, but in spite of that I would urge us to hold to the constitutional tradition and vote against Mr. Mullen's motion.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, on the motion.

Mr. RITTER. Mr. Speaker, I oppose the motion to revert to a prior printer's number for some of the reasons that Mr. Fisher pointed out.

Basically, the difference between the bill that is before us now and PN 966 is that PN 966 would prohibit anybody, any adult, from having or using, or whatever, any of the obscene materials that people are so opposed to. I think that is a form of censorship and I find that to be a dangerous precedent for any government to establish. I think all of us agree, as we did on the vote, to ban children from either participating in any obscene acts or being able to buy, purchase or see any obscenity. I think that was good.

The bill before us, if we leave it the way it is, would prohibit the display of any obscene material so that no one, child or adult, would see that while they were in the public way. They would have to go out of their way, in other words, to see it. I think if we would adopt Mr. Mullen's motion to revert to the prior printer's number, we would get back to the version that the Governor vetoed. I am convinced that he would veto it again and we would have the hassle all over again.

As one who has basically opposed anti-pornography bills in the past, I can support the version that is presently before us, but I cannot vote for the printer's version, PN 966. I would ask for a negative vote on the motion to revert.

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

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the motion to revert. If we adopt the motion, we will be accepting a proposition of dubious constitutionality and one, except for a few technical changes, that will be identical to a bill that the Governor vetoed earlier.



We will be losing, I think, an innovative and important addition to our law, and that is, the prohibition on the display of obscene materials, which does not exist in our law at this time.

I think every individual has the right not to be subjected to materials that he or she may find to be pornographic or obscene. That is exactly what the bill, in this form, does.

Therefore, I urge that we retain the present printer's number and that we pass this bill. If, later on, Mr. Mullen would like to do something further, then I suggest that he bring another bill before this House to do so.

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

The following roll call was recorded:

YEAS—141

Abraham	Foster, W.	Laughlin	Reed
Anderson	Freind	Lehr	Renwick
Armstrong	Fryer	Letterman	Rieger
Arthurs	Gallagher	Lincoln	Ruggiero
Bellomini	Gallen	Logue	Ryan
Beloff	Gamble	Lynch	Salvatore
Berlin	Garzia	Manderino	Scanlon
Bittinger	Geesey	Manmiller	Scheaffer
Bittle	Geisler	McCall	Schmitt
Borski	George, C.	McClatchy	Schweder
Brandt	Giammarco	McGinnis	Seltzer
Brunner	Gillette	McIntyre	Shuman
Burd	Gleeson	McLane	Shupnik
Butera	Goodman	Meluskey	Smith, E.
Caltagirone	Gray	Miscevich	Smith, L.
Caputo	Greenfield	Mowery	Stairs
Cassidy	Greenleaf	Mrkonic	Stapleton
Cianciulli	Grieco	Mullen, M. P.	Stewart
Cimini	Halverson	Mullen, M. M.	Stuban
Cole	Hamilton	Musto	Taddonio
Davies	Hasay	Novak	Taylor, E.
DeMedio	Hayes, D. S.	Noye	Taylor, F.
DeVerter	Hayes, S. E.	O'Brien, B.	Tenaglio
Dietz	Helfrick	O'Brien, D.	Thomas
Dininni	Honaman	O'Connell	Trello
Dombrowski	Hutchinson, A.	O'Keefe	Valicenti
Donatucci	Hutchinson, W.	Petrarca	Vroon
Dorr	Johnson	Pievsky	Wansacz
Doyle	Jones	Pitts	Wargo
Duffy	Katz	Polite	Wass
Dumas	Kelly	Pott	Wenger
Engelhart	Kernick	Pratt	Wiggins
Fee	Klingaman	Prendergast	Yahner
Fischer, R. R.	Koiter	Pyles	Zeller
Flaherty	Kowalshyn	Ravenstahl	Zitterman
Foster, A.			

NAYS—55

Barber	Hopkins	Pancoast	White
Berson	Itkin	Parker	Williams
Brown	Knepper	Piccola	Wilson
Burns	Levi	Rappaport	Wilt
Cessar	Livengood	Rhodes	Wise
Cohen	Madigan	Richardson	Wright, D.
Cowell	Mebus	Ritter	Wright, J. L.
DeWeese	Milanovich	Scirica	Yohn
DiCarlo	Miller	Sirianni	Zearfoss
Fisher, D. M.	Milliron	Spencer	Zord
Gatski	Moehlmann	Spitz	Zwinkl
George, M.	Morris	Sweet	
Goebel	O'Donnell	Wagner	Irvis,
Haskell	Oliver	Weidner	Speaker
Hoeffel			

NOT VOTING—4

Bennett Harper Mackowski Shelton

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

The SPEAKER. The House has held that SB 199, PN 1257, hereby is reverted to a prior printer's number, PN 966.

On the question recurring,  
Shall the bill pass finally?

The Chair recognizes the gentleman from Berks, Mr. Davies, on final passage.

Mr. DAVIES. Mr. Speaker, may I ask Mr. Mullen a few questions of interrogation on some terms in the bill with the prior printer's number?

The SPEAKER. The gentleman, Mr. Mullen, has indicated that he will stand for interrogation.

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

Mr. DAVIES. Mr. Speaker, on page 3, I believe it is, of the prior printer's number, at the end of line 1 it says, "viewing screen." In your opinion or that of counsel does that include regular television transmission and cable TV?

Mr. M. P. MULLEN. Mr. Speaker, which printer's number are you speaking about, PN 966 or PN 1257?

Mr. DAVIES. PN 966, as I have it. I have a copy and I am not sure if it is correct, but I believe—

Mr. M. P. MULLEN. All right, page 3.

Mr. DAVIES. Page 3, at the end of line 1, does "viewing screen" include regular television and cable television transmission?

Mr. M. P. MULLEN. No, it does not.

Mr. DAVIES. How do I differentiate, Mr. Speaker? What guarantee is there?

Mr. M. P. MULLEN. First of all, we would not be able to do that from a constitutional viewpoint. You are dealing with interstate commerce there, and we have to confine our activities to state activities.

All we are talking about when we are talking about "viewing screen" is a moving picture screen or something that is, in fact, just used in Pennsylvania itself, because that is all we would have the authority to do. We would have no right to control interstate commerce, what is on television or radio, because that is dealing with interstate commerce and that would have to be a Federal matter.

Mr. DAVIES. I realize that. I just want some guarantees before I vote on the bill that that is the intent. It certainly would leave a question in my mind as it appears there, without having that carefully defined.

Mr. M. P. MULLEN. I can—

Mr. DAVIES. Further, Mr. Speaker, would you define for me on page 4, line 10, an "average person"? Is that an intelligence range of something? Is it his physical makeup? Is it his income range or is it his social or economic status or his character?

Mr. M. P. MULLEN. Well, I think what they are referring to there as an "average person" is to the jurors who would be selected to determine whether the alleged material, which is supposed to be smut, is in fact smut. So what we are referring to,

really, is the juror: "The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest." Because, really, it is going to be the juror, the jury, who has to make the determination whether the defendant is, in fact, violating the law. I assume that that is what it really amounts to.

Mr. DAVIES. You can assure me, Mr. Speaker, that someone who would not be an "average person" would then not be exempt by the definition as it is stated there?

Mr. M. P. MULLEN. No, I do not see how you could do that. If a person was picked for the jury he would be considered an "average person." I think they are just words that are put in there to try to complete a sentence.

Mr. DAVIES. I am afraid of the words though, since you are not going to have something tight by definition in determining abuse.

The same thing would be a "contemporary community." What do you mean by that? Do you mean 11th and Arch streets in Philadelphia or do you mean the hamlet of "Noodle Ducey" in my district?

Mr. M. P. MULLEN. Well, we carefully defined that in the bill. What we mean is, the state is the total community now. If you recall, last year we were debating whether we should have a local community have a standard and the state have a standard.

What we have done in this bill now is that there is one standard and it is applicable to the whole state. That standard will have to be determined by the jury which is impaneled to hear the case, if the defendant elects to go to a jury trial. If he does not elect to go to a jury trial, then the judge will serve as judge and juror if the defendant so wishes.

But there is only one standard now. We are not setting up individual standards from county to county or community to community. We are setting up one standard. It is a total state standard. The question before the jury is, under the terms of the bill, is the defendant violating the terms of the bill?

You see, under the Constitution, the Supreme Court, in interpreting cases of this kind, has been very reluctant to permit states to do what we are trying to do. I am just going to read a couple of sentences to you from *Miller v. California* so you see what I mean.

This is what the Justice, who wrote the majority opinion, said: "We acknowledge . . . the inherent dangers of undertaking to regulate any form of expression."—just as you do. Then they say, "State statutes designed to regulate obscene materials must be carefully limited." This is what we did. "As a result, we now confine . . ."—this is the Supreme Court—" . . . the permissible scope of such regulation (1) to works which depict or describe sexual conduct;—this is all we are talking about, sexual conduct—"(2) that conduct must be specifically defined by state law as written or authoritatively construed;—this is why our prior law was declared unconstitutional, because we did not meet this standard. But if you read this bill before you, we have specifically designated the type of sexual conduct which must be found to be present before you can get a conviction. Then, "(3) a state offense must also be limited to works which, taken as a whole, appeal to the prurient interest in sex;—we have to

be dealing with sex—"(4) which portray sexual conduct in a patently offensive way, and (5) which, taken as a whole, do not have serious literary, artistic, political, or scientific value." Every state statute, if it is to be found constitutional by the United States Supreme Court, must meet those five standards.

Our prior law, which was declared unconstitutional, in the MacDonald case in York County in 1965, meets four of the five standards set up by the United States Supreme Court. The one that we lacked was the third requirement, and that was a definition of obscenity. Basically, what this act does is to specifically designate what sexual offenses would, in fact, be outlawed by this law.

I do not think you have anything to worry about in television or anything like that because this is narrowly limited. It has to be by the Supreme Court decision. I do not think you would have any problem at all.

Mr. DAVIES. One other thing—exactly two—is "prurient interest." Would you care to give me a definition of "prurient interest"?

Mr. M. P. MULLEN. "Prurient interest," I think, basically would mean what the great majority of the people would find offensively objectionable in the sex field. For example, a person going out on a stage, a woman going out on stage, without any clothes on. This is patently offensive to most people who are interested in seeking legitimate entertainment. This, in my opinion, would be objectionable to most people and would violate the community standards. And also to have actual sexual conduct live on stage; things of that nature. This is what I think they are referring to in "prurient interest." These are the words the Supreme Court used and we used them also.

