

# Legislative Journal

WEDNESDAY, NOVEMBER 16, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 99

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

### PRAYER

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

O God, we know that we need Thy mercy and Thine everlasting love to overcome the wrath of the world about us and the hope of watching and waiting for the better days which lie ahead. We place our trust and confidence in Thee and the protective power which Thou dost share with all of Thine own. And we beseech Thee to fill us with the assurance of Thy indwelling spirit, so that we may anticipate Thy guiding hand and directive presence in the lives of each of us. This we ask that Thy name may be glorified, Thy counsel sought by all, and Thy truth proclaimed before all generations. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, November 15, 1977, will be postponed until printed.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker announces he is taking the master roll call. All members within hearing of his voice will report promptly to the floor of the House.

The following roll call was recorded:

#### YEAS—193

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

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

NAYS—0

NOT VOTING—7

Geesey	Hutchinson, A.	Rappaport	Williams
Hamilton	Lynch	Shelton	

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1872 By Mr. GOEBEL

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

Referred to Committee on Judiciary.

No. 1873 By Mr. GOEBEL

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), empowering the board or referee to determine a reasonable amount as attorney's fees.

Referred to Committee on Labor Relations.

**No. 1874** By Messrs. GOEBEL and SHUMAN

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), extending the time limitation for a referee to hold a hearing on a filed petition.

Referred to Committee on Labor Relations.

**No. 1875** By Messrs. PYLES and MEBUS

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, further providing for several routes in Montgomery County.

Referred to Committee on Transportation.

**No. 1876** By Messrs. GALLEN, GOODMAN, ZEARFOSS, FREIND, BURD and O'CONNELL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the termination of all State benefits, including pension benefits, of any officer, member, employe of the Judiciary, the General Assembly or of the Commonwealth for conviction of certain criminal activity.

Referred to Committee on Judiciary.

**No. 1877** By Messrs. FREIND, BURD, SPITZ, STAIRS, CALTAGIRONE, LIVENGOOD, W. D. HUTCHINSON, DAVIES, NOYE, IYNCH, McCLATCHY, PICCOLA, MANMILLER, ZEARFOSS, GALLEN and GREENLEAF

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the loss of benefits and contributions upon conviction of certain crimes.

Referred to Committee on Judiciary.

**No. 1878** By Messrs. DeMEDIO, GREENFIELD, NOVAK, R. R. FISCHER, CASSIDY, ZELLER, ZITTEMAN, MISCEVICH, COLE, LOGUE, TRELLO, ABRAHAM, RENWICK, MRKONIC, M. M. MULLEN, TENAGLIO, PYLES, SPITZ, D. M. O'BRIEN, MANMILLER, LEVI, DIETZ, CIMINI, PETRARCA, BRUNNER, ENGLEHART, LIVENGOOD, D. R. WRIGHT, GEORGE, STEWART, BITTINGER, FEE, WARGO, LETTERMAN, COWELL, TAYLOR, HALVERSON, RAVENSTAHL and DeWEESE

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof \*\*\*" extending the act to include veterans with total service connected disability.

Referred to Committee on Military and Veterans Affairs.

**No. 1879** By Messrs. GEORGE, LIVENGOOD, D. R. WRIGHT, WARGO, LOGUE, PETRARCA, LETTERMAN, M. M. MULLEN, RENWICK, YAHNER, A. K.

HUTCHINSON, McCALL, DeMEDIO, WANSACZ, TAYLOR, MILLIRON, CASSIDY, GAMBLE, STUBAN, BITTINGER, STEWART, TENAGLIO, ENGLEHART, GATSKI, SCHWEDER, ZWIKL and GOODMAN

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying, assessing or collecting of an occupation tax or occupational privilege tax in certain cases.

Referred to Committee on Local Government.

**No. 1880** By Messrs. GEORGE, LETTERMAN, TAYLOR, YAHNER, CASSIDY, D. R. WRIGHT, McCALL, DeMEDIO, KOLTER, W. D. HUTCHINSON, PETRARCA, DUFFY, RAVENSTAHL, LOGUE, MACKOWSKI, CESSAR, DAVIES, STUBAN, GAMBLE, SWEET, LIVENGOOD, B. F. O'BRIEN and ENGLEHART

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), limiting the authority of the Department of Environmental Resources and courts in requiring construction of sewerage facilities by municipalities.

Referred to Committee on Conservation.

**No. 1881** By Messrs. COHEN, IRVIS, KOWALYSHYN, ZEARFOSS, HASAY, SCHMITT, RHODES, CAPUTO, GAMBLE, Mrs. GILLETTE, Messrs. LAUGHLIN, PRATT, JOHNSON, OLIVER, Mrs. KELLY, Messrs. GIAMMARCO, WHITE, Mrs. SCANLON, Messrs. WILLIAMS, REED, BROWN, Mrs. HARPER, Messrs. GATSKI, TAYLOR, GARZIA, MACKOWSKI, ZORD, TENAGLIO, HOPKINS, MOWERY, MILLIRON, LIVENGOOD and SWEET

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for the membership of the board of directors of hospital plan corporations.

Referred to Committee on Insurance.

**No. 1882** By Messrs. MELUSKEY, YAHNER, KOWALYSHYN, DiCARLO, MRKONIC, ZELLER, ZWIKL, RUGGIERO, Mrs. WISE, Messrs. LINCOLN, D. R. WRIGHT, VROON, CALTAGIRONE, GRIECO, RAVENSTAHL, TRELLO, GAMBLE, DUFFY, COWELL, MILLIRON, SWEET and O'KEEFE

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), granting additional supervisory powers to the Department of Agriculture over certain State lands presently supervised by the Department of Public Welfare and authorizing certain leasing arrangements by the Department of Agriculture.

Referred to Committee on Agriculture and Rural Affairs.

**No. 1883** By Messrs. MEBUS, BRUNNER, DAVIES,  
CAPUTO, CESSAR, RAPPAPORT,  
GEISLER, DUFFY, LEHR and DeWEESE

An Act authorizing economically disadvantaged senior citizens to defer their property tax liabilities.

Referred to Committee on Finance.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

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

#### SENATE BILL No. 179

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law" requiring a fluorescent orange color to be worn by hunters when hunting big game and providing a penalty.

Referred to Committee on Game and Fisheries.

#### SENATE BILL No. 672

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes prohibiting the practice of employing an alien not lawfully admitted to the United States of America.

Referred to Committee on Judiciary.

#### SENATE BILL No. 1048

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), entitled "State Public School Building Authority Act" providing for the private sale of refunding bonds in certain circumstances.

Referred to Committee on Education.

#### SENATE BILL No. 1117

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes providing for transmitting the record of a death sentence to the Governor.

Referred to Committee on Judiciary.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Mr. BURNS

#### HOUSE RESOLUTION No. 168

The House of Representatives of the Commonwealth of Pennsylvania memorializes the Congress of the United States to investigate the entire Amtrak system and make a swift determination of the above mentioned allegations in particular.

Referred to Committee on Federal-State Relations.

By Mr. BELLOMINI

#### HOUSE RESOLUTION No. 169

The House of Representatives direct and authorize the House Transportation Committee to establish a special subcommittee of five members, consisting of the Chairman of the House Transportation Committee and four members of the Transportation Committee, to be appointed by the Chairman of the Transportation Committee, to investigate the problems con-

nected with the Department of Transportation and SEPTA.

Referred to Committee on Rules.

### SENATE MESSAGE

#### SENATE RESOLUTION FOR CONCURRENCE

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

#### SENATE RESOLUTION No. 214

Memorializing Congress and the President to maintain specialty steel import limitations.

Referred to Committee on Federal-State Relations.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **HOUSE BILL NO. 594**, 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.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate returned the following bills without amendment:

#### HOUSE BILL No. 84

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the election of the Attorney General and providing for his qualifications.

#### HOUSE BILL No. 568

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code" authorizing certain fire companies rescue companies and ambulance companies to purchase petroleum products by way of purchase contracts for same by the borough.

#### HOUSE BILL No. 569

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code" authorizing certain fire companies rescue companies and ambulance companies to purchase petroleum products by way of purchase contracts for same by the township.

#### HOUSE BILL No. 1197

An Act amending the act of May 29, 1956 (1955 P. L. 1795, No. 598), entitled "Pennsylvania Fertilizer Law of 1956" further providing for the regulation of fertilizers including soil conditioners and plant growth substances within the scope of regulation by the act and changing penalties.

### BILLS SIGNED BY SPEAKER

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

#### HOUSE BILL No. 84

A Joint Resolution proposing an amendment to the Constitu-

tion of the Commonwealth of Pennsylvania providing for the election of the Attorney General and providing for his qualifications.

#### HOUSE BILL No. 568

An Act amending "The Borough Code" approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing certain fire companies rescue companies and ambulance companies to purchase petroleum products by way of purchase contracts for same by the borough.

#### HOUSE BILL No. 569

An Act amending "The Second Class Township Code" approved May 1, 1933 (P. L. 103, No. 69), authorizing certain fire companies rescue companies and ambulance companies to purchase petroleum products by way of purchase contracts for same by the township.

#### HOUSE BILL No. 1197

An Act amending the "Pennsylvania Fertilizer Law of 1956" approved May 29, 1956 (1955 P. L. 1795, No. 598), further providing for the regulation of fertilizers including soil conditioners and plant growth substances within the scope of regulation by the act and changing penalties.

#### SENATE BILL No. 664

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.

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 request leaves of absence for Messrs. RAPPAPORT and A. K. HUTCHINSON for today's session.

The SPEAKER. The Chair recognizes the minority caucus chairman.

Mr. S. E. HAYES. Mr. Speaker, I request a leave of absence for Mr. LYNCH for today's session.

The SPEAKER. Without objection, leaves are granted.

#### RESOLUTION REPORTED FROM COMMITTEE

HR 167, PN 2309 (Amended) By Mr. WARGO

That the Speaker of the House of Representatives directs the House Committee on Consumer Affairs to investigate the fuel adjustment charge levied by the Columbia Gas of Pennsylvania.

Rules.

#### CALENDAR

##### MINES AND ENERGY MANAGEMENT BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1147, printer's No. 1353**, entitled:

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.

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

Ordered, to be transcribed for third consideration.

##### URBAN AFFAIRS BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 814, printer's No. 918**, entitled:

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.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 106, printer's No. 1314**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled as amended "Second Class County Code" requiring mandatory audits of the minor judiciary.

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

Ordered, to be transcribed for third consideration.

##### LIQUOR CONTROL BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1579, printer's No. 1900**, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90, No. 21), authorizing the use of driver's licenses as a means of identification.

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

Ordered, to be transcribed for third consideration.

##### LOCAL GOVERNMENT BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1124, printer's No. 1967**, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323, No. 130), making certain audits mandatory and making an editorial change.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 377, printer's No. 1430**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law" excluding certain structures involved in manufacturing from taxation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 481, printer's No. 1431**, 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" excluding certain structures used in manufacturing from taxation and making an editorial change.

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

Ordered, to be transcribed for third consideration.

#### MILITARY AND VETERANS AFFAIRS BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 885, printer's No. 1965**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes further providing for the establishment of an advisory council for each State veterans' home.

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

Ordered, to be transcribed for third consideration.

#### CONSUMER AFFAIRS BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1761, printer's No. 2137**, entitled:

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

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

Ordered, to be transcribed for third consideration.

#### JUDICIARY BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 394, printer's No. 432**, entitled:

An Act amending the "Public Defender Act" approved December 2, 1968 (P. L. 1144, No. 358), adding a further provision for the legal defense of persons subject to commitment.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 953, printer's No. 2291**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Penn-

sylvania Consolidated Statutes creating the Pennsylvania Commission on Sentencing establishing guidelines for criminal sentencing to be used by trial courts and further providing for sentencing alternatives and appellate review of sentence.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 236, printer's No. 1457**, entitled:

An Act to increase the number of judges of the Commonwealth Court and providing for their appointment and to provide three additional judges of the Traffic Court of Philadelphia.

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

Ordered, to be transcribed for third consideration.

#### FINANCE BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 941, printer's No. 1083**, entitled:

An Act amending the "Local Tax Collection Law" approved May 25, 1945 (P. L. 1050, No. 394), further providing for penalties.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1570, printer's No. 1891**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), further providing for an emergency exclusion from the tax for education.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1633, printer's No. 2193**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), further defining "dividends".

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 305, printer's No. 307**, entitled:

An Act authorizing local taxing authorities to provide for tax exemption for certain deteriorated industrial commercial and other business property; providing for an exemption schedule and establishing standards and qualifications.

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

Ordered, to be transcribed for third consideration.

TRANSPORTATION BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 402, printer's No. 406**, entitled:

An Act amending the act of June 28, 1947 (P. L. 1110, No. 476), entitled "Motor Vehicle Sales Finance Act" increasing certain license fees.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 480, printer's No. 4391**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" limiting the time during which certain actions relating to transportation programs may be brought.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 888, printer's No. 960**, entitled:

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), entitled "County and Municipal State Highway Law" deleting a route in York County.

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

Ordered, to be transcribed for third consideration.

FINANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 238, printer's No. 258**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), establishing a standard refund procedure and setting forth an appellate procedure for the taxpayer to the courts of this Commonwealth and making certain repeals.

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—190

Abraham	Freind	Manderino	Scheaffer
Anderson	Fryer	Mannüller	Schmitt
Armstrong	Gallagher	McCall	Schweder
Arthurs	Gallen	McClatchy	Seirica
Barber	Gamble	McGinnis	Seltzer
Bellomini	Garzia	McIntyre	Shuman
Beloff	Gatski	McLane	Shupnik

Bennett	Geisler	Mebus	Sirianni
Berlin	George, C.	Meluskey	Smith, E.
Berson	George, M.	Milanovich	Smith, L.
Bittinger	Giannmarco	Miller	Spencer
Bittle	Gillette	Milliron	Spitz
Borski	Goebel	Miscevich	Stairs
Brandt	Goodman	Mochlmann	Stapleton
Brown	Gray	Morris	Stewart
Brunner	Greenfield	Mowery	Stubar
Burd	Greenleaf	Mrkonic	Sweet
Burns	Grieco	Mullen, M. P.	Taddonaio
Butera	Halverson	Mullen, M. M.	Taylor, E.
Caltagirone	Harper	Musto	Taylor, F.
Caputo	Hasay	Novak	Tenaglio
Cassidy	Haskell	Noye	Thomas
Cassar	Hayes, D. S.	O'Brien, B.	Trelo
Ciauciulli	Hayes, S. E.	O'Brien, D.	Valicenti
Cimini	Helfrick	O'Connell	Vroom
Cohen	Hoeffel	O'Donnell	Wagner
Cole	Honaman	O'Keefe	Wansacz
Cowell	Hopkins	Oliver	Wargo
Davies	Hutchinson, W.	Paucoast	Wass
DeMedio	Itkin	Parker	Weidner
DeVerter	Johnson	Petrarca	Wenger
DeWeese	Jones	Piccola	White
DiCarlo	Katz	Pievsky	Wiggins
Dietz	Kelly	Pitts	Wilson
Dininni	Kernick	Polite	Wilt
Dombrowski	Klingaman	Pott	Wise
Donatucci	Knepper	Pratt	Wright, D.
Dorr	Kolter	Prendergast	Wright, J. L.
Doyle	Kowalshyn	Pyles	Yabner
Duffy	Laughlin	Ravenstahl	Yohn
Dumas	Lehr	Reed	Zearfoss
Englehart	Letterman	Renwick	Zeller
Fee	Levi	Rieger	Zitterman
Fischer, R. R.	Lincoln	Ritter	Zord
Fisher, D. M.	Livengood	Ruggiero	Zwickl
Flaherty	Logue	Ryan	
Foster, A.	Mackowski	Salvatore	Irvis,
Foster, W.	Madigan	Scanlon	Speaker

NAYS—0

NOT VOTING—10

Geesey	Hutchinson, A.	Rhodes	Shelton
Gleeson	Lynch	Richardson	Williams
Hamilton	Rappaport		

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.

EDUCATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1655, printer's No. 2076**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendment:

Amend Sec. 1 (Sec. 4), page 3, line 12, by striking out "ten" and inserting fifteen

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

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola, on the amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment to HB 1655 will increase the allowable percentage by which the agency may garnish wages from 10 percent to 15 percent. The reason that I offer this amendment is primarily because I am a beneficiary of a Pennsylvania Higher Education Assistance Agency loan and am currently paying on that loan.

I went home and I did a little figuring when I began paying on this loan. I was paying a percentage of my income that exceeded 10 percent and I believe there are a lot of others who are in my position. I feel, therefore, that someone who has to be dragged kicking and screaming by an enforcement agency to the point that they have to have their wages garnished perhaps should have to have their wages garnished to a level higher than 10 percent. I am quite willing and I believe this House should be quite willing to permit garnishment up to 15 percent of wages.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, on the amendment, the gentleman from Luzerne, Mr. Shupnik.

Mr. SHUPNIK. Mr. Speaker, I certainly can, well, maybe sympathize or almost agree with the gentleman, Mr. Piccola, but I also realize, too, that we are now trying to put into law that we can go out and get this money, and if we can get it at 10 percent, we will be satisfied. I think if we need to go higher, we can come in at a later date.

There is enough opposition now, I think, to garnishing wages, which I do not like to do, but I think we can get along at the 10 percent and I would like to just let it stay at that, Mr. Speaker.

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

Mr. WILSON. Would the gentleman, Mr. Piccola, agree to brief interrogation?

The SPEAKER. Will the gentleman, Mr. Piccola, agree to interrogation?

Mr. PICCOLA. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Piccola, has indicated that he will stand for interrogation. The gentleman, Mr. Wilson, may proceed.

Mr. WILSON. Not having a copy of the amendment, if I get the gist of it, you are permitting whom to increase the rate from 10 percent to 15 percent?

Mr. PICCOLA. The agency may now garnish wages, or at least under the bill may garnish wages, up to 10 percent.

Mr. WILSON. In other words, PHEAA, the agency, under Mr. Shupnik's proposal here would have the right to collect or garnish wages up to the amount of 10 percent of the person's income. You want to change that and make it 15 percent. Is that correct?

Mr. PICCOLA. Yes, to permit them, at their option, to garnish up to 15 percent.

Mr. WILSON. My next question was, it is the agency's option to take 5 percent or 10 percent or 12 percent or 13 percent. But in your case, if your amendment is successful, the maximum would be 15 percent that they could, if they so saw fit, garnish. Is that correct?

Mr. PICCOLA. Yes. It is strictly at the option of the agency now under this proposal and also under my amendment.

Mr. WILSON. I thank the gentleman.

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

The following roll call was recorded:

YEAS—87

Anderson	Gallen	Manmiller	Shuman
Armstrong	George, M.	McClatchy	Sirianni
Bittle	Goebel	McGinnis	Smith, E.
Brandt	Gray	Miller	Smith, L.
Brown	Greenleaf	Moehmann	Spencer
Burd	Grieco	Mowery	Stairs
Butera	Halverson	Mrkonje	Taddonio
Caltagrone	Hasay	Noye	Taylor, F.
Cessar	Haskell	O'Brien, D.	Thomas
Cimini	Hayes, D. S.	O'Keefe	Vroom
Cole	Hayes, S. E.	Parker	Wass
Davies	Helfrick	Piccola	Weidner
DeVerter	Honaman	Pitts	Wenger
Dietz	Hopkins	Polite	Wilson
Dininni	Hutchinson, W.	Pott	Wilt
Dorr	Katz	Pyles	Wright, J. L.
Duffy	Kernick	Reed	Yohn
Fischer, R. R.	Klingaman	Ryan	Zearfoss
Fisher, D. M.	Knepper	Salvatore	Zeller
Foster, A.	Lehr	Schaeffer	Zord
Foster, W.	Mackowski	Seirica	Zwick
Freind	Madigan	Seltzer	

NAYS—103

Abraham	Fryer	Manderino	Ritter
Arthurs	Gallagher	McCall	Ruggiero
Barber	Gamble	McIntyre	Seanlon
Bellomini	Garzia	McLane	Schmitt
Beloff	Gatski	Mebus	Schweder
Bennett	Geisler	Meluskey	Shupnik
Berlin	George, C.	Milanovich	Spitz
Berson	Giammarco	Milliron	Stapleton
Bittinger	Gillette	Miscevich	Stewart
Borski	Gleeson	Morris	Stuban
Brunner	Goodman	Mullen, M. P.	Sweet
Burns	Greenfield	Mullen, M. M.	Taylor, E.
Caputo	Harper	Musto	Tenaglio
Cassidy	Hoeffel	Novak	Trello
Cianciulli	Itkin	O'Brien, B.	Valicenti
Cohen	Johnson	O'Connell	Wansacz
Cowell	Jones	O'Donnell	Wargo
DeMedio	Kelly	Oliver	White
DeWeese	Kolter	Pancoast	Wiggins
DiCarlo	Kowalshyn	Petrarca	Wise
Dombrowski	Laughlin	Pievskey	Wright, D.
Donatucci	Letterman	Pratt	Yabner
Doyle	Levi	Prendergast	Zitterman
Dumas	Lincoln	Ravenstahl	
Engelhart	Livengood	Renwick	
Fee	Logue	Rieger	
Flaherty			

Irvis,  
Speaker

## NOT VOTING—10

Geesey	Lynch	Richardson	Wagner
Hamilton	Rappaport	Shelton	Williams
Hutchinson, A.	Rhodes		

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

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

Amend Sec. 1 (Sec. 4), page 3, lines 1 through 4, by striking out "powers of law enforcement officers," in line 1, all of lines 2 through 4, and inserting power to file criminal complaints.

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

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

Mr. ITKIN. Mr. Speaker, I do not know how many members have read this bill completely, but what this bill does is to create a special investigative unit under the Pennsylvania Higher Education Assistance Agency for the purposes of investigating fraud in seeking loans and in the breach of fiduciary responsibilities in entering into these loans and other types of fiscal matters in which the agency is involved with the banks and the students.

I support this type of concept because I know for a long time the banks have been unable to get the payments on the loans back from many students and, as a consequence, the Commonwealth, PHEAA, has bought a lot of bad paper and it is jeopardizing the situation of the agency with respect to Federal support. But I do take exception to the language in the legislation that would grant to this particular investigative unit all the powers of law-enforcement officers. Specifically mentioned in the bill, this investigative unit would have the power of arrest, the power to file criminal complaints, and the power to execute search warrants.

Now basically what we are considering here is really a civil debt. We are talking about an unpaid debt between one person and another person. In this case, it is an unpaid debt from the bank to another individual. And to use such devices like the power of arrest and the power of search seems to be—and this is in the response of my inquiry to the Justice Department—excessive.

It is unreasonable. I mean, consider the situation where a correspondent has been delinquent in his payments. There is a knock on the door, and the person behind the door answers and says, who is it? The answer is, the PHEAA police. The door is opened and they say, you are under arrest, because that is what we will be granting them — the power of arrest — and there is no need for them to have the power. Then the next thing is to search their domicile for any bankbooks or any other things that they may have.

It seems to me if you look upon it, you would say that sounds ludicrous and, obviously, that should not happen.

So now you ask the question: Well, if this is ludicrous and should not happen, why should these powers be conferred to

this agency? What need is there for this agency to have the power of arrest? What need does this agency have for the power to execute search warrants? Certainly, if those things are required, there are local law-enforcement agencies which can be commissioned to do this thing.

I would like to point out that a lot of agencies of the state that have regulatory control and in fact can file criminal complaints, when they have to resort to such types of techniques like arrest and search, go to the courts and the local enforcement agencies for that type of support.

I think it is a gross change and departure from the way we handle our law enforcement and conformance with the laws in Pennsylvania to start out in this regard, and the amendment that I am offering today would delete the two things. It would delete the power of this investigative unit to make arrests and it would delete the power of this investigative unit to perform searches. It would still have all the other powers that are granted to it under the legislation.

Thank you.

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

Mr. SHUPNIK. Mr. Speaker, in all due respect to my friend, Mr. Itkin, when he talks about a police force, what we are talking about are four investigators, four auditors, and one coordinator.

Now why are we giving them police powers? The Justice Department has had these cases and they have had a number of them, and they cannot handle them any longer. It has got to a point where they have just returned them and said, we cannot go any further; we cannot process; we just do not have the manpower.

Now let me say this about going in with search warrants and making mass arrests: The PHEAA board, the administration, over there has been going on for a number of years doing everything possible to get these young people to pay back their loans. Unfortunately, many of them have not, and as a result, they are now piling up. As the auditors go out and find these things, where the arrests are actually going to happen is going to be in and around the colleges and the banks. It is not going to be the individual person. You have about 11,000 people who are defrauding. How are four people going to go out and make arrests? It would be just impossible.

Furthermore, may I say this: When it comes down to making arrests, if there are to be any arrests, it will be done through local people, going through the local police department. Then you say, well, why not let them do it? Unfortunately, every so often the local police departments—and I think you and I and everyone in here knows it—find they are some of their friends and they are not going in to make that arrest; you do it. That is the reason why we say at times they have to have police power.

Now down in one of our cities, they found out that there were banks and there was a college and there was an outside individual. They went in and found out that they were making a regular circle of it. As a result, they were defrauding for about \$24,000. Then you had to go out and get the FBI or go out and get your State Police or the Justice Department.

As a result, we feel and I honestly believe that it is not a case



of going out and making mass arrests. It is not a police department. What these people want to do is go out and investigate these frauds, and if they have to, as a last resort, then they would make arrests.

Mr. Itkin also speaks about putting in a lien. There are about 2,500 liens put in, Mr. Speaker. Out of those 2,500 I think there are—I am not sure of the number—maybe about 112 or so that have actually complied. So we can put in all the liens we want, but I think we have to take a little more drastic action.

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

Mr. PANCOAST. Mr. Speaker, I rise to oppose the amendment that has been offered by the gentleman from Allegheny. I think we should note in the proposed legislation that there are specific steps that are to be followed by this investigative agency, and the first step, of course, is merely to conduct an investigation. Secondly, to work in conjunction with the appropriate prosecuting authorities. Then, of course, the additional power has been granted in the case of these criminal violations that the staff of the investigating unit shall, in the case of fraud or a breach of fiduciary obligation, under this clause, have the powers of law-enforcement officers. But as Mr. Shupnik has pointed out, this certainly will be done in connection with the local law-enforcement officers.

What the effect of this amendment would be is to take us back to the authority that the agency now has, and that is, to place a lien after procedures have been followed in order to try to recoup lost funds. As Mr. Shupnik has said, the agency has placed something like 2,500 liens through the regular procedure, of course, after a bank has attempted to negotiate with the student so that he will repay his loan to the bank. If that negotiation is unsuccessful, then, of course, PHEAA—the Pennsylvania Higher Education Assistance Agency—buys the bad paper.

After the agency has bought the so-called bad paper, the agency tries to work with the student to try to work out the repayment of the loan with the agency. Eighty percent of the funds that are then collected by the agency, if such an agreement is reached, is returned to the Federal Government. Twenty percent is kept by the agency itself. This is the original breakdown with respect to the guarantee loan by the Federal Government.

Certainly a third step in negotiating for a settlement of this bad debt is the forbearance of the agency where they have constantly tried to work with the student. After that, then it is necessary to place the lien if no success has been gained.

In placing the lien, of course, it is necessary to go through the county court system, through the prothonotary's office to file the lien. As Mr. Shupnik has pointed out, some 2,500 liens have been filed and less than 110 have actually been negotiated, and even of the 110 we have not gotten complete settlement there. So the agency is very anxious to try to pursue a reclaiming of the funds that have been lost. I urge the defeat of this amendment.

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

Mr. PICCOLA. Would the gentleman, Mr. Itkin, consent to a brief interrogation?

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

Mr. PICCOLA. Mr. Speaker, I do not have a copy of your amendment. I am wondering whether or not the amendment affects only the power of the investigative unit to make arrests and issue search warrants?

Mr. ITKIN. That is correct.

Mr. PICCOLA. Does it in any way affect the power or right of garnishment of wages?

Mr. ITKIN. This amendment does not.

Mr. PICCOLA. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, to reiterate what Dr. Pancoast said, which is fact, I would like to point out that most bureaus of the State of Pennsylvania have this power now that Mr. Shupnik is trying to get into the PHEAA program. For instance, the Professional Licensing Bureau has had that power because we had that experience up in my area with several, I should say, beauty parlors, barber shops, people hanging cigarette licenses and so forth. They have had the power to prosecute and they have been doing it. They investigate. They have called people in and they have done this all on their own, as a matter of fact, with the Justice Department people. That is true. But the Justice Department people just do not have the numbers and the time to do it. But most departments in this state, the Department of Health and DER—I know DER—has prosecuted several cases. So I do not see any difference with PHEAA then what we already have in any other department.

They have got to get the job done, and what Dr. Pancoast brought out very well is that they have to go that step further in PHEAA, which they have not done. I believe that this is no more than right to have this kind of money put out to people, mostly, in good faith who receive this money from the taxpayers. I think the taxpayer has the right to get it back. All they are trying to do is set up a program in which to do that. So I just cannot see where Mr. Itkin, with all respect to him, is making any sense with this amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, also, rise to speak against the amendment. I think what we have to keep uppermost in our minds is that PHEAA is terribly dependent upon support in this legislature and support among those people in the general public for its continuation.

I think it ought to be continued. I hate to see the abuse that sometimes threatens the program contribute to its elimination ultimately, the elimination of the program.

I think we have to give the PHEAA agency whatever tools it really needs to implement the programs and the charges which we give to it. I think the particular powers in this particular legislation are necessary.

Secondly, I would simply remind our colleagues, who may fear a little bit that PHEAA might go off the deep end and some of them might be a little bit persuaded by Representative Itkin's suggestion that this legislation poses some kind of menace or threat of some kind or police threat to young people and to citizens of the Commonwealth, that PHEAA is governed basically by members of this General Assembly. Members of the House and members of the Senate make up the overwhelming portion of the membership of the board, the governing board of PHEAA. If we see it going astray or we see it abusing the powers that are given to it in this particular bill, it is very easy for this legislature as a whole or for our Representatives on the PHEAA board to step in and take appropriate action.

Thank you.

The SPEAKER. On the amendment, the Chair recognizes for the second time the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I think the people who are not supporting the intent of the legislation—and I support the intent of the legislation. I want to see PHEAA recover these debts—should just limit the question to this amendment. You have been going far afield talking about liens, and I never mentioned liens.

All I am suggesting to this House is to answer this question for themselves: Number one, under what circumstances do these people in PHEAA need the power of arrest? I cannot think of one situation that might occur and, if it should occur, why could they not just call the local law-enforcement agency just like an LCB agent and secure that type of an arrest if it is necessary? I cannot conceive that it would be necessary. Two, under what circumstances would this agency need its own investigative force to conduct a search? Certainly if that is necessary, a court order could be granted and officers of the court could conduct that type of an execution.

What I am suggesting to you and just keep it in a narrow framework, this is not in opposition of the bill. This is just to insure that PHEAA gets all the powers it needs but not to provide it with extreme police powers beyond what it really needs to do a competent job. I think the powers of arrest and the power of executing searches are far beyond the necessity that PHEAA needs.

I have not heard one point raised by the proponents or the opponents of this amendment to convince me that they need one, the power of arrest and the power to execute searches.

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

Mrs. KERNICK. Mr. Speaker, I would like to interrogate Representative Shupnik, please.

The SPEAKER. The gentleman, Mr. Shupnik, indicates he will stand for interrogation. The lady is in order and may proceed.

Mrs. KERNICK. Mr. Speaker, with the term "law enforcement officers" in this bill, does that mean these individuals must undergo the mandatory Training Act required of our police?

Mr. SHUPNIK. Yes. But fortunately the people they intend to get would either be ex-state policemen, FBI men, or men

from the Justice Department. In other words, we are not just going out there, fellas, to get somebody off the street and say, here is a job; you go out. I mean it is too delicate work to have just the ordinary individual. It would have to be some person who would have police knowledge.

Mrs. KERNICK. But there is no guarantee of that?

There is nothing to stop PHEAA from going out and hiring somebody and saying that you have to go through the \$400?

Mr. SHUPNIK. Well, the guarantee, Mr. Speaker, is the PHEAA board itself; it is 16 members of the General Assembly. I am quite sure that they would never allow—and that is your own members; 8 from here, 4 from each side; and they would never allow—anyone, unless they were very capable people, going out and having that power.

Mrs. KERNICK. Mr. Speaker, is it also not true, as Representative Itkin states, that they can, if they need to, use the assistance of other law-enforcement agencies to carry out these same duties?

Mr. SHUPNIK. Mr. Speaker, PHEAA has been paying in the Justice Department \$50,000 for people to go out and just work on these loans. They said they just cannot handle it anymore. It is just getting too big for them.

Mrs. KERNICK. But, Mr. Speaker, if this bill passes, we now have the power to attach wages.

Mr. SHUPNIK. Well, that is not the amendment right now. He has another amendment. Do you want to bring it up then?

Mrs. KERNICK. Now my point is that we do not need these law-enforcement officers within PHEAA if we can use other law-enforcement agencies to do what you want these PHEAA law-enforcement officers to do and if we have the power of attachment.

Mr. SHUPNIK. If we had that, we would not be here with the bill.

Mrs. KERNICK. Thank you, Mr. Speaker.

I urge the members of this House to consider what you are doing when you are giving these people the right to execute search warrants, to file criminal complaints and arrest for probable cause when we have law-enforcement officials who can do the same thing.

Thank you.

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

Mr. JOHNSON. Mr. Speaker, I do not usually agree with Mr. Itkin's thinking, but today I have to agree with him.

I also believe that there would be abuse of power, because I have observed all across this Commonwealth abuse of power by different agencies going into areas where they are arresting people when we could have the district attorneys in each county handling these cases. I do not think we should hire different people to go out just to arrest people for not paying a bill. We have the courts which take care of these procedures.

I was against this bill when it first came out, but I will have to support the amendments. We are not knocking out the fact that that is going to pay the bill. I think these people should be made to pay the bill. But I do not think we should give anyone the power just to go out at 2 and 3 o'clock in the morning, knocking down doors and arresting someone when we know

where a person lives, that is, in the Commonwealth. I think we should knock out the officers who go around arresting people at night. I would like to support Mr. Itkin's amendment on this issue, Mr. Speaker.

Thank you very much.

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

Mr. SHUPNIK. Mr. Speaker, actually what PHEAA is trying to do is to get into these fraud cases, cases where they can actually go in actually where most of it would be either in the schools or with the banks. That is where they are going. It is not going out and arresting someone off the streets. Four men could never do it. That is why I say that they need this power. If we want a good bill, it is one of the things that we do need in it. I urge the defeat of the amendment, Mr. Speaker.

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

Mr. DOYLE. Thank you, Mr. Speaker.

I wonder if the members of the House realize that in Pennsylvania we have had a very restricted availability to even attach wages. It is limited to instances of support. This legislation, without the section we are dealing with now, would give the PHEAA board that authority. That I think is quite deficient with the other provisions of the bill.

What you are doing here, if the amendment fails, you are using this section, you are using a shot gun to kill a flea. You will have PHEAA officers running around carrying guns and everything else. It says, "the powers of law enforcement officers." I do not think you want that. I would urge passage of the amendment to strike that out.

They have right now the availability of the other law-enforcement agencies in the state. They also have constables that they can use to enforce and to serve warrants and search warrants. They have, if they wanted to go that far in some instances, the right to citizens arrest. They certainly do not need the other powers that are given under section 2. I would urge support of the amendment to strike this. It simply is excessive and goes far too far, much too far.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, to speak on the amendment.

Mr. ZELLER. Mr. Speaker, the thing is that I get a kick out of these scare tactics that are being brought up.

I see that Professional Licensing has the same power. They will go out and investigate and they will go to a local justice of the peace. They have the power to arrest an individual. I do not know of any of them that are carrying guns. I do not know of any of them that are kicking down doors at 2 or 3 o'clock in the morning. I get a kick out of these scare tactics. It is just amazing to me that what is being brought up here today about other departments have that power now. They are going out and filing the charges with the local justice of the peace and they are going to go through the same process as anyone else. But to me it is just a means to kill this legislation and let these people go on.

You know, we are talking about young people having respon-

sibility today. They go out and take a loan, a loan to get an education, an education that should teach them that they have to pay the loan back. But the trouble is, it seems to me as though these people take these loans out with the original intent, evidently then, if that is the case, to see how they can cheat the system. Is that what we want in education? If that is the case, then the whole system is wrong. So it is about time we start getting responsibility into the educational system and start letting the people who receive these loans know that they have got to pay them back. Otherwise, what kind of a society do you want to raise? I just cannot believe what I am hearing here. In other words, do you want to continue to have this sham in our system, to allow them to go out and take out a loan and put their fingers up their nose and say, go blow it, you are not going to get it back? That to me is a sin against society.

I say that it is about time we tell them, you are going to knuckle down and you are going to pay back and be responsible citizens in America. Otherwise we are all going down the drain.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast, for the second time on the amendment.

Mr. PANCOAST. Mr. Speaker, I think we are being misled by some of the remarks that are being made with respect to this authority to enforce the criminal statutes related to fraud or a breach of fiduciary obligations.

If we read the legislation carefully, and certainly this is the intent of the legislation, that PHEAA is to work in conjunction with the appropriate prosecuting authorities in the prosecution of cases where it is determined that evidence of criminal activities exist. In other words, was the loan or the scholarship obtained, for example, by fraud? If so, then the investigators of the agencies may proceed to this next step. And certainly this was the intention of the legislation when it was prepared. I think that maybe our concern of giving them a broad grant of authority to enforce the criminal laws is just not the case. They can only step in where there is the evidence that such criminality already exists.

Thank you, Mr. Speaker.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—45

Barber	Duffy	Kelly	Scheaffer
Bellomini	Dumas	Kernick	Scirica
Berson	Flaherty	Laughlin	Spitz
Borski	George, M.	Manderino	Stapleton
Burd	Gillette	Milliron	Trello
Caputo	Goebel	Mrkonic	White
Cianciulli	Greenfield	O'Donnell	Yohn
Cohen	Greenleaf	Oliver	Zearfoss
DeWeese	Hoefel	Pievsky	
DiCarlo	Itkin	Pott	Irvis,
Dombrowski	Johnson	Rhodes	Speaker
Doyle	Jones	Richardson	

NAYS—145

Abraham	Gamble	McLane	Schweder
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Anderson	Garzia	Mebus	Seltzer
Armstrong	Gatski	Meluskey	Shuman
Arthurs	Geisler	Milanovich	Shupnik
Beloff	George, C.	Miller	Sirianni
Bennett	Giammarco	Miscevich	Smith, E.
Berlin	Goodman	Moehlmann	Smith, L.
Bittinger	Gray	Morris	Spencer
Bittle	Grieco	Mowery	Stairs
Brandt	Halverson	Mullen, M. P.	Stewart
Brown	Harper	Mullen, M. M.	Stuban
Brunner	Hasay	Musto	Sweet
Burns	Haskell	Novak	Taddonio
Butera	Hayes, D. S.	Noye	Taylor, E.
Caltagirone	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cassidy	Helfrick	O'Connell	Tenaglio
Cessar	Honaman	O'Keefe	Thomas
Cimini	Hopkins	Pancoast	Valicenti
Cole	Hutchinson, W.	Parker	Vroon
Cowell	Katz	Petrarca	Wagner
Davies	Klingaman	Piccola	Wansacz
DeMedio	Knepper	Pitts	Wargo
DeVerter	Kolter	Polite	Wass
Dietz	Kowalshyn	Pratt	Weidner
Dininni	Lehr	Prendergast	Wenger
Donatucci	Letterman	Pyles	Wiggins
Dorr	Levi	Ravenstahl	Wilson
Englehart	Lincoln	Reed	Wilt
Fee	Livengood	Renwick	Wise
Fischer, R. R.	Logue	Rieger	Wright, D.
Fisher, D. M.	Mackowski	Ritter	Wright, J. L.
Foster, A.	Madigan	Ruggiero	Yahner
Foster, W.	Manmiller	Ryan	Zeller
Freind	McCall	Salvatore	Zitterman
Fryer	McClatchy	Scanlon	Zord
Gallagher	McGinnis	Schmitt	Zwilk
Gallen			

## NOT VOTING—10

Geesey	Hutchinson, A.	O'Brien, D.	Shelton
Gleeson	Lynch	Rappaport	Williams
Hamilton	McIntyre		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments:

Amend Sec. 1, page 1, line 19, by striking out "clauses" and inserting a clause

Amend Sec. 1, (Sec. 4), page 3, lines 5 through 14, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this is an amendment which would delete the wage attachment clause to the bill. Let me tell you why I have offered this amendment.

I am very disturbed at the mood of the House and its trying to solve these problems in a very, very autocratic way. I would like to offer a suggestion that no one has ever considered. Everyone considers that the problem is with the law and not with the agency.

Several years ago when it came to my attention that PHEAA — Pennsylvania Higher Education Assistance Agency — was

losing an awful lot of money and was not able to recover the loans, I personally called PHEAA and I asked them what they were doing as far as collections were going and whether they were using a collection agency to recover those debts. They indicated to me at that time that, no, they do not use collection agencies; that they try to do it within the House and they have people on their staff to seek those collections.

I suggested to them at that time that they consider turning over these debts that are unrecovered to a collection agency. They chose to do it otherwise. What they did was put a bank of phones—and you can correct me if I am wrong, Mr. Shupnik—in the PHEAA offices and used those phones to call people up as a mechanism for trying to recover the debts. It may be that they also wrote some pretty nasty notes or letters to the debtors asking them to pay up, but, to the best of my knowledge, that is the extent of the effort on the part of that agency to seek collection.

Now they come before this House and they ask for the powers, which you apparently have granted them, of putting on an enforcement agency to make arrests, file criminal complaints, execute searches and provide for attachment of wages.

It appeared to me that if this was the proper procedure, then the Commonwealth must be following a similar procedure with respect to collecting taxes owed to the Commonwealth, any financial obligations owed to the Commonwealth. So I called the Department of Justice, the Bureau of Collections, and I asked them what the procedure was that the Commonwealth uses to collect all the other debts, because obviously PHEAA tries to collect its own debts. They indicated to me that they do not use the attachment of wages; that what they do is when there is an obligation owed to the Commonwealth and it is not payed, they go into court and get a judgment. Then if the judgment is not paid, they can seek a court order providing for timely payments of that judgment and then, of course, it becomes part of the court's authority to order, in terms of contempt of court, the not following of the court order. In fact, the Justice Department has indicated to me that that is the procedure they would wish to see followed in the collection of this particular attempt.

I do not know if PHEAA has really used this particular approach. I think what it is trying to do is to use a sledge-hammer approach rather than a tack hammer and it would probably succeed by not doing this.

You say to yourself, well, if the attachment of wages is such a good idea, why do we not have it part of the law now? With the failure to pay taxes and failure to pay other debts owed to the Commonwealth, why do we not use attachments today? We do not use attachments except, as I understand it, with respect to local taxes. I really do not understand how that came about. It probably came about because that was a decision made in this legislature due to pressure by local authorities, but the state itself has never, to the best of my knowledge, requested attachments as a means or a vehicle of recovering its obligations.

The reason why attachment is viewed as negative is that this is basically a civil debt. One person owes another person money. What you are doing by attachment is bringing a third innocent party into the whole operation. You require the employer, you force the employer, to make these deductions and to

provide this type of collection. In fact you are making the employer a collection agency for the state when in fact he should not be in that position.

I would like to suggest and I will probably lose on this amendment—I can see the attitude of the House—but I am offering the amendment because I know it to be right. I just do not think that PHEAA, as an agency, has used the appropriate approach to get these collections and that this particular clause in the bill is really not necessary at this time until other avenues have failed. But they have not tried other avenues.

I would seriously suggest to this House that they reject the attachment of wages at this time. If other mechanisms like turning it over to a collection agency or like letting the Department of Justice handle the collections for them fails, then we could go with the attachment of wages, but only as a last resort.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Shupnik, on the amendment.

Mr. SHUPNIK. Mr. Speaker, this is the last resort. I, and I believe most of the people in here, certainly are against garnishing of wages. But presently, right now, we can go out and garnish wages for taxes, and these are taxes that we are seeking. This is tax money that we want.

I want to give Dr. Itkin—he has his doctor's degree in mathematics—I would just like to give him a few figures. PHEAA has given out loans to 418,930 students for a total of \$1,024,186,000. Out of that due, I would say right now, is \$700-and-some thousand, but unfortunately about 11 percent of that money has been purchased by PHEAA; 11 percent, which comes to \$74 million.

What has PHEAA done in answer to Dr. Itkin? They have used telephones; they have used the credit bureau; they have done every- and anything possible to get these people to come in and pay their bills. It is true by debt there are people who are permanently institutionalized or permanently disabled. PHEAA has dropped it from 11 percent to 2.97 percent.

Mr. Speaker, it is that 2.97 percent, who are working, who are able to pay, the deadbeats, who are the ones we want to pay. It is not the unfortunate or the guy who does not have money. Mr. Speaker, we just want people who are able and capable of paying that money to pay it back.

Here is the thing that you have to realize: The Federal Government, it is true, will pick up all these debts to 5 percent, and they have picked them up. PHEAA has not paid out any money in debts; it is the Federal Government. Mr. Speaker, as long as we keep it under 5 percent we are all right, but when it is constantly rising, and it is up to 2.97, then I say we have to step in and do something about it. As I said before, this is tax money that we are seeking. I ask you vote down this amendment, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I agree with Mr. Shupnik that we ought to go after those people who refuse to pay their loans. However, I think we are going to take a very, very dangerous step when we, in the legislature, approve an attachment of

wages for any reason.

In this bill, Mr. Speaker, we make the failure to repay the loan a crime. We make it a dastardly crime. We allow the prosecutors more leeway in bringing charges under the Criminal Code. We are setting up a special prosecutorial and investigative staff. I think we are going to have the tools to go after those people who do not meet their commitment.

But, Mr. Speaker, I would say this: Those people who do not meet those commitments are going to be brought before a court of justice if this bill has any effect. As a criminal lawyer I know what happens when you go before a judge. If you do not want to go to jail and the judge wants the money to go back to the person who has been defrauded or from whom it has been stolen, all he has to do is say, make restitution.

Mr. Speaker, I think if we make our push, we can have our courts order restitution and it will not be necessary to attach wages. I ask for support of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, on the amendment.

Mr. VROON. Mr. Speaker, I cannot resist the temptation to get up here and say very pointedly that I think we have become a nation of softies. I think that we have gone far too far in cuddling people who are perfectly able to pay their expenses but who are not willing to do so.

Let me tell you this: I was the youngest member of a family of nine children; six of these were males. All of us who wanted to go to college had to work our way through college, not only pay the tuition but our living expenses besides. Nobody helped us one little bit. Now we have gotten to a stage here where we are very nicely willing to give loans and grants to people to go to college, with no interest. We are making it so easy. Now when they get out of college, what are they going to do? They are going to earn big money for their own benefit. Yes, they are going to benefit society, too, I grant you that. But I say let us not get down to the point here where we make it so soft and easy for deadbeats to dodge their debts when they get out of college and they are going to earn good money and they are perfectly able to pay back those debts.

I think it is a wonderful thing that we are willing to give loans in the first place to people to go to college. I wish to God that I had that privilege when I was a young man. When I went to college, I had to do so at night. I did 4 ½ years of hard work at night, with a family of two children, working during the daytime.

I do not see anything at all that is wrong with what is being suggested here. Now as far as the convenience of the employer is concerned, let me tell you that as a former employer of many people, many a time I got a levy put on my desk, not one but many levies, by the Federal Government taking not only 10 percent but taking everything that a person had coming to them in their paycheck. The Federal Government came in and grabbed everything that a person had coming to him. This happened hundreds of times. And here we are only asking for the privilege of taking as much as 10 percent on a writ. I do not think there is anything wrong with that. I strongly urge the rejection of this amendment.

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

Mr. ZELLER. Mr. Speaker, it amazes me when I hear the human cry about these poor little people who took out a loan, taxpayer's money and now all of a sudden they just skip out or whatever they do and they do not want to pay it back. Somebody gets up here and puts a crying towel on that we are going to slap them on the wrist and plead with them to give the money back.

But we will take a little senior citizen who has been a responsible citizen all their life, who paid taxes so these characters can get their money, but when that little senior citizen does not pay their property taxes in 3 years, it is turned over to a tax claim bureau and they can take the property right out from under them. But we have these guys who are crying about some of these people who go to college and are supposed to be educated. Educated in what? To keep your money and tell you to go pound sand. I cannot believe it.

They do not mind a senior citizen having the property taken away from them. I have not heard these fellows get up and cry about them. But all they are worrying about is the irresponsible in America today. Who is worried about the responsible people? It seems like they get the dirty end of the stick, and all we do is cry about irresponsibility. The people who are idle will be taken care of by the responsible, hard-working people. It is about time, as Mr. Vroon said, that we lower the boom on these characters and tell them where the bear took a walk in the buckwheat. That is a favorite saying of mine. Let us give it to them.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott, on the amendment.

Mr. POTT. Thank you, Mr. Speaker. I support the garnishment provisions of this bill. The garnishment provisions are really what put some teeth into this legislation.

We presently have other garnishment procedures in this Commonwealth and it is not a departure from precedent to garnish or attach wages. We presently garnish wages through withholding, Federal income tax, state income tax, social security, 1 percent local withholding taxes. We also garnish wages through court orders on child support. In all of these areas we are garnishing wages for an individual's obligations to governments.

On child support, if we did not garnish the wages of the supporter, the government would then have to pick up that child support. In this instance by garnishing the wages of a debtor, we are, in effect, taking those wages and transferring them to government. It is an obligation of that individual to the government so we are not departing from any precedent.

One thing that is very important to remember is that the PHEAA fund is a revolving fund. The quicker we get that money back in and the quicker those loans are repaid, the more money that is available for needy legitimate students to go to school, to go to college. When those funds come back in, that is more money that is available for other students to go to college. Therefore, if we allow this garnishment procedure to stay in, we are going to, in essence, help all needy students who are seeking a legitimate education.

Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I rise to support the amendment. I do so because as I sit here I am a little disturbed at the members of this House who suggest that the students of the Commonwealth of Pennsylvania are crooks. It seems to me that we are prosecuting and making some determination on certain individuals before the fact. It seems to me that no one has stood on this floor and said that the moneys should not be paid back but that there should definitely be some rules and regulations geared to us making some effort towards trying to pay that money back which is justifiably due to the Pennsylvania Higher Education Assistance Agency.

Mr. Speaker, for the life of me, I cannot understand how we can allow certain prosecutory powers to be given in this particular legislation to someone who does not have proper authority, to allow them to go out and collect moneys or arrest someone or prosecute someone. I do not know what kind of training or background would be required to allow these persons to have powers of law-enforcement officers, but it certainly seems to me that with no training those individuals cannot and should not be allowed to go into someone's home and take them out and file some charges against them.

I am a little concerned, Mr. Speaker, that we have allowed ourselves in this body to take some steps. I heard the gentleman on the other side of the aisle talk about the fact that we have all types of powers, that we can attach moneys owed and other procedures. I think it is quite defiant that those persons have the authority to go ahead and do what they do.

This just gives some individuals some power, individuals who do not have the same training and background. For our students who are going to school, it seems to me that there is a period of time to go to school, and there are certain requirements that I have read in the law that indicate that while they are in school that money is not supposed to be paid back, but when they finish they are to pay.

I hear individuals saying that these individuals, those who are poor should suffer, those who are poor should have to pay back the money that they borrowed. No one has said anything contrary to that. I want to reemphasize that because somehow it has been misleading in the full debate. I have heard individuals say that those who are going to school and who have borrowed the money are not going to pay it back. That seems to me to be a little bit beyond the scope of what our responsibilities are.

I want to say that we are supposed to be a responsible body; a body that is supposed to make sure that any law that we write here is supposed to be fairly researched. If the agency itself is having a problem that it says it is having, then let us form some type of a collection agency, as suggested by Mr. Itkin, that will go in and do just that.

I think we are setting a very bad precedent here today. I believe personally that the precedent will have a far-ranging effect on this legislative body in the long run and perhaps today some of those who are sitting here do not see it. It seems to me you are dealing with an element where you are saying we want

young folks to go to school to get an education and yet at the same time we are saying if there are some problems with them paying it back, they cannot all pay it back all at one time, there should be some arrangements made so that they can pay it back. To have them thrown in jail, to have them prosecuted means that this Commonwealth might never get the money. It would seem to me that we would pay more money to prosecute to try to get that money back than we would if we put it in the normal hands of some type of collection agency.

For those who are committing fraud, I will make it very clear. I am not indicating that we should allow those who are committing fraud to get away with it. But it would seem to me that our responsibility is to make sure we do what is in our power to do. I do not see giving the power to the PHEAA board, allowing them to go in and to collect bodies and feel that they will get the money out of them. You cannot squeeze blood out of a turnip. There is no way in the world that you can do it. Those individuals who have money should rightfully pay it back.

In conclusion, Mr. Speaker, I just want to say that—and I want to speak on the bill—I think we should support the Itkin amendment. We should try to get ourselves away from the past concept of feeling that people are guilty before they are proven guilty. In this Commonwealth it still says that a man is allegedly or supposed to be innocent before proven guilty. We do not know the circumstances surrounding these particular individuals. It seems to me that if there is already a body to look into those procedures and find out what the problem is relevant to their paying on these particular loans, then that should be researched first. But it just says broadly that we shall just give them the same powers that a law-enforcement officer has, which means that those persons can do the same kind of thing that we normally see being done out here in the streets.

I do not think that we are taking pity or we are being softies, as I heard one member say. I think it is quite clear that there is a time when individual legislators start realizing that we also have children, and some of those same children are relatives of ours, who take loans out with these particular agencies and who have to pay them back. But you cannot stand here on this floor and prosecute someone before they have had an opportunity to have their day in court. It would seem to me that PHEAA is not a court body; they are not a judicial branch of government.

With that in mind, Mr. Speaker, it would seem to me that we should support the Itkin amendment so that we can at least try to straighten out this bad piece of legislation. Thank you very much.

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

Mr. PANCOAST. Mr. Speaker, the student who has borrowed money under the loan program does not have to begin making repayments of that loan until 9 months after the completion or the termination of his program of study. Then, of course, he has worked out that agreement with the bank in repaying that loan. As I mentioned before, if it has not been satisfactorily performed by the student with the bank, then it becomes the agency's job when the agency has purchased that bad paper from the bank.

The concept of attachment, of course, is the final step. Certainly the administration and, I am sure, it is the hope of the agency should it get this authority that the attachment of wages would be the last step. No student can be arrested for failure to repay a loan. I think we are getting the issues confused again.

In the case of the criminal prosecutions, that can only be in the case of fraud. Now the authority that is granted here, and it is a two-fold authority really, is investigative authority to investigate the students on one hand and to determine whether the loans or the grants have been obtained fraudulently; second, investigation of the institutions.

The auditor general has made the recommendation to the agency that it go in and take a good look at the institutions and if there is some hanky-panky being performed by the institutions, again you would have a fraudulent action of some kind so that a criminal action could then be pursued. That is really the purpose for this.

As a matter of fact, the Department of Justice, with respect to the students, in the last month has sent back to the agency 39 cases and said, we just do not have the time or the personnel to pursue these cases. We wish you would take it over and do it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for the second time on the amendment.

Mr. ITKIN. Mr. Speaker, would Mr. Shupnik consent to interrogation?

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

The gentleman from Allegheny is in order and may proceed.

Mr. ITKIN. Mr. Speaker, would you describe to me and the other members of the House who would have the power to attach this writ of execution? Would it be the agency; the investigative unit; the individual investigator? How would that be determined? I mean under whose authority could a person's wages be taken away from him?

Mr. SHUPNIK. Mr. Speaker, first of all, I said the agency would set the procedure. You would have, I imagine, an attorney. They are trying to get a top notch official, a person who is well versed in that who would set the regular procedure for it.

Mr. ITKIN. Mr. Speaker, I heard you indicate previously. I think, on this floor that the agency is not after the downtrodden, the ones who for some extenuating circumstances cannot pay up. All that you are after is the deadbeats. I want to know who makes that determination, Mr. Speaker, that individual "A" is downtrodden and needs compassion and sympathy and individual "B" is a deadbeat and must have his wages attached? How do you make that determination and who makes that determination?

Mr. SHUPNIK. Let me say this first of all, Mr. Speaker, you are talking about the little fellow, the fellow without any money, the fellow without a job. Certainly the state is not going to go out and attach his wages; there are no wages to attach. It is as simple as that.

Let me say this: Right now to accommodate a number of people, PHEAA is going along as much as \$10 a month to try to get

this thing underway with people who are willing to go along with that. PHEAA is not over there with a hammer trying to hit someone over the head. But you know and I know that in the last month or so the number of state employes who have not been paying back their state loans. You know that and I know that. Do you not think PHEAA should say, hey, come in here; we want them paid? They certainly did.

Mr. ITKIN. Are you telling me that your agency—

The SPEAKER. Will the gentleman yield?

Will the gentleman, Mr. Shupnik, step here to the podium for a moment?

The House will be at ease for a minute.

The gentleman, Mr. Itkin, may proceed with the interrogation.

Mr. ITKIN. Mr. Speaker, are you telling me that your agency, and you are a member of the board of directors, so I will address it as your agency—

Mr. SHUPNIK. It is your agency, too; you are part of it.

Mr. ITKIN. As a member of the governing board—I do not want to get involved in whose agency it is. It is the agency of the Commonwealth. It is all our agency—are you telling this House today that the Pennsylvania Higher Education Assistance Agency will accept as little as \$10 a month in terms of payment of a debt obligation?

Mr. SHUPNIK. They have accepted that. I would say that, yes. I think it is either \$10 every 2 weeks or \$10 a month to that person, Mr. Speaker, who is downtrodden, as you said, and who is willing to come in and pay. They are willing to go along with it. PHEAA has not been over there with a hammer over people. They have not been out there dragging them in. They are not out there to arrest people or get people in.

We are getting away from your amendment, let us just stick to the garnisheeing of wages.

Mr. ITKIN. The reason I addressed the question, Mr. Speaker, is to find out from the gentleman—as I do the computation along with Mr. Shupnik's remarks since I do have knowledge in mathematics I take that \$10 a month, multiply it by 12, and I come out with \$120 a year and a 10-percent attachment. The \$120 a year would mean an income of \$1,200 a year. What I am suggesting to the gentleman and trying to ascertain—is if the agency is now willing to accept as little as \$10 a month for a payback, why are they requesting an attachment to the tune of 10 percent?

Mr. SHUPNIK. Because we have a number of people, I have just told you now, Mr. Speaker, who are now working and who will not pay. It is getting worse. Each year it is getting worse. I think this year you will find out defaults are greater now than they have ever been. In the last 4 years, 5 years, 6 years, 8 years and 10 years, we never had any of that trouble. But in the last 2 years the defaults are getting worse than they ever were. We are deathly afraid, and I think all of us should be afraid, when people think that if you can get away with something, so can I and so can he, and why should anyone pay the government.

Let me say this, as soon as the announcement went out about the people in the state employ, right away 120 of them came in and said, we want to start paying it back. Nothing was done

and then after a month or 2 or 3, they started falling back again.

Mr. ITKIN. Mr. Speaker, under the state bankruptcy laws, if an individual decided, after the passage of this act, to declare bankruptcy—you have to understand this is an obligation between the bank and the individual; we only guarantee the loan to the bank—what force would this particular legislation have on the person who has executed bankruptcy?

Mr. SHUPNIK. Mr. Speaker, one of the things that was passed a year ago, I think it was October 1 and took effect October 1, 1977, was that anyone who took a PHEAA loan or any loan throughout the Federal Government would then have to wait 5 years before they would be able to file for bankruptcy.

Mr. ITKIN. So in essence, Mr. Speaker, a person could declare bankruptcy and then, at least, in part if not now but in some instances, relieve themselves of the attachment of the wages?

Mr. SHUPNIK. Not if he has 5 years or 6 years to pay it back. That is one of the reasons why we want the garnishment of wages. We want to get it now before they have the 5 years to go into bankruptcy.

Mr. ITKIN. My final question is, Mr. Speaker: What avenue of appeal is there if the attachment seems to be too great a burden on the individual? What appeal routes does that individual have?

Mr. SHUPNIK. Under this law they would have up to 10 percent. They can go in there and I am quite sure, first of all, that they can go into agreement with their banks and with the PHEAA and try to settle whatever differences there may be.

We are not out there, and I told you this before, to drag people in, but the people who can afford to pay should be able to pay and they should pay.

Mr. ITKIN. Thank you, Mr. Speaker.

I just want to say finally that this whole question here in terms of attachment is discretionary. The word "discretionary" is used in the clause. It gives the sole power of making that determination to the investigative unit that would be created by this measure. It would, in essence, allow one individual to determine who shall be attached and who shall not be attached. I think that is a very important consideration in terms of giving that power of discretion to an agency without at least promulgating rules and regulations to be able to see just what the agency is doing. Mr. Speaker, I would hope that the membership would support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Helfrick, on the amendment.

Mr. HELFRICK. Mr. Speaker, I would like to speak on this amendment because I have some personal experience with these student loans. I am fortunate enough to sit on a bank board who probably gives more of these student loans than all the banks in the surrounding area. It came up very recently at the bank board meeting that we should discontinue any loans at all to the students, not because the bank was being stuck for the payment—the state is responsible for it—but merely because the attitude of the people who owed the loans was that they just refused to pay the payments. Knowing the financial history of these people, it just seemed wrong for us to grant any more loans to students who refused to pay because they knew



the state would back these loans up.

I speak against this amendment. I think it is very foolish to have a watchdog if that watchdog has no teeth. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. May I ask a question please?

The SPEAKER. The gentleman may proceed.

Mr. LETTERMAN. Is it true that Ivan Itkin wore that microphone out over there by his desk and is now over there working that other one?

The SPEAKER. The Chair thanks the gentleman. No, the Chair thinks the microphones are up to the tasks ahead of them. The Chair hopes so because the Chair does not think that we are at the end of the debate yet.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—12

Barber	Dumas	Johnson	Rhodes
Caputo	Hopkins	Livengood	Richardson
Dombrowski	Itkin	Oliver	White

NAYS—175

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

Flaherty	Madigan	Salvatore	Irvis, Speaker
Foster, A.	Manmiller	Scanlon	
Foster, W.	McCall	Scheaffer	
Freind			

NOT VOTING—13

Geesey	Hutchinson, A.	O'Donnell	Valicenti
Gleeson	Lynch	Rappaport	Wagner
Halverson	Manderino	Shelton	Williams
Hamilton			

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—183

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

Freind Fryer	Manderino	Scanlon	Irvis, Speaker
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NAYS—7

Barber Cianciulli	Dumas Johnson	Oliver Richardson	White
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NOT VOTING—10

Geesey Gleeson Hamilton	Hutchinson, A. Lynch O'Donnell	Rappaport Shelton	Valicenti Williams
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

ANNOUNCEMENT

The SPEAKER. The Chair wishes to point out to the members that there is a supplemental calendar which has been distributed. On that calendar is HR 167, and it is the full intention of the gentleman, Mr. Lincoln, to call that resolution before the House for a vote today. The Chair does not wish to have the House delayed by those members who suddenly decide on amendments. If there be amendments, the Chair would respectfully suggest that those amendments be ordered forthwith.

For what purpose does the gentleman from Northampton, Mr. Kowalyshyn, rise?

Mr. KOWALYSHYN. Mr. Speaker this is with regard to the next bill on the calendar.

The SPEAKER. We have not come to that bill yet.

Mr. KOWALYSHYN. All right.

HOUSE BILL NO. 1288 PASSED OVER

THE SPEAKER. The Chair recognizes the gentleman, Mr. Kowalyshyn.

Mr. KOWALSHYN. Mr. Speaker, because of the similarity in the numbers of both bills, I gave the Speaker incorrect information as to HB 1238 on page 4. In fact amendments are in the process of being prepared for HB 1288 on page 15. Accordingly, I request that HB 1288 be passed over and if I am in order, I would request at the proper time—

The SPEAKER. The gentleman will yield. Without objection, HB 1288 will be passed over for today.

The Chair recognizes the gentleman, Mr. Kowalyshyn.

Mr. KOWALYSHYN. At the proper time I would like to request the Chair to please reconsider its decision as to HB 1238 on page 4.

INSURANCE BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1238, printer's No. 1460**, entitled:

An Act amending the act of August 12, 1971 (P. L. 313, No. 78), entitled "An act providing for elimination of discriminatory provisions relating to compensation for services and treat-

ment under sickness and accident insurance contracts and providing for nondiscriminatory reimbursement of sickness and bodily injury claims thereunder" providing for the inclusion of other plans.

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

Ordered, to be transcribed for third consideration.

HEALTH AND WELFARE BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1350, printer's No. 2162**, entitled:

An Act amending the "County Institution District Law" approved June 24, 1937 (P. L. 2017, No. 396), further providing for contracts for hospitals which are part of the institution district.

On the question,

Will the House agree to the bill on third consideration?

Mr. CAPUTO offered the following amendment:

Amend Sec. 1 (Sec. 315), page 2, line 19, by inserting after "The" provisions of the second paragraph notwithstanding, the

On the question,

Will the House agree to the amendment?

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

Mr. CAPUTO. Mr. Speaker, the amendment offered is for clarification only and it is intended to clear up the possibility as to whether or not the commissioners, when entertaining such bids, need abide by the other parts of the general bidding law. I understand that the amendments are agreed to.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—179

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

Cole	Hutchinson, W.	Pancoast	Wansacz
Cowell	Itkin	Parker	Wargo
Davies	Johnson	Petrarca	Wass
DeMedio	Jones	Piccola	Weidner
DeVerter	Kelly	Pievsky	Wenger
DeWeese	Kernick	Pitts	White
DiCarlo	Klingaman	Polite	Wiggins
Dininni	Knepper	Pott	Wilt
Dombrowski	Kolter	Pratt	Wright, D.
Donatucci	Kowalshyn	Prendergast	Wright, J. L.
Dorr	Laughlin	Pyles	Yahner
Doyle	Lehr	Ravenstahl	Yohn
Duffy	Letterman	Reed	Zearfoss
Dumas	Levi	Rhodes	Zeller
Englehart	Lincoln	Richardson	Zitterman
Fee	Livengood	Rieger	Zord
Fischer, R. R.	Logue	Ritter	Zwinkl
Fisher, D. M.	Mackowski	Ruggiero	
Flaherty	Madigan	Ryan	Irvis,
Foster, A.	Manderino	Salvatore	Speaker
Foster, W.			

NAYS—5

Dietz	Renwick	Trello	Wilson
George, C.			

NOT VOTING—16

Beloff	Hamilton	Lynch	Seltzer
Geesey	Harper	O'Brien, D.	Shelton
Gleeson	Hutchinson, A.	O'Donnell	Williams
Grieco	Katz	Rappaport	Wise

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

On the question,

Will the House agree to the bill as amended on 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—187

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

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

NAYS—1

Mowery

NOT VOTING—12

Beloff	Hamilton	Lynch	Shelton
Geesey	Harper	O'Donnell	Williams
Gleeson	Hutchinson, A.	Rappaport	Wise

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.

REMARKS ON VOTE

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

Mr. TRELLO. Mr. Speaker, on Mr. Caputo's amendment to HB 1350, I pushed my switch the wrong way and I would like to be recorded in the affirmative.

The SPEAKER. Did the gentleman, Mr. Caputo, push your arm in the right way?

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 168, printer's No. 1390**, entitled:

An Act prohibiting smoking in patients' rooms in hospitals and places having historic or esthetic value and providing a penalty.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair would like to make an announcement on parliamentary procedure and the Chair would suggest that the members pay attention.

This bill was recommitted to the Committee on Health and

Welfare, and a motion to reconsider the vote by which that re-committal succeeded was filed in due course by the gentleman from Erie. On a query as to whether or not, from the parliamentary point of view, this procedure could be followed, the Chair announced two decisions, one of which is correct, the other one which is incorrect.

The Chair announced that in the opinion of the Chair "in the possession of the House" must be construed to mean in the possession of a House committee. Now this reverses an earlier decision by a prior Speaker, but it is the present Speaker's opinion that the prior Speaker gave his opinion off the top of his head at the time and had not researched the law and that prior opinion was incorrect. The Speaker now rules, for the benefit of those parliamentarians in the audience, that the phrase, "in the possession of the House," is to be interpreted as meaning in the possession of the House on the floor of the House or in the possession of any one of its committees, the committees, being held by this present Speaker, to be merely arms of the House of Representatives.

There was a second parliamentary question as to whether or not it was proper to remove from the committee a bill which had already been committed or recommitted to the committee by the use of a motion to reconsider the vote. The Chair ruled that this was proper. The Chair was in error. The Chair is delighted to say that the Chair's personal reaction was that this was incorrect and the Chair so stated for the record, and the Chair's personal reaction was true.

It is incorrect, it is incorrect from the parliamentary point of view, for the House to entertain a motion of reconsideration of a vote on anything except a substantive matter. A procedural matter, which is precisely what a vote to recommitment is, a procedural matter, under Mason's, is improperly placed before the House on a motion to reconsider.

Putting it in a positive manner, a motion to reconsider a vote by which a bill passes or fails is to be placed properly only on a substantive vote, on any procedural vote, which is precisely what a motion to recommit is, and that motion is improper.

Had the Chair not ruled incorrectly, this bill would not have been before the House. But the Chair did so rule and the Chair takes the responsibility for that incorrect ruling. Therefore, the Chair took the responsibility of producing this particular bill on the calendar under the theory that the House, having voted in more than significant numbers, more than necessary numbers, to reconsider the vote by which the bill was recommitted, has a right to at any time decide what its own rules should be as of that moment and, consequently, the bill is properly now before the House.

The Chair is not suggesting, the Chair is not suggesting that any other motion be made, but the Chair is announcing, for the edification of the members, that the bill is now available as if it were in its pristine form for any motion that might have been placed against the bill at that time.

The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

**SB 168 REVERTED TO PRIOR PRINTER'S NUMBER**

Mr. DiCARLO. Thank you, Mr. Speaker.

Mr. Speaker, we did debate this bill quite extensively last

week. One of the matters of disagreement was an amendment that was placed in the bill by the Health and Welfare Committee designating places having historical or aesthetic value shall be prohibited from having people smoke in those areas. What I would like to do at this time, Mr. Speaker, is ask the Chair if I can revert it to the prior printer's number, which in essence would leave the bill in its virgin form as it came here from the Senate and remove the amendments that I inserted in the committee.

The SPEAKER. The motion of the gentleman is correct at this point in time.

The gentleman moves that SB 168, PN 1390, be reverted