

Legislative Journal

WEDNESDAY, OCTOBER 26, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 92

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

THE REVEREND H. GARNETT LEE, minister of the Capital Presbyterian Church, Harrisburg, Pennsylvania, and guest chaplain, offered the following prayer:

We gather again in this room as we see the gentle rains that drop from heaven and again we realize that we are blessed by the eternal gifts of God. And we pray that His mercy and His compassion will also fall upon this House.

We ask His blessing upon this leadership. We ask Him to watch over these honored men and women within this Chamber on both sides of the aisle. We pray that His mercy and His compassion will lead these who have been elected to serve this Commonwealth, that they will shoulder their great responsibilities, represent this great constituency, that they will move forward without ceasing, not become weary of well doing, knowing full well that every good and perfect thing cometh from Thee. We ask Thy blessing upon these who have chosen to serve this state. And in their deliberations may there be wisdom and knowledge and understanding, mercy, compassion and justice. Watch over their families that there may be encouragement in this particular and this high office.

We ask Thy mercy and Thy grace upon these who serve as the staff of this House, sometimes maybe unnoticed or unsung and yet the ones who keep the wheels turning and who boast of that which must be done in this place.

We rejoice in the beauty of this House. We rejoice in the beauty of service to all men. We rejoice that we can serve our God and our Father as we reach beyond these walls.

Bless the leadership of the House. Bless those who form our great population. Bless this nation, O Lord.

God have mercy upon the Commonwealth and continue to grant us the peace, the knowledge, the wisdom that cometh only from Thee, and we will give Thee the honor and the glory through Thy name and for Thy sake. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, October 25, 1977, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker is about to take up the master

roll for today. The members within hearing of his voice will report for the master roll.

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—5

Arthurs	O'Donnell	Shelton	Yohn
Butera			

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1800 By Messrs. REED, DININNI, MANMILLER, PICCOLA, TRELLO, CIMINI, GRAY, ZITTERMAN, BORSKI, JONES, JOHNSON, COHEN, GIAMMARCO, WHITE, Mrs. KELLY, Mrs. SCANLON, Messrs. OLIVER, RIEGER, McINTYRE, DUMAS, BROWN, MELUSKEY, RITTER, SALVATORE, STUBAN, NOVAK, MRKONIC, GARZIA, ZELLER, McLANE, ZWIKI, RUGGIERO, McGINNIS, CIANCIULLI, RICHARDSON, STEWART, BITTINGER, BELOFF, DONATUCCI, KOWALYSHYN, LETTERMAN, ABRAHAM, MISCEVICH, MORRIS, SHUMAN, LAUGHLIN, GATSKI, RAVENSTAHL, DUFFY, GAMBLE, MUSTO, RHODES, FLAHERTY, SHUPNIK, WARGO, SCHMITT, CASSIDY, D. M. O'BRIEN, Mrs. WISE, Messrs. VALICENTI, STAPLETON, O'KEEFE and SWEET

An Act prohibiting Commonwealth agencies from purchasing goods from certain foreign companies and domestic companies using foreign labor.

Referred to Committee on Business and Commerce.

No. 1801 By Mr. PICCOLA

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), further providing for the coverage of certain municipal or municipal authority functions.

Referred to Committee on Consumer Affairs.

No. 1802 By Messrs. STEWART, BITTINGER, ENGLEHART, GOODMAN, REED, WASS, SHUPNIK, GEORGE, O'CONNEL, B. F. O'BRIEN, HALVERSON, A. K. HUTCHINSON, PIEVSKY, MILLIRON, CASSIDY and STAIRS

An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled, "An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled, 'An act to promote the welfare of the people of the Commonwealth; ***' empowering the Authority to construct and acquire projects for certain State-related universities, providing for the disposition of unused borrowing capacity which may become available through the operation of the Higher Education Facilities Act of 1963 or other Federal grants; ***" to reduce the amount of unallocated funds available for allocation by the board to certain projects for cost-overrun, and to provide for additional projects necessitated by the Great Flood of July 1977.

Referred to Committee on Appropriations.

No. 1803 By Mr. A. K. HUTCHINSON, Miss SIRIANNI, Messrs. PETRARCA and LETTERMAN

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers, providing cost-of-living allowances.

Referred to Committee on Urban Affairs.

No. 1804 By Messrs. A. K. HUTCHINSON, CAPUTO, DOMBROWSKI, PETRARCA, YAHNER, DiCARLO, HOPKINS and Miss SIRIANNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the width of certain vehicles.

Referred to Committee on Transportation.

No. 1805 By Messrs. DOMBROWSKI, A. K. HUTCHINSON, DeMEDIO, BELLOMINI, DiCARLO, HOPKINS, D. S. HAYES, NOVAK, CASSIDY, ZITTERMAN, TENAGLIO, COLE, MISCEVICH, LOGUE, LEVI, SPITZ and R. R. FISCHER

An Act amending the act of December 30, 1974 (P. L. 1105, No. 356), entitled "A supplement to the act of February 6, 1976 (P. L. 80, No. 17), entitled 'An act providing for the capital budget for the fiscal year 1973-1974,' itemizing public improvement projects to be acquired or constructed by The General State Authority together with their estimated financial cost; *** and making an appropriation," adding a project relating to the Soldiers' and Sailors' Home.

Referred to Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 598

An Act permitting any person required to serve as a juror to absent himself from any service or employment in which he is then engaged or employed; prohibiting employers from dismissing or threatening to dismiss such persons; granting such persons civil relief.

Referred to Committee on Judiciary.

SENATE BILL No. 1114

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes changing the time for prosecuting the offense of voluntary manslaughter.

Referred to Committee on Judiciary.

SENATE BILL No. 1118

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes redefining murder of the second degree.

Referred to Committee on Judiciary.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned HOUSE BILL NO. 767, with the information that the Senate has passed the same with

amendments in which concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

BILLS SIGNED BY SPEAKER

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

SENATE BILL No. 199

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.

SENATE BILL No. 432

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

Whereupon,

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

LEAVES 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 whip.

Mr. RYAN. Mr. Speaker, I request leaves of absence for Mr. BUTERA and Mr. YOHN for today's session.

The SPEAKER. Without objection, leaves are granted.

MISS PENNSYLVANIA JUNIOR MISS PRESENTED

The SPEAKER. The Chair at this time invites Representative Honaman to come to the rostrum for the purpose of introducing the young lady, Miss Kim Wright, who is Pennsylvania's Junior Miss.

Mrs. HONAMAN. Thank you, Mr. Speaker.

It is a pleasure to introduce a young lady from the district which I represent, but she has the distinct pleasure of representing all of you. She is Pennsylvania's Junior Miss.

Before I introduce her, though, I would like you to meet her family and you will see from whence she gets her good looks — Mr. and Mrs. Wright and her family. We know this is a very proud day for you.

Kim is from Leola, Pennsylvania. She is presently in high school and is going to go to Lebanon Valley College. Her main interest is music, but she has so many other hobbies that we know why she was elected.

Pennsylvania's Junior Miss — Kim Wright.

Miss WRIGHT. Thank you.

Speaker K. Leroy Irvis, Majority Leader James Manderino, Minority Leader Robert Butera, Representative June Honaman, and members of the House of Representatives:

I would like to thank you for the opportunity to speak here today. It was a huge honor meeting the Governor and my Senator and my Representative and all the other people whom I got to meet.

I am grateful for this opportunity to represent junior misses

from all over the State of Pennsylvania.

The main objective of the Junior Miss program is to award scholarships to high school senior girls. And on all three levels of competition, I was fortunate enough to receive \$6,300, which is a drop in the bucket compared to the millions of dollars that are awarded each year. Now if it were not for my Junior Miss scholarship, I could not afford Lebanon Valley College. So I am very grateful for the scholarship.

I would like to thank you for all the support I did receive while I was down in Mobile at the national competition. I hope that you continue to support the Junior Miss program on the local level, especially the local pageant in your district.

I would like you to help the people connected with Junior Miss in making sure that every girl in the State of Pennsylvania is aware of the opportunities available to her through the Junior Miss pageant.

Thank you.

The SPEAKER. We thank you also, Kim.

I think she is a product of Pennsylvania that all the members of the House can be proud of, pretty and bright and articulate. We wish you well. We are all very proud of you. We congratulate your mother and father and the rest of your family.

BILLS REPORTED FROM COMMITTEES AND TABLED

HB 813, PN 917

By Mr. BRUNNER

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, changing the time of payment of the tax.

Finance.

HB 814, PN 918

By Mr. CAPUTO

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, extending the period for revival of suggestions and averments of nonpayment and default and the time for filing and renewal of all taxes and municipal claims to twenty years.

Urban Affairs.

HB 815, PN 919

By Mr. CAPUTO

An Act amending the act of August 22, 1961 (P. L. 1043, No. 475), entitled, as amended, "An act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth class; to provide the time of paying the same; and to repeal certain acts," extending provisions to include counties of the second class A, and further providing for fees.

Urban Affairs.

HB 816, PN 920

By Mr. CAPUTO

An Act amending the act of May 9, 1949 (P. L. 927, No. 261), referred to as the Sheriff Fee Law of 1949, changing fees.

Urban Affairs.

HB 817, PN 921

By Mr. CAPUTO

An Act establishing the fees to be charged and collected by the clerk of courts in second through eighth class counties.

Urban Affairs.

HB 1147, PN 1353 By Mr. J. L. WRIGHT
An Act amending the "Surface Mining Conservation and Reclamation Act," approved May 31, 1945 (P. L. 1198, No. 418), requiring blasters to file a report before leaving the place of work.

Mines and Energy Management.

HB 1494, PN 1784 By Mr. CAPUTO
An Act amending the act of October 17, 1969 (P. L. 263, No. 106), entitled "An act providing for the Traffic Court of Philadelphia," providing for three additional judges.

Urban Affairs.

HB 1600, PN 1924 By Mr. CAPUTO
An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools and Pennsylvania Fair Funds.

Urban Affairs.

HB 1633, PN 2193 (Amended) By Mr. BRUNNER
An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "dividends."

Finance.

HB 1690, PN 2050 By Mr. CAPUTO
An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing cost-of-living allowances.

Urban Affairs.

SB 116, PN 1414 (Amended) By Mr. CAPUTO
An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled as amended "Second Class County Code" permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

Urban Affairs.

SB 657, PN 1415 (Amended) By Mr. CAPUTO
An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code" permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

Urban Affairs.

SB 664, PN 849 By Mr. CAPUTO
An Act amending the act of June 5, 1947 (P. L. 458, No. 208), entitled as amended "Parking Authority Law" providing further powers of investment.

Urban Affairs.

SB 987, PN 1303 By Mr. KOWALYSHYN
An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act" further providing for a rate filing.

Insurance.

BILLS REPORTED AND REREFERRED TO COMMITTEE

HB 1779, PN 2160 By Mr. CAPUTO

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), increasing the per diem allowance for attending conventions.

Reported from Committee on Urban Affairs.

Rereferred to Committee on Local Government.

HB 1780, PN 2160 By Mr. CAPUTO

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), increasing the per diem allowance for attending conventions.

Reported from Committee on Urban Affairs.

Rereferred to Committee on Local Government.

CALENDAR

TRANSPORTATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 840, printer's No. 900**, entitled:

An Act authorizing the Commonwealth of Pennsylvania acting through the Department of Environmental Resources to grant a permanent right-of-way through the Jacobsburg State Park located in Northampton County Pennsylvania to the Bushkill-Lower Lehigh Joint Sewer Authority for sanitary sewer lines.

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

Ordered, to be transcribed for third consideration.

APPROPRIATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1102, printer's No. 1406**, entitled:

An Act amending the act of August 24, 1977 (No. 12-A), entitled "Federal Augmentation Appropriation Act of 1977" adding and changing appropriations for the Pennsylvania Commission For Women and to the Departments of Agriculture Education General Services Health Justice Labor and Industry and Public Welfare.

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

Ordered, to be transcribed for third consideration.

CONSERVATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1246, printer's No. 1469**, entitled:

An Act implementing Article 1 section 27 (The Conservation Bill of Rights) by authorizing the creation of natural scenic and esthetic areas by counties cities boroughs incorporated towns and townships within their geographic boundaries or two or more such governmental units; and empowering governing bodies of political subdivisions to protect such areas by regulating the erection reconstruction alteration restoration demolition and razing of buildings and other structures.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

Mr. FEE moved that House bill No. 1246 be recommitted to

the Committee on Conservation.

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

The following roll call was recorded:

YEAS—179

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

NAYS—4

Fischer, R. R.	Geesey	Noye	Zord
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NOT VOTING—17

Arthurs	Dumas	Kernick	Shelton
Barber	Freind	O'Donnell	Vroon
Beloff	Gillette	Rhodes	Williams
Burd	Harper	Richardson	Yohn
Butera			

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

The SPEAKER. The bill is so recommitted.

REMARKS ON VOTE

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

Mr. BURD. Mr. Speaker, I would like be recorded as voting "yes" on the recommittal of House bill No. 1246.

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

FINANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. MANDERINO moved that House bill No. 1507 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—184

Abraham	Garzia	McCall	Scheaffer
Anderson	Gatski	McClatchy	Schmitt
Armstrong	Geesey	McGinnis	Schweder
Bellomini	Geisler	McIntyre	Scirica
Bennett	George, C.	McLane	Seltzer
Berlin	George, M.	Mebus	Shuman
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goebel	Milliron	Smith, L.
Brandt	Goodman	Miscevich	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Grieco	Mrkonic	Stewart
Caltagirone	Hamilton	Mullen, M. P.	Stuban
Caputo	Hasay	Mullen, M. M.	Sweet
Cassidy	Haskell	Musto	Taddonio
Cessar	Hayes, D. S.	Novak	Taylor, E.
Cianciulli	Hayes, S. E.	Noye	Taylor, F.
Cimini	Helfrick	O'Brien, B.	Tenaglio
Cohen	Hoeffel	O'Brien, D.	Thomas
Cole	Honaman	O'Connell	Trello
Cowell	Hopkins	O'Keefe	Valicenti
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
Diminni	Kelly	Pitts	White
Dombrowski	Kernick	Polite	Wiggins
Dorr	Klingaman	Pott	Wilson
Doyle	Knepper	Pratt	Wilt
Duffy	Kolter	Prendergast	Wise
Englehart	Kowalyshyn	Pyles	Wright, D.
Fee	Laughlin	Rappaport	Wright, J. L.
Fischer, R. R.	Lehr	Ravenstahl	Yahner

Fisher, D. M.	Letterman	Reed	Zearfoss
Flaherty	Levi	Renwick	Zeller
Foster, A.	Lincoln	Rieger	Zitterman
Foster, W.	Livengood	Ritter	Zord
Freind	Logue	Ruggiero	Zwinkl
Fryer	Lynch	Ryan	Irvis,
Gallagher	Madigan	Salvatore	Speaker
Gallen	Manderino	Scanlon	
Gamble	Manmiller		

NAYS—2

Halverson	Mackowski
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NOT VOTING—14

Arthurs	Donatucci	Rhodes	Vroon
Barber	Dumas	Richardson	Williams
Beloff	Harper	Shelton	Yohn
Butera	O'Donnell		

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

The SPEAKER. The bill is so recommitted.

LOCAL GOVERNMENT BILLS ON THIRD

CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 44, printer's No. 44**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—180

Abraham	Gamble	McCall	Schmitt
Anderson	Garzia	McClatchy	Schweder
Bellomini	Geesey	McGinnis	Scirica
Beloff	Geisler	McIntyre	Seltzer
Bennett	George, C.	McLane	Shuman
Berlin	George, M.	Mebus	Shupnik
Berson	Giammarco	Meluskey	Sirianni
Bittinger	Gillette	Milanovich	Smith, E.
Bittle	Gleeson	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
Caltagirone	Hamilton	Mullen, M. M.	Sweet
Caputo	Hasay	Musto	Taddonio
Cassidy	Haskell	Novak	Taylor, E.
Cessar	Hayes, D. S.	Noye	Taylor, F.
Cienciulli	Hayes, S. E.	O'Brien, B.	Tenaglio
Cimini	Helfrick	O'Brien, D.	Thomas

Cohen	Hoeffel	O'Connell	Trello
Cole	Honaman	O'Keefe	Valicenti
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	White
Dietz	Katz	Polite	Wiggins
Dombrowski	Kelly	Pott	Williams
Donatucci	Kernick	Pratt	Wilson
Dorr	Klingaman	Prendergast	Wilt
Doyle	Knepper	Pyles	Wise
Duffy	Kolter	Rappaport	Wright, D.
Englehart	Kowalshyn	Ravenstahl	Wright, J. L.
Fee	Laughlin	Reed	Yahner
Fischer, R. R.	Lehr	Renwick	Zearfoss
Fisher, D. M.	Letterman	Rieger	Zeller
Flaherty	Lincoln	Ritter	Zitterman
Foster, A.	Livengood	Ruggiero	Zord
Foster, W.	Logue	Ryan	Zwinkl
Freind	Lynch	Salvatore	
Fryer	Madigan	Scanlon	Irvis,
Gallagher	Manderino	Scheaffer	Speaker
Gallen	Manmiller		

NAYS—8

Armstrong	Halverson	Mackowski	Pitts
Dininni	Levi	Miller	Wenger

NOT VOTING—12

Arthurs	Dumas	O'Donnell	Shelton
Barber	Gatski	Rhodes	Vroon
Butera	Harper	Richardson	Yohn

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. 858, printer's No. 965**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—186

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

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

NAYS—2

Mackowski Piccola

NOT VOTING—12

Arthurs	Dumas	Rhodes	Vroon
Barber	Harper	Richardson	Williams
Butera	O'Donnell	Shelton	Yohn

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. 653, printer's No. 695**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254) entitled as amended "The Fourth to Eighth Class County Assessment Law" specifically empowering the appointed Board of Assessment Appeals to hear appeals from assessments of the chief county assessor.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILSON offered the following amendments:

Amend Title, page 1, lines 22 through 24, by striking out "specifically empowering the appointed Board of" in line 22, all

of lines 23 and 24 and inserting further providing for assessment, revisions and appeals.

Amend Bill, page 1, lines 27 through 29, page 2, lines 1 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. Section 102, act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," amended in part June 30, 1969 (P. L. 103, No. 39), is amended to read:

Section 102. Definitions.—The following words and phrases shall for the purpose of this act have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

"Board" shall mean the board [of assessment appeals] for the assessment and revision of taxes in counties of the fourth, fifth, sixth, seventh and eighth classes.

"Commission" shall mean the commission for assessment appeals.

"County" shall mean counties of the fourth, fifth, sixth, seventh and eighth classes.

"Chief Assessor" shall mean the chief assessor appointed by the board.

"Assistant Assessor" shall mean such assistant assessors as appointed by the board to assist the chief assessor or the board.

"Assessor" shall mean the assessor elected in each borough, town and township, and each ward of each city, borough or town, including the assistant assessor, if any, in first class townships.

Section 2. Section 301 of the act amended June 30, 1969, (P. L. 103, No. 39), is amended to read:

Section 301. Board Membership.—In each county there is hereby created a "Board [of Assessment Appeals,] for the Assessment and Revision of Taxes," hereinafter referred to as

the board. Except as hereinafter provided in this section for appointment of members, the board shall be composed of the three county commissioners in each county. In each county of the fourth, fifth, sixth, seventh or eighth class the county commissioners may appoint a board consisting of three members to serve for terms which shall expire concurrently with the terms of the county commissioners making the appointment. No more than two such appointed members shall be members of the same political party. Vacancies happening in such office in any county of the fourth, fifth, sixth, seventh or eighth class shall be filled by appointment by the county commissioners for the unexpired terms. The salary of the members of the board in any county of the fourth, fifth, sixth, seventh or eighth class shall be fixed by the salary board of the county.

Section 3. Section 302 of the act amended January 18, 1952 (P. L. 2094, No. 594), is amended to read:

Section 302. Powers and Duties of the Board.—The board shall have the power, and it shall be its duty, to

(1) Appoint as hereinafter provided a chief county assessor and such assistant assessors, clerks and other employes as may be deemed necessary.

(2) Adopt rules and regulations not inconsistent with this act, which shall govern the chief assessor, his assistants and local elected assessors in the making of the assessment.

[(3) Hear and determine appeals, as hereinafter provided, from the valuations fixed by the assessor, or revised by the board as the case may be.]

(4) Establish, within the limits of this act, the form of the assessment roll and the order of listing of persons and property in such assessment roll and in the tax duplicates prepared from such roll.

(5) Prepare annually and submit to the county commissioners an estimate of the expense to be incurred incidental to the carrying out of the provisions of this act.

(6) Examine and revise the assessments and valuations as hereinafter provided.

(7) Establish a permanent system of records consisting of tax maps, property record cards and property owner's index, as hereinafter provided, and such additional maps, materials and manuals as it shall deem necessary.

Section 4. Section 304 of the act is amended to read:

Section 304. Expenses of Board and Commission to Be Paid by County.—The county commissioners shall appropriate annually to the board and commission such funds as may be necessary for the payment of salaries, wages and other expenses incurred in carrying out the duties imposed upon the board, commission and [its] their employes by this act.

Section 5. The act is amended by adding an article to read:

ARTICLE III-A

COMMISSION FOR ASSESSMENT APPEALS

Section 301-A. Commission for Assessment Appeals.—In each county there shall be a Commission for Assessment Appeals, elsewhere referred to as the commission, of three persons to be appointed by the county commissioners for terms of four years concurrent with their terms. One person shall be a resident of the county who shall be a registered voter who need have no special qualifications. The other two members shall be familiar with real estate matters in the county. Vacancies shall be filled by the county commissioners for the unexpired terms. Salaries of members shall be fixed by the salary board. The commission shall have power to hear and determine appeals from assessments and revisions by the board and to fix assessments after hearing appeals by orders in conformity with their determinations.

Section 6. Sections 604 and 701 of the act, amended January 18, 1952 (P. L. 2138, No. 606), and subsection (a) of section 701 amended July 9, 1976 (P. L. 852, No. 150), are amended to read:

Section 604. Assessment Roll to Be Open for Public Inspection.—The assessment roll shall be open to public inspection at the offices of the board at the county seat, during ordinary business hours of each business day, from the time of completion and delivery to the board, to and including the first day of September. Upon receipt of the assessment roll from the chief assessor, the board shall give notice by publication in at least one and not more than three newspapers published in the county, that such assessment roll has been completed and the place and times when such roll will be open for inspection, and shall in the same notice state that any person desiring to appeal from any assessment shall file a statement in writing, designating the assessment appealed from with the [board] commission on or before the first day of September.

Section 701. Appeal Notices.—(a) Upon receipt of the assessment roll from the assessor, or as soon thereafter as possible and not later than the fifteenth day of August, the board shall examine and inquire whether the assessments and valuations have been made in conformity with the provisions of this act, and shall revise the same, increasing or decreasing the assessments and valuations as in their judgment may seem proper, and shall add thereto such property or subjects of taxation as may have been omitted. The board may revise and decrease the assessment of real property the buildings of which are completely destroyed or razed, taking into account the loss in value of the property for that part of the assessment year subsequent to the destruction. It shall within five days after completing said examination and revision cause to be mailed or delivered to each owner of property or person assessed, the value of whose property or personal assessment has been changed from that fixed in the preceding assessment roll as corrected after revision at his last known address, a notice of such change, the amount of the present assessment and the amount of such new assessment. Said notice shall state that any person aggrieved by such change or by any assessment, may appeal to the [board] commission for relief by filing with the [board] commission on or before the first day of September, a statement in writing of such intention to appeal, designating the assessment or assessments by which such person is aggrieved, and the address to which notice of when and where to appear for hearing of the appeal shall be mailed.

(b) Any person aggrieved by any assessment may appeal to the [board] commission for relief. Any person desiring to make an appeal shall, on or before the first day of September, file with the board a statement in writing of intention to appeal, setting forth:

(1) The assessment or assessments by which such person feels aggrieved;

(2) The address to which the [board] commission shall mail notice of when and where to appear for hearing.

No person shall be permitted to appeal from any assessment in any year unless he shall first have filed the statement of intention required by this section, nor shall any person be permitted to appeal as to any assessment not designated in such statement.

Section 7. Section 702 of the act, amended September 27, 1955 (P. L. 589, No. 155), is amended to read:

Section 702. Appeal Hearings.—On the first business day following the first of September, the [board] commission shall meet for the hearing of appeals and shall continue to meet for such purpose from time to time, until all persons who have stated their intention to appeal have been heard and the appeals acted upon, but not later than the first day of October. The [board] commission shall notify each person who has filed a statement of intention to appeal, of the time and place where he shall appear for the purpose of being heard, by depositing such notice in the mail, addressed to such person at the address designated in the statement of intention to appeal, not later than the fifth day preceding the day designated in the notice for such appearance. All hearings on appeals before the [board] commission shall be open to the public and shall be conducted in accordance with regulations prescribed by the [board] commission. Any person may appear and be heard, either in person or by counsel. Any political subdivision having an interest in the assessment may appear and be heard, either by its solicitor or counsel specially engaged for such purpose. At such hearing, the [board] commission shall inquire as to the equity of the assessment appealed from in relation to other similar assessments, as well as to the proper value of the subject or object assessed, and after such hearing shall make such order as to it seems just and equitable, affirming, raising or lowering the assessment appealed from. The order of the [board] commission shall be entered in the minutes of the [board] commission, and copy of such order shall be delivered to the person who appealed, either in person or by mail, to the address shown in the statement of intention to appeal, within five days after the hearing on such appeal. The chief assessor and such assistant assessors as he or the [board] commission may designate, shall attend each hearing and shall furnish the [board] commission with such information relating to the assessment appealed from, as the [board] commission may desire. Either the [board] commission or the person appealing may call such witnesses as they desire and as may be permitted under the rules of the [board] commission, and the [board] commission may examine such witnesses under oath. For the purpose of examining witnesses, any member of the [board] commission shall be competent to administer oaths.

Section 8. Section 702.1 of the act added March 26, 1957 (P. L. 22, No. 15), is amended to read:

Section 702.1. Assessment and Appeals First Year Permanent Record System in Effect.—This section shall be applicable in any county only during the first year that such county makes its assessments for taxation purposes in the entire county from valuations made with the use of the permanent system of records, consisting of tax maps, property record cards and property owner's index, as required by section 306 of the act herein amended. As soon as the valuations of real property or the actual assessments for taxation purposes in any taxing district has been completed, regardless of the date, notice shall be given in the manner provided by the act herein amended by the board of each owner of property whose valuation or assessment has been changed from the valuation or

assessment of the previous year, and any person aggrieved by any such valuation or assessment may appeal to the [board] commission for relief within thirty days after receipt of notice required to be given to property owners by this section by filing the statement of intent to appeal as provided in section 701 (b). Such appeals shall be heard as soon as possible by the [board] commission.

No other appeals shall be allowed that year from assessments of real property made upon valuations referred to in this section, notwithstanding the provisions of sections 701 and 702 of the act herein amended.

Section 9. Section 703 of the act amended January 18, 1952 (P. L. 2138, No. 606), is amended to read:

Section 703. Correction of Assessment Roll; Preparation of Duplicates.—When the [board] commission has completed the hearing of appeals and has in each case entered its order, the chief assessor shall make such changes in the assessment roll as will make it conform to the orders of the [board] commission.

When such corrections have been made, the chief assessor shall prepare three copies of the assessment roll and deliver them, on or before the first day of December, with his certificate that they are a true copy of the original assessment roll, to the following:

(1) One copy to the chief clerk of the county commissioners;

(2) One copy of such portion of the roll as contains the assessment of persons or property within each school district to the secretary of the board of school directors of the respective school district; and

(3) One copy of such portion of the roll as contains the assessment of persons or property within each city accepting the provisions of this act, borough, town or township, to the respective city clerk, borough secretary, town clerk or secretary or township secretary. All copies of such roll so furnished shall, for all purposes, be considered as originals. The said copies, in addition to the information required to be shown on the original assessment roll, shall provide space to the right of each assessment for the entry of all taxes which may be levied thereon by the respective political subdivisions. The original assessment roll as corrected after appeals shall be preserved in the office of the chief assessor, or of the board, and shall be open to public inspection, subject to such regulations as the board may prescribe for the preservation and safekeeping of such roll.

On or before the fifteenth day of October, the chief assessor shall certify to the clerk or secretary of each political subdivision coming within the scope of this act within the county, the value of real property, the value of occupations and the number of persons subject to personal taxes appearing in the assessment roll and taxable by the respective political subdivisions.

Section 10. Section 703.1 of the act, added February 28, 1956 (P. L. 1193, No. 369), is amended to read:

Section 703.1. Notice of Changes Given to Taxing Authorities.—When the board or commission shall make any change in

the amount of three hundred dollars (\$300) or more, in the assessed value of property as finally fixed in the preceding assessment roll, or shall fix the valuation of property which has not theretofore been separately fixed, whether such change or new valuation is made before or after an appeal has been heard by the [board] commission or the court of common pleas, the board or commission shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located, to the secretary of the school district in which the assessed property is located, and to the secretary of the borough or township in which the assessed property is located. The time limit within which the city, borough, township and school district is entitled to appeal from the actions of the board, commission, or from the decision of the court of common pleas shall commence to run on the day such notice is mailed or otherwise delivered.

Section 11. Section 704 of the act, amended January 18, 1952 (P. L. 2138, No. 606), is amended to read:

Section 704. Appeal to Court from Order of [Board] Commis-

sion: Collection Pending; Appeal; Payment into Court.—Any person who shall have appealed to the [board] commission for relief from any assessment, who may feel aggrieved by the order of the [board] commission in relation to such assessment,

may appeal from the order of the [board] commission to the court of common pleas of the county within which such property is situated, and for that purpose may present to said court, or file in the prothonotary's office within sixty days after the [board] commission entered its order on the said assessment, a

petition signed by him, his agent or attorney, setting forth the facts of the case, and thereupon the court shall proceed at the earliest convenient time to be by them appointed, of which notice shall be given to the [board] commission to hear the said appeal and the proofs in the case, and to make such orders and decrees determining from the evidence submitted at the hearing what ratio was used generally in the taxing district and the court shall direct the application of the ratio so found to the value of the property which is the subject matter of the appeal and such shall be the assessment the costs of the appeal and hearing to be apportioned or paid, as the court may direct: Provided, however, That the appeal shall not prevent the collection of taxes based on the assessment complained of, but in case the same shall be reduced, then the excess shall be returned to the person or persons who shall have paid the same: And provided further, That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from the tax collector under protest in writing, in which case when the tax is paid over to the taxing district, it shall be the duty of the tax collector to notify the taxing district of such payment under protest by delivering to it the protest in writing. Whereupon, the taxing district shall be required to segregate twenty-five per centum of the amount of the tax paid over, and shall deposit the same in a separate account in the depository in which the funds of the taxing district are deposited, and shall not be permitted to expend any portion of such segregated amount unless it shall first petition the court, alleging that such segregated amount is unjustly withheld. Thereupon, the court shall have power to order the use by the taxing district of such portion of such segregated amount as shall appear to said court to be reasonably free from dispute, and the remainder of the segregated amount shall be held segregated by the taxing district, pending the final disposition of the appeal: Provided further, That upon final disposition of the appeal, the amount found to be due the appellant as a refund shall also be a legal set-off or credit against any future taxes assessed against the appellant by the same taxing district, and where a taxing district alleges that it is unable to thus credit all of such refund in one year, the court, upon application of either party, shall determine over what period of time such refund shall be made, and shall fix the amount thereof which shall be credited in any year or years. This proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect, regardless whether there has been a payment of any moneys into court or to the tax collector under written protest.

Section 12. Sections 705 and 706 of the act, repealed in part June 3, 1971 (P. L. 118, No. 6), are amended to read:

Section 705. Appeals.—The [board] commission, or any person party to the appeal to the court of common pleas, may appeal from the judgment order or decree of the court of common pleas in any matter affecting the assessment: Provided, That the appeal shall not prevent the collection of the taxes upon the assessment fixed or allowed by such judgment, order or decree of the court of common pleas, but in case the same shall be reduced, then the excess shall be returned to the person or persons who shall have paid the same.

Section 706. Appeals by Municipalities.—The corporate authorities of any county, borough, town, township or school district, which may feel aggrieved by any assessment of any property or other subject of taxation for its corporate purposes, shall have the right to appeal therefrom in the same manner, subject to the same procedure and with like effect as if such ap-

peal were taken by a taxable with respect to his assessment, and in addition may take an appeal from any decision of the [board] commission or court of common pleas as though it had been a party to the proceedings before such [board] commission or court, even though it was not such a party in fact.

Section 13. This act shall take effect in 60 days. A2718

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Thank you, Mr. Speaker.

If the membership would refer to the amendment, which is lengthy in print but short in material, page 3 really covers the meat of this amendment. What I would hope to do here is change what I think is probably an error in our jurisprudence system, and that is to say that there is nowhere that I know of where we give a body the right to do something, the right to create something and judge itself on its actions, but we do that in the Board of Assessment Appeals. We say to the Board of Assessment that it may levy on a house its estimate of value. If the person is aggrieved or disagrees with the estimate of value, that same Board of Assessment may make the judgment as to whether its particular decision was correct, was in error or not.

What I would hope to do here is very simply add a "commission for assessment appeal." The same county commissioners who create the Board of Assessment would create the commission for appeals. If I am unhappy with my assessed value applied to my property by the Board of Assessment and I wish to appeal it, I then go to this commission for my assessment appeal which shall be a different group of people hearing my grievance, hearing my plea, to amend my assessment. I do not need to spend my legal fees to go on to a court to appeal what the Board of Assessment has applied.

I think this is a step in the right direction in curing some of the ills that we have in our assessment process, Mr. Speaker, and I would urge the membership to adopt it.

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

Mr. FRYER. Mr. Speaker, I rise in opposition to the amendment proposed by Representative Wilson. The amendment is not a meritorious one for the following reasons: It takes the county commissioners completely out of the process. They have had the responsibility both legally and historically with the state.

The amendment is not clear on qualifications of the appointees and their qualifications. All it states is that at least two of the members shall have a background in real estate in the area. There is no clear authority in this amendment as to what the hiring and firing responsibilities of this board are. Currently under law the commissioners have the authority to hire the assessors and assistant assessors.

I also feel that this will further increase the cost of county government by yet another independent board at the county level.

Under present law for counties of the fourth through eighth class, which is what this amendment addresses itself to, it states that the county commissioners may—I repeat,

"may"—appoint such a board. However, under Representative Wilson's amendment, he would propose that this action be mandatory. This I say to you is wrong. I would urge the defeat of this amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Bucks, on this amendment.

Mr. WILSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILSON. If I care to interrogate the previous speaker, does that count under the rules of the House as—

The SPEAKER. Yes, it does. It would not count against him, as was demonstrated by Mr. Gallen yesterday, but it would count against you as the interrogator.

Mr. WILSON. I still, Mr. Speaker, would like to interrogate the previous speaker, Mr. Fryer, if he would consent, please.

The SPEAKER. The Chair would advise the gentleman that there is no limit on interrogation. If the gentleman wishes to interrogate and then make a statement following interrogation, that is within the rules.

The gentleman, Mr. Fryer, indicates that he will stand for interrogation. The gentleman, Mr. Wilson, is in order and may proceed.

Mr. WILSON. Mr. Speaker, under the current act that creates the Board of Assessment, do not the county commissioners set the membership on that Board of Assessment? Do they not appoint the members?

Mr. FRYER. They do.

Mr. WILSON. Do they not, with the salary board, fix any compensation?

Mr. FRYER. They do.

Mr. WILSON. What are the qualifications for the Board of Assessment, Mr. Speaker? Would you explain to me what are the qualifications for a member of the Board of Assessment? I think this body should know today what the Board of Assessment's qualifications are of any county.

Mr. FRYER. Mr. Speaker, my reply would be that the qualifications are such as are determined by the commissioners.

Mr. WILSON. I would thank the speaker, Mr. Speaker. I would reserve my number two shot for later. In other words, last.

The SPEAKER. There may not be any later. If the gentleman is not finished, he had better finish now.

Mr. WILSON. I understand.

Thank you, Mr. Speaker.

In my interrogation of Mr. Fryer, he spoke about the qualifications. He also spoke about the board of commissioners having some sort of a right. What I am trying to point out is that under our current law there are absolutely no qualifications for a board of assessment. Perhaps you might happen to belong to the right political party. Perhaps you might have to have contributed to the party in power. Perhaps you might have to have been a friend of the politicians who are controlling the courthouse. But there are no laws in this Commonwealth that spell out the qualifications for the board of assessment. Surely we can give those same politicians, that same board of commis-

sioners the right to choose a judicial body that shall oversee, shall hear the appeal on an assessment case from that board that they so created. There is nowhere in our jurisprudence system where the same body hears their own decision.

Mr. Speaker, I think this is a step in the right direction. I think this is a step to get us out of this mire that we have known in the assessment process. It is a minute step but it is a step in the right direction.

Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I would point out to the members of the House that the commissioners have the responsibility of providing the revenue for that county. I think it is most important that we should remember that this proposed amendment would once again be mandatory action upon that county, whereas, under present law, they do have that right to set up that board if they so desire. I think the present law is the better of the two choices and I would once again urge the defeat of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—56

Bittle	Haskell	Noye	Shupnik
Burd	Helfrick	O'Brien, D.	Smith, L.
Burns	Hopkins	Pancoast	Spencer
Cessar	Itkin	Parker	Stairs
Cimini	Katz	Piccola	Taddonio
Fischer, R. R.	Klingaman	Pitts	Taylor, E.
Fisher, D. M.	Knepper	Polite	Thomas
Foster, A.	Lynch	Pott	Wargo
Foster, W.	Madigan	Pyles	White
Freind	McClatchy	Ryan	Wilson
Goebel	McGinnis	Salvatore	Wilt
Greenleaf	Moehlmann	Scheaffer	Wright, J. L.
Grieco	Miller	Scirica	Zearfoss
Hamilton	Mowery	Seltzer	Zord

NAYS—130

Abraham	Flaherty	Letterman	Renwick
Anderson	Fryer	Levi	Ritter
Armstrong	Gallagher	Lincoln	Ruggiero
Bellomini	Gallen	Livengood	Scanlon
Beloff	Gamble	Logue	Schmitt
Bennett	Garzia	Mackowski	Schweder
Berlin	Gatski	Manderino	Shuman
Berson	Geesey	Manmiller	Sirianni
Bittinger	Geisler	McCall	Smith, E.
Borski	George, C.	McIntyre	Spitz
Brandt	George, M.	McLane	Stapleton
Brown	Giammarco	Mebus	Stewart
Brunner	Gillette	Meluskey	Stuban
Caltagirone	Gleeson	Milanovich	Sweet
Caputo	Goodman	Milliron	Taylor, F.
Cassidy	Gray	Miscevich	Tenaglio
Cianciulli	Greenfield	Morris	Trello
Cohen	Halverson	Mrkonic	Valicenti
Cole	Harper	Mullen, M. P.	Wagner
Cowell	Hasay	Mullen, M. M.	Wansacz
DeMedio	Hayes, D. S.	Musto	Wass
DeVerter	Hayes, S. E.	Novak	Weidner
DeWeese	Hoeffel	O'Brien, B.	Wenger

DiCarlo	Honaman	O'Connell	Wiggins
Dietz	Hutchinson, A.	O'Keefe	Wise
Dininni	Johnson	Oliver	Wright, D.
Dombrowski	Jones	Petrarca	Yahner
Donatucci	Kelly	Pievsky	Zeller
Dorr	Kernick	Pratt	Zitterman
Doyle	Kolter	Prendergast	Zwilk
Duffy	Kowalyshyn	Rappaport	
Englehart	Laughlin	Ravenstahl	Irvis,
Fee	Lehr	Reed	Speaker

NOT VOTING—14

Arthurs	Dumas	Richardson	Vroon
Barber	Hutchinson, W.	Rieger	Williams
Butera	O'Donnell	Shelton	Yohn
Davies	Rhodes		

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

On the question recurring,

Will the House agree to the bill 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—189

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

Fischer, R. R.	Laughlin	Rappaport	Zearfoss
Fisher, D. M.	Lehr	Ravenstahl	Zeller
Flaherty	Letterman	Reed	Zitterman
Foster, A.	Levi	Renwick	Zord
Foster, W.	Lincoln	Rieger	Zwinkl
Freind	Livengood	Ritter	
Fryer	Logue	Ruggiero	Irvis,
Gallagher	Lynch	Ryan	Speaker
Gallen	Mackowski	Salvatore	

NAYS—0

NOT VOTING—11

Arthurs	Dumas	Richardson	Williams
Barber	O'Donnell	Shelton	Yohn
Butera	Rhodes	Vroon	

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.

HB 1508 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recants that the House has not agreed to the bill, nor is Mr. O'Connell ready to offer his amendment. We will pass over the bill temporarily. We will return to it when Mr. O'Connell returns to the floor.

URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 524, printer's No. 1315, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes further providing for waiver of costs by ordinance for certain summary parking violations.

On the question,

Will the House agree to the bill on third consideration?

Mr. BELLOMINI offered the following amendments:

Amend Title, page 1, lines 2 through 4, by striking out "WAIVER OF costs BY ORDINANCE" in line 2, all of lines 3 & 4 and inserting for certain penalties and for prosecutions under local ordinances.

Amend Bill, page 1, lines 7 through 19, page 2, lines 1 through 23, by striking out all of said lines and inserting

Section 1. Sections 3353 (e), 3354 (e) and 6301 of Title 75, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, are amended to read: § 3353. Prohibitions in specified places.

(e) Penalty.—Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15.

§ 3354. Additional parking regulations.

(e) Penalty.—Any person violating subsection (a), (b) or (d) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15.

§ 6301. Prosecutions under local ordinances superseded by title.

[When] Except for parking violations, when the same conduct is [prescribed] proscribed under this title and a local ordinance, the charge shall be brought under this title and not under the local ordinance. Prosecutions brought under any local ordi-

nance, rule or regulation, which are based on a violation for which there is a specific penalty provided in this title, except for [overtime] parking violations, shall be deemed as having been brought under this title and the assessment disposition of the fines and forfeitures shall be so governed. Local ordinances [regulating overtime] relating to parking shall prescribe fines for violations and may authorize the payment of penalties in lieu of fines and costs under prescribed conditions.

On the question,

Will the House agree to the amendments?

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

Mr. BELLOMINI. They are agreed to amendments, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, but it will be necessary for the gentleman to explain them briefly.

Mr. BELLOMINI. First of all, these amendments are the exact same amendments as those passed in HB 1171. They allow parking violations to be brought under this title, Title 75, under local ordinances, to allow local ordinances to set the fines for parking violations. Also, all overtime parking is regulated by local ordinances.

Now, these amendments were done in this fashion for the following reasons: They allow the State Police to cite for parking violations, and costs must be paid in this instance because a magistrate is involved. And, also, in these amendments they allow local police to cite violators where there are no local ordinances governing parking.

This is one reason why we have inserted the sliding-scale fines. When prosecution is brought under this title, costs must be paid. Then when prosecution is brought under this title, these amendments allow the magistrate to set the fine on the sliding scale up to \$15.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Abraham	Gallagher	Lynch	Ruggiero
Anderson	Gallen	Mackowski	Ryan
Armstrong	Gamble	Madigan	Salvatore
Barber	Garzia	Manderino	Scanlon
Bellomini	Gatski	Manmiller	Scheaffer
Beloff	Gecey	McCall	Schmitt
Bennett	Geisler	McClatchy	Schweder
Berlin	George, C.	McGinnis	Seltzer
Berson	George, M.	McIntyre	Shupnik
Bittinger	Giammarco	McLane	Sirianni
Bittle	Gillette	Mebus	Smith, E.
Borski	Gleeson	Meluskey	Smith, L.
Brandt	Goebel	Milanovich	Spencer
Brown	Goodman	Miller	Spitz
Brunner	Gray	Milliron	Stairs
Burd	Greenfield	Miscevich	Stapleton
Burns	Greenleaf	Moehlmann	Stewart
Caltagirone	Grieco	Morris	Stuban
Caputo	Halverson	Mowery	Taddonio
Cassidy	Hamilton	Mrkonic	Taylor, E.
Cessar	Harper	Mullen, M. P.	Taylor, F.
Cianciulli	Hasay	Mullen, M. M.	Tenaglio

Cimini	Haskell	Musto	Thomas
Cohen	Hayes, D. S.	Novak	Trello
Cole	Hayes, S. E.	Noye	Valicenti
Cowell	Helfrick	O'Brien, B.	Wagner
Davies	Hoeffel	O'Brien, D.	Wansacz
DeMedio	Honaman	O'Connell	Wargo
DeVerter	Hopkins	O'Keefe	Wass
DeWeese	Hutchinson, A.	Oliver	Weidner
DiCarlo	Hutchinson, W.	Pancoast	Wenger
Dietz	Itkin	Parker	White
Diminni	Johnson	Petrarca	Wiggins
Dombrowski	Jones	Piccola	Wilson
Donatucci	Katz	Pievsky	Wilt
Dorr	Kelly	Pitts	Wise
Doyle	Kernick	Polite	Wright, D.
Duffy	Klingaman	Pott	Wright, J. L.
Dumas	Knepper	Pratt	Yahner
Englehart	Kolter	Prendergast	Zearfoss
Fee	Kowalyshyn	Pyles	Zeller
Fischer, R. R.	Lehr	Rappaport	Zitterman
Fisher, D. M.	Letterman	Ravenstahl	Zord
Flaberty	Levi	Reed	Zwikl
Foster, A.	Lincoln	Renwick	
Foster, W.	Livengood	Rieger	Irvis,
Freind	Logue	Ritter	Speaker
Fryer			

NAYS—2

Laughlin	Shuman
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NOT VOTING—11

Arthurs	Rhodes	Shelton	Williams
Butera	Richardson	Sweet	Yohn
O'Donnell	Scirica	Vroon	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—190

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

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

NAYS—0

NOT VOTING—10

Arthurs	O'Donnell	Sirianni	Williams
Butera	Rhodes	Vroon	Yohn
Donatucci	Shelton		

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.

HB 1508 PASSED OVER

The SPEAKER. HB 1508, which the Chair passed over temporarily, will go over for today. Change your calendar markings to show it is over for today. The gentleman, Mr. O'Connell, is still working on the amendments and does not have the final language.

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 504, printer's No. 548**, entitled:

An Act amending the "Outdoor Advertising Control Act of 1971" approved December 15, 1971 (P. L. 596, No. 160), further providing for the deferred removal of signs giving directional information.

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 differ-

ent 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—192

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

NAYS—0

NOT VOTING—8

Arthurs	O'Donnell	Salvatore	Vroon
Butera	Rhodes	Shelton	Yohn

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 76 PASSED OVER

The SPEAKER. HB 76, PN 1826, is passed over for today.

You should note on your calendars that there is an amendment to be offered by the gentleman, Mr. Schweder, and there are three amendments to be offered by the gentleman, Mr. Pratt. That is on HB 76, but that bill is passed over for today.

EDUCATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 715, printer's No. 795**, entitled:

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

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 Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I really hate to get up and oppose this bill because it has such distinguished sponsors, but what this bill proposes to do is to amend the Constitution of Pennsylvania, article III. And, of course, it will require passage during this session and during the next session because it goes on the ballot.

I do not think this is the proper way to solve aid to nonpublic schools. I have always opposed it. Twenty years ago I opposed it and I oppose it today, and I will tell you the reason why. The problem in Pennsylvania about getting aid to nonpublic schools has never been the Pennsylvania Constitution. The United States Supreme Court found the aid to nonpublic school bills unconstitutional. The first bill we passed back in 1965 was the purchases-of-services bill; the second bill we passed after that and which was declared unconstitutional was the parent reimbursement bill, and then the present bills that were under existing laws.

Now you must remember when the laws reached the United States Supreme Court, they did not say those bills were unconstitutional because of the Pennsylvania Constitution; they said they were unconstitutional because they violated the first amendment to the United States Constitution. That is why they were unconstitutional. If it were not on account of that first amendment to the United States Constitution, they would have probably been found to be constitutional.

Now what we are asking the people of Pennsylvania to do is to vote on something that, if it is successful, will mean nothing. Assuming that this constitutional question does reach the people of Pennsylvania in the form of a referendum on the ballot and even assuming that they would vote to amend the present constitution, what would it mean? It would not mean that we would get aid to nonpublic schools because the United States Supreme Court said we cannot get that type of aid that we need because of the first amendment to the United States Constitution. But what it does mean, and I hope nobody is offended because I am going to be frank and honest with you, is a holy war,

and this is what happened in New York. I remember back in 1966 they were facing the same issue that we faced in Pennsylvania. They asked me to go to Albany, and I went over and I met with a group of people over there, and the issue was, should we make aid to nonpublic schools a question to be submitted to the people in New York to amend the Blaine amendment which we have in our constitution? I suggested "no." And the reason I suggested "no" is the very reason why I am suggesting "no" to you today.

What would happen is simply this: As you know, 93 percent of the children who receive aid to nonpublic schools are Catholic. Now when you look at the rest of the population, most of the Jews are against aid to nonpublic schools, most of the black people are against aid to nonpublic schools, and nearly all the Protestants are against aid to nonpublic schools.

So what it would mean is simply it would be a holy war — the Catholics against the Protestants, the Jews and the blacks. Now we do not want something like that in Pennsylvania. I would not mind taking the risk of winning if there was something to gain, but there is absolutely nothing to gain. If we did win, as I explained to you before, we win nothing.

So I do not think that we ought to create this type of problem in Pennsylvania to accomplish nothing. And what do we have lose? We have a lot to lose, because this would be in the nature of a referendum. If it went onto the ballot, what would happen is the people would say "yes" or they would say "no." If they said "no," then we would be faced with the problem, when the time arrives, that we can change the viewpoint of the Supreme Court, and that is not too far away because, if you recall, the last decision on parent reimbursement was a 6-to-3 decision, and we only need a 5-to-4 decision to win. So if a couple of those fellows who voted against this die or retire and we get new Justices in there, we will win. I do not want to be in a situation where we can win and then have lost because we did a stupid thing.

So, therefore, I really ask you to seriously reject this concept because we are not accomplishing anything and we are only going to create bitterness, which I do not like to see. I went through it. I have been here for 20 years arguing these issues and I know how prejudices are generated whenever you get involved in a situation like this. And you can imagine what it would be if it became a statewide issue to amend the Pennsylvania Constitution.

So I suggest that you vote against it, and we can avoid that issue.

Thank you.

Mr. GARZIA YIELDS TO MR. GALLAGHER

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

Mr. GARZIA. Mr. Speaker, I will yield the floor to Mr. Gallagher. His statement might answer some of my questions. Then I would like you to get back to me when he gets done.

Thank you.

The SPEAKER. The gentleman, Mr. Gallagher, is deciding whether or not he wants the floor yielded to him or whether he should yield it in turn to the gentleman, Mr. Rappaport. If they

keep fooling around, we will take the floor from all three of you.

Have you decided, Mr. Gallagher? The Chair recognizes the gentleman from Bucks, Mr. Gallagher, the chairman of the Education Committee.

Mr. GALLAGHER. Mr. Speaker, Mr. Rappaport wishes to address himself to this issue, and I think Mr. Garzia and I can agree that Mr. Rappaport will proceed, if that is agreeable?

The SPEAKER. The Chair tells the gentleman that the floor can be yielded by Mr. Garzia to him or Mr. Garzia can yield it to the gentleman, Mr. Rappaport. If the floor is yielded to you, then you must either keep it or return it to Mr. Garzia. Does the gentleman, Mr. Garzia, intend to have Mr. Rappaport take his place at the microphone?

Mr. GALLAGHER. Mr. Speaker, I accept the yield and I accept the floor and I yield it to Mr. Rappaport at this time.

The SPEAKER. Apparently, Mr. Gallagher, you did not understand the Chair.

The Chair recognizes, at this time, the gentleman from Philadelphia, Mr. Rappaport, who will simplify matters very quickly here.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

While my name is not Shean, I will say, thank you, Mr. Speaker. A rather esoteric remark for the older member of the staff.

The SPEAKER. They are not old enough to understand that joke. You will have to explain that. The Chaplain, however, and the Speaker are both of sufficient age to recognize it and we both applaud you.

Mr. RAPPAPORT. I would hope that Mr. McCormick has some identity with that as well.

Mr. Speaker, I have long been in favor of state aid to nonpublic schools. Indeed, I was of counsel for schools in one of the cases that we lost in front of the Supreme Court, *Lemon v. Kurtzman*. I thank the gentleman from Westmoreland for his kind statement. I was in favor of aid to schools.

As I remember when we had Hurricane Agnes, we passed a special constitutional amendment that would permit state aid to some nonpublic schools that were destroyed or severely damaged by that flood in the Hazleton-Wilkes-Barre area, and, indeed, a number of parochial schools, including a Jewish school, were substantially aided in the rebuilding or refurbishing caused by the damage of that flood.

I must disagree with my friend from Philadelphia, Mr. Mullen. No matter what the United States Supreme Court does, we are still going to be faced by this Pennsylvania constitutional problem. It is a problem that we had to discuss in arguing the Federal case, and it is a problem that we will continue to have in the future.

I think we are going away from the era of exclusive dependence upon the public schools. At least in the cities we are and we are going to go to a greater dependence on the nonpublic school. And one of the problems, of course, is not only the deterioration of the public schools but the excessive costs of instruction in the public schools. It has always been a mystery to me, parenthetically, why the School District of Philadelphia needs some 3,000 administrators and the archdiocesan schools in

Philadelphia, which have about the same number of students, need about 25 administrators for the same number of students. That has always been a mystery.

I would, therefore, urge the passage of this bill. I think it can pass. I think the voters will vote for it. I think the climate has changed considerably in the last several years. The number of students in nonpublic schools is growing by leaps and bounds. And the gentleman from Philadelphia said that 93 percent of the students in Pennsylvania are in public schools. Was that the statistic? I do not want to misquote Mr. Mullen. I stand corrected, Mr. Speaker. The gentleman from Philadelphia, Mr. Mullen, stated that 93 percent of the students receiving aid or whose schools receive aid are Catholics or are in Catholic schools and, of course, there are a number of Protestants in the inner city who are going to Catholic schools at the present time.

I would suggest that that statistic, if it is not already changing, will change radically in the next several years. I do not think it will be down to 50 percent for a long, long time, but I think it is changing and changing rapidly. Therefore, Mr. Speaker, I advocate passage of this bill. Thank you.

Mr. Speaker, if I can refer back to Mr. Gallagher, it would be my pleasure.

The SPEAKER. You may not, but the Chair will recognize the gentleman, Mr. Gallagher. We will simplify parliamentary procedure here and then we will recognize the gentleman, Mr. Garzia, following that.

The Chair recognizes the gentleman, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, on HB 715, Mr. Mullen explained to you about his 20 years of service and fighting for this issue of aid to nonpublic schools. I have only 19 years of service in that battle. Constantly this General Assembly fought for aid to nonpublic schools. And whether it was thrown down by the United States Supreme Court on article I, we constantly are faced with article III, section 29, of the state constitution which prohibits us from giving out loans or grants except for higher education. This bill would put on a referendum that we change our constitution to permit loans and grants for any type of education. The exception again would stay in there on theological or seminary education.

It is time, I believe—and we tried this last year and it passed the House almost unanimously—that we stop trying to fight our own state constitution when we try to help the nonpublic schools. We try to skirt to article III, section 29. The proper way of doing things would be to put this on a referendum and let the public decide whether they want this General Assembly to enact any legislation for grants or loans to nonpublic schools. If that referendum passes, then the General Assembly would implement the method by which they would do it if it was adopted. If it is not adopted, then we would stop playing games and trying to skirt our own state constitution.

As Mr. Rappaport indicated, in the court case before the Supreme Court, our own state constitution was brought up as part of the arguments against aid to nonpublic schools. The Supreme Court recognized that our own state constitution prohibits us from doing it, but their opinion and their decision was zeroed in on our United States Constitution. But I agree with Mr. Rappaport that our own state constitution is a very impor-

tant part of the legal battle before the United States Supreme Court. If our own constitution did permit us to do this, I think we would be in a better light before the United States Supreme Court; that is, if this became law by changing our constitution and by having the General Assembly enact legislation to give grants or loans for all of education. I urge the members to consider these facts and to vote in favor of the bill.

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

Mr. GARZIA. Mr. Speaker, the prime sponsor of the bill is not here, so I would like to interrogate Mr. Gallagher.

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

Mr. GARZIA. Mr. Speaker, the last two speakers talked about amending the constitution and that it be put on the ballot and people would vote on it. That sounds great, what I heard from the last two speakers talking about amending the constitution to give this aid to nonpublic schools. But I do not understand why their theory should be just toward the nonpublic school. You have a lot of public schools that need help.

I asked in our caucus what the cost of this would be if it was voted by the people to change this system. No one has given me an approximate cost if this becomes a reality, because there are an awful lot of poor students in this state who will be getting a loan or a grant, just like the college student does now. I would like to know what the cost will be if this ever becomes a reality.

Mr. GALLAGHER. Mr. Speaker, it is difficult to give you an exact figure as to what it would cost. You raised the question in our caucus, and I tried to explain to you that this bill involves no cost to the Commonwealth except for the fact that if we adopt it, it goes on the ballot and the cost would be the ballot. If the public adopts the change in the constitution, then the General Assembly, all of us, would have to decide what we are going to do, what kind of grants and loans we are going to give out and how we are going to do it. The words that we use, "non-public," means those who are not in our regular public system. It does not preclude them. Under our present constitution they can receive grants for only higher education. When we take out the word "higher" and just use the word "education," that includes everybody in Pennsylvania. That includes the ones who are in the public system who could receive grants or loans for elementary and secondary as well as higher education. We are just taking out the word "higher."

I am trying to answer both of your questions. Firstly, there is no figure we can give you until after it becomes a constitutional change and the General Assembly enacts the method and the dollars that it is going to use to give out grants and loans.

Mr. GARZIA. Thank you.

Mr. Speaker, you know, it sounds great the way you are saying it, but I have one problem with it. We are having problems now with money to implement what programs we do have now for the school districts and the school systems across the State of Pennsylvania. You are just adding more to it, and I just cannot see for the life of me why we need a bill like this.

Representative Mullen talked about a court decision. I hope someday we get a change in the Supreme Court and we get a

favorable response to his request. But what we are doing here, in my opinion, I think, is opening up a can of worms. A few years from now I probably will not be here taking a vote on it, but I am certainly going to have to pay for this in one way or another, and I think it is an injustice to the people of the State of Pennsylvania. What you are doing now is adding an extra burden on them by having to have extra money for something we really do not need. I oppose this bill. Thank you.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

I have noticed that the proponents of this bill have not argued against Representative Mullen's statement that the U.S. Constitution takes precedence, and regardless of what we do in the Pennsylvania Constitution, we cannot override the U.S. Constitution. But I urge the members of this House to think of something of even greater importance.

If this bill becomes law, if the people vote it in, we will provide an incentive for people to take their children out of public schools and put them in private schools. We will undermine public education, and I urge a "no" vote on this bill.

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

Mr. WILLIAMS. Mr. Speaker, I have the same concerns that Representative Kernick has. I wanted to ask one of the main sponsors of the bill to submit to interrogation along that line.

The SPEAKER. Will the gentleman, Mr. Gallagher, submit to interrogation?

Mr. GALLAGHER. Yes I will.

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

Mr. WILLIAMS. Mr. Speaker, has there been any analysis by the proponents of the idea in this bill as to the number of students who might be eligible for aid to private schools; and, roughly, what the amount of money per student would be; and thirdly and more importantly, is there any reason to believe that all students, especially those in problematical public school districts, would not all want to go to private schools on public money? Do you have the thrust of my three questions?

Mr. GALLAGHER. Mr. Speaker, again I would have to say that if the referendum passes, then the General Assembly has the opportunity to sit down and decide what they are going to do; whether they are going to give grants and loans to elementary and secondary students rather than just higher education students. There are roughly about, I think, 500,000 nonpublic students in elementary and secondary schools in Pennsylvania. Maybe there are three-quarters of a million in the whole state. How we would address ourselves to that would be up to the General Assembly.

We have not made any decision as to how many dollars we are going to give out in grants or loans to those going to the elementary or secondary schools. It is a very hypothetical question since we do not have what A or B is yet because we do not know what the General Assembly wants to do with it if the public adopts the referendum. It is very difficult to tell you that.

Mr. WILLIAMS. Mr. Speaker, as a follow-up question to that, I guess my real concern is, those who thought of the idea, would you not agree that the procedure and the aid could be somewhat discriminatory, based on finance, and so forth and so on, if you provided certain limits and certain categories? If you did not provide financial limits and that sort of thing, would it not then be possible for all of the children in public schools to secure that private school education?

I guess what I am suggesting is that the idea in this bill sort of puts us on the horns of a dilemma. In one instance, if we say that everybody would be entitled, then that would encourage everyone, as Mrs. Kernick has said, to leave the public schools and go for a private education paid for by the state. On the other hand, if you would prescribe certain limits, in other words, if you say that the people who go to private schools would have to have so much ability to pay from the beginning, you would, therefore, eliminate poor students.

The thrust of my question is, with those considerations, any formula that we might figure out, do you not agree that it would have to be inherently discriminatory or defeating of the whole public education system in our state?

Mr. GALLAGHER. Mr. Speaker, that, again, is a hypothetical question you are throwing at us. It is something that we might be considering 3 years from now, whether we are going to set the guidelines, and what their family income should be. That is something, if you and I are here and this becomes a part of our constitution, that we would have to consider. We have done that through our state scholarship agency. We have set guidelines as to the family income, how many dollars they can get to go to college, their grants, and their loans. We have done it in that vein. If you can remember when Mr. Mullen passed the parental assistance act, there was a flat amount going to every student who went to a nonpublic school, without any consideration of family income or ability to pay. That school received a flat amount per student. That was the act that was struck down by the United States Supreme Court. That does not mean we are going to follow the same philosophy, but that is what the General Assembly did at that time.

I think your concern is that if this passes, or maybe I am reading you that you believe that if the referendum is on the ballot, it will pass, and it will cost us more money and maybe be discriminatory in the method in which it is distributed. I think that is what I am reading you as saying. I do not know that it is going to pass. I do not think it is as bad as Mr. Mullen painted it, that there is going to be a holy war with blacks against whites and Protestants against Catholics. That is way behind us, I hope. I believe that it is behind us. I think it is going to be the public deciding whether they want to be able to send their child to the school they believe he should go to and be able to get some assistance from the Commonwealth. Under the present constitution, we cannot do that in the elementary and secondary school system. We are not trying to take them out of the public system, but we do have, I would say roughly, half a million or three-quarters of a million nonpublic school students in Pennsylvania who are paying their own way and also paying the taxes to support the public school system. I think they are entitled to consideration.

This is just a referendum. If the public turns it down, then we

stop playing the games we played for the last 19 or 20 years. We stop playing the games if it is defeated. If it is adopted, then the General Assembly will decide how they are going to do it and how much money they are going to spend.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to just make one further observation along the same line. It seems to me that the idea says that the general public could decide on the constitutional change wherein, presumably, everybody who voted for that would think they are going to get a piece of the pie. Everybody would think they could then send their child to private school and get it paid for. When it comes down to how they are going to split up the moneys, there certainly could not be enough money to go around, for those same people who might vote for the change may not be thinking at all about what it does to public education or whether or not indeed they would be part of that benefit. My suggestion is that that is sort of deceptive to put before the public, not knowing how it is going to operate after that, or, indeed whether that person who would vote for that benefit would know whether he or she could have part of that pie.

More importantly, as Mrs. Kernick said, it erodes very definitely the whole concept of a free public education in this state.

Mr. Gallagher's remarks as to the aid that is given on the college level is somewhat also deceptive because we guarantee children public education. Everybody goes free. The colleges are not that way. You sort of pick up a tab. You pick up a tab here or there for those who go to college. So the analogy is not similar at all. We do not support free college education in this state as some states do. As to public education, we have enough trouble funding that already. It seems to me that is is very clear that the only way we could afford to fund in part the private education would be on a selective basis. If we do that on a selective basis without knowing that that basis is fair in advance, many people who would vote for this constitutional change might end up on the short end of the stick. I oppose the bill.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, to engage in debate right now about the ramifications of this proposed constitutional amendment is really to engage in a great deal of speculation, because, again, the constitutional amendment deals with the broad principle or broad concept rather than specifics. The specific legislation that might ultimately be considered by this legislature would really determine the true ramifications and the true impact and the true cost.

Right now this bill itself or this proposed constitutional amendment itself has no cost impact. It is dealing with an idea or guideline by which we are going to fund education in this state.

We just engaged this summer in a long debate about how we were going to finance education when we talked about the subsidy bill. But in fact we really did not get into too many nitty-gritty type ideas even in that debate and even in many of the public hearings that preceded that debate. We really do not do

a very good job in this Commonwealth and probably in this Nation at this point in discussing how we are really going to finance education. But more importantly, how can we spend education dollars to guarantee that every youngster has the fullest possible opportunity to get a decent education?

I am going to support this proposed amendment at this time because I think it can help cause us to engage in that kind of debate. More importantly, it can help cause the general public to begin to engage in that type of debate.

This is just the first step in an awful long process. The Senate would still have to act. Two years from now we would come back and take a look again and possibly reconsider this. We would certainly have to once again consider the measure. We might in fact make a different decision after 2 years of debate and discussion and thought.

I think we ought to force that discussion and thought to occur by giving an initial stamp of approval to this change in concept. Two years from now we can come back and look at it again, and ultimately it will be the public who will have the final say-so in terms of whether we are going to change this guideline. After that we can begin to talk in terms of some of the specifics and the specific-cost ramifications.

One person suggested or talked, I think, in part about the impact on some youngsters in this Commonwealth. I think one of the things we have to appreciate today is that there are a lot of youngsters who come from what would be labeled poor families. Those youngsters, whether it is for good or for bad, are destined to live with our system of public education. They have no other choice. A lot of those youngsters from poor families may have, in fact, started out in a nonpublic school but because of rising tuition they have been forced into the public school system. A lot of other youngsters who attend our public schools have no other choice because of financial constraints, again. They have no other choice. Whether it is for good or for bad, they are going to live with whatever the public school system offers.

I think that this change in concept at least would open the door for a more competitive system and a system that not necessarily will erode the effectiveness of our public school system but one which would at least create a situation where the potential for competition might be there. In a lot of cases, competition or the threat of potential competition makes that institution or that body or that business corporation or whoever the case might be that enjoys the monopoly a little bit more competitive and, in the long run, it may make it a little bit better.

I am not prepared today to say that this kind of change in concept would really lead to the erosion of our public school system. In fact, it might make it better in the end. I am not certain of that. Again, a lot of those possible ramifications are a matter of speculation today.

I would urge us to give an initial stamp of approval to the change in concept today, though, so that we can begin to have ourselves and have the general public undertake the kind of debate and the kind of intensive discussion that this broad idea deserves.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Dr. Pancoast.

Mr. PANCOAST. Mr. Speaker, I feel very much the same as the gentleman who has just spoken on this particular amendment at this particular time.

However, my position is just the opposite. I think we should seek further definition of particular terms as they are proposed in this amendment.

On the second page, all we do is delete the word "higher" from line 3, add the word "educational" on line 4, and delete on line 4 "of higher learning".

I am not exactly sure what we mean when we say that grants or loans shall be made in the form of scholarships or grants or loans. By whom? By some central state agency or by local school districts?

If we are thinking in terms of the voucher system, every voucher system with which I am familiar has been administered locally. Is this what this means or is it not?

I think these are questions that really have to be answered in a much more definitive proposal than the one we have before us today.

It speaks of enrolling in educational institutions. There are many, many types of educational institutions and specific training in various areas; training you how to become the operator of a massage parlor, training you how to become an operator in a cosmetology school, a regular basic system of education. I do not know but I think when we speak in terms of educational institutions, we have to give some considerable thought to what is meant by an educational institution.

The gentleman from Philadelphia, I think, did raise a very significant question. We may want to amend the Pennsylvania Constitution, but even though we may amend it here in Pennsylvania, it still may not be constitutional under the terms of the national Constitution.

I think, basically, two very simple questions have to be put to ourselves, and that is, the basic substantive issue that we are raising here: What effect will this particular amendment have on the system of public education? And equally important, what effect will this particular amendment have on the non-public system of education?

Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, I guess I would have to direct these questions to Mr. Gallagher.

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

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

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, under current law, what pupil services or nonsecular academic subject matter is not provided for in this law currently that this voucher system would provide for for additional educational opportunities that you want to provide for?

Mr. GALLAGHER. Mr. Speaker, is the question: What

courses, what disciplines are involved? Is that the question?

Mr. DAVIES. Yes, what specific courses?

Mr. GALLAGHER. I will just read to you from the state constitution what it says in article III, section 29: We shall give "... in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology." That is all it says, Mr. Speaker. That is what the constitution says.

The General Assembly had already, in 1965, passed into law a scholarship-grant program. In 1965, we passed a scholarship-grant program. In 1968, we passed this whole constitution as it is today, which verified and legalized what we were doing in 1965. The scholarship agency, the Pennsylvania Higher Education Assistant Agency, has set into rules and regulations, after an act by this General Assembly creating them, what types of institutions that the students could go to and receive grants and loans.

Those regulations say that they have to be accredited institutions of higher learning in the United States, period. It does not say what kind of courses they are going to take. It does not say what kind of discipline they are going to take. It goes a little further in nursing. The General Assembly identified and specified business schools and schools in the vo-tech area of postsecondary education. That was what the General Assembly did and gave the authority to the scholarship agency, period.

Now if this bill becomes law by a referendum, then the General Assembly has the opportunity to spell out whether it would do it by a separate agency or whether it would attach it to the present scholarship and loan agency. The General Assembly could adopt at the same time what types of schools they would go to, what kind of education they would receive.

Mr. Pancoast mentioned going to cosmetology schools, et cetera. They can go now under loans and grants if they are accredited as a business school. They can go to become a mechanic if it is a postsecondary school. We have many business schools in the Philadelphia and Pittsburgh areas that receive loans and/or grants from Pennsylvania, but they are all postsecondary.

What we are trying to get around here is to amend the constitution so that it would be all of education: elementary, secondary, postsecondary, higher education.

Mr. DAVIES. I would again repeat the same question: What pupil services or particular academic subject matter is there not available to students who are attending private schools? The transportation is provided. There are pupil services provided, and so forth and so on. What, therefore, would these grants be used for directly? You are saying that it would be a broad definition and then at the determination of this body, this body would then be a certifying body, or merely it would be a laundry list of schools that would be approved. Then what? Implementation by the choice of the Department of Education as to accreditation? Is that the intent of the maker?

Mr. GALLAGHER. No, Mr. Speaker, that is not the intent of this bill before us. The bill before us, as you understand it, Mr. Speaker, is a constitutional amendment only to give the Gen-

eral Assembly the opportunity, after it is adopted, to enact into law the specifics as to how the grants and loans could be given.

If you are familiar with our state constitution, Mr. Speaker, it does not go into specifics. It goes into generalities of what you can and cannot do. It says very clearly that students may receive “. . . scholarship grants or loans for higher educational purposes . . .” It does not go into specifics.

After that became law, the scholarship agency was then legalized constitutionally and just went forward and set forth the regulations. The General Assembly gave that agency the authority and said that they are going to give grants and loans for students to go on into higher education for the purposes of learning in higher education.

It did not go into specifics of what disciplines they are going to take, whether they are going to take history or become teachers or doctors or anything.

This is just a constitutional amendment. If it is adopted, then we are going to have to come back here and decide what type of education we are going to give students through grants and loans.

Mr. DAVIES. All right. So then under that broad scope it would be possible in the future for someone to attend the Krishna school for religious training with a voucher? The Unification Church of the Reverend Moon High School? The Madalyn Murray Memorial School?

Mr. GALLAGHER. No, Mr. Speaker. I have to—

Mr. DAVIES. The Guru School of Transcendental Meditation? And the Palestinian Liberation School for Revolutionary Training? Those would all be ones that we would have to decide on a laundry list of schools that would then be able to receive a voucher for, let us say, elementary or secondary education?

Mr. GALLAGHER. I think, Mr. Speaker, if that is the list of schools that you are interested in, then that is the only way the General Assembly would consider them, if you would bring it to their attention that they are the ones you wanted.

I do not think that is what the General Assembly wants, Mr. Speaker. I think your argument is very difficult to address your answer to properly without becoming facetious, as you are becoming facetious with me.

Mr. DAVIES. Well, would it be in the wisdom then of 102 votes of this particular body to decide which ones would have to be separated out for approval or not, or would it remain with the selection of the Department of Education to make those decisions as to which would be accredited?

Mr. GALLAGHER. I think, Mr. Speaker, that it would be up to the General Assembly to make that determination. And, Mr. Speaker, I am sure that you would make sure that it was made here and not in the department.

Mr. DAVIES. Thank you.

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

Mr. GARZIA. I am a cosponsor of the bill but that really does not mean anything. Maybe I understand it now; that is why I am against the bill.

But I am getting the sneaky suspicion that this is one of those sneaky deals that goes in the House here where you say the bill does one thing but when it becomes a reality it is something

else.

Now, Mr. Speaker, you mentioned that this is only to put it on a ballot to give the people a chance to vote on it. Well, believe me, it will pass with flying colors and then you are stuck with a line on your hands. What are you going to do with it after it is passed by the people?

I say to you now and I will say to this House: If this bill ever becomes a reality, it is going to cost so much money that it is going to be pathetic.

Public schools across this state—and I do not want to refer to the Philadelphia School District or even the Allegheny County school districts—but this will be a windfall for them in future years because it will be based on income. Now in a lot of school districts, the income is not as low as some of the districts, so they are going to end up paying for programs they have no control over.

Now I wish you would mention and say something about if this becomes a reality, not just to say it is all on the ballot whether you want to go through with it or not. What I want to know is how much this is going to cost me as a taxpayer if this becomes a reality, and that is the question I asked you — how much is it going to cost me and my next-door neighbor who does not have any kids going to school?

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes for the second time the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

First, Mr. Speaker, I would like to call the gentleman to order. I personally resent having any bill that I might be supporting characterized as sneaky. If the gentleman feels that there is something in this bill that we have not talked about, I suggest the gentleman point it out on the floor. If the gentleman does not have the ability to do so, I suggest that he refrain from that kind of language.

Mr. GARZIA. Mr. Speaker, may I respond? May I respond to Mr. Rappaport, please, sir?

The SPEAKER. The Chair fully expected that you would.

Mr. GARZIA. The reason why I mentioned the word “sneaky” is because for the last 45 minutes all we have been talking about is the constitutional amendment to put it on the ballot to make a change in how you give money out to the public and nonpublic schools. That sounds great, but the real reason behind this bill is how you can help a low-income school district. That is why I made that statement, because many a bill that was passed up here started out to say that the sky is blue, but by the time the Governor gets done signing the thing, they say that the sky is purple. So I do not want to listen to any of that.

As the mayor of a small borough, I had to deal with a lot of bills that were passed up here. When you questioned them, they said, well, we did not mean it that way, but that is what came out in the final analysis of the bill. That is why I used that. Now if I offended you or anybody in this House, I apologize for using that word “sneaky.” Maybe it was a poor choice of words, but that is how I feel.

Thank you.

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

Mr. RYAN. Mr. Speaker?

The SPEAKER. Boy, you Irish just love a fight, do you not? You have to get in it one way or the other.

All right. Will the gentleman, Mr. Rappaport, yield?

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I would just like the record to reflect that I did not enter into this controversy between Mr. Rappaport and Mr. Garzia.

The SPEAKER. We will let the record so take note that for the first time in about 10 years, a fight took place on the floor and Mr. Ryan was not in it.

The Chair recognizes the gentleman, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I understood that Mr. Gallagher was involved, and if my name were Shean, I would be involved, but I do not see where Mr. Ryan gets involved in it.

Now to the substance of this bill: Mr. Speaker, we are not drafting a statute here; we are talking about a constitution. The gentleman, Mr. Pancoast, asked about details of it, and we are unable to give them to him because there must be enabling legislation. I think his questions were very realistic questions and proper questions. We are unable to answer them at this time.

Does this constitutional amendment open the door as I believe Mr. Pancoast asked? It most certainly does. There is no question about that.

The gentleman from Delaware, Mr. Garzia, has raised problems about cost. Let me address myself to that, Mr. Speaker. We have a situation in our urban school districts—and I include many of the districts in Delaware County in that classification—where the cost of educating a child per year is almost \$2,000 per year, and that is paid for by the taxpayers. Many of those same taxpayers send their children to nonpublic schools and come up with an additional \$500, \$600, \$700, \$800, or \$1,000 a year to educate their own children. As a practical matter, if we do not give aid to nonpublic schools, those nonpublic schools are going to close and those children are going to be in the public schools, and the public schools do not have the money to educate them unless we double and triple the present school tax rates and double and triple the subsidies from this Commonwealth. And that is the cost.

Leaving aside all of the rhetoric of holy wars, which has a place—and, unfortunately, it could become that—and everything else in terms of dollars and cents, if the parent sending his or her child to a nonpublic school is faced with an increase in taxes for public school purposes, I do not think they are going to support that increase in taxes for public school purposes. It is going to happen in many neighborhoods of Philadelphia; it is happening in my own neighborhood. And that is what I am concerned about, leaving aside any other issues.

Yes, this is a monetary problem, and if we do not do something about it, we are going to be doubling the subsidies to the schools. And we are going to have to vote for it, and I am going to have to vote for it, and everybody else is going to have to vote for it, unless we try and do something about it now.

Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I was not going to speak on this bill until Mr. Rappaport got up for the second time and mentioned that, yes, this was going to cost money.

Mr. Speaker, what I am really concerned about is that if we pass this and the public approves it, what we are going to end up with—maybe not in 2 years or in 5 years but somewhere down the line—is a dual system of education in this Commonwealth, a system of public education supported by public tax money and a system of private education supported by public tax money. I think that we need to protect the integrity and the sanctity of the public education system, and I am concerned that if we pass this constitutional amendment, what we are going to be doing is encouraging people to leave the public school system, as Mrs. Kernick pointed out, and I think the costs are going to be just as great whether you have to increase the public school appropriations or whether you put them into private schools. But I think that we have had historically an obligation in this Commonwealth to provide a system of public education, and I do not believe that we ought to be violating that now. I am very fearful that this amendment will pass this session and will pass next session and will probably be approved by the people, but I think when the bill comes due and the time comes to pay it, they are going to be very disappointed. So I intend to vote in the negative, Mr. Speaker, on HB 715.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, for the second time on the issue.

Mr. M. P. MULLEN. Mr. Speaker, I will try to be brief. I just want to answer some of the questions that were raised by the prior speakers.

First of all, I want to make it clear to everyone that the proposals that we had offered here in the House of Representatives many years ago were all carefully thought out, and we felt that they met the requirements of the Pennsylvania constitution. Both the Purchase of Services Act and the Parent Reimbursement Act were based upon a Pennsylvania Supreme Court decision. It was a Lutheran school in Allegheny County that was before the Supreme Court I think in 1947, and the Pennsylvania Supreme Court said that the purchases of services which were then being made by the State of Pennsylvania from the Lutheran school in Allegheny County were in fact constitutional and did not violate Article III, section 29, of the constitution.

Now when the arguments of our opponents were formulated and presented to the United States Supreme Court in the case that Mr. Rappaport referred to, *Lemon vs. Kurtzman*, in all of those briefs they referred to Article III, section 29, of the Pennsylvania constitution and said that the bill was unconstitutional for that reason. However, the United States Supreme Court automatically eliminated that argument by saying that your own Pennsylvania Supreme Court said it was constitutional so why should we say that it was unconstitutional? Then they went to the United States Constitution, Article I, and said it was unconstitutional. So that argument was raised before the United States Supreme Court; they did not feel that it had any validity; and if that is all we had to argue, we would have had constitutional bills in Pennsylvania.

Now there was an argument made that this is extremely costly, and I guess I am arguing the other way but I think I have to

answer that question. Really, aid to nonpublic schools is the best argument in favor of reduced expenditures for both public and nonpublic schools. Look what happened in Philadelphia. In Philadelphia we used to have a large nonpublic school population. As a matter of fact, in the city of Philadelphia just a few years ago, we had something like 148,000 children attending nonpublic schools. What happened when our bills were declared unconstitutional? When they were declared unconstitutional, we had to then charge tuition, and as soon as we began to charge tuition, the students in the nonpublic schools began to drift over to the public schools. This placed a burden upon the public schools that we had a difficult time to meet, and this is the problem we have today in Philadelphia and, to a lesser extent, in the rest of the state trying to get the money to absorb the nonpublic school students.

Ten years ago in Pennsylvania we had 635,000 nonpublic school students attending nonpublic schools. We had roughly 2,200,000 attending public schools. What has happened is the nonpublic school population has been reduced from 635,000 down to 410,000, and this is due primarily to tuition charges that have to be made.

Now one of the grave risks that those who support aid to nonpublic schools encounter with a proposal such as we have before us today is that we are now, this year, under existing law receiving \$60 million to \$70 million in aid for nonpublic schools, primarily in the transportation field but in many other fields. Approximately \$60 million to \$70 million we are now receiving this year. If this proposal goes on the ballot and the people reject it, what is going to happen for all practical purposes is we will have to stop the aid that we are now getting, and this is a grave risk. I mean, I would not mind, as I said before, taking the risk if we had an opportunity to get something from it. But even if we succeed, we get nothing. And there is no chance of getting anything, as I told you before, until the United States Supreme Court changes their position, and they are not going to change their position until a couple of guys die or retire and we get some guys on there who are going to be in our favor.

So there is a good, logical argument for not going for it, because if you go for it, you will take away what we already have; if we lose and if you win, you would get nothing anyway. So again I say, I would suggest voting against it.

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

Mr. BURNS. Mr. Speaker, a lot of people today have spoken about the great institutions, the public education institutions. You know the Founding Fathers of our United States Constitution and of our state constitution allowed for a youngster to choose between a private education and a public education. And I am just asking today, without this type of an amendment, without this type of help to private schools, does it not mean then that only the rich youngster can get a private education in Pennsylvania? Should a poor youngster not be able to get what a rich youngster gets because his parents cannot afford it?

I say that a vote for this bill today opens the door for some of our poor youngsters to join in and take the advantage of get-

ting the private education. 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—70

Bellomini	Geisler	McLane	Stairs
Berlin	George, C.	Mebus	Stapleton
Berson	Giammarco	Meluskey	Stewart
Bittinger	Gillette	Milliron	Stuban
Brown	Greenleaf	Mrkonic	Sweet
Burns	Halverson	Musto	Taylor, F.
Caputo	Helfrick	O'Keefe	Tenaglio
Cassidy	Hoeffel	Pievsky	Thomas
Cohen	Hutchinson, W.	Pitts	Vroon
Cole	Itkin	Pyles	Wagner
Cowell	Laughlin	Rappaport	Wansacz
DeWeese	Levi	Reed	Wargo
Doyle	Lincoln	Ryan	Weidner
Flaherty	Lynch	Schweder	Wilson
Foster, A.	Mackowski	Scirica	Wright, J. L.
Freind	McCall	Shupnik	Zearfoss
Gallagher	McClatchy	Spitz	Zitterman
Gatski	McGinnis		

NAYS—119

Abraham	Gallen	Livengood	Rieger
Anderson	Gamble	Logue	Ritter
Armstrong	Garzia	Madigan	Ruggiero
Barber	Geesey	Manderino	Scanlon
Beloff	George, M.	Manmiller	Scheaffer
Bennett	Gleeson	McIntyre	Schmitt
Bittle	Goebel	Milanovich	Shuman
Borski	Goodman	Miller	Sirianni
Brandt	Gray	Miscevich	Smith, E.
Brunner	Greenfield	Moehlmann	Smith, L.
Burd	Grieco	Morris	Spencer
Caitagirone	Hamilton	Mowery	Taddonio
Cessar	Harper	Mullen, M. P.	Taylor, E.
Cianciulli	Hasay	Mullen, M. M.	Trello
Cimini	Haskell	Novak	Valicenti
Davies	Hayes, D. S.	Noye	Wass
DeMedio	Hayes, S. E.	O'Brien, B.	Wenger
DeVertter	Honaman	O'Connell	White
Dietz	Hopkins	Oliver	Wiggins
Dininni	Hutchinson, A.	Pancoast	Williams
Dombrowski	Johnson	Parker	Wilt
Donatucci	Jones	Petrarca	Wise
Dorr	Kelly	Piccola	Wright, D.
Duffy	Kernick	Polite	Yahner
Dumas	Klingaman	Pott	Zeller
Englehart	Knepper	Pratt	Zord
Fee	Kolter	Prendergast	Zwikl
Fischer, R. R.	Kowalyszyn	Ravenstahl	
Fisher, D. M.	Lehr	Renwick	Irvis,
Foster, W.	Letterman	Richardson	Speaker
Fryer			

NOT VOTING—11

Arthurs	Katz	Rhodes	Shelton
Butera	O'Brien, D.	Salvatore	Yohn
DiCarlo	O'Donnell	Seltzer	

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

**ANNOUNCEMENT
HOUSE SCHEDULE**

The SPEAKER. Conference committee reports will not be called up today.

The House will be in session tomorrow beginning at 10 a.m. We expect fully that you will be out of here by noon, but it is absolutely necessary that we be here because we do not yet know what action on the budget the Senate may take today or tonight.

So to answer the queries of the members, it will be necessary for us to be here tomorrow and we shall be here next week in active session beginning Monday.

**SENATE MESSAGE
TIME OF NEXT MEETING**

The clerk of the Senate presented the following extract from the Journal of the Senate, which was read:

In the Senate, October 25, 1977.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 31, 1977 and when the House of Representatives adjourns this week it reconvene on Monday, October 31, 1977.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL REPORTED FROM COMMITTEE
AND TABLED**

HB 1742, PN 2118 By Mr. GOODMAN

An Act amending "The Administrative Code of 1929," approved April 29, 1929 (P. L. 177, No. 175), authorizing the Department of Health to contract or award grants for research on coal workers pneumoconiosis.

Mines and Energy Management.

BILLS PASSED OVER

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

The Chair would urge the members to remain in their seats. There will be at least two motions requiring the suspension of the rules which must be voted upon.

BILLS TAKEN FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader who has a report from the Committee on Rules.

Mr. MANDERINO. Mr. Speaker, the Rules Committee has instructed me to make a motion to have the following bills removed from the table and referred to the Appropriations Committee, and I so move:

House Bill 88, House Bill 1120, House Bill 1570, House Bill 1761, Senate Bill 402, Senate Bill 480, Senate Bill 888, and Senate Bill 902.

On the question,
Will the House agree to the motion?
Motion was agreed to.

**BILLS TAKEN FROM TABLE AND
PLACED ON ACTIVE CALENDAR**

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

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

House Bill 222, House Bill 547, House Bill 694, House Bill 1288, House Bill 1294, House Bill 1391, House Bill 1462, House Bill 1653, House Bill 1691, House Bill 1731, House Bill 1765, and Senate Bill 168.

On the question,
Will the House agree to the motion?
Motion was agreed to.

**STATEMENT ON LEGISLATION TO BE
INTRODUCED**

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVertter.

Mr. DeVERTTER. Thank you, Mr. Speaker.

Mr. Speaker, today I am introducing legislation to protect the people who are providing for the people on public assistance.

Specifically what this bill will do is prohibit a legal service organization which is receiving state funds for its operation from bringing a suit against the Commonwealth, its political subdivisions or any of its duly constituted authorities, officers or employees.

These prohibitions against suits would cover the following:

- (1) Double or triple damages or any punitive damages
- (2) Personal liability against officers, employees, or members acting in their official capacity
- (3) Pain or suffering or any other noneconomic detriment.

Mr. Speaker, this proposed legislation would not—I emphasize, would not—preclude any citizen of the Commonwealth from commencing the type of actions I have specified. The private citizen's rights are protected. Since the prohibition against certain claims applies only to a legal service organization, it would not violate the Pennsylvania Constitution.

Why is there a need for such legislation? Allow me to give you an example: A person who is on public assistance receives taxpayers' money in the form of welfare checks. That person lives in public, low-rent housing which is subsidized by taxpayers' money.

This person decides for one reason or another that the rules and regulations governing that occupation of public housing is not to his or her liking and decides to sue the Public Housing Authority. This authority is composed of taxpayers, like you and I, who are appointed to this position without any pay.

That person goes to a legal service organization and, after filling out the required document, has them file suits.

To give you a further example, Mr. Speaker, recently we have had in my area several instances where suits have been brought

against individual members of those authority boards. In so doing, they have brought those cases to court here in Harrisburg and have ended up spending exorbitant amounts of legal fees which have brought the housing authority into a deficit position for the first time in its existence.

Mr. Speaker, what we have here are persons who are receiving taxpayers' money for subsistence and living in public housing provided by taxpayers' money, now using taxpayers' money to file suit with taxpayers' money against taxpayers.

This has been, and is, and will continue to go on in Pennsylvania unless we change the law through this bill.

Taxpayers have rights just as the people on public assistance. Remember, this legislation will not only preclude this person from commencing legal action, only that a legal service organization could not be used.

This prohibition against certain claims being brought by a service organization prevents the Commonwealth from being subjected to specific types of legal actions by an organization that receives money from the Commonwealth.

Mr. Speaker, if the legislature has the power to abolish or modify causes of action, it certainly has the power to prohibit certain types of claims from being commenced by a legal service organization, especially where that organization receives funds from this General Assembly.

Most of us are not against providing financial assistance to persons who are in need. But there is a limit of how much assistance you can provide, and this is one of those limits.

Mr. Speaker, I will leave the bill on the clerk's desk for any of those of you who wish to join in cosponsorship with me and I would appreciate your assistance.

Thank you very much.

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

Mr. TRELLO. Thank you, Mr. Speaker.

I have a problem in western Pennsylvania that everybody on this floor and every law-abiding citizen in the State of Pennsylvania should be interested in. In western Pennsylvania in the last 13 months, we have had 11 unsolved murders. Six of those murders were of young ladies under 18 years old who were sexually assaulted and then murdered. Over this past weekend a neighbor of mine was murdered in a desolate area. His 15-year old girl friend who was with him has been missing since Friday, and I pray to God that she is not the 12th victim.

I have a resolution that is in the hands of the Speaker that has been filed and everything is proper. I am going to ask for the suspension of the rules. My resolution states that we support a state police task force to be assigned to the Carnegie barracks. The Carnegie barracks is right in the middle of this area where all of these murders are taking place, and we ask them, with their expertise, to stay on the job until this situation is solved one way or the other.

The people on my street and the people in my district are afraid to send their daughters to school by bus. They drive them to and from school. They will not let them go to dances any more. They drive them to and from the dances. It is getting to a point where everybody is accusing everybody. They are condemning the local police departments and the county police

departments, and not justifiably so because our local police departments and our county police departments are doing a fantastic job. I think the expertise of a special task force would be of great, great, great help at this present moment.

Now this is nothing new. Big cities all over this country have instituted what they call impact forces. What they do whenever a series of crimes are committed that are similar in nature, whether they be robberies, murders, or whatever, they institute an impact squad, and the sole purpose of this impact squad is to solve that present problem.

RULES SUSPENDED

Mr. TRELLO. I am asking this great body here to suspend the rules so that we can put this program into effect and put the minds of all these people in western Pennsylvania at ease and help solve this terrible problem where all these murders are being committed, and I so move.

The SPEAKER. It is moved by the gentleman from Allegheny County, Mr. Trello, that the House suspend the rules so that a nonprivileged resolution may be immediately acted upon.

Does the gentleman, Mr. Zeller, wish to be recognized on the motion to suspend the rules?

Mr. ZELLER. Mr. Speaker, which resolution are you referring to?

The SPEAKER. The motion to suspend the rules is for the purpose of suspension of the rules so that Mr. Trello's resolution, which he just explained, may be acted upon by the House.

Mr. ZELLER. May I ask a question of the Speaker, please?

The SPEAKER. Certainly.

Mr. ZELLER. There is also another resolution for which we will have to ask a suspension of the rules.

The SPEAKER. That is correct. If the House were to suspend its rules at this time, it would be for the specific purpose of taking up Mr. Trello's resolution, and for no other purpose.

Mr. ZELLER. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the House suspend the rules for the purpose of allowing Mr. Trello to submit for immediate consideration a nonprivileged resolution? Those in favor of the suspension will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—182

Abraham	Gamble	Mackowski	Salvatore
Anderson	Garzia	Madigan	Scanlon
Armstrong	Gatski	Manderino	Scheaffer
Barber	Geesey	Manmiller	Schmitt
Bellomini	Geisler	McCall	Schweder
Bennett	George, C.	McClatchy	Scirica
Berlin	George, M.	McIntyre	Seltzer
Bittinger	Giammarco	McLane	Shuman
Bittle	Gillette	Mebus	Sirianni
Borski	Gleeson	Meluskey	Smith, E.
Brandt	Goebel	Milanovich	Smith, L.
Brown	Goodman	Miller	Spitz
Brunner	Gray	Milliron	Stairs

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

NAYS—2

Wilson Zearfoss

NOT VOTING—16

Arthurs	Cimini	O'Donnell	Shelton
Beloff	DiCarlo	Pievsky	Shupnik
Berson	Kelly	Pratt	Spencer
Butera	McGinnis	Rhodes	Yohn

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

The SPEAKER. The rules are temporarily suspended, and the gentleman, Mr. Trello, submits to the House HR 155. The clerk will read the resolution.

RESOLUTION ADOPTED

Mr. TRELLO offered HOUSE RESOLUTION NO. 155, which was read by the clerk:

In the House of Representatives,

During the past thirteen months, there were eleven unsolved murders in western Pennsylvania. It is feared that a young girl, missing since Friday, October 21, 1977, may be the twelfth. Six of the victims were women who had been sexually attacked; therefore be it

RESOLVED, That a State Police Special Task Force be assigned to the Carnegie Barracks to investigate these rape-murders; and be it further

RESOLVED, That copies of this resolution be sent to the Governor and to the Commissioner of the Pennsylvania State Police.

FRED A. TRELLO
JOHN L. BRUNNER
RONALD GAMBLE
GEORGE MISCEVICH
DONALD A. ABRAHAM

On the question,
Will the House adopt the resolution?
Resolution was adopted.

STATEMENT ON SOUTH AFRICA GOVERNMENT ACTIVITIES

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 make a statement and to request a suspension of the rules.

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

Mr. WILLIAMS. Mr. Speaker, I make reference to a matter that I spoke about briefly last week. At the present time I believe most members of the House have information concerning the present activities in South Africa.

As most of you know, and for those who do not know, the government of South Africa, a few days ago, arrested 18 leaders of organizations in South Africa who were simply opposed to the apartheid policies of South Africa. Moreover, in that raid and arrest they confiscated and arrested the editors of two leading black newspapers there. One newspaper is "The World" newspaper, a highly respected and oldest black newspaper in the world.

Mr. Speaker, these activities are merely a culmination and a more open act of oppression and illegality to human beings, and, Mr. Speaker, I rise at this time to state very clearly that these actions are no less than the actions that Hitler began in Nazi Germany some two decades ago. One of the factors which accelerated the kind of activity that resulted in 11 million deaths in Germany, 5 million of which were non-Jewish, was because the respective leadership of the world remained silent too long.

Mr. Speaker, with the information that is flowing back and forth and the politics of the present time in the world, we all are very keenly aware of the position and situation with regard to South Africa, and that is not so much the issue that I am raising. But the action taken by South Africa last week was a crystal-clear action of contempt for the rest of the world of basic respect for human rights. It was so clear and so bold, Mr. Speaker, that I believe that we should speak out to that egregious and offensive action.

Mr. Speaker, this resolution simply asks that we members of the legislature of Pennsylvania, human beings who are offended by this kind of oppressive conduct that is anathema to our spirit and letter of our constitution and our way of life, simply condemn that, and we ask our national government also to condemn that and to take whatever political or economic action that is necessary to request and demand the immediate release of those illegally held prisoners and the immediate restoration of the press facilities that were just confiscated and closed down.

Mr. Speaker, it may be said that such a statement, a simple statement, by us, has no place in our local politics, but the philosophy and the will of this Nation is composed of each and every representative voice of every hamlet of this country and indeed shapes, hopefully, the policies of a nation. The United

States of America has for several years been in fact the main force throughout this world to stand for respect for political freedom, religious freedom and democracy. And that does not mean that we have to interfere in many different ways, as we have in the affairs of other countries, but it does, in my belief, Mr. Speaker, indicate that we do have a moral obligation to speak out before those events encroach upon our philosophy, our resources, and the conditions of our own people. In that vein, Mr. Speaker, I ask that we take action on this resolution because it is urgent.

Some of you may recall Steve Biko, who was a leader, who was a moderate leader by our standards, in South Africa, who was recently arrested, and in a few short hours, even though he was healthy, Steve Biko was dead.

Mr. Speaker, in that they are debating this very matter in the United Nations at this very time, it seems to me that if voices of respect for law and order, if voices of respect for human rights, if voices of respect just for humankind are silent, it very well may make the difference not only in our own credibility throughout the world but indeed in what may happen to the people who are in South Africa who have done nothing improper or illegal but who simply try to stand for and recognize some very basic, minimal human rights. The leading pro-government newspaper of South Africa condemned its own government as acts of desperate men in doing what happened a few days ago.

Mr. Speaker, I would ask that the members of this House, who, I am sure, have read the resolution—it is very simple—would join with me in suspending the rules so that we can act on this resolution and speak out as a part of our own country's will to respect the rights of men and women throughout the world, no matter what their religion, their race, or their color may be.

RULES SUSPENDED

Mr. WILLIAMS. Mr. Speaker, at this time I make a motion to suspend the rules so that the resolution can have immediate consideration.

The SPEAKER. It is moved by the gentleman, Mr. Williams, that the rules of the House be temporarily suspended so the House may consider immediately a nonprivileged resolution, HR 156, submitted to the House by the gentleman from Philadelphia, Mr. Williams.

Does the gentleman, Mr. Zeller, wish to speak on the motion to suspend the rules?

Mr. ZELLER. Can you debate this? Are we allowed to debate that suspension?

The SPEAKER. The gentleman is in order and the gentleman may debate the motion.

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

I believe the Trello request was one of a local nature, one that involves the State of Pennsylvania. But the suspending of the rules for something that I am very concerned about is a resolution which notifies Congress and our President to take action on an issue which we know nothing about except that which we read in the newspapers. And I would like to have the newspapers hear this one, because the credibility of the press has become worse than the credibility of most representative

governments, and that has been accepted by the people.

Our United Nations has mixed emotions, as do our President and members of Congress, and they are in a better position to know than we are. If we would pass this resolution, we could, in effect—and that is why I do not want a suspension of the rules—

The SPEAKER. Will the gentleman yield?

Will the gentleman please stick to the exact question of the suspension of the rules and not the substance of the resolution? If the rules are suspended, the Chair will recognize the gentleman for the substantive debate.

Mr. ZELLER. Mr. Speaker, a question to the Chair: that the former speaker went into the depth of why he wanted to suspend the rules. That is the only reason why I was going into it.

The SPEAKER. The former speaker spoke only on what his resolution incurred and what caused it and then made the motion. The only question now is on the suspension of the rules.

Mr. ZELLER. Well, then, rather than getting involved in that, I would say, let the members decide whether they want to suspend the rules, and then we will debate the issue of whether we are going to pass the resolution.

The SPEAKER. The gentleman is now correct.

Mr. ZELLER. Thank you, Mr. Speaker.

The SPEAKER. The question is on the suspension of the rules. Those in favor of temporarily suspending the rules so that the House may immediately consider a nonprivileged resolution No. 156, submitted by the gentleman from Philadelphia, Mr. Williams, will vote "aye"; those who are opposed to the suspension of the rules will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—160

Abraham	Freind	Madigan	Ryan
Anderson	Fryer	Manderino	Scanlon
Armstrong	Gallagher	Manmiller	Schmitt
Barber	Gamble	McCall	Schweder
Bellomini	Garzia	McClatchy	Seirica
Beloff	Gatski	McIntyre	Seltzer
Bennett	Geesey	McLane	Shuman
Berlin	Geisler	Mebus	Smith, L.
Berson	George, C.	Meluskey	Spencer
Bittinger	George, M.	Milanovich	Stairs
Bittle	Giammarco	Miller	Stapleton
Borski	Gillette	Milliron	Stewart
Brandt	Goebel	Miscevich	Stuban
Brown	Gray	Moehlmann	Sweet
Brunner	Greenfield	Morris	Taddonio
Burd	Greenleaf	Mrkonic	Taylor, E.
Burns	Grieco	Mullen, M. P.	Taylor, F.
Caltagirone	Harper	Mullen, M. M.	Tenaglio
Cassidy	Haskell	Musto	Thomas
Cessar	Hayes, D. S.	O'Brien, B.	Trello
Cianciulli	Hayes, S. E.	O'Connell	Valicenti
Cimini	Helfrick	O'Keefe	Wagner
Cohen	Hoeffel	Oliver	Wargo
Cowell	Honaman	Pancoast	Wass
Davies	Hopkins	Parker	Weidner
DeMedio	Hutchinson, A.	Petrarca	Wenger
DeVerter	Hutchinson, W.	Piccola	White
DeWeese	Itkin	Pievsky	Wiggins

Dininni	Johnson	Polite	Williams
Dombrowski	Jones	Pott	Wilt
Donatucci	Kernick	Prendergast	Wise
Dorr	Knepper	Pyles	Wright, D.
Doyle	Kolter	Rappaport	Wright, J. L.
Duffy	Kowalyszyn	Ravenstahl	Yahner
Dumas	Laughlin	Reed	Zitterman
Engelhart	Lehr	Renwick	Zord
Fee	Letterman	Richardson	Zwinkl
Fischer, R. R.	Levi	Rieger	
Fisher, D. M.	Lincoln	Ritter	Irvis,
Flaherty	Logue	Ruggiero	Speaker
Foster, A.	Mackowski		

Nays—18

Dietz	Klingaman	Scheaffer	Vroon
Foster, W.	Livengood	Sirianni	Wilson
Gallen	Lynch	Smith, E.	Zearfoss
Gleeson	Mowery	Spitz	Zeller
Hasay	Noye		

NOT VOTING—22

Arthurs	Halverson	O'Brien, D.	Salvatore
Butera	Hamilton	O'Donnell	Shelton
Caputo	Katz	Pitts	Shupnik
Cole	Kelly	Pratt	Wansacz
DiCarlo	McGinnis	Rhodes	Yohn
Goodman	Novak		

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

RESOLUTION ADOPTED

Mr. WILLIAMS offered HOUSE RESOLUTION No. 156, which was read by the clerk:

In the House of Representatives,

WHEREAS, The government of South Africa has banned eighteen anti-apartheid organizations, and

WHEREAS, That government placed in detention many individuals who have spoken out against the white minority government and its brutal apartheid policies, and

WHEREAS, That government has effectively stopped the presses of several newspapers, including the respected newspaper "The World," and

WHEREAS, Such action by the government of South Africa amounts to the suppression of freedom of speech, freedom of the press and freedom of association, and

WHEREAS, There is a moral obligation binding on the House of Representatives of this Commonwealth to speak out concerning the suppression of human rights; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania denounces and condemns the government of South Africa for these repressive actions; and be it further

RESOLVED, That the House of Representatives memorializes the Congress of the United States to enact political and economical sanctions against the government of South Africa for the duration of such repressive acts; and be it further

RESOLVED, That copies of this resolution be transmitted to the Speaker of the House, the President pro tempore of the Senate and to each Senator and Congressman from Pennsylvania.

HARDY WILLIAMS
RUTH B. HARPER
JOSEPH RHODES, JR.
DAVID P. RICHARDSON
JOHN F. WHITE, JR.
HAROLD L. BROWN

On the question,

Will the House adopt the resolution?

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

Mr. WILLIAMS. Thank you, Mr. Speaker, and I wish to express my thanks to the House for the support of the motion to suspend the rules. I would request and appreciate your support on the part of the resolution.

I might just add that I had several commitments that if I did not talk long they would support the resolution.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Greenfield, desire recognition on the resolution?

Mr. GREENFIELD. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GREENFIELD. Mr. Speaker, I just briefly want to say that I am honored to stand in support of this resolution, being of a race which saw the events in the thirties and the forties which correspond to these forerunner activities that we are considering here, that created the greatest holocaust this world has ever seen.

I think we can no longer bury our heads in the sand. We have to recognize facts and stand up and be counted as human beings. I am honored to stand in support of this resolution.

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

Mr. ZELLER. Mr. Speaker, in reply to the remarks made by the first speaker, Mr. Williams, and the second speaker, Mr. Greenfield, in regard to the exploits of some former dictators, I happened to be involved in World War II for almost 4 years, and I happen to know what that gentleman was all about, Mr. Hitler. I do not go along with his tactics, and we did not at that time, and I thought we told the world that.

This is an altogether different proposition because down there in South Africa now, on both sides of the aisle, you have those types of dictators. As a matter of fact, I can call your attention to one, Idi Amin. Now if you go along with that and you want the United States Government to get involved, to go down there and get our people involved with people like Idi Amin, well, then, you are whistling Dixie.

I am very concerned about any resolution which notifies Congress and our President to take action on an issue which we know nothing about except that which we read, and I mentioned before the credibility of the press. Our United Nations has mixed emotions and so does our President and members of Congress, and they are in a better position to know of the conditions in South Africa than we are. If we pass this resolution, we could, in effect, aid and abet further actions by dictators such as Idi Amin and others, both black and white, in that strife-torn country. Some of the same people who yelled loud and long that we should get out of Vietnam are now yelling for us to get involved in South Africa, and I noticed the name of one on the resolution who had been involved in the Vietnam issue is now telling us about how we should get involved in this. That amazes me.

This appears to be strictly a political move at the expense of others. Where were these people when their own children were

held in hostage in the city of Philadelphia in the recent strike? I did not hear a word from these people. Now all of a sudden, for political reasons, they are yelling.

We have heard many members of Congress talk about pulling Ambassador Young out of his present position because he has made the statement that he will have the United States Marines in Africa by Christmas.

What did we do for Czechoslovakia, Hungary, Ireland? Now we hear one of the recent speakers mention about how we should get involved in this when we have turned our heads on Israel. I cannot imagine that. I remember when Representative Gerry Kaufman made his appeal in 1971 as to our involvement in the Vietnam War and that we should memorialize Congress as to our pullout, right or wrong. I got on this floor, as others did, and we voted against that move because we felt we were not on top of it. That is the job of Congress, and if we do not like what they do, we vote them out. It is not our job as a state, one of 50 states especially, when we know very little about the conditions down there in that strife-torn area.

Mr. Williams mentioned about two newspapers being closed. And if I can believe the press, they said that they have just allowed the one he referred to to be back in operation. It was just on the radio yesterday.

He referred to, as I said before, the Hitler tactics, and that bothered me because of the dictators down there. We could go on and on, but I say, you all have a mind of your own. If, for political reasons or what have you in the district in which you are living or residing or represent, you feel it is best for your means that because of representation you have to vote for this, so be it.

I, for one, am not taking an issue against a person whether they are black or white. I say we have no business as a state to be involved in this issue that we know nothing about. That is the job of Congress, and they even have mixed emotions about it. Who are we, with the little knowledge we have, to get involved? We should vote "no" on the resolution.

Thank you, Mr. Speaker.

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

Mr. GLEESON. Mr. Speaker, I want to speak in opposition to the resolution for the reason that I just do not think it is good for this legislature to be getting involved in affairs in other countries. I have sympathy for the people of South Africa and I have sympathy with Mr. Hardy Williams' viewpoint, but I think we have a heck of a nerve to be telling the South Africans what to do with the particular mess we find ourselves in right here in Pennsylvania. They could just as well send us a resolution and tell us to straighten out our budget problem. They could tell us that we are making fools of ourselves with the House trying to raise taxes and the Senate trying to lower the budget and the schools in Philadelphia being bankrupt.

I think we should refrain from getting involved in foreign problems in any way possible. If I were to get involved in a foreign problem, it would be the Irish problem. I have great sympathy there. I would not think of asking this House to put itself on the line, or even the United States Congress, for my Irish sympathies. I think that has got to be put by the Irish

people in Ireland. I do not think other nationalities should come before this House and ask for its support for things that really do not concern this country.

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

Mr. BROWN. Thank you, Mr. Speaker.

I would like to agree with Mr. Zeller and Mr. Gleeson. I do not think we have any business interfering with the internal matters of South Africa. That is why I support this resolution. I want Congress to know that the millions of dollars that we give South Africa every year in military aid from the money that Pennsylvanians pay in Federal taxes should not be used for internal problems.

South Africa does not have one foreign base outside of their border, so all of the military aid that we give that country is used for repression. South Africa does not have any soldiers on foreign soil, so all of the millions that Pennsylvanians help pay for military aid goes for internal suppression. What I am saying is, if you really want to stay out of internal affairs in South Africa, you will support this resolution, because the money we are paying for military aid to South Africa is for internal suppression and nothing more.

Thank you.

On the question recurring,

Will the House adopt the resolution?

Resolution was adopted.

The SPEAKER. If there be anyone on the floor who wishes to state in the negative, he will so state.

The gentleman, Mr. Zeller, in the negative; the gentleman, Mr. Gleeson in the negative; the gentleman, Mr. Shuman, in the negative; the gentleman, Mr. Freind, in the negative.

Under the rules of the House, the Chair may place this question on a roll call if two members wish an electronic roll call. The Chair will place that. The Chair assumes the gentleman, Mr. Zeller, is asking for an electronic roll call. Is there a second to that? There is a second.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—131

Abraham	Gamble	Manderino	Scanlon
Anderson	Garzia	Manmiller	Schmitt
Barber	Gatski	McCall	Schweder
Bellomini	Geesey	McClatchy	Scirica
Berlin	Geisler	McIntyre	Spencer
Berson	George. C.	McLane	Spitz
Bittinger	George. M.	Mebus	Stapleton
Borski	Giammarco	Meluskey	Stewart
Brown	Goebel	Milanovich	Stuban
Brunner	Gray	Miller	Sweet
Burns	Greenfield	Morris	Taddonio
Callagirone	Greenleaf	Mrkonic	Taylor, F.
Caputo	Grieco	Mullen, M. P.	Tenaglio
Ciunciulli	Harper	Mullen, M. M.	Thomas
Cimini	Haskell	Musto	Valicenti
Cohen	Hayes, D. S.	Novak	Wagner
Cowell	Helfrick	O'Brien, B.	Wargo
Davies	Hoeffel	O'Connell	Wass

DeMedio	Hopkins	O'Keefe	White
DeWeese	Hutchinson, A.	Oliver	Wiggins
Dininni	Itkin	Pancoast	Williams
Dombrowski	Johnson	Piccola	Wilson
Donatucci	Jones	Pievsky	Wilt
Dorr	Kelly	Polite	Wise
Doyle	Knepper	Rappaport	Wright, D.
Duffy	Kolter	Ravenstahl	Wright, J. L.
Dumas	Kowalyszyn	Reed	Yahner
Englehart	Laughlin	Renwick	Zearfoss
Fee	Lehr	Richardson	Zitterman
Fischer, R. R.	Levi	Rieger	Zwinkl
Fisher, D. M.	Lincoln	Ritter	
Flaherty	Logue	Ruggiero	Irvis,
Gallagher	Madigan	Ryan	Speaker
Gallen			

NAYS—43

Armstrong	Fryer	Mackowski	Shuman
Bittle	Gillette	McGinnis	Sirianni
Brandt	Gleeson	Milliron	Smith, E.
Burd	Hasay	Moehlmann	Smith, L.
Cassidy	Hayes, S. E.	Mowery	Stairs
Cessar	Honaman	Noye	Taylor, E.
DeVertter	Hutchinson, W.	Pott	Vroon
Dietz	Kernick	Prendergast	Wenger
Foster, A.	Klingaman	Pyles	Zeller
Foster, W.	Letterman	Scheaffer	Zord
Freind	Livengood	Seltzer	

NOT VOTING—26

Arthurs	Halverson	Parker	Shelton
Beloff	Hamilton	Petrarca	Shupnik
Bennett	Katz	Pitts	Trello
Butera	Lynch	Pratt	Wansacz
Cole	Miscevich	Rhodes	Weidner
DiCarlo	O'Brien, D.	Salvatore	Yohn
Goodman	O'Donnell		

The question was determined in the affirmative and the resolution was adopted.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, if I had been in my seat on the last vote on House resolution No. 156, I would have voted in the affirmative and I would like the record to show that. Thank you.

The SPEAKER. The record will show that the gentleman's remarks have indicated that he would have voted in the affirmative on the Williams resolution.

ADJOURNMENT

Mr. SPITZ moved that this House do now adjourn until Thursday, October 27, 1977, at 10 a.m., e.d.t.

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

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I tried to get recognized. I wanted to read a very brief statement and submit some remarks for the record on the question raised on the crisis in South Africa.

The SPEAKER. The Chair apologizes to the gentleman. The Chair was told by the gentleman that he wished to make those remarks. The Chair forgot that he did.

ADJOURNMENT MOTION WITHDRAWN

The SPEAKER. Will the gentleman, Mr. Spitz, withdraw his motion of adjournment temporarily? The gentleman has so agreed.

STATEMENT ON SOUTH AFRICAN CRISES

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

We are all appalled at the latest incidents which occurred in South Africa, but our indignation nor the action taken by the South African regime should come as any real surprise to anyone.

We feel that it is important that everyone has a clear understanding of what is going on and how things got to where they are.

The white domination of blacks in South Africa began in the 17th century, 1650. Some who tried to rationalize the position of the whites in South Africa will say that the white group that now controls South Africa are the children of those Dutch who were on the run from English during the Napoleonic Wars and who were defeated in the Boer War in 1902. Since that time, the Afrikaans, as they call themselves, have established one of those racist regimes which is based on tight-knit ethnic strength. They have taken over political control and gathered increasing economic strength. Their political arm, the National Party, has controlled since 1948. The other 40-or-so percent of the white English-Afrikaans population count for virtually nothing in South African politics.

This description is only accurate if one considers, first of all, that we are discussing the continent of Africa and not somewhere in Europe. For the record and for the sake of accurate investigating, let us look at the black point of view for just a moment.

The native Africans of South Africa live under the policy of apartheid. Its literal interpretation means separation. The system of apartheid determines the conditions of life in South Africa. Separations of the races were enforced by whites from the earliest encounter between Africans and Europeans. It became more and more rigidly defined as the economy and the population grew. When the whites arrived in South Africa, they were able to mine the country's mineral profitably by forcing large numbers of Africans to work for low or no wages.

The system of requiring Africans to live in areas where they could support themselves only by working for whites became more highly defined with the development of South Africa and the subsequent need for a large unskilled or semiskilled labor force. They took or bamboozled the land from the native Africans, which explains how and why the white group was in control of the minerals. As we have said, in 1948 the Nationalist Party gained power. What was not said was that the party won on a platform of white superiority. Legislation based by this form of government made apartheid a legal system. The

Nationalist Government has passed more discriminatory legislation in the last several years. Today, all of this is about to change. The change was and is evitable, but let us not get ahead of ourselves in analyzing this situation.

The system of apartheid, now defined by South African law does not allow Africans, meaning the natives, any representation in the South African Parliament and until the last few years has never been consulted about making separation of the races into legal policy. In South Africa every person is classified by race. That is the color of their skin. The different racial groups are segregated from each other as much as possible. Not only does race keep groups apart, it also governs every other aspect of one's life: where people live, what employment they may seek, where they can travel, what political rights they have, who can attend school, whom they can marry and where they may be buried. Under apartheid laws, they are not allowed to associate with each other or live in the same house. Enforcement of racial separation is rigid even to the point of breaking families.

Legislation introduced by the Nationalists in 1950 divided the entire country into areas for whites and separate areas for Africans called "Reserves" or "Bantustans." Africans are 70 percent of the population, but only 13 percent of the land has been "reserved" for them. These reserves contain few industries and no important source of employment. The land is eroded in most parts and desert in others.

I have a short draft that I will just read from very quickly:

	(White- Europeans)	(Black- Africans)
Per capita income (1968)	\$3,144.00	\$117.00
Average wage in mining (1968)	4,740.00	285.00
Ages subject to tax	21-60	18-65
Income exempt from tax	\$840.00	NONE
Education expenditure per pupil	\$159	\$18
Infant mortality per 1,000 births	27	200
Percentage of population	19	70
Percentage of land reserved	87	13

We agree with Chief Gatsha Buthelezi, tribal leader of South Africa's six million Zulus, when he said, such action drastically narrows the options available and robs us of all democratic choice of peace and harmony. We suggest that the Congress and the General Assembly take strong measures against this country. We suggest that a variety of diplomatic and economic steps can be taken. We demand that an investigation by the Security Council of the United Nations be made and the immediate release of all those arrested last week. We further demand an immediate investigation of the Stephen Biko death. We also suggest that strong economic constraints be imposed on this government by our Congress. We must no longer condone the activities of the colonialist, racist, quasi-facist regime now existing in South Africa.

Finally, Mr. Speaker, we suggest that the Federal Government reassess the military concessions and the military concessions of its allies made to South Africa. If human rights are of the importance that the Carter Administration says they are, then we suggest that they consistently let the world know.

Mr. Speaker, I submit the rest of my remarks for the record

and ask that I be recognized as being in favor of, I think it is, House resolution No. 156.

Thank you very much for the attention of the members who stayed and listened.

REMARKS SUBMITTED FOR THE RECORD

Mr. RICHARDSON presented the following remarks for the Legislative Journal:

Average Monthly Salaries and Wages in South Africa, 1967-1968

Industry	White	Colored	Asian	African
Mining (1967)	\$396	\$83	\$98	\$24
Construction (1968)	\$357	\$142	\$172	\$61
Manufacturing (1968)	\$340	\$87	\$93	\$64
Public Service (1967)	\$208	\$74	\$93	\$33

(Source: Survey of Race Relations in South Africa, 1968)

Workers in all occupations, 1968
blacks 80%
whites 20%

Workers in skilled occupations, 1968
whites 72%
blacks 28%

WHAT YOU EARN DEPENDED ON WHO YOU WERE

Agricultural Wages:		Annual Wages
Status	white	\$1670
	assimilado	\$192
	indigena	49
Industrial Wages:		Daily Wage
Status	white	\$3.50
	assimilado	\$1.05
	indigena	18

I. INTRODUCTION

1. The racial policies of the Government of South Africa have been under discussion in the United Nations, in one form or another, since the first session of the General Assembly in 1946. The matter was then raised by the Government of India in the form of a complaint to the Assembly that the South African Government had enacted legislation against South Africans of Indian origin in violation of agreements between the two Governments.

2. In 1952, the wider question of apartheid (racial separation) was also placed on the Assembly's agenda at the request of thirteen delegations under the title: "Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa". The two related questions continued to be discussed as separate agenda items until 1962, when they were combined under the title: "The policies of apartheid of the Government of the Republic of South Africa".

3. In 1960, following the Sharpeville incident, the question was also discussed by the Security Council.

4. In the various resolutions adopted on this subject, the General Assembly and the Security Council declared that the racial policy of the Government of South Africa, and in particular its policy of apartheid, is in violation of South Africa's obligations under the Charter to promote the observance of human rights and fundamental freedoms for all. They repeatedly called on South Africa to abandon its racial policies and also repeatedly expressed in recent years their conviction that those policies had caused international friction and were seriously disturbing the maintenance of international peace and security.

5. The South African Government, on the other hand, has consistently maintained the stand that its racial policies are essentially within its domestic jurisdiction and that under Article 2, paragraph 7, of the Charter the United Nations is barred from considering the question.

6. In 1962, at its seventeenth session, the General Assembly

requested Member States to take various diplomatic and economic measures against South Africa and established a special committee of eleven members — called the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa — to keep the situation under review and to report to the General Assembly and to the Security Council as appropriate. The Special Committee has reported at regular intervals to both organs of the United Nations.

7. The Security Council began consideration of the matter after the Sharpeville incident in 1960. In 1963 and 1964, it called upon all States to cease the sale and shipment of arms, ammunition of all types, and military vehicles to South Africa including equipment and materials for the manufacture and maintenance of arms and ammunition there.

8. In its last resolution of 16 December 1966, the General Assembly condemned South Africa's racial policies as a crime against humanity and reaffirmed that the situation in South Africa, and the resulting explosive situation in southern Africa, continued to pose a grave threat to international peace and security. It drew the attention of the main trading partners of South Africa that their increasing collaboration with the South African Government had aggravated the danger of a violent conflict and requested them to take urgent steps toward disengagement from South Africa and to facilitate effective action, under the auspices of the United Nations, to secure the elimination of apartheid. It drew the attention of the Security Council to the fact that action under Chapter VII of the Charter, was essential in order to solve the problem of apartheid and that universally applied economic sanctions were the only means of achieving a peaceful solution.

9. The United Nations has established two programmes financed by voluntary contributions to give assistance to the victims of the policies of apartheid. In pursuance of the Security Council resolution of 18 June 1964, the Secretary-General established a United Nations Education and Training Programme for South Africans. The purpose of the programme is to arrange for education and training abroad for South Africans.

10. By resolution 2054 B (XX) adopted on 15 December 1965, the General Assembly has established a United Nations Trust Fund for South Africa to provide: legal assistance to persons charged under discriminatory and repressive legislation in South Africa; relief for dependents of persons persecuted by the South African Government for their opposition to the policies of apartheid; education of prisoners and their dependents; and relief for refugees from South Africa. The Fund is administered by a Committee of Trustees consisting of Chile, Morocco, Nigeria, Pakistan and Sweden.

I. POPULATION UNDER APARTHEID

1. In 1971 six million more persons lived under *apartheid* than in 1960. At present the estimated population of South Africa (excluding Namibia) is 22,000,000. The 1960 census reported the population at 16,022,797, the 1970 census 21,448,169. Contributing to this increase were surviving new borns and immigrants. The size of the population today would have been even greater had the additions not been offset in part by death, with noticeably high infant and maternal mortality among Africans, and emigration.

2. The Republic of South Africa ranks fourth in size of population among States on the African continent, after Nigeria, Egypt, and Ethiopia. In comparative terms, its population is equivalent in numbers to that of Canada and Colombia.

3. The Republic's African population is the largest in southern Africa and second largest south of the equator. In West Africa only Nigeria exceeds South Africa in this respect, while in East Africa the United Republic of Tanzania comes closest but still falls short of the total in South Africa.

4. African inhabitants of South Africa outnumber the Europeans four to one; non-Europeans taken together outnumber the Europeans five and one-half to one. In all provinces the non-Europeans comprise the majority; in all the Europeans are in the minority. Although eighty per cent of the Europeans reside in the urban areas, non-Europeans constitute the majority of urban residents as a whole and in nine of the ten more important cities. More Africans live outside rather than inside

the "Bantu homelands", and of these people the majority maintain residences or find shelter in the urban areas, despite *apartheid* Africans predominate in the Johannesburg urban area, Coloureds in the Cape Town urban area, and Asians in the Durban urban area, allowing for the fact that these populations have been compelled to reside in specially designated settlements.

5. Europeans in South Africa, amounting to less than twenty per cent of the country's inhabitants, constitute the largest European population in Africa and the only one in excess of a million persons. Over ninety per cent of the Europeans permanently residing in Africa are to be found in the Republic. Although most Europeans are urban, only in Pretoria are there more Europeans than any other single group. Small in number as is the European population, individually through corporate enterprises, and the government, it possesses over eighty per cent of the land.

6. Population Census: ¹

	1960	1970
Africans	10,927,923	15,057,952
Coloureds	1,509,258	2,018,453
Asians	477,125	620,436
Whites	3,088,492	3,751,328

Total: 16,002,798 21,448,169

7. Fifty-two per cent of the South African population is classified as rural, forty-eight per cent urban. Although the majority of Africans reside in the rural areas, they outnumber all other "races" in the urban areas, as the following table demonstrates:

	Urban	Rural
Africans	4,989,371	10,068,581
Coloureds	1,494,490	523,963
Asians	535,536	81,900
Whites	3,257,805	493,523

8. After twenty years of *apartheid* more Africans still live outside the homelands than within such areas: 53.5% outside the homelands, that is, in the white areas. While this tally represents a percentage decline since 1960, absolute numbers are greater. It indicates that the white areas do not yield their Africans to the homelands too readily and the homelands in turn lack the carrying capacity to sustain the growing African population. In the "white areas" the population is distributed as follows:

	Urban	Rural
Africans	4,407,015	3,653,758
Coloureds	1,488,928	516,397
Asians	538,341	78,654
Whites	3,247,246	483,705

9. Population by Selected Cities *

	1960	1970
Johannesburg		
Africans	626,366	803,511
Coloureds	58,555	82,551
Asians	27,467	39,312
Whites	398,517	482,589
	1,110,905	1,407,963
Cape Town		
Africans	75,200	107,877
Coloureds	417,881	598,952
Asians	8,975	11,263
Whites	305,155	378,505
	807,211	1,096,597
Durban		
Africans	206,318	224,209
Coloureds	26,979	43,396
Asians	231,219	195,883
Whites	195,418	257,777
	659,934	721,265

1. Data available in United Nations, Unit on *Apartheid*. *Population of South Africa*. New York, United Nations, 1971.

* Over the years boundaries of cities are altered. Under *apartheid* populations have been shifted beyond city limits. Figures for the entire metropolitan area are rarely available.

9. Population by Selected Cities (cont.)		
	1960	1970
Pretoria		
Africans	199,890	280,768
Coloureds	7,452	11,891
Asians	8,045	11,144
Whites	207,202	325,923
	422,590	629,726
Port Elizabeth		
Africans	133,833	181,525
Coloureds	61,460	97,593
Asians	4,084	4,935
Whites	194,804	123,646
	274,180	407,699

10. South Africa has augmented its population through immigration, the consequence of several relevant factors, including a vigorous campaign to attract whites to the Republic. The overall increase has resulted from the following flows of persons:²

	No. of immigrants	No. of emigrants	Net Inflow or Outflow
1948	35,631	7,534	+ 28,097
1960	9,789	12,612	- 2,823
1961	16,309	14,903	+ 1,406
1962	20,916	8,945	+ 11,971
1963	37,964	7,156	+ 30,808
1964	40,865	8,092	+ 32,773
1965	38,326	9,206	+ 29,120
1966	48,048	9,888	+ 38,160
1967	38,937	10,737	+ 28,200
1968	40,548	10,589	+ 29,959
1969	41,446	9,018	+ 32,428
1970	41,523	9,154	+ 32,369

11. Population growth and age composition of the population are directly affected by the extent of *infant mortality*. Differential rates prevail in South Africa: 24.1 infant (to age 1) deaths per 1,000 live births for whites, 54.7 for Asians, and 136.8 for Coloureds in 1967, in urban areas. Only estimates are available for Africans, 200-250 infant deaths per 1,000 live births. While some experts consider this estimate as exaggerated, others suggest that the rate may be as high as 450 infant deaths per 1,000 live births. A 1966 survey is reported as indicating that "half the children born in a typical African reserve in South Africa died before reaching the age of 5 years."³

II. EDUCATION UNDER APARTHEID

1. Apartheidism has deeply penetrated every level of education from the pre-primary through the university, from elemental skill to professional training. Education of all "races" from school entry through post-graduate is oriented towards separate development, especially separate development of Africans, Coloureds, and Asians. Residually, that means that whites are also being educated for their own separate development, except that their training, unlike that of the others, includes the skills to govern the state and manage the economy.

2. While the Ministry of Bantu Administration and Education insists that there is a policy of autonomy for African school districts, with school committees and boards to "control" schools and education in general in a specified area, all must comply with the policy of providing a "Bantu education" for the Africans. "The Department of Bantu Education, together with the various homeland departments, strives to afford opportunities for the Bantu to receive education and training that will equip them to take an effective place in the life of the Bantu communities of South Africa."⁴ Many skills vitally needed in a modern and developed nation are not taught in African educational institutions.

3. There are more African children in school than ever be-

2. *State of South Africa Yearbook*, 1971, p. 93.

3. *The Star* (Johannesburg), May 10, 1969, as cited in Hoffenberg, Raymond. "Inequality in Health Care in South Africa". Special Article. Unit on *Apartheid*. New York, United Nations, March 1970, p. 1

4. *State of South Africa Yearbook* 1971, p.80.

fore. Whether their education is suitable for life in a modern, developed state is another question. With a sense of real achievement the Government points to the increasing literacy among Africans. In fact in this respect reference is to literacy in the "homeland" language, for which a written version has been developed in recent years. Neither English nor Afrikaans has "official" status in African primary schools, although without these languages Africans cannot participate in the full range of higher education or qualify for more advanced jobs in government, professions, or industry. Besides, there is such variation among the "homeland" languages as to impede communications among the Africans and generate further division among them.

4. Educational facilities for Africans have been expanded in the "homelands", including the development of two new universities at Truifloop and Ngoye in addition to Fort Hare. Construction costs are met in part by the central government, school boards, tribal authorities, municipalities, owners of farms, mining and industrial corporations, and religious bodies. The Bantu Trust carries the responsibility of financing school construction in the "homelands".

5. Given the available figures on the number of African pupils enrolled in schools and total expenditures for African education, *average per pupil expenditure for Africans in 1969 is approximately R15 (\$21)*. Obviously, the average per child of school age expenditure falls well below this sum. The Government has fixed its annual contribution to operating outlays at R13 million (\$18 million). Thus African schools are heavily dependent upon support from the Special Bantu Education Fund, which derives its income from taxes collected from Africans: While the state's outlay on African education amounted to R40 million (\$56 million) in 1969-70, the outlay on white primary and secondary education was approximately R191,615,000 (\$268,261,000), or 200-250 (\$280-350) per white child of school age.

6. The size of the African school population is as follows:⁵

1960	—	1,518,063
1965	—	1,957,836
1966	—	2,111,886
1967	—	2,241,477
1968	—	2,397,152
1969	—	2,552,807

7. African enrollment in secondary schools:⁶

1960	—	47,598
1965	—	66,568
1966	—	76,835
1967	—	86,109
1968	—	98,670
1969	—	106,945

8. Africans in university courses number as follows:

(a) Bantu universities at Fort Hare, Turnfloop, and Ngoye

1963	—	623
1964	—	756
1965	—	939
1966	—	1,161
1967	—	1,305
1968	—	1,430
1969	—	1,586
1970	—	2,022

(b) White universities (including the African medical education program at the University of Natal)

1954	—	200	(314 more at Fort Hare)
1969	—	168	

(c) Non-residential university

1954	—	1,086
1969	—	2,144

9. Coloured enrollment in primary and secondary schools and universities:

(a) primary and secondary schools

1954	—	194,565	(ages 7-15)
1968	—	455,562	

5. *State of South Africa Yearbook* 1971, p. 83.

6. *Ibid.* Also utilized for these and subsequent data, *State of the Union Yearbook*. 1957, and *Statesman's Year-Book*, 1970-1971.

9. Coloured enrollment in primary and secondary schools and universities: (cont.)

(b) universities:

University of the Western Cape (Coloured)			
1965	—	415	
1966	—	508	
1967	—	566	
1968	—	655	
1969	—	805	
white universities			
1954	—	496	(239 non-residential, 36 at Fort Hare)
1969	—	1,097	(478 non-residential)
teacher's training centers			
1969	—	2,020	

10. Asian enrollment in primary and secondary schools and universities:

(a) primary and secondary schools

1954	—	65,627	(ages 7-15)
1968	—	157,891	

(b) universities:

University College at Durban			
1965	—	973	
1966	—	1,129	
1967	—	1,258	
1968	—	1,463	
1969	—	1,714	
white universities			
1954	—	725	(292 non-residential, 19 at Fort Hare)
1969	—	1,690	

11. White enrollment in primary and secondary schools and universities:

(a) primary and secondary schools, other than vocational and industrial schools

1954	—	412,905	(ages 7-15)
1968	—	822,482	

(b) universities, other than technical colleges and teacher's training colleges

1954	—	22,956	
1969	—	79,422	

III. SOCIO-ECONOMIC PROFILE OF THE AFRICANS UNDER APARTHEID

1. The 1970 per capita income of Africans in South Africa was approximately \$146.⁷ The previous year the average in-

7. The accuracy of these statistics may be open to some question. However, the magnitudes are generally correct and suffice as significant indicators of the actual conditions in South Africa. These averages have been calculated by reference to (a) items constituting "current income" as found in Table 16, "Personal Income and Expenditures", *A Statistical Presentation of South Africa's National Accounts for the Period of 1946 to 1970*. Supplement to the South African Reserve Bank *Quarterly Bulletin*, June, 1971; (b) population statistics as reported in the 1960 and 1970 censuses and mid-year estimates of the South African Bureau of Statistics, Pretoria; and (c) income distribution differentials, 19.8% as the African share and 73.4% as the European share of "remuneration of employees" and

come was of the same magnitude. For 1966 and 1968 the amounts were \$120 and \$137 respectively, while a decade ago (1960) the annual per capita income averaged \$83. Although the increase over the ten-year period appears to have been substantial, in fact inflation reduced the accumulated real value of the increment to a gain of merely 25% for a poverty level population, with a large segment missing out on the advances altogether.

2. Under *apartheid* Africans benefited from the "prosperity" of the sixties far less than the Europeans. Taking inflation into account, the growth of European per capita income from 1960 to 1970 appears to have exceeded 33%, as follows:

1970	\$2548
1969	2351
1968	2213
1966	1964
1960	1375

The ratio of African to European per capita income reached 1:17.5 in 1970. In some concerned quarters it is contended that the spread between the two populations is growing instead of narrowing and may even amount to a 1:20 ratio.⁸

3. The lowest per capita income of Africans derives from farming, including labouring and services on European farms. Subsistence crops absorb the energies of the great majority of Africans in the Bantustans and elsewhere in rural South Africa, but the rewards, while essential, are meager. In 1970, 35% of the African labour force was employed in the agriculture, forestry, and fishing sector, a slight decline from 37% in 1960.⁹ Even with the value of payments in kind added, in reality the Africans in this sector are generally impoverished. "... in agriculture African real wages today are often below the level of sixty years ago."¹⁰ These people, whether labourers on European farms or producers on native reserve land in the "homelands" have by no means shared the nation's prosperity, nor have they been able under the controls of *apartheid* to abandon this occupation for another. *Apartheid* in this way virtually guarantees to the European farmers direct availability of a cheap labour pool.

4. *Mining* utilized 13% of the employed African labour force in 1970, as compared to 14% a decade ago. It is a lucrative industry, but declining in its relative contribution to the GNP, in which the real earnings of African workers today are esti-

10% as the African share and 85% as the European share of the remaining items of "current income" vide. United Nations. Unit on *Apartheid. Industrialization, Foreign Capital, and Forced Labour in South Africa*. ST/PSCA/SER.A/10. New York, 1970. p.15 and *Financial Mail*, Johannesburg, April 18, 1969. The 10-85 differential is a rough estimate in the absence of more precise information. Note should be taken of the fact that static differentials were assumed for the ten-year period; many observers insist that the differences in social-economic status of Africans and Europeans widened geometrically during the decade.

8. *The Times*, London, April 27, 1971. "White per capita incomes are now 20 times African incomes and the gap is growing."

9. Houghton, D. Hobart. "Dynamics of South Africa's Economic Growth," *South Africa International*, Vol. II, No. 1, July 1971, p. 44.

EMPLOYMENT 1970

	All Races	Whites	Africans	Coloureds and Asians
1. Agriculture forestry and fishing	1,980	115	1,680	185
2. Mining	676	63	606	7
3. Manufacturing and construction	1,539	336	882	321
4. Wholesale and retail trade	452	193	187	72
5. Transport and communications	279	149	110	20
6. Public authorities	649	238	336	75
7. Other services	1,465	301	990	174
Totals	7,040	1,395	4,791	854

10. *The Times*, London, April 26, 1971. Also, *New York Times*, November 10, 1971.

mated to be no higher than in 1911.¹¹ Moreover, a substantial proportion of the employees, 40% plus, are temporary immigrants, from Lesotho and Mozambique.

5. In *manufacturing and construction*, where wage rates are substantially in excess of those in agriculture and mining, African employment expanded radically in the 1960-1970 decade. From 12% in 1960, it has increased to 18%. However, less than 20% of the African labour force is found in these sectors. The great bulk of the lowest paying jobs are held by the Africans, although in recent years a small number have, in face of the growing need for skilled workers, moved into semi-skilled and even skilled positions. However, rarely are they paid the rate for the position.¹² For years it has been a common practice in mining and construction to have Africans perform tasks associated with positions "reserved" for Europeans but at "racial" wage rates payable to Africans. *None holds a managerial post in any enterprise funded by domestic European or foreign capital*, nor are Africans placed in positions to supervise European workmen. Moreover, further advancement is prohibited or in any case entails negotiations between the employer and government. This state of affairs is of deep concern to industrial and financial circles. Professor D. Hobart Houghton has recently observed: "Only if South Africa's human potential is fully utilized and given adequate education and technical training can the future growth of the economy be assured."¹³ *Apartheidists* are most reluctant to accept this view.

6. In low income countries where income supplements in the form of social services and provisions of shelter and sustenance are the rule, income statistics tend to be partially misleading. In South Africa, public social services for Africans are segregated and minimal and thus constitute no major supplement for most of the Africans. "Total Government spending on all services for Africans, seventy-five per cent of the population, is now running at a level of approximately 165 millions, five per cent of all Government expenditures, and probably less than the African share of direct and indirect taxes."¹⁴ As for the receipt of "barter" income, i.e. payment in kind, it is specifically identified with and symbolizes employment at the lowest wage levels, farm and menial labor, mining, and domestic service. It is ordinarily subsistence fare and, translated into cash terms, adds little absolute value to sub-poverty line income levels.

7. South Africa contains a few wealthy Africans, some even wealthier than moderately well-to-do Europeans, as do all the countries in Africa. The number, very small, includes physicians, lawyers, and other professionals. There are also in South Africa Africans who are as indigent and ill-housed as can be found elsewhere in the poorest nations of the African continent. The number is very large.

8. At the same time South Africa, by distinct contrast with other African nations, lacks cadres of African political leaders, senior civil servants, company directors, and organization executives who earn high income and serve their countries in crucial posts at home and abroad. A small number of Africans in official positions in the Transkei and other Bantustans are relatively well rewarded, but *nowhere in South Africa do the African "elites" enjoy the social standing of Africans "elites" in other African nations.*

9. As the Government claims, South Africa affords Africans a *per capita* income equal to or in excess of that possessed in the other African states, but not necessarily in all. What is surely more pertinent is the glaring fact of the remarkably low level of African income in the continent's only, as the South African Government also claims, modernized, developed, and economically diversified country. With a more equitable distribution of income, there could be no question about Africans of South Africa enjoying the highest per capita income in Africa. However, *apartheid* today makes it almost certain that in proportion to the wealth and potentialities of the country, this goal cannot be reached, thus negating the claim to this effect.

IV. POLITICAL SYSTEM UNDER APARTHEID

1. South Africa is a unitary, elitist, parliamentary, republic state, adapted to secure the supremacy of the white population. Its governments include the Republic Government, provincial governments of the Cape, Natal, Transvaal, and Orange Free State, territorial governments of the "homelands", and diverse municipal and local authorities, all subject to the Act to Constitute the Republic of South Africa, No. 32, of 1961 that has superseded the amended South Africa Act of 1909 as the principal constitutional instrument, statutes of Parliament, and orders of the State President and government ministers. Legislative enactments and administrative decisions of all other bodies are essentially derivative and secondary.

2. The Republic Government consists of the State President, Prime Minister and Cabinet, Parliament of two houses, executive departments, courts, and various statutory agencies. The State President is elected in an electoral college, while the Prime Minister holds his position as a result of being the leader of the majority party in the Parliament. Government from top to bottom revolves around the Prime Minister, although his power depends heavily on his own political standing within his party and in the white electorate in the nation as a whole.

3. Parliament is bicameral with all seats reserved exclusively for whites. Senators are indirectly elected. The lower house, House of Assembly, is elected by white voters only, Africans and Coloureds having been entirely removed from the "common rolls". No longer are these peoples represented in any way in the House or actually in the Parliament at all. Their exclusions is complete. Provincial council exist, but Africans, Coloureds, and Asians are excluded from membership. For the Africans there are the Transkei Legislative Council and other homeland and urban advisory councils subject to the initiating and veto powers of the Minister of Bantu Administration and his administrators. The Coloureds have been granted representation in the Coloured Persons Representative Council formed in 1969 under 1964 legislation, the price being that they yield their seats in municipal councils. None of these bodies is sovereign in any respect. Only Parliament is sovereign and, thus, as the governing body, is the instrument of the white population.

4. National elections are conducted under a party system from which Africans, Coloureds, and Asians are excluded. The following table summarizes the results in the elections for the House of Assembly since 1948:

	1948	1953	1958	1961	1966	1970
Total number of seats	153	159	163	156	170	166
National Party						
Votes Polled	401,834	598,718	642,069	370,431	776,766	820,968
Number and per cent of seats won	79(52%)	94(59%)	103(63%)	105(67%)	126(76%)	117(70%)
United Party						
Votes polled	524,230	576,474	503,639	302,875	490,971	561,647
Number and per cent of seats won	65(42%)	57(36%)	53(33%)	45(29%)	39(23%)	47(28%)

11. *Ibid.*

12. Kane-Berman, John and Horner, Dudley. *Report on the Polaroid Experiment*. (South African Institute of Race Relations, Johannesburg, 1971).

13. Houghton, D. Hobart. "The Dynamics of South Africa's Economic Growth in the Past Decade," *South Africa International*, Vol. II, No. 1, July, 1971, p. 45.

14. *The Times*, London, April 27, 1971.

	1948	1953	1958	1961	1966	1970
<u>Progressive Party (formed in 1959)</u>						
Votes polled				69,042	41,065	51,760
Number and per cent of seats won				1(1%)	1(1%)	1(1%)
<u>National Union</u>						
Votes polled				35,903	—	—
Number and per cent of seats won				1(1%)	—	—
<u>Herstigte Nasionale Party</u>						
Votes polled	—	—	—	—	—	53,763
Number and per cent of seats won	—	—	—	—	—	0
<u>Afrikaner Party</u>						
Votes polled	41,885	—	—	—	—	—
Number and per cent of seats won	9(6%)	—	—	—	—	—
<u>Native Representatives</u>	3	3	3	abolished	—	—
<u>Coloureds' Representatives</u>	—	—	4	4	4	abolished

5. In the general election of April, 1970, the National Party (government majority) triumphed but less successfully than in 1966. It won 117 seats, 9 less than in 1966, thus breaking its record of increasing majorities in the House. The opposition United Party picked up 8 seats in 3 of the 4 provinces. The Nationalists dropped in popular vote from 58% to 54.4%, its highly critical ex-ally, Herzog faction in the new Herstigte Nasionale Party, polling the difference. The popularity of the United and Progressive parties remained steady percentage-wise.

6. The National Party is led by Prime Minister B.J. Vorster. Originally the voice of militant Afrikaner nationalism, as much directed against British imperialism as the Africans, the party emerged in its present form in 1934. Victorious in the 1948 election, it formed the Union Government, with Dr. D.F. Malan as Prime Minister, succeeded in office by Mr. J.G. Strijdom, Dr. H.F. Verwoerd (assassinated in 1966), and Mr. B.J. Vorster. Its campaign centers on *apartheid*. Its concern for constitutionalism is slight, if it exists at all, and human rights have steadily diminished in South Africa during its rule. Party policy supports national economic development through state capital and organizations, as well as domestic and foreign private enterprises. It has electorally adjusted to the trends of urbanization and has expanded its appeal to all whites, not merely the Afrikaner voters.¹⁵

7. The United Party, led by Sir de Villiers Graaf, has long been considered to be the voice of the English-speaking white communities, although as a coalition it was the party of Jan Smuts and other moderate Afrikaner spokesmen. Over twenty years in opposition, it supports the "civilized" racial segregation and discrimination. However, it stands for constitutional rule, challenging the legality of police state practices and defending judicial due process. Party leadership is highly critical of *apartheid*-homeland policy on the grounds that it is impractical and endangers economic growth of the nation. Divisiveness over strategy has electorally weakened the party until the 1970 election.

8. The Progressive Party is distinguished by the affluent status of its original leadership and the electoral success of Mrs. Helen Suzman, a model of decency and courage in Parliament. It has advocated that franchise be based on educational and income qualifications, thus bucking the mainstream in South African politics.

9. *Herstigte Nasionale* Party is a perennial in South African politics in various versions. The nation has a history of minor parties that alternate between coalition politics and "true believer" Christian national dogma. The tendency for them is to advocate extreme forms of Afrikaner nationalism, even deploring "liberal" attitudes of the Nationalists towards the Africans, Asians, and Coloureds. They reject the notion that non-Afrikaans-speaking people can be legitimate South African nationalists.

10. Neither the Liberal Party of Alan Paton nor the Communist Party is a participant in electoral politics any longer.

15. See Stultz, Newell. "South Africa under Verwoerd," *Journal of Modern African Studies*, Vol. 7, No. 1, 1969, pp. 3-20.

V. AFRICAN POLITICAL MOVEMENTS UNDER APARTHEID

1. Nationwide political parties of Africans except in the "homelands" are banned in South Africa. None is permitted to contest elections for seats in the Parliament or provincial legislatures. The right of political assembly outside the "homelands" and African townships is refused to Africans. Wherever political gatherings do occur, they are subject to close police scrutiny.

2. All segments of the African anti-*apartheid* and nationalist movement have been driven underground or forced to function abroad in a grossly weakened condition. Proscribed and harassed, their leaders and members jailed, detained, and assaulted, they have been denied participation in overt and legal political processes. Since 1960 both the African National Congress and the Pan Africanist Congress, which in their days articulated the political aspirations and demands of Africans, know only the status of outlaws in the Republic.

3. The oldest of the African political movements and born out of the South African Native Congress, the African National Congress had been reformist and conciliatory. It resorted to campaigns to "defy unjust laws", for example, by burning passes or urging boycotts modeled after the Montgomery bus boycott under the leadership of the late Dr. Martin Luther King, Jr. Its tactics for years entailed no more than non-violent acts and passive resistance, but as the situation became more desperate, it appeared to become more militant, at least in rhetoric. At the peak of its strength it advocated "one man one vote" and sought a political and social order in which all South Africans would participate as equals. Its leaders included the late chief Albert Lutuli, recipient of the 1960 Nobel Peace Prize. Mild-mannered, patient, Chief Lutuli, considerate of other peoples, was compelled to endure a trial for treason. Acquitted, he was restricted to his home under police surveillance. Two African lawyers, Oliver Tambo and Nelson Mandela, served the African National Congress in high office, for which they paid a very heavy price personally. Oliver Tambo lives in exile, while Mandela, convicted of sabotage as the leader of *Umkonto We Sizwe* (Spear of the Nation) suffers life imprisonment.

4. Formed in 1959, after internal disharmony within the African National Congress, the Pan Africanist Congress addressed its protest against specific evils, the pass laws, in particular. Originally it adopted a programme of rights for all, of government of Africans, by Africans, and for Africans. Having organized a massive demonstration of unusual proportions in Cape Town, its leaders, Robert M. Sobukwe, Potlako Leballo, and others were arrested. Sobukwe was imprisoned on Robben Island for years and having completed his sentence has remained in detention and then restriction, even when he offered repeatedly to quit the country. Leballo departed from South Africa, finding a haven in Dar es Salaam.

5. Once the Government proscribed the African National Congress and Pan Africanist Congress, Africans resorted to legal opposition through the device of the All-in African Congress, which called for a one day stay at home in 1961.

Official reaction was to put the army on alert. Subsequently, the congresses were reputed to have formed underground organizations, identified as the "Spear of the Nation" and *Pogo*, for sabotage and violent resistance. In recent years, claims and counterclaims, official and unofficial, have indicated the sporadic presence of African guerrilla units, but evidence as to their very existence or composition and sources of support is meagre. The Government has admitted the commission of sabotage, meeting actual and alleged acts of violence with full measures of violence on its own part.

VI. APARTHEID IN OPERATION

1. *Apartheid* is a historically accumulative and purposeful system of racial containment. Its operational components, each with its own experiential profile and time-frame, fall into four distinctive yet converging categories: a) racial prejudice and discrimination; b) racial segregation and separation; c) economic exploitation of natural and human resources; and d) legal, administrative, and police terror. Associated with each is a set of functions and instruments. Some are viewed as essential mainly to the attainment of *apartheid*; others are the ingredients par excellence of *apartheid*. For example, its proponents would have the world believe that the genuine *apartheid* is racial separation, terror being simply a means to perfect the end. In reality the terror, whatever the intentions of its white perpetrators, is also the true *apartheid*, perhaps its most indestructible component, on which it is dependent for its continuation.

2. Racial prejudice is an attitude, a sentiment; racial discrimination is an act, a measure taken to the disadvantage of its victim. Together, they serve the following functions for racial containment:¹⁶

- a) sustain among Europeans a person and communal sense of superiority;
- b) stereotypes and denigrates the capabilities of Africans, Coloureds, and Asians;
- c) protects the status and jobs for Europeans on the basis of color regardless of integrity and ability;
- d) sharpens stratification of the society to the degree that a caste system can be maintained;
- e) retards the life-chances and restrict opportunities for the advancement of Africans, Coloureds and Asians;
- f) deny the validity of the principle of equality in relations among people.

A sample of the numerous instruments utilized in this facet of the system include:

- a) South Africa Act of 1909 and the Republic of South Africa Constitution Act of 1961 — restricts membership in the Parliament to whites;
- b) Land Act No. 27 of 1912 — denies Africans right of ownership in land;
- c) Mines and Works Amendment Act (Colour Bar Act) of 1927 — reserves employment for whites;
- d) educational expenditures — for every dollar spent on the education of an African twenty to twenty-five dollars have been spent on the education of a white child;
- e) Apprenticeship Act No. 37 of 1944 — closes training opportunities for Africans and other non-Europeans;
- f) Reservation of Separate Amenities Act No. 49 of 1953 — permits public facilities and transportation to be reserved for the exclusive use of any race without provision for equality of such facilities;
- g) Native (Abolition of Passes and Coordination of Documents) Act No. 67 of 1952 — requires persons to possess and carry reference books containing identity, tax receipts, etc., but applied mainly to Africans and with severe penalties, often leading to deportation to the homelands;
- h) Native Labour (Settlement of Disputes) Act No. 48 of 1953 — prohibits trade unions among African workers and denies to them the right to strike possessed by white workers.

3. Racial segregation and separation denote distance among peoples spatially, socially, empathetically, and morally. Be-

tween them walls exist or are raised, and relationships are confined to groups or communities rather than persons subject to controls imposed by the Republic Government. For *apartheid* racial separation carries the following assignments:

- a) sever such ties between Europeans and non-Europeans that are perceived as providing no advantages to the Europeans;
- b) undercut the status of the Africans as South Africans;
- c) weaken African claims to equal treatment and fair shares of the land and resources of the country;
- d) expand opportunities for manipulation of Africans, Coloureds, and Asians by Europeans;
- e) deny certain Europeans political allies from among Africans, Coloureds and Asians;
- f) indoctrinate Africans, Coloureds, and Asians with the values of *apartheid* and thus induce acquiescence;
- g) create African nations and Coloured and Asian communities to serve as racial containers.

The tools and techniques fashioned to implement this function of *apartheid* are illustrated by the following items:¹⁷

- a) Group Areas Act No. 41 of 1950 — requires that the population be assigned to separate areas and territories;
- b) Population Registration Act of 1950 — compels persons to obtain a racial classification and be registered accordingly;
- c) Bantu (African) Education Act of 1955 — transfers responsibility for the provision of education from the provincial education authorities to the Department of Bantu Education — compels Africans to attend African schools;
- d) Prohibition of Mixed Marriage Act of 1949 — converts into a criminal act marriage between persons of different races, enforcing a caste system;
- e) Immorality Act of 1957 — converts into a criminal act sexual intercourse between persons of different races;
- f) Promotion of Bantu Self-Government Act of 1959 — authorizes the Minister of Bantu Administration to provide for "home rule" in the homelands;
- g) Bantu Laws Amendment Act of 1964 — removes all rights of Africans in areas outside the homelands;
- h) Bantu Homelands Citizenship Act of 1969 — creates citizenship for Africans by homelands;
 - i) social, recreational, and sports clubs — cater exclusively to whites, Africans, Coloureds, and Asians, fostering "racial solidarity";
 - j) Reservation of Separate Amenities Act of 1953 — public buildings and facilities in "white" areas — use denied to Africans, Coloured, and Asians for marriages, celebrations, and other social purposes;
 - k) provincial and municipal ordinances that require total segregation in respect to transportation;
 - l) Bantu Universities Act of 1959 — restricts Africans in respect to the universities they may attend;
 - m) ministerial orders and department regulations — require separation in the provision of medical and nursing services; separate facilities in places of employment, libraries, theatres, stores, etc.

4. Economic exploitation of natural and human resources entails directed and rigorous utilization of land, mineral sites, and labour for the attainment of an expanding Gross National Product (GNP). It provides for profitable returns for domestic and foreign investments, thus attracting capital for a fuller economic development of the Republic. It serves *apartheid* in the following ways:

- a) attains rising standard of living and increased personal wealth of Europeans, thus widening social-economic distance between Europeans and non-Europeans;
- b) perpetuates the manpower pool of cheap labour;
- c) facilitates the growth of domestic industry, hence lessening the Republic's dependence on imports and laying the foundation for a self-sufficient weapons industry;
- d) draws foreign investment, not solely to augment local sources of capital, but also to acquire overseas economic

17. United Nations, *Apartheid in Practice*. New York, United Nations, Office of Public Information, 1971, an excellent review of *apartheid*, prepared for the Unit on *Apartheid* by Professor Leslie Rubin.

16. Lewin, Julius. *The Struggle for Racial Equality*. London, Longmans, 1967), p. 2.

allies for the preservation of white supremacy and rule;

e) perpetuates and even magnifies socio-economic differences between South Africa and other African States so as to reinforce differences within the Republic. In pursuit of these objectives the public authorities and management have availed themselves of the following instruments:

a) Bantu Labour Relations Act of 1911 — compels African workers to accept employment on pain of criminal penalties;

b) Mines and Works Amendment of 1927 — prohibits the issuance of certificates of competency to Africans and Asians;

c) Bantu (Urban Areas) Consolidation Act of 1945 — empowers labour officers to issue and terminate working permits of Africans;

d) Bantu Labour (Settlement of Disputes) Act of 1953 — prohibits strikes by Africans;

e) Industrial Conciliation Act of 1956 — prohibits "mixed" trade unions, permitting them only in special cases where the elected officers are white;

f) ministerial orders and departmental regulations — reserve jobs for whites and deny available employment to Africans and Coloureds except by specific order of the Government; also require that for certain products a high proportion of South Africa-made parts be used;

g) Permanent Committee for the Location of Industries — assists industries to find locations consistent with the development programme, including locations near homelands with "high potential of Bantu labour";

h) Industrial Development Corporation — provides buildings and other factory facilities to attract industrial enterprises to areas set aside for this purpose;

i) mine workers recruitment agencies — marshal non-South African labour force consisting of younger men whose lives are totally organized for them by company officials;

j) Chamber of Mines — coordinates the mining industries and represents the groups and companies in matters such as conditions of employment, labour disputes, supply of electricity, availability of equipment, etc.

5. Legal, administrative, and police terror supplies the *apartheidist* system with "muscle", sometimes persecutory, sometimes Carthaginian. Like violence in many political experiences, it starts as a "necessity" in the eyes of the authorities, a specific tactic at a specific moment in a specific circumstance only to acquire a long life and a commanding position in its own right. In South Africa it has become institutionalized as human rights have been downgraded. Its inherence in, and inseparability from, *apartheid* is revealed in its utilities:

a) destroy the will among Africans, Coloureds, and Asians as well as the European opposition, to resist the imposition of *apartheid*;

b) immobilize Africans, Coloureds, and Asians as far as political activities are concerned;

c) destroy independent leadership among Africans, Coloureds, and Asians;

d) curtail circulation of ideas and information of a political nature;

e) isolate Africans from external support, as well as cross-community assistance;

f) unify the European communities against the common enemy, under Nationalist leadership;

g) magnify European "authority" and engender the confidence of whites in the regime;

h) counter "liberalistic" tendencies.

The weaponry of terror, deployed under the sanction of law, reflects both careful planning and instant improvisation.¹⁸

a) around the clock but especially middle-of-the-night police raids in the African urban locations to enforce the pass laws — impress on the Africans the insecurity of their position;

b) Suppression of Communism Act No. 44 of 1950 — unleashes the police to suppress dissent by linking opposition to *apartheid* with the furtherance of Communist objectives.

c) Bantu Administration Act No. 38 of 1927 as amended

— empowers the State President to remove and banish Africans in the public interest;

d) Public Safety Act No. 3 of 1953 — authorizes the declaration of emergencies and government by decree;

e) Criminal Law Amendment Act No. 8 of 1953 — penalizes political protest, including exercise of speech to change of public policy and law;

f) Criminal Procedure Act No. 56 of 1955 — as amended in 1965, permits detention of 180 days without trial;

g) Riotous Assembly Act No. 17 of 1956 — permits extensive restrictions on freedom of assembly;

h) Unlawful Organizations Act No. 34 of 1960 — empowers the State President to declare organizations unlawful and dissolve them by proclamation;

i) Publications and Entertainment Act No. 26 of 1963 — specifies as a criminal offense the freedom of the press where a newspaper strongly criticizes *apartheid* as unjust;

j) General Law Amendment Act No. 76 of 1962 — broadens the range of illegal acts of "sabotage";

k) General Law Amendment Act No. 37 of 1963 — authorizes the detention of persons without trial for repeated periods of 90 days;

l) Terrorism Act No. 83 of 1967 — establishes the crime of "terrorism" so loosely defined as to leave the Government virtually a free hand to prosecute anyone it so wishes, narrows the right of *habeas corpus*, and substantially eliminates the defense of double jeopardy;

m) ministerial orders under wide variety of laws — forbid publication of information, seize papers and literature, deny and confiscate passports, prohibit re-entry into South Africa, and institute criminal libel proceedings;

n) police investigations and surveillance — harass and intimidate victims as much as to collect evidence of crimes and produce a "chilling effect" on the population as far as the exercise of rights are concerned;

o) "third degree" police interrogations and harsh prison treatment — punish victims without judicial due process, in addition to extracting confessions of alleged criminal activity, especially membership in illegal organization, aiding and abetting suspected saboteurs, terrorists, etc.;

p) prosecutions based on unsubstantiated indictments and flimsy evidence — discredit acquitted individuals and impose heavy defense costs on the opponents of *apartheid*;

q) restrictions on movement on individuals and pressure on employers — deprive persons of their livelihood;

r) Bureau of State Security — gathers information and advises the Prime Minister on all aspects of security, including subversion, conspiracy, etc.;

s) Prisons Act of 1959 — restricts the publication of information on prison conditions and prisoners, including treatment of political and other inmates.

6. Many measures initiated by the Republic Government against dissenters and opponents are designed to provide the authorities with a flexible response to acts of defiance. It is a striking fact that the rise in such acts coincides with the deliberate implementation of *apartheid*.

7. Some misconceptions about *apartheid* can be cleared up in a few explanatory statements. It is not purely a theoretical, intellectual, ideological, or theological construct; it is far more an aggregate of what South Africans have actually done or are presently doing to one another in every day life. It is not the exclusive invention of only one segment of the European population, namely, Afrikaners, but all have contributed to the experiences and practices out of which it has evolved. It is not a certain or logical off-shoot of Afrikaner nationalism notwithstanding Nationalist claims to the contrary. After centuries of European aggrandizement it is an almost inescapable outgrowth of the aggressiveness, religious piety, and search for security and wealth that the European communities have persistently manifested.

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

Mr. ZELLER. Mr. Speaker, since we are quoting history, I think that history should show in the record that all through

18. United Nations, Unit on *Apartheid*. *Repressive Legislation of the Republic of South Africa*. ST/PSCA/SER.A/7. New York, United Nations, 1969.

1600, as I have been informed, in South Africa it was entirely white with a few blacks.

What happened is the move north by the Dutch ran into the Zulus coming from the Equatorial area and they clashed. And from 1700 on is when the population grew. So just so Mr. Richardson has the record right and let us get all the facts, if he says that it was entirely at one time controlled by the blacks, that is not true. It was an entirely white area at one time.

I am not saying that is for any reason from my stand. I just think the record should show it, because I do not want to see the impression of these people. I just feel my stand is, I do not want to see our sons and daughters down there fighting in an area and going down there and destroying our people for something that is an internal affair that has to be straightened out by those people. They have the numbers, and I am sure they can do it. That is their job. It certainly is not ours. We have goofed up enough around the world and we are paying daily for it.

WELCOMES

The SPEAKER. The Chair at this time is delighted to welcome to the hall of the House as a guest of Representative Jim Burd, Howard Reed, who is a township supervisor of Cranberry Township in Butler County; John Scarfo, who is the chief of police of Cranberry Township, Butler County; and Ms. Betty Stough, who is president of the Pennsylvania Manufactured Housing Association.

Will they please rise?

The Chair recognizes some distinguished visitors from Ohio who are here as the guests of Dr. Sigmund Smith, who is with the Legislative Office for Research Liaison, and as the guests of the leadership of both parties of this House — Senator Oliver W. Ocasek, who is the Senate Majority Leader of Ohio; Senator Morris Jackson, who is chairman of the Education Committee. They have joined their legislative interns from Ohio who were here yesterday and are here today in the capitol studying the Pennsylvania Legislature.

Will those two gentlemen please rise?

I trust that before you gentlemen leave the capitol we will have an opportunity to talk with you in my office. You are invited to come there. If you get bored with the session, I will be

surprised, but if you are, you are welcome to go to my office prior to the close of session.

The Chair at this time recognizes 35 juniors and seniors from North Allegheny High School, with their teachers, David Berlin and Virginia Zajac. These students are members of the Talented and Gifted Program.

They are the guests of the gentleman from Allegheny, Mr. Pott.

The Chair welcomes you to the hall of the House, and thanks you for coming.

The Chair welcomes to the hall of the House, as a guest of Representative Meluskey, Mr. and Mrs. Nicholas Borrell, who are here today from Lehigh County. They are also the guests of the rest of the Lehigh County delegation. Mr. Borrell is a veteran councilman in Lehigh County.

The Chair would like to introduce at this time, quickly before they are forced to leave the hall of the House, the guests of Representative Lincoln, Representative Taylor and Representative DeWeese — Mr. and Mrs. Harry Hagerman and Mr. and Mrs. Tom Daley.

At the same time, the Chair would like to introduce the guests of Representative Peter Vroon, Mr. Warren Eck and Mrs. Charles Grassinger from Strafford, Pennsylvania.

The Chair at this time welcomes to the hall of the House the mother and father of Representative Bill McLane, Mr. and Mrs. John McLane. They are in the audience.

Will they please stand?

Mr. and Mrs. John McLane have as their guests Mrs. Thomas Earley and Miss Mary Kearney.

Will they please rise?

They are the guests of Representative Bill McLane and the rest of the Lackawanna County delegation, and we welcome you to the hall of the House.

ADJOURNMENT

Mr. SPITZ moved that this House do now adjourn until Thursday, October 27, 1977, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 3:47 p.m., e.d.t.) the House adjourned.