Mr. DAVIES. Would that include then such theatrical offerings as "Hair" and that type of production as opposed to, let us say, burlesque?

Mr. M. P. MULLEN. It all depends on the type of burlesque that you had. If you just had merely a girl on stage dancing and maybe even taking her clothes off, as long as she does not take everything off, I would—

The SPEAKER. Will the gentleman yield.

Is the gentleman testifying as an expert witness?

Mr. M. P. MULLEN. No, I am just giving my opinion.

The SPEAKER. The Chair just wanted to clarify that for the record. The gentleman may proceed.

Mr. M. P. MULLEN. No, I do not think that burlesque would, in fact, be outlawed, because you must remember you must go before a jury. Most burlesque houses—I have never been in one but I have heard the fellows talk. But really burlesque houses—do not, in my opinion, perform the functions which are outlawed in this particular piece of legislation before us. What we are talking about, if you read the definition, is really offensive acts, like having sexual intercourse on a stage or having it with animals or things like that. This is what we are talking about. I do not think burlesque would fall within that category.

Mr. DAVIES. I then would have to apologize and interject one other question since you brought the subject up. Does that mean that you may well be able to continue with burlesque entertainment at the Troc in Philadelphia, I believe it is, and by the same standards a jury in, let us say, Berks County may say,

no, they could not have that; that that is a matter offensive to the prurient interest? Thus we would have 67 different standards in the Commonwealth all over.

Mr. M. P. MULLEN. No, we would not. We have definitely defined in the act what, in fact, has to be violated in order to get a conviction under this act. In other words, the district attorney must prove, beyond any doubt, to a jury, if the defendant elects to go before a jury, that the defendant did in fact do one of the things that we have outlined here in the bill itself. In other words, if they cannot prove that, they get no conviction. Certainly a jury in any county has a right to, based upon the evidence that they have heard and based upon the interpretations of law given to them by the judge in his closing remarks and by the district attorney and the defense attorney, use their individual judgment to decide whether the defendant is, in fact, guilty as charged. They make that determination, and you always get variations in what juries do from county to county depending upon the way jurors look at things. But the important facet you must remember is, you are not going to get a conviction under this particular bill unless in fact you prove to the satisfaction of the judge and jury that the act the defendant is charged with was, in fact, an act which is prohibited by this bill. It has to be proven. It just is not problematical. You have got to show something. I do not think, getting back to burlesque, that dancing in the burlesque houses would fall within that category. I do not think we can go that far.

Mr. DAVIES. I thank the gentleman.

The problem that I have, again, with it is that what you think and what would be acceptable for what I said, 11th and Arch streets in Philadelphia, may not be found the same. Until it gets into the appeals status and is decided by the appellate courts of the Commonwealth, I am afraid that we are going to get into the same realm as we were before, with some 67 different standards.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes, on final passage of the bill.

Mr. RHODES. Will Mr. Mullen yield to a brief interrogation?

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

The gentleman from Allegheny, Mr. Rhodes, is in order and may proceed.

Mr. RHODES. Mr. Speaker, for the purposes of the record, because I am sure this legislation will go before many courts in the Commonwealth, I want to point out one of the obvious implications of this legislation. Mr. Speaker, is it your understanding of this legislation from the language relating to obscene materials that it includes obscene language or descriptions rather than just pictures and displays of obscene conduct as defined in the act?

Mr. M. P. MULLEN. What was your question again, Mr. Speaker? I am having a hard time hearing you.

Mr. RHODES. Is it your understanding of the prior printer number's version of the act that "obscene materials," as defined on line 5 of page 4 of the printer's number to which we reverted, covers verbal descriptions of prohibited sexual conduct in addition to pictures and drawings of such conduct?

Mr. M. P. MULLEN. In connection with the pictures, yes. For example, if you would use sexual terms which are basically offensive to most people in the community and you did it in a public place, I do not think you could be prosecuted under the particular provisions of this bill. I think you could be prosecuted under provisions in the Crimes Code but not under this bill. I think this bill basically deals with what we state emphatically here, acts which pertain to sexual conduct. For example, if you were on the stage and during the course—

Mr. RHODES. I understand that line of questioning. I merely refer to the language on line 19, "Sexual conduct. Patently offensive representations . . ." Does the phrase "patently offensive representations"—

Mr. M. P. MULLEN. Which printer's number do you have?

Mr. RHODES. The one we reverted to, Mr. Speaker.

Mr. M. P. MULLEN. PN 966. What page?

Mr. RHODES. Page 4.

Mr. M. P. MULLEN. Now what line?

Mr. RHODES. Line 19.

Mr. M. P. MULLEN. Line 19, "Sexual conduct." All right.

Mr. RHODES. Is it your understanding that "patently offensive representations" could cover prose language, English language, rather than just pictures and depictions? Could it be literature, in other words? You refer, on line 5, to "obscene materials" as any literature and on line 19 as "patently offensive representations" in said literature. Is it your understanding of the intent of this legislation that it could cover mere prose, obscene books prose describing sexual acts rather than pictures and depictions?

Mr. M. P. MULLEN. Yes. There is no question about it. Yes, obscene books would be covered by this act.

Mr. RHODES. So you are saying that literature or pamphlets or public documents or anything which patently offensively represents is prohibited sexual conduct and could come under this act? Is that correct, Mr. Speaker?

Mr. M. P. MULLEN. Yes, except if they fell within the exception on page 8.

Mr. RHODES. I am going to get to that, Mr. Speaker.

Mr. M. P. MULLEN. In other words, if you read that section there, you will see that we have provided some exceptions; for example, if these books were in a library at a school or a college.

Mr. RHODES. I understand that, Mr. Speaker.

For the record I want to get this clear. On line 16 it says, "the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value." If I were to say to you that the Supreme Court required us to make, on lines 19 to 21, a series of very specific descriptions—not depictions and drawings, because we do not make pictures, drawings or photographs in legislation—if the Supreme Court so required us and you have so written between lines 19 and 23, on page 4, very specific sexual conduct as described in this act, then I say to you, as one man to another, that I question the serious political content of the act. So that is at least one view in this House chamber for the record, so we have the record established, Mr. Speaker. And I say to you, one man to another, I find the descriptions of sexual conduct between lines 19 and 23 as patently offensive to me, because again you are trying to establish a

procedure whereby other people can say what they think is offensive. And I am saying to you that I find the description, as a matter of fact, in the public law of the Commonwealth, between lines 19 and 23, patently offensive to me. Is it possible, Mr. Speaker, that when the Secretary of the Commonwealth, if this were to become law, begins to distribute this law in the Commonwealth, that the Commonwealth, the Secretary and the legislature could be guilty of the law itself, because this itself is an offensive sexual representation and this law which we have written is offensive in that sense — obscene — between lines 19 and 23.

Mr. M. P. MULLEN. No, Mr. Speaker. I think you are bending over backward to try to justify your position.

Mr. RHODES. I am just wondering how you would react to that.

Mr. M. P. MULLEN. May I say this—

Mr. RHODES. Is it conceivable that the authors of this legislation could be found guilty of distributing obscene literature? The language between lines 19 and 23—and I will not even read the language into the record—is offensive to me.

Mr. M. P. MULLEN. Well, you cannot just take two or three sentences and say that that is the law. You have to consider the whole law; you have to consider what is the intent as defined in law. And you must remember this all the time, and a lot of people do not remember this: You know, we live in a democracy, and freedom of expression is one of the most important things that we all cherish ever since the founding of the Republic. But even in a democracy you do not have absolute freedom. You only have that much freedom so that when you exercise it, you do not trample upon the rights of others. Once you trample upon the rights of others, your point of freedom stops. You must remember that. And this is all we are trying to do.

Mr. RHODES. Well, let me ask you this question, Mr. Speaker: Would you want youngsters in this Commonwealth to read lines 19 to 23, page 4, of the prior printer's number?

Mr. M. P. MULLEN. Well, it is a law. If it becomes law, it is going to become a public document and anybody can get it.

Mr. RHODES. Is that not obscene language between lines 19 and 23?

Mr. M. P. MULLEN. No, it is not. It defines what obscenity is.

Mr. RHODES. Shall I read the language to you, Mr. Speaker?

Mr. M. P. MULLEN. You do not have to read it; I have read it myself.

Mr. RHODES. Would you consider it inappropriate for me to read this language in this meeting of the House of Representatives?

Mr. M. P. MULLEN. No.

Mr. RHODES. I would.

Mr. M. P. MULLEN. I do not consider it offensive.

Mr. RHODES. Would you read it?

Mr. M. P. MULLEN. Well, everybody has it before them. There is no point in reading it.

Mr. RHODES. You will not read it, will you?

Mr. M. P. MULLEN. Look, there is nothing wrong with reading it.

Mr. RHODES. It is offensive. I do not want to read it to my

colleagues.

Mr. M. P. MULLEN. The thing that is wrong is doing these things which are, in fact, prohibited. This is what is wrong; not reading it.

Mr. RHODES. I am saying that that is the Catch 22. It is dirty. I am saying, Mr. Speaker, that this is the dilemma that the legislature finds itself in. The Supreme Court ruling indicates that we have to be highly specific when we pass the law. Mr. Speaker, I am asking you: Is the language between lines 19 and 23, in its highly specific nature, obscene? In my personal judgment, it is obscene.

Mr. M. P. MULLEN. Well, the language in and of itself is not obscene. All we are doing is trying to protect that sacred privilege which everyone loves and desires so much in this country — freedom of expression. What we are, in fact, doing here is limiting expression to a certain extent, but we are confining it specifically to a definitive definition which is required if the act is to be made constitutional. This is all we are doing.

Mr. RHODES. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The gentleman from Allegheny may proceed.

Mr. RHODES. I appreciate the gentleman's intent and I, of all people, would not question his motives. I am simply trying to point out, Mr. Speaker, that this is the problem you get into when you begin trying to censor people. Our very attempt to censor, to limit what people can read as adults in the Commonwealth, in itself is explicit and obscene. I would not want school children in the Commonwealth looking at examples of legislation passed by this General Assembly and to read lines 19 to 23, on page 4, of the original Senate version of this bill. It is patently obscene. This is one of the reasons we should not enact this kind of legislation. It points up the problem. I was not trying to ridicule my colleague from Philadelphia. I just want to point up that the Bill of Rights of this Commonwealth and of the United States of America is not something you can play fast and loose with. Those rights are painful restrictions that we have to live under. To satisfy the Supreme Court ruling, we have to become pornography mongers ourselves, and I think that just points up the contradiction of our trying to get into this business in Pennsylvania. I urge a "no" vote on final passage.

Thank you.

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

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

I would like to point out to the gentleman, Mr. Mullen, and others who have been listening and are interested in this issue that is before the House that, in my opinion, this bill which is embodied in PN 966 is really the worst of the three alternatives that the legislature has considered this year.

The one bill, which was Mr. Mullen's, would have outlawed all pornography and it would have provided a penalty and it would have provided injunctions to stop the sale and dissemination of the same. The other proposal, which was rejected by the motion to revert, would have limited pornography only in certain areas. But what I would like to point out is that what we have

in PN 966 is a situation that is only going to make the purveyors of this smut and their attorneys rich. There is not going to be any way to stop them from showing it. The provisions on page 7 of the bill provide that it is not a criminal offense until a person who is selling, displaying, showing this material violates an injunction. Well, how do we get to that stage? Whether it be the attorney for the Commonwealth, whether it be the attorney general or a district attorney, they are going to have to come in and secure an injunction, an injunction that is probably going to be appealed to the Superior Court or the Supreme Court, an injunctive process that is probably going to get a great deal of publicity for that particular movie shop owner and that particular movie.

After a full-scale adversary hearing from the courts, what are we going to have? We are going to have all this free publicity through the court hearing. We are going to have the motion picture theater probably charging more for their show. All we are going to have is people getting wealthier and wealthier on pornography in Pennsylvania.

I submit that this approach in SB 199—and in defense of Mr. Mullen, it is not his approach; his approach is embodied in HB 70—is an approach that was drawn up in the Senate, and it is the wrong way to go. I say that basically we are legalizing pornography here and we do not want to legalize pornography. We would have been far better off with PN 1257. I think the printer's number that is presently before us is not what you, the people in the General Assembly, and your constituents want. It is the worst of both worlds, and I think we ought to vote it down and consider Mr. Mullen's bill, which I believe is on the table. HB 70 is also on the table. Consider that bill, not this bill just because it is a step closer to the Governor's veto, and that is all it is.

Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—174

Abraham	Fryer	Logue	Ryan
Anderson	Gallagher	Lynch	Salvatore
Armstrong	Gallen	Madigan	Scanlon
Arthurs	Gamble	Manderino	Scheaffer
Barber	Garzia	Manmiller	Schmitt
Bellomini	Gatski	McCall	Schweder
Beloff	Geesey	McClatchy	Seltzer
Berlin	Geisler	McGinnis	Shuman
Bittinger	George, C.	McIntyre	Shupnik
Bittle	George, M.	McLane	Sirianni
Borski	Giammarco	Mehuskey	Smith, E.
Brandt	Gillette	Milanovich	Smith, I.
Brown	Gleeson	Milliron	Spencer
Brunner	Goebel	Miscevich	Spitz
Burd	Goodman	Moehlmann	Stairs
Burns	Gray	Morris	Stapleton
Butera	Greenfield	Mowery	Stewart
Caltagirone	Greenleaf	Mrkonic	Stuban
Caputo	Grieco	Mullen, M. P.	Sweet
Cassidy	Halverson	Mullen, M. M.	Taddonio
Cessar	Hamilton	Musto	Taylor, E.
Cianciulli	Hasay	Novak	Taylor, F.

Cimini	Haskell	Noye	Tenaglio
Cole	Hayes, D. S.	O'Brien, B.	Thomas
Cowell	Hayes, S. E.	O'Brien, D.	Trello
Davies	Helfrick	O'Connell	Valicenti
DeMedio	Honaman	O'Keefe	Vroon
DeVerter	Hopkins	Pancoast	Wagner
DeWeese	Hutchinson, A.	Parker	Wansacz
Dietz	Hutchinson, W.	Petrarca	Wargo
Dininni	Johnson	Piccola	Wass
Dombrowski	Jones	Pievsky	Weidner
Donatucci	Katz	Pitts	Wenger
Dorr	Kelly	Polite	Wilson
Doyle	Kernick	Pott	Wilt
Duffy	Klingaman	Pratt	Wright, J. L.
Dumas	Knepper	Prendergast	Yahner
Englehart	Kolter	Pyles	Yohn
Fee	Kowalshyn	Ravenstahl	Zearfoss
Fischer, R. R.	Laughlin	Reed	Zeller
Flaherty	Lehr	Renwick	Zitterman
Foster, A.	Letterman	Rieger	Zord
Foster, W.	Levi	Ruggiero	Zwikl
Freind	Lincoln		

NAYS—21

Berson	Livengood	Rhodes	Wise
Cohen	Mebus	Richardson	Wright, D.
DiCarlo	Miller	Ritter	
Fisher, D. M.	O'Donnell	Scirica	Irvis,
Hoeffel	Oliver	White	Speaker
Itkin	Rappaport	Williams	

NOT VOTING—5

Bennett	Mackowski	Shelton	Wiggins
Harper			

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

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

STATE GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1306, printer's No. 1536**, entitled:

An Act authorizing the Department of General Services with the approval of the Governor and the Department of Environmental Resources to sell and convey a certain tract of land situated in the Township of Mount Carmel County of Northumberland and Commonwealth of Pennsylvania.

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 Schuylkill, Mr. Goodman.

Mr. GOODMAN. Mr. Speaker, I wonder if I could just ask a few brief questions of the prime sponsor of the bill, please.

The SPEAKER. The gentleman from Northumberland, Mr. Helfrick, indicates that he will stand for interrogation. The

gentleman, Mr. Goodman, is in order and may proceed.

Mr. GOODMAN. I do not have a copy of the bill, Mr. Speaker. I see it conveys land in Mount Carmel Township to the county. I wonder if the gentleman would just tell us exactly what the bill does and why it is necessary.

Mr. HELFRICK. What the bill does is it conveys approximately 16 acres of ground that is owned by the state. It was originally acquired through a mine-fire project at no cost to the state and it is presently under state ownership. The county of Northumberland desires to own this piece of land to use it for recreational purposes and for low-rent housing.

Mr. GOODMAN. It is going to be used for recreational purposes and—

Mr. HELFRICK. Low-rent housing.

Mr. GOODMAN.—low-rent housing.

Okay. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—195

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

Foster, W.	Lynch	Ruggiero	Zwikl
Freind	Madigan	Ryan	
Fryer	Manderino	Salvatore	Irvis,
Gallagher	Manmiller	Scanlon	Speaker
Gallen			

NAYS—0

NOT VOTING—5

Bennett	Harper	Mackowski	Shelton
Cole			

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.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 432, printer's No. 442, entitled:

An Act changing the name the "Brady Street Bridge" in Pittsburgh Allegheny County to the "Birmingham Bridge".

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—184

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

Dorr	Klingaman	Prendergast	Wilson
Doyle	Knepper	Pyles	Wilt
Duffy	Kolter	Rappaport	Wise
Dumas	Kowalyshyn	Ravenstahl	Wright, D.
Englehart	Laughlin	Reed	Wright, J. L.
Fee	Lehr	Renwick	Yahner
Fischer, R. R.	Letterman	Rhodes	Yohn
Fisher, D. M.	Levi	Richardson	Zearfoss
Flaherty	Lincoln	Rieger	Zitterman
Foster, A.	Livengood	Ruggiero	Zord
Foster, W.	Logue	Ryan	
Freind	Lynch	Salvatore	Irvis,
Fryer	Madigan	Scanlon	Speaker
Gallagher	Manderino		

NAYS—11

Brown	Kernick	Mrkonic	Zeller
Dietz	McCall	Ritter	Zwikl
Gallen	Meluskey	Stapleton	

NOT VOTING—5

Bellomini	Harper	Mackowski	Shelton
Bennett			

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

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

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1566, printer's No. 1884**, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206, No. 331), further providing for the power to lay out open widen and vacate streets and making an editorial change.

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	Fryer	Manderino	Scanlon
Anderson	Gallagher	Manmiller	Scheaffer
Armstrong	Gallen	McCall	Schmitt
Arthurs	Gamble	McClatchy	Schweder
Bellomini	Garzia	McGinnis	Scirica
Beloff	Gatski	McIntyre	Seltzer
Berlin	Geesey	McLane	Shuman
Berson	Geisler	Mebus	Shupnik
Bittinger	George, C.	Meluskey	Smith, E.
Bittle	George, M.	Milanovich	Smith, L.
Borski	Giammarco	Miller	Spencer
Brandt	Gillette	Milliron	Spitz
Brown	Gleeson	Moehlmann	Stairs

Brunner	Goodman	Morris	Stapleton
Burd	Gray	Mowery	Stewart
Burns	Greenfield	Mrkonic	Stuban
Butera	Greenleaf	Mullen, M. P.	Sweet
Caltagirone	Grieco	Mullen, M. M.	Taddonio
Caputo	Hamilton	Musto	Taylor, E.
Cassidy	Haskell	Novak	Taylor, F.
Cessar	Hayes, D. S.	Noye	Tenaglio
Cianciulli	Hayes, S. E.	O'Brien, B.	Thomas
Cimini	Helfrick	O'Brien, D.	Trello
Cohen	Hoeffel	O'Connell	Valicenti
Cole	Honaman	O'Donnell	Vroom
Cowell	Hopkins	O'Keefe	Wansacz
Davies	Hutchinson, A.	Oliver	Wargo
DeMedio	Hutchinson, W.	Pancoast	Wass
DeVerter	Itkin	Parker	Wenger
DeWeese	Johnson	Petrarca	White
DiCarlo	Jones	Pievsky	Wiggins
Dietz	Katz	Pitts	Williams
Dininni	Kelly	Polite	Wilson
Dombrowski	Kernick	Pratt	Wilt
Donatucci	Klingaman	Prendergast	Wise
Dorr	Knepper	Pyles	Wright, D.
Doyle	Kolter	Rappaport	Wright, J. L.
Duffy	Kowalyshyn	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	Madigan	Salvatore	Speaker

NAYS—8

Goebel	Hasay	Pott	Wagner
Halverson	Piccola	Sirianni	Weidner

NOT VOTING—6

Barber	Harper	Miscevich	Shelton
Bennett	Mackowski		

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.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1572, printer's No. 1893**, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" approved May 21, 1943 (P. L. 571, No. 254), providing for notice and appeal procedures when a county institutes a county-wide revision of assessments upon real property.

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—195

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

NAYS—0

NOT VOTING—5

Bellomini	Harper	Mackowski	Shelton
Bennett			

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.

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 334, printer's No. 1301**, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law" further providing for selection of the chairman and vice chairman of the board for designation of alternates by certain board

members for audits for the credit of excess interest and surplus allocations for administrative expenses and for interest paid while vesting and changing the date of the itemized estimate to municipalities.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SEPAKER. 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 provisions of the Constitution, the roll call will now be taken.

YEAS—194

Abraham	Gallagher	Manderino	Scanlon
Anderson	Gallen	Manmiller	Scheaffer
Armstrong	Gamble	McCall	Schmitt
Arthurs	Garzia	McClatchy	Schweder
Barber	Gatski	McGinnis	Scirica
Bellomini	Geesey	McIntyre	Seltzer
Beloff	Geisler	McLane	Shuman
Berlin	George, C.	Mebus	Shupnik
Berson	George, M.	Meluskey	Sirianni
Bittinger	Giammarco	Milanovich	Smith, E.
Bittle	Gillette	Miller	Smith, L.
Borski	Gleeson	Milliron	Spencer
Brandt	Goebel	Moehlmann	Spitz
Brown	Goodman	Morris	Stairs
Brunner	Gray	Mowery	Stapleton
Burd	Greenfield	Mrkonic	Stewart
Burns	Greenleaf	Mullen, M. P.	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	Valicenti
Cohen	Helfrick	O'Donnell	Vroon
Cole	Hoeffel	O'Keefe	Wagner
Cowell	Honaman	Oliver	Wansacz
Davies	Hopkins	Pancoast	Wargo
DeMedio	Hutchinson, A.	Parker	Wass
DeVerter	Hutchinson, W.	Petrarca	Weidner
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson	Pievsky	White
Dietz	Jones	Pitts	Wiggins
Dininni	Katz	Polite	Williams
Dombrowski	Kelly	Pott	Wilson
Donatucci	Kernick	Pratt	Wilt
Dorr	Klingaman	Prendergast	Wise
Doyle	Knepper	Pyles	Wright, D.
Duffy	Kolter	Rappaport	Wright, J. L.
Dumas	Kowalshyn	Ravenstahl	Yahner
Englehart	Laughlin	Reed	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer, R. R.	Letterman	Rhodes	Zeller
Fisher, D. M.	Levi	Richardson	Zitterman
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Livengood	Ritter	Zwickl
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Irvis,
Fryer	Madigan	Salvatore	Speaker

NAYS—0

NOT VOTING—6

Bennett	Mackowski	Shelton	Stuban
Harper	Miscevich		

The majority required by the Constitution having voted in



the affirmative, the question was determined in the affirmative.

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

#### SB 653 PASSED OVER

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, on final passage.

Mr. WILSON. On this SB 653, PN 695, I was just coming up to talk to you about it. I had ordered an amendment to this bill from the Reference Bureau last week, and it is still not down yet.

The SPEAKER. The Chair apologizes. The Chair did not have the bill marked for amendment.

Without objection, the bill will go over for today. Members will mark SB 653 "Wilson — amend." The bill will go over for today.

#### GAME AND FISHERIES BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1318, printer's No. 1548**, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225, No. 316), repealing the bonding requirement of deputy game protectors.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILT offered the following amendments:

Amend Title, page 1, line 5, by removing the period after "protectors" and inserting ; requiring certain reports to be forwarded to defendants and providing for a limited appeal.

Amend Bill, page 2, by inserting between lines 13 and 14 Section 2. The act is amended by adding a section to read:

Section 216. Disposition of Certain Reports.—(a) Each person who, by field acknowledgment or legal proceedings, is found guilty of violating any provision of this act shall receive free of cost by first class mail a duplicate copy of each report of the violation which is submitted by a game protector or deputy game protector.

(b) The duplicate copy of each report filed with the commission shall be mailed by the commission from its Harrisburg offices on the date the report is received from the arresting office.

(c) Each person who receives a duplicate copy of a report shall have twenty days from the date the report is mailed to challenge, by written appeal, the accuracy of the report submitted to the commission.

(d) Upon receipt of a written notice of appeal, the commission shall fix a convenient date to hear the appeal, take testimony and render a decision. As far as possible the appeal proceedings shall be informal and shall be directed at correcting discrepancies in the filed report before the commission takes any further action.

Amend Sec. 2, page 2, line 14, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. WILT. Mr. Speaker, this is similar to an amendment which I placed into a bill last term and which was accepted by this House overwhelmingly.

All the amendment asks is that whenever a game protector sends his report to the Game Commission to be placed in the defendant's file, the defendant receive a copy of that report. The amendment is different from the one 2 years ago because the Game Commission complained because it would have cost them \$30,000-some to send out registered letters. So we have taken that out and said it only had to be sent by first-class mail.

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

Mr. RENWICK. Mr. Speaker, I rise in opposition to this amendment for two reasons. Number one, first of all, I think it should be a separate bill. If the gentleman would like to introduce this as separate legislation, I think it should be worthy of consideration. But to put an amendment into a bill such as this, which deals with the bonding of deputy game protectors, I do not think is the proper place for this type of amendment.

Second, the amendment itself is not needed. You know, a man who is arrested and wants to pay a field receipt says to the game protector that he is guilty, or he would not be paying the field receipt; he would take it to court. We give that man a receipt at the time he is arrested. Why should the Game Commission turn around and send him another letter telling him that he was arrested? He knows that. He knows the circumstances. He was there when he was arrested. He knows why he was arrested. So why should he be given two letters?

Of course, as all of you know, the Game Commission operates on its own funds. It operates on the licenses that we buy. So I do not see any reason why we should take that money and, of course, send registered letters or even a letter, as the gentleman says, to this man who admits his guilt and say to him, here is your receipt for paying a fine that you admitted that you deserved. So I ask every member in here to oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Wilt, on the amendment.

Mr. WILT. In rebuttal to what Mr. Renwick has said, it is true that when one has pleaded guilty or else has appeared before a squire or district justice and has been found guilty, he knows his guilt. But with the game laws, much is left to interpretation with the Game Commission as to whether one has his license revoked or suspended for a given period of time, and the conditions around the circumstances of the arrest are significant factors in that judgment. What has happened in a number of occasions is that the game protector, in writing his report to the Game Commission, has embellished the circumstances under which the violation has occurred, and a few weeks before the individual can buy his next year's license, he receives a letter in the mail telling him that he has been suspended. At that

point his only recourse is to come to Harrisburg, see his report here, and then contest it, which oftentimes falls on unsympathetic ears.

I think an individual defendant has a right to know what is in his record. We have made it as easy as possible for the Game Commission to do that. We have reduced the expense for them to do it. All we are asking is to establish the credibility of the report from the game protector to his superiors here in Harrisburg to whom he is writing them, and I think that if the individual knows that the defendant will also get a copy of that report, there might be a little more credibility written into them.

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

The following roll call was recorded:

YEAS—133

Anderson	George, M.	Manmiller	Ryan
Armstrong	Giammarco	McCall	Salvatore
Arthurs	Gillette	McClatchy	Scanlon
Barber	Gleeson	McGinnis	Scheaffer
Beloff	Goebel	Mebus	Scirica
Berlin	Greenleaf	Meluskey	Seltzer
Bittle	Grieco	Milanovich	Smith, L.
Brandt	Halverson	Miller	Spencer
Brown	Hamilton	Milliron	Spitz
Brunner	Hasay	Moehlmann	Stairs
Burd	Haskell	Morris	Stapleton
Burns	Hayes, D. S.	Mowery	Stewart
Butera	Hayes, S. E.	Musto	Taddonio
Caltagirone	Helfrick	Noye	Taylor, E.
Cassidy	Hoeffel	O'Brien, B.	Taylor, F.
Cessar	Honaman	O'Brien, D.	Thomas
Cianciulli	Hopkins	O'Connell	Vroon
Cimini	Hutchinson, A.	O'Donnell	Wagner
Davies	Hutchinson, W.	O'Keefe	Wansacz
DeVerter	Itkin	Oliver	Wass
DiCarlo	Katz	Pancoast	Weidner
Dininni	Kelly	Parker	Wenger
Donatucci	Kernick	Petrarca	Wiggins
Dorr	Klingaman	Pitts	Wilson
Fee	Knepper	Polite	Wilt
Fischer, R. R.	Kolter	Pott	Wright, D.
Fisher, D. M.	Kowalyshyn	Pratt	Wright, J. L.
Flaherty	Lehr	Prendergast	Yahner
Foster, A.	Letterman	Pyles	Yohn
Foster, W.	Levi	Rappaport	Zearfoss
Freind	Livengood	Rieger	Zeller
Fryer	Lynch	Ritter	Zord
Garzia	Madigan	Ruggiero	Zwikl
George, C.			

NAYS—61

Abraham	Englehart	McLane	Shupnik
Bellomini	Gallagher	Miscevich	Smith, E.
Berson	Gallen	Mrkonic	Stuban
Bittinger	Gamble	Mullen, M. P.	Sweet
Borski	Gatski	Mullen, M. M.	Tenaglio
Caputo	Geesey	Novak	Trello
Cohen	Geisler	Piccola	Valicenti
Cole	Goodman	Pievsky	Wargo
Cowell	Gray	Ravenstahl	White
DeMedio	Greenfield	Reed	Williams
DeWeese	Johnson	Renwick	Wise
Dietz	Jones	Rhodes	Zitterman
Dombrowski	Laughlin	Richardson	
Doyle	Lincoln	Schmitt	Irvis,
Duffy	Logue	Schweder	Speaker
Dumas	Manderino	Shuman	

NOT VOTING—6

Bennett	Mackowski	Shelton	Sirianni
Harper	McIntyre		

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—189

Abraham	Gallen	Manmiller	Scheaffer
Anderson	Gamble	McCall	Schmitt
Armstrong	Garzia	McClatchy	Schweder
Arthurs	Gatski	McGinnis	Scirica
Barber	Geesey	McIntyre	Seltzer
Bellomini	Geisler	McLane	Shuman
Beloff	George, C.	Mebus	Shupnik
Berlin	George, M.	Meluskey	Sirianni
Berson	Giammarco	Milanovich	Smith, E.
Bittinger	Gillette	Miller	Smith, L.
Bittle	Gleeson	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	Hasay	Musto	Taylor, E.
Caputo	Haskell	Novak	Taylor, F.
Cassidy	Hayes, D. S.	Noye	Tenaglio
Cessar	Hayes, S. E.	O'Brien, B.	Thomas
Cianciulli	Helfrick	O'Brien, D.	Trello
Cimini	Hoeffel	O'Connell	Valicenti
Cohen	Honaman	O'Donnell	Vroon
Cole	Hopkins	O'Keefe	Wagner
Cowell	Hutchinson, A.	Oliver	Wansacz
Davies	Hutchinson, W.	Pancoast	Wargo
DeMedio	Itkin	Parker	Wass
DeVerter	Johnson	Petrarca	Weidner
DeWeese	Jones	Piccola	Wenger
DiCarlo	Katz	Pievsky	White
Dietz	Kelly	Pitts	Wiggins
Dombrowski	Kernick	Polite	Williams
Donatucci	Klingaman	Pratt	Wilt
Dorr	Knepper	Prendergast	Wise
Doyle	Kolter	Pyles	Wright, D.
Duffy	Kowalyshyn	Ravenstahl	Wright, J. L.
Dumas	Laughlin	Reed	Yahner
Englehart	Lehr	Renwick	Yohn
Fee	Letterman	Rhodes	Zearfoss
Fischer, R. R.	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zitterman
Foster, A.	Livengood	Ritter	Zwikl
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Irvis,
Fryer	Madigan	Salvatore	Speaker
Gallagher	Manderino	Scanlon	

NAYS—7

Dininni	Goebel	Rappaport	Zord
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Fisher, D. M. Pott Wilson  
 NOT VOTING—4  
 Bennett Harper Mackowski 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.

**RECONSIDERATION OF VOTE  
 ON HB 1125**

The SPEAKER. The Chair has had it brought to its attention that a motion to reconsider HB 1125 is on the next to the last day. Inasmuch as we shall probably not be in session beyond today, the Chair wishes to have this motion placed before the House within the time period specified by the rules.

Mr. GREENFIELD moved that the vote by which HB No. 1125, PN 1331, was defeated on Tuesday, October 4, 1977, be reconsidered.

Mr. PIEVSKY seconded the motion.

On the question,

Will the House agree to the motion?

The SPEAKER. The question in the minds of a number of people may be, what is this bill? The Chair will endeavor to give a brief answer. This bill is a bill which would change the two-thirds ratification of members of the PUC to a majority of those elected. That is the content of the bill.

The motion, however, is not on the passage of the bill; the motion is to reconsider the vote by which the bill was defeated so that the bill can be placed on final passage. There is no intention to call the bill for a vote today.

Does the gentleman from Philadelphia desire to be recognized on the motion?

Mr. WILLIAMS. Mr. Speaker, if I could be recognized right after the vote is taken.

The SPEAKER. After the vote is taken? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—115**

Abraham	Freind	Manderino	Ruggiero
Barber	Fryer	McCall	Scanlon
Bellomini	Gallagher	McIntyre	Schmitt
Beloff	Gamble	McLane	Schweder
Berlin	Garzia	Meluskey	Shuman
Berson	Gatski	Milanovich	Shupnik
Bittinger	Geisler	Milliron	Stapleton
Borski	George, C.	Miscevich	Stewart
Brown	George, M.	Morris	Stuban
Brunner	Giammarco	Mrkonjic	Sweet
Burd	Gillette	Mullen, M. P.	Taylor, F.
Caltagirone	Gleeson	Mullen, M. M.	Tenaglio
Caputo	Goodman	Musto	Trello
Cassidy	Gray	Novak	Valicenti
Cianciulli	Greenfield	O'Brien, B.	Wansacz

Cohen	Halverson	O'Donnell	Wargo
Cole	Hoefel	O'Keefe	White
Cowell	Hopkins	Oliver	Wiggins
DeMedio	Hutchinson, A.	Pievsky	Williams
DeWeese	Itkin	Pratt	Wise
DiCarlo	Johnson	Prendergast	Wright, D.
Dombrowski	Jones	Rappaport	Yahner
Donatucci	Kelly	Ravenstahl	Zeller
Doyle	Kolter	Reed	Zitterman
Duffy	Kowalyszyn	Renwick	Zwilk
Dumas	Laughlin	Rhodes	
Englehart	Letterman	Richardson	Irvis,
Fee	Lincoln	Rieger	Speaker
Flaherty	Livengood	Ritter	
Foster, A.	Logue		

**NAYS—81**

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

**NOT VOTING—4**

Bennett Harper Mackowski Shelton

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

**BILL PLACED ON FINAL PASSAGE  
 POSTPONED CALENDAR**

Mr. GREENFIELD moved that HB 1225, PN 1331, be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**REQUEST FOR RECOGNITION**

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

Mr. WILLIAMS. Mr. Speaker, I rise to request of the Chair permission to make a statement at the end of the consideration of the bills concerning the matter in South Africa. I would appreciate making some comments on that, with the House's permission.

The SPEAKER. At the close of the voting. Is that correct?

Mr. WILLIAMS. Yes, sir.

The SPEAKER. Very well. The Chair will recognize the gentleman at that time.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1336, printer's No. 1573**, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225, No. 316), authorizing the commission to purchase wildlife stamps shoulder patches decals and such other similar items and solicit funds to promote the cause of wildlife management.

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—196

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

Freind	Madigan	Salvatore	Irvis,
Fryer	Manderino	Scanlon	Speaker
Gallagher	Manmiller		

NAYS—0

NOT VOTING—4

Bennett	Harper	Mackowski	Shelton
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

HB 1508 PASSED OVER

The SPEAKER. On page 9, HB 1508, PN 1809, will go over for today. The members should mark their calendars that the gentleman, Mr. O'Connell, will offer an amendment to this bill. Does the gentleman, Mr. Wilt, have an amendment to this bill also? That is an incorrect marking on the Speaker's calendar. If the others have it marked incorrectly, correct it. The only amendment to be offered so far is by the gentleman, Mr. O'Connell, to HB 1508.

URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 488, printer's No. 527**, entitled:

An Act amending "The Third Class City Code" approved June 23, 1931 (P. L. 932, No. 317), further providing for discharge suspension and demotion of classified civil service employees.

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—195

Abraham	Gamble	McCall	Scheaffer
Anderson	Garzia	McClatchy	Schmitt
Armstrong	Gatski	McGinnis	Schweder
Arthurs	Geesey	McIntyre	Scirica
Barber	Geisler	McLane	Seltzer
Bellomini	George, C.	Mebus	Shuman
Berlin	George, M.	Meluskey	Shupnik
Berson	Giammarco	Milanovich	Sirianni
Bittinger	Gillette	Miller	Smith, E.
Bittle	Gleeson	Milliron	Smith, L.
Borski	Goebel	Miscevich	Spencer
Brandt	Goodman	Moehlmann	Spitz
Brown	Gray	Morris	Stairs
Brunner	Greenfield	Mowery	Stapleton
Burd	Greenleaf	Mrkonic	Stewart
Burns	Grieco	Mullen, M. P.	Stuban
Butera	Halverson	Mullen, M. M.	Sweet
Caltagirone	Hamilton	Musto	Taddonio
Caputo	Hasay	Novak	Taylor, E.
Cassidy	Haskell	Noye	Taylor, F.

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

NAYS--0

NOT VOTING--5

Beloff			
Bennett	Harper	Mackowski	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.

**SB 524 PASSED OVER**

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

Mr. RITTER. If I may, I would like to request that you hold SB 524 until we come back next week. Mr. Bellomini has an amendment, but we would like to get together and see if we cannot get some other language in there.

The SPEAKER. Without objection, SB 524 will go over for today. The Chair's calendar is marked that Mr. Meluskey has an amendment. Is that factual? Does Mr. Meluskey have an amendment? That is correct. The members should mark their calendars "Meluskey-amend" and "Bellomini-amend."

The gentleman, Mr. Pyles, had indicated that he would have an amendment but he has indicated since that his amendment has been withdrawn. The members should mark SB 524 "Meluskey-amend" and "Bellomini-amend."

**MR. FRYER REQUESTED TO PRESIDE**

The SPEAKER. The Chair at this time requests that the gentleman from Boyertown, Mr. Fryer, take the gavel.

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

**TRANSPORTATION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 172, printer's No. 185**, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act entitled 'An act to establish a board of wardens for the Port of Philadelphia and for the regulation of pilots and pilotage and for other purposes' approved March twenty-ninth one thousand eight hundred and three and for regulating the rates of pilotage and number of pilots" further regulating the rates of pilotage and class of pilots.

On the question,

Will the House agree to the bill on third consideration?

Mr. RAPPAPORT offered the following amendments:

Amend Sec. 1 (Sec. 1), page 1, line 20, by inserting after "1976," until the provisions of sections 3.1 and 3.2 hereof become effective

Amend Sec. 1 (Sec. 1), page 3, lines 2 through 5, by striking out "sixty-five cents per unit from July 1, 1976," in line 2, all of lines 3 through 5 and inserting

(i) Sixty-five cents per unit from July 1, 1976 through June 30, 1977, retroactively.

(ii) Seventy cents per unit from July 1, 1977, retroactively.

Amend Sec. 1 (Sec. 3), page 4, line 1, by inserting brackets before and after "Light"

Amend Sec. 1 (Sec. 3), page 4, line 19, by inserting after "1976," until the provisions of sections 3.1 and 3.2 hereof become effective,

Amend Sec. 1 (Sec. 3), page 5, lines 16 through 19, by striking out "sixty-five cents per unit from July 1, 1976," in line 16 and all of lines 17 through 19 and inserting

(i) Sixty-five cents per unit from July 1, 1976 through June 30, 1977, retroactively.

(ii) Seventy cents per unit from July 1, 1977, retroactively.

Amend Bill, page 6, by inserting between lines 14 and 15 Section 2. The act is amended by adding sections to read:

Section 3.1. For services rendered on and after the effective date of this act, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a place on the River Delaware no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey or from a place on the River Delaware no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, in either case, shall be computed as follows:

(a) A charge, to be known as a unit charge, will be made for each pilotage, determined by length overall (in feet) multiplied by the extreme breadth (in feet) of the vessel, divided by one hundred.

(b) The charges per unit shall be as follows:

(i) One dollar and seventy cents from the effective date of this act through December 31, 1978.

(ii) One dollar and eighty-two cents from January 1, 1979, through December 31, 1979.

(iii) One dollar and ninety-five cents thereafter.

(c) There shall be a minimum charge of two hundred units and a maximum charge of one thousand units.

Section 3.2. That every ship or vessel bound to the Delaware

breakwater for orders shall be obliged to receive a pilot, provided she is spoken or a pilot offers his services, outside of a straight line drawn from Cape Henlopen to Cape May Light, and every ship or vessel bound to the breakwater for orders shall pay pilotage fees as follows: a sum equal to half the pilotage to the port of Philadelphia, and she shall be obliged to take a pilot and pay the same pilotage fees when outward bound, from the breakwater, and if such ship or vessel, without discharging her pilot, proceed to the port of Philadelphia or any other port or place on the bay or River Delaware, only one full pilotage fee as fixed by the first section of this act, for the entire service, in addition to the fee for detention; Provided, however, That if the pilot bringing such ship or vessel to the breakwater be there discharged, and the ship or vessel afterward proceed to Philadelphia or any other port or place on the bay or River Delaware, she shall make the usual signal for a pilot and continue to make such signal till reaching Brandywine Light, and if spoken by, or offered the services of, a duly licensed Pennsylvania pilot before reaching Brandywine Light, shall be obliged to employ such pilot and pay him for services rendered on and after the effective date of this act, a charge computed as follows:

(a) A charge, to be known as a unit charge, will be made for each pilotage, determined by length overall (in feet) multiplied by the extreme breadth (in feet) of the vessel, divided by one hundred.

(b) The charges per unit shall be as follows:

(i) One dollar and seventy cents from the effective date of this act through December 31, 1978.

(ii) One dollar and eighty-two cents from January 1, 1979, through December 31, 1979.

(iii) One dollar and ninety-five cents thereafter.

(c) There shall be a minimum charge of two hundred units and a maximum charge of one thousand units.

Amend Sec. 2, page 6, line 15, by striking out "2." and inserting 3.

Amend Sec. 3, page 6, line 29, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. RAPPAPORT. Mr. Speaker, this amendment has been agreed to by both sides. Should anyone care for an explanation, I will be happy to give it.

Would the Speaker indulge me for one second? I have some material in my desk that I want to get.

Mr. Speaker, this bill involves the fees which may be charged by pilots on the River Delaware. Since colonial times it has been the law of the River Delaware that all ships calling in this port must have pilots qualified in the River Delaware.

Since we have required that, this General Assembly and its predecessor, the Provincial Assembly of the Colony of Pennsylvania, has set the fees for pilots. By agreement between the Colonies we have the jurisdiction; New Jersey claims none. A certain number of residents in the State of Delaware are part of

the Pilots Association, and the State of Delaware leaves it to us to set these rates.

This General Assembly, as well as the Provincial Assembly, has from time to time set rates. I might add that because of Federal law, by and large, the pilots who are members of the Pilots Association handle only foreign flagships. American flagships, by Federal law, can be piloted by anyone holding a master's license from the United States Coast Guard. I might say that we have had some recent tragedies in the port of Philadelphia because of errors of masters. In not a single case was a Delaware River pilot involved. They were all pilots licensed by the Coast Guard, not by us. It is not easy to become a pilot. It is about a 10-year apprenticeship.

This bill increases the pilotage rate. The fees that are paid are miniscule in comparison with the overall cost of running a ship into the port. I have in front of me a comparison of pilotage costs between New York, Philadelphia and Baltimore, assuming that this rate increase goes into effect. I would assure the House, and I will be happy to discuss the various classes of ships, that in no case, when we consider this increase, is there greater than a 2-percent difference. In some cases we are less and in some cases we are a couple dollars more than the other two ports.

I would give as an example, Mr. Speaker, the pilotage for a very large crude carrier which comes into the oil refineries that stretch from Marcus Hook to Girard Point in the Delaware, not only in the city of Philadelphia but all the way up and down the Delaware River. In New York the pilotage fees for a ship that is 848 feet long, which is like three football fields, is \$1,500; in Baltimore it is \$1,560; in Philadelphia it is \$1,528, although the run from the breakwaters to Marcus Hook or Girard Point is a darn sight longer than the run either up the Chesapeake to Baltimore or in New York Bay to Staten Island where they unload.

The increases are needed by increased costs and the necessity of buying a new pilot boat which can operate in all kinds of weather. When these ships come they have to be accommodated immediately. There is just too much money involved to hold them up until the next tide or until the storm abates or until the dawn comes.

I might say in comparison that the very large crude carriers that come in, for example, have 73,000 dead weight tons. They draw in excess of 50 feet. They have to be lightened in order to get up the Delaware, which has a channel of about 40 feet. It cost the ship owner about \$6,000 a foot to lighten the ship. In other words, to lighten the ship 10 feet in its draw, it would cost them \$60,000. We are talking about a pilotage increase of about \$200.

Mr. Speaker, I would ask the amendment go in by agreement and that the bill be passed.

Thank you.

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

Mr. MCGINNIS. The amendment is agreed to, Mr. Speaker.

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

Mr. McGINNIS. With the agreed-to amendment, may I make a motion to suspend the rules and vote the bill as amended. The pilots have been waiting for 3 years for this.

The SPEAKER pro tempore. For the gentleman's information, there is no need to suspend the rules.

Mr. McGINNIS. I withdraw the motion, Mr. Speaker. Can we vote the bill?

The SPEAKER pro tempore. The Chair states the question again: Will the House agree to the amendment?

Mr. RAPPAPORT. I believe it is an agreed-to amendment. We can roll the bill.

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—193

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

Englehart	Laughlin	Ravenstahl	Wright, J. L.
Fee	Lehr	Reed	Yahner
Fischer, R. R.	Letterman	Renwick	Yohn
Fisher, D. M.	Levi	Rhodes	Zearfoss
Flaherty	Lincoln	Richardson	Zeller
Foster, A.	Livengood	Rieger	Zitterman
Foster, W.	Logue	Ritter	Zord
Freind	Lynch	Ruggiero	Zwikl
Fryer			

NAYS—0

NOT VOTING—7

Bennett	Prendergast	Wiggins	Irvis,
Harper	Shelton		Speaker
Mackowski			

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.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1213, printer's No. 1968**, entitled:

An Act authorizing the Department of General Services with the approval of the Governor and the Department of Environmental Resources to convey a tract of land in Lower Yoder Township Cambria County in exchange for another tract located in the same township.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. ENGLEHART offered the following amendments:

- Amend Sec. 1, page 2, line 30, by striking out "minerals and"
- Amend Sec. 1, page 3, lines 1 and 2 by striking out "or mining"
- Amend Sec. 1, page 3, line 2, by striking out "minerals and"
- Amend Sec. 1, page 3, line 18, by striking out "the minerals and"
- Amend Sec. 1, page 3, line 20, by striking out "or mining"
- Amend Sec. 1, page 3, line 20, by striking out "minerals and"

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

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

Mr. ENGLEHART. Mr. Speaker, in reading this bill yesterday, I discovered that when I had it drafted I made a mistake and the purpose of the amendment is to correct the mistake.

In the bill, Tracts No. 2 and No. 3, containing approximately 100 acres of land in Cambria County, are to be conveyed to the Department of Environmental Resources to square up a line at the Laurel State Park. When the bill was written—and I did not know it at the time—the minerals, meaning the coal and clay, were accepted in reserves and retained by the Piney Run Coal Company. This was not the intention. It is not the intention of DER to accept it without this coal and clay.

The purpose of this amendment is to be sure that Tracts No. 2 and No. 3, which will come to the Commonwealth, will contain all of the minerals except the oil and the gas. The reason the oil

and gas have been excepted is because they were excepted when the original 1,000 acres were conveyed to the Western Pennsylvania Conservancy and to the Commonwealth. And the Department of Environmental Resources does not want them.

While I am on my feet, one further explanation: The Piney Run Coal Company, although it contains the word coal, is a corporation which has not been in the mining business for the past 40 years. It has no intention of going into the mining business. There is nothing in this exchange of land that has anything to do with any coal stripping or coal mining. It is simply to correct an error made at one end of the tract when the original deal was made with the Western Pennsylvania Conservancy about 5 years ago for this state park.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—7

Bennett	Shelton	Wiggins	Irvis,
Harper	Valicenti		Speaker
Mackowski			

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

The question is, Shall the bill pass finally?

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

YEAS—190

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



## NAYS—1

Spitz

## NOT VOTING—9

Bennett	Harper	Valicenti	Irvis,
Gray	Mackowski	Wiggins	Speaker
Grieco	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

## SUBCOMMITTEE ON POLICE TRAINING MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr. Speaker, there will be a meeting of the Subcommittee on Police Training of the Local Government Committee tomorrow morning at 11 a.m., in room 149. That is the Local Government Committee room.

Thank you.

## BILLS AND RESOLUTIONS PASSED OVER

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

BILLS REPORTED FROM COMMITTEE  
AND TABLED

**HB 1391, PN 2173** (Amended) by Mr. SCHMITT

An Act providing for the return of certain defective merchandise and for a refund of the purchase price; providing for enforcement powers of the Attorney General for certain actions in equity and for the payment of costs and restitution.

Consumer Affairs.

**HB 1761, PN 2137** By Mr. SCHMITT

An Act amending the act of July 25, 1961 (P. L. 857, No. 372), entitled "An act regulating the manufacture of stuffed toys intended for sale, \*\*\* and prescribing penalties," exempting charitable and nonprofit organizations from payment of the registration fee, amending the criminal penalties, providing equitable relief and civil penalties and making editorial changes.

Consumer Affairs.

## BILLS REREPORTED FROM COMMITTEE

**HB 44, PN 44** By Mr. PIEVSKY

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing the jury commissioners to join their State association, providing for attendance at the annual meeting and authorizing payments by the county pertaining thereto.

Rereported from Committee on Appropriations.

**HB 76, PN 1826** By Mr. PIEVSKY

An Act amending the "Public School Code of 1949," approved

March 10, 1949 (P. L. 30, No. 14) providing for alternative Methods of equaling tax levies among certain school districts.

Rereported from Committee on Appropriations.

**HB 217, PN 686** By Mr. PIEVSKY

An Act amending the "Co-operative Agricultural Association Corporate Net Income Tax Act," approved May 23, 1945 (P. L. 893, No. 360), further providing for the imposition of the tax.

Rereported from Committee on Appropriations.

**HB 715, PN 795** By Mr. PIEVSKY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, removing certain restrictions on educational assistance.

Rereported from Committee on Appropriations, October 19, 1977.

**HB 804, PN 1964** By Mr. PIEVSKY

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for the investment of certain funds.

Rereported from Committee on Appropriations.

**HB 858, PN 965** By Mr. PIEVSKY

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further authorizing county commissioners to make grants or appropriations to historical societies.

Rereported from Committee on Appropriations.

**HB 1655, PN 2076** By Mr. PIEVSKY

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.

Rereported from Committee on Appropriations.

## ANNOUNCEMENT

## SEMINAR ON FROSTBELT VERSUS SUNBELT

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

Mr. RITTER. Mr. Speaker, I just wanted to announce that the seminar with Dr. Ralph Widner on the issue of Frostbelt versus Sunbelt will be held as scheduled tomorrow afternoon from 2:30 to 4:30 in the majority caucus room. The seminar of Frostbelt versus Sunbelt will be held.

## STATEMENT BY MR. SELTZER

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

Mr. SELTZER. Mr. Speaker, the other body yesterday and continuing into today passed a number of the higher education appropriation bills.

Mr. Speaker, I went up to the rostrum sometime ago today and asked the Speaker if he was going to sign those bills as they were delivered to him so they could immediately go to the Governor's desk. I was informed that it is the intention of the other body to hold those bills, which means, Mr. Speaker, at least until next week the major universities and the thousands and thousands of Pennsylvania students who are attending

those universities will be without Commonwealth support.

Mr. Speaker, it is my opinion that this is being very inhumane. You are continually using thousands of Pennsylvania students as hostages in order to force increased taxes on our citizens to fund bureaucracy, because taxes have been raised in prior years that have been and could continue to fund higher education. And if your party puts bureaucracy at a higher priority than we do for higher education, then I say raise taxes for those higher priorities such as bureaucracy and let the universities continue to receive their money which we voted to support in years past.

Please, do not continue to use these people needlessly. If or as soon as those bills are signed by the President pro tempore of the Senate and the Speaker of this House and laid on the Governor's desk, the Governor can immediately lapse sufficient funds from prior appropriated moneys and these universities can get their money within hours. We can then stand on the floor of this House and they can stand on the floor of the other body and we can argue about the funding of bureaucracy.

Let us argue about those things and not about the needed appropriations to fund our universities. Let us get off our duffs and do what is right, Mr. Speaker.

Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, I have heard with interest the remarks of my good friend from Lebanon.

I, too, have tried to understand what the other body has been doing over the last several days. I must confess, perhaps because he has been here longer than I have been, that he may understand the proceedings on the other side of the Capitol a bit better than I do. I, frankly, am at a loss to understand the logic of what is going on there.

However, Mr. Speaker, to press the Speaker of this House to sign these bills immediately is not to address the issue directly. The increases in the state budget over the past 7 years since I have been here have been by and large those increases mandated by court decisions, by Federal regulations that we have chosen to live with and match, and inflation. That part of the budget under the control of this General Assembly in those years, whether it was under the control of my party or the party opposite, has increased at a rate of less than 2 percent over that 7- or 8-year period.

We are beset with inflation and the increasing areas that have cried for help. I speak particularly for the areas of mental health, special education, which is the result of the decisions to help children needing special educational instruction and educational aids, and also school subsidies. We can argue about whether the teachers should receive more money. I do not think this is the time or the place for that. And perhaps the gentleman from Lebanon and I may very well agree on that particular topic.

However, Mr. Speaker, this is one problem and it cannot be solved piecemeal. This House has passed a budget after much travail, and we have the obligation to pass the taxes to fund it. The nonpreferreds must abate if we are unable to do so. I would say to the gentleman that a number of those nonpreferred insti-

tutions are located in my district. I refer to two major ones, Temple University and Jefferson University, which, of course, are directly affected, not to mention a number of other institutions in my city but not in my particular district. I must say then, the Governor will have the obligation of either signing or vetoing these bills, and we must give the other body an opportunity to act responsibly, if they will, and to view this entire budget.

I am informed by one of my colleagues—and it is just hearsay—that the Senate has in the last few minutes voted to reopen the budget that we passed in August. I would suggest to the gentleman that we should spend a few hours and a few days to see what the effect of that is.

I know Temple University is borrowing money every day. I know a lot of other institutions are doing it, and it is costing them \$3,000, \$4,000, \$5,000, and \$6,000 a day in interest. I, frankly, feel that that is horrible, but given the facts that exist right now, I do not see any alternative.

I would hope that the other body will act responsibly and will pass a responsible document that they can send back here, if it must come back here, and that we will handle that document as it comes back in a responsible fashion.

Thank you, Mr. Speaker.

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

Mr. SELTZER. Mr. Speaker, I do not know why members of the General Assembly and members of the executive, when they talk about the fiscal problems of Pennsylvania, only talk about the effects of inflation in a negative way. Why do they not ever talk about the positive effects of inflation that in this year alone is bringing in almost \$500 million in additional revenues from the same taxes?

Mr. Speaker, the appropriation in toto for all of the nonpreferred appropriations before us is \$8 million, an increase of only \$8 million this year over last year, and yet the funds available to appropriate are almost \$500 million. Mr. Speaker, what kind of priorities do you people have when you will fund bureaucracy at a level of almost \$500 million more in a year and not be willing to fund an additional \$8 million for our universities and our colleges and our medical schools?

Mr. Speaker, I wish you would reassess your priorities. Let us do first things first.

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

Mr. RAPPAPORT. Mr. Speaker, this General Assembly has control over less than 20 percent of the state budget. Eighty percent of this state budget goes right back to local governments and institutions. Perhaps we have not been as severe as we should be on these local institutions. We are gradually gathering a staff in order to do it.

May I point out that in Pennsylvania 63 percent of the cost of local government is borne by the Commonwealth in subsidies going directly back to local government, and that is not just to my local government but to every local government in this Commonwealth. That is opposed to other states that in most cases send back less than 50 percent to local governments.

This state has not had a lawsuit involving our school subsidy formula. There have been people coming in trying to find whether there is a lawsuit here. I understand the Ford Foundation came around. They found that while our formula is not perfect, it is a damn sight better than the formulas in a number of other states including New Jersey, New York, and California.

This money goes directly back. We are only the conduit. Therefore, we have not spent the money in bureaucracy. There are less salaried employes in state government today than there were in the last year of the Shafer administration.

Thank you, Mr. Speaker.

### URBAN AFFAIRS COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes at this time the gentleman from Allegheny, Mr. Caputo, for the purpose of an announcement.

Mr. WILLIAMS. Mr. Speaker, Mr. Caputo has yielded to me, and I am going to make his announcement.

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

Mr. WILLIAMS. Mr. Caputo wishes to announce that the Urban Affairs Committee meeting scheduled for tomorrow is canceled.

Mr. Speaker, I would appreciate it if I could make my remarks now.

### ADDRESS ON RESOLUTION TO CONDEMN SOUTH AFRICA ACTIONS

The SPEAKER pro tempore. The Speaker had earlier given permission to the gentleman from Philadelphia, Mr. Williams, to address the House, and the Chair recognizes the gentleman at this time for this purpose. The gentleman is in order and may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, on the news accounts this morning, it has been reported that in South Africa, as of last night or early this morning, that government has in a very calculated fashion arrested each and every black leader of any organization in South Africa. Moreover, it has closed down and confiscated the property of the only two black newspapers in South Africa.

The government of South Africa has, in my judgment, proceeded to do what is equal to what happened in Nazi Germany in the 1940's. South Africa, Mr. Speaker, has proceeded to go beyond the pale of oppressiveness. It is also my opinion that any democracy, that we claim to have, could not stand by without condemning such violent and violative actions of a people.

Mr. Speaker, I call on this House in every way it knows how to condemn that action, to propose whatever appropriate sanctions would be necessary to wipe out and to turn back this obscenity to human beings. Yes, this very day we argued about the dangers of pornography to our domestic citizens, juveniles and adults alike. There is nothing more obscene today to human beings than this violent and violative action, and outwardly so. The whole world knows about it.

Mr. Speaker, I call on my colleagues in this House in a resolu-

tion to memorialize the Congress and the President not only to condemn this abhorrent action but to ask for the immediate release of those political prisoners, to ask for the immediate and prompt reopening of those public newspapers. The largest black newspaper in the world is among those.

Also, Mr. Speaker, I call on this body itself to invoke whatever sanctions it can invoke and to further memorialize the Congress and the President and whatever appropriate agency of the world to call on whatever sanctions it has at its avail in this very, very serious and dangerous moment in the lives of a segment of humankind.

Mr. Speaker, I do not know what our schedule calls for for the rest of the day, but I would hope—and I would call upon the Speaker and the leaders of each party—that we can draft a resolution and it can be presented to this House before we adjourn so that this state, as among other states and countries of the world, can indicate its indignation and its repulse at this kind of action.

Mr. Speaker, I ask if that is possible at this particular juncture in time.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Williams, state his question specifically?

Mr. WILLIAMS. My question, Mr. Speaker, is: Could the House be held in recess for the time it would take for the drafting of a resolution calling for the condemnation of the actions taken by South Africa and which would include a memorialization of Congress and the President to take the actions that I spoke about? And could the House take some action on that today, which I understand would require the suspension of some rules? Could that happen today?

The SPEAKER pro tempore. The Chair has before it the adjournment motion.

Mr. WILLIAMS. I understand that, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is aware that a number of the members of the House have left the floor. What purposes would be served by taking action today?

Mr. WILLIAMS. Mr. Speaker, let me first respond to the practical part of it. I have many, many times in important matters — taxes, budget, and otherwise — known that it was no big problem to get the ear of the membership, most of whom are still here, for the purpose of what I consider to be a very, very important matter. It would serve, Mr. Speaker—

The SPEAKER pro tempore. I am informed that it would not be a privileged resolution and could not be immediately adopted since it would normally go to the Committee on Rules.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER pro tempore. Would it not be better on the part of the gentleman to prepare his resolution; the House will return on Tuesday, and at that time the gentleman could put forth his proposal before the members of the full House?

Mr. WILLIAMS. Mr. Speaker, is it not possible to suspend the rules for any resolution that we want?

The SPEAKER pro tempore. It is possible, but only on the vote of the majority of the members.

Mr. WILLIAMS. I understand that, Mr. Speaker.

I am asking the Speaker to set into motion the allowance of a recess for the preparation of a resolution and then calling for a

suspension of the rules, only because I consider the acts that I am referring to to be a very, very significant matter throughout the world, throughout this Nation, throughout this country, and I would hope that this deliberative body would want to speak its mind as promptly as possible on it. I do not consider the arrest and the physical abuse and the confiscation of property, especially newspapers, to be any less than the emergencies like floods or announcements like when the Vice President gets indicted, or so forth and so on.

That is the context and the perspective and the moral call that I am trying to make. Now if the Speaker does not find that appropriate to consider, so be it for the Speaker.

The SPEAKER pro tempore. The Chair has a few observations. Upon making those observations, the Chair will then recognize two other gentlemen who are seeking recognition and also will recognize any other member.

Mr. WILLIAMS. Mr. Speaker, Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman cease?

Mr. WILLIAMS. Yes, I will, Mr. Speaker.

I just want to get it clear—

The SPEAKER pro tempore. I thank the gentleman.

Mr. WILLIAMS. Mr. Speaker, I—

The SPEAKER pro tempore. The Chair stated—

Mr. WILLIAMS. Mr. Speaker, Mr. Speaker, my inquiry is an inquiry of order.

The SPEAKER pro tempore. Will the gentleman cease?

Mr. WILLIAMS. My inquiry is an inquiry of order.

The SPEAKER pro tempore. The Chair has not completed his remarks.

The Chair would hope that the gentleman from Philadelphia would accord the same respect to the Chair that the Chair has on all occasions extended to the gentleman from Philadelphia.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER pro tempore. The Chair will now continue with his observations.

Mr. WILLIAMS. Mr. Speaker, I have a point—

The SPEAKER pro tempore. The gentleman—

Mr. WILLIAMS. Mr. Speaker, you made some remarks—

The SPEAKER pro tempore. Do not force the Chair to state the gentleman from Philadelphia out of order, because that is looming on the horizon.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER pro tempore. The Chair wishes—

Mr. WILLIAMS.—I am only trying to make a point of inquiry of order based on the remarks you just stated.

You just stated, Mr. Speaker, that, after you talk, you will recognize someone else. I do not know whether I want to respond to your remarks. I still have the floor. I think it is out of order to proceed to take me off the floor. That is my point of inquiry. Is that my understanding? That is all I am trying to ask you.

The SPEAKER pro tempore. The Chair had stated to the gentleman that he wished to make a few observations.

Mr. WILLIAMS. I assume, Mr. Speaker—

The SPEAKER pro tempore. The Chair—

Will the gentleman permit the Chair to make—

Mr. WILLIAMS. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. Is it too much to ask?

Mr. WILLIAMS. No, Mr. Speaker.

The SPEAKER pro tempore. I thank the gentleman—

Mr. WILLIAMS. You are quite welcome.

The SPEAKER pro tempore.—most sincerely.

The Chair would observe that the gentleman from Philadelphia sought permission from the Speaker to make a report or a summary of conditions in South Africa.

Mr. WILLIAMS. That is correct.

The SPEAKER pro tempore. The Speaker then granted the gentleman this permission. The gentleman did report upon conditions in South Africa. He then, however, proceeded into the area of seeking to place this House in recess.

The Chair was instructed that it was agreed to by the leaders of both parties that the House would entertain an adjournment motion. Then, of course, the gentleman made his statement, and two other members seek to be recognized on this subject, and it is only fair that these two gentlemen be recognized.

Mr. WILLIAMS. Mr. Speaker, I made a—

The SPEAKER pro tempore. At that time then the gentleman may be in a position to make a motion seeking a recess of the House, for which a majority vote is required. So I think we are conducting this in a quite orderly manner and I think we will pursue it along these lines.

The Chair at this time recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. WILLIAMS. Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, do I understand that my inquiry addressed to the Chair along the line that I addressed it has been responded to and is finished by the Speaker and I am no longer on the floor?

The SPEAKER pro tempore. At this time the gentleman no longer has the floor.

The Chair will recognize the two gentlemen, Mr. Zeller and Mr. Johnson, and after these gentlemen complete, any other member who desires the floor will be recognized, and then the Chair will at that time return to the gentleman from Philadelphia, Mr. Williams. Is that satisfactory?

Mr. WILLIAMS. Mr. Speaker, I just want to know—I have no objection if you are trying to get further input, but I do not know whether your answer in regard to my inquiry as to whether my suggestion is possible is “yes” or “no” or that you would like to get some further input.

If you want to get some further input, I have no objection. I just do not want to appear to be arbitrarily cut off without having gotten what I consider to be an answer. That is all.

The SPEAKER pro tempore. The Chair stated that we would return to the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, we have read much in the past in regard to the

problems existing in South Africa, throughout the country of Africa and especially in South Africa, and the State Department has been driven up a wall, as well as many Senators and Congressmen who are on top of it on the national level.

We hear from both sides as to the so-called remarks Mr. Williams stated in regard to what is in effect the actions of Nazi Germany. This has been questioned. This has been questioned, as a matter of fact, by some very prominent Senators and Congressmen in the United States who happen, as I said, to be on top of the issue.

I do not believe this body has a right at this point to stand here or stand up and want to engage in a resolution when we have not heard from the State Department as yet. We are going to take an action and we are going to be the judge, jury, and verdict of what is happening in South Africa, and I doubt if any of us know where the country is. I say that amusingly and for the simple reason as far as the problems are concerned.

So, therefore, what we could do by sticking our nose into something we know very little about is to help and aid and abet the actions of the opposition, and I mean of the Communist field. In the area in which they are trying to work with Cuba, and with the problems we have with the Panama Canal and the problems we have in South Africa, we could stir up a third world war. If that is what they are looking for, that is exactly what we could do.

Now we had a fellow here who has been the ambassador, a gentleman who has been flying around the world and has been involved very deeply down in Africa. We do not know what they have been doing in agitations on both sides, and it has been questioned by the Senate and the Congressmen on the Federal level as to what this individual has been doing. As a matter of fact, they have even asked for him to be removed. And we are going to sit here as a state which knows nothing about it and we are going to take action?

I think we had better wait and see exactly what our Federal Government is going to do about it before we as a state stick our nose into something that even Mr. Williams knows nothing about.

Thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. Mr. Speaker, it has been the custom of this House, in recent months at least, to refer items memorializing Congress to the Federal-State Relations Committee.

The gentleman, Mr. Ritter, stated just a few minutes ago that we will have a meeting tomorrow. Perhaps I could suggest that the gentleman, Mr. Williams, consult with Mr. Ritter, and this might be a topic for that committee meeting tomorrow.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I have no objection to consulting with Mr. Ritter, as was suggested by Mr. Wright. I would just like to observe in regard to Mr. Zeller's remarks that what has happened has been continually happening in South Africa.

What happened today is historically something that we all in

a democracy recognize. There are too many examples throughout history that we would not know how clear it is. When you read the newspapers from every verified report today and tonight, you will have no question about what happened.

I am merely trying to express to this House my personal outrage as a human being, my personal outrage as a black man, my personal outrage as a member of mankind — black, white, yellow, green; you name it. I am trying merely to impress upon this body, a responsible body, that we have on many, many occasions indicated to the Federal Government and other governments, foreign governments, how we feel about how government works in this oppressive manner.

This issue, in my judgment, is clear and undiluted, and I would feel that each and every one of us would feel that same sense of outrage and that we in this body in Pennsylvania, one place in the world, have a moral obligation to condemn this action.

Mr. Speaker, I do not desire to carry this machinery or procedure any further in terms of the time of the House, because that will get confused at the very least. I would hope that as of Tuesday of next week, when I suspect we are coming back, that I or someone will be in a position to present the matter for some action, hoping that in the meanwhile the weight of the matter would not in some way diffuse itself.

Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I just rise to support the efforts of Mr. Williams in response to the problems in South Africa and want to indicate that I feel that it is just embarrassing to stand here on the floor and hear a gentleman like Mr. Zeller discuss issues that he has no knowledge of.

I think it is quite clear that in 1977, as we stand here on this floor of this House trying to make issues that relate to South Africa or anywhere else, it is a privilege that we all have a right to do. And that when these particular matters, such as the problems existing now that have happened this morning in South Africa, are brought to the attention of this House as any other member brings their own particular ethnic concern to this House, I just think that it would seem to me that we should know all the facts before we speak on them.

And I just want to reiterate one statement that Mr. Williams said in relationship to the fact that we are witnessing probably one of the worst kinds of moods of racism in South Africa when they deny persons the right to freedom of speech, the newspapers, and cut them off from the rest of the world, and then have them arrest the leaders in Africa and then tell them that they must remain under arrest until there is some further discussion about what is going to be done with them, without having any support from other individuals whether they be national or international figures.

And I just think that we, as members of this House who are supposed to be an august body, ought to recognize the problems that face the people around this world and also in the Commonwealth of Pennsylvania, and that maybe we could just resort to a little bit of calm in order to deal with the problem. We are

very angry about what is going on in South Africa and want to bring it to the attention. And I just think that sometimes the remarks made by the gentleman are out of order, and it seems to me, Mr. Speaker, that he should be censored, not us.

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

Mr. ZELLER. Mr. Speaker, as soon as a person speaks his mind, he is to be censored, according to certain individuals. I have as much of a right to speak on the issue as the gentleman who spoke. He should know that. He pulled that during the last budget session. In other words, always to censor.

Now, what I want to bring up is this point. Nine billion dollars was appropriated—nine billion, not million, billion—for the human rights programs throughout the world by our Federal Government. Now that is fine. Money has been directed, along with individuals, to stir up problems in that nation. We know that. That is fact. What I am getting at is, we are sticking our nose into something on a state level that we do not know what has been happening on the other side in regard to all the problems that he talks about of so-called inhumane treatment, a nation that we stuck our nose into that we had no business sticking our nose into. And here we cannot even get \$3 billion to take care of social security that is in debt, but we can spend \$9 billion and throw it around the world to stir up problems. That is what I am getting at, and that is what you are hearing here today.

And I am not about to see our sons and daughters walk into a third world war over something that is none of our damn business. Human rights, yes. If we find that they are not dealing properly with what we call civil rights in this world, that is another issue. We do not know that.

Right now we are slapping a nation in the face that has been one of our closest friends and allies, right now, and that is Israel. We have been slapping them right in the face and ignor-

ing some of their problems, and here that is a nation that always stuck by us. And I think it is about time that we put our priorities in the right direction.

The SPEAKER pro tempore. The Chair is endeavoring to place the adjournment motion before the members of the House. At this time he recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Yes, Mr. Speaker, I just want to make one point, because it is quite obvious that Mr. Zeller knows nothing about what is going on. It is quite clear. And I think that what we should do is let him know that Africans are a part of the human race also, and that when we relate to the situation that is going on over there in South Africa, that we are also dealing with human beings there.

And I just want to make that very clear for the record so that it does not go down without our recognizing that we are talking about humanity worldwide, international, everywhere. And when the gentleman can recognize that, perhaps then maybe he can understand what a legislator is all about.

### WELCOME

The SPEAKER. The Speaker is delighted to welcome to the hall of the House this morning Mrs. Pauline Weston of Beallsville in Washington County, who represents the Sierra Club. Mrs. Weston is the guest of Representative Gil DeMedio.

### ADJOURNMENT

Mr. POTT moved that this House do now adjourn until Tuesday, October 25, 1977, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 1:41 p.m., e.d.t.) the House adjourned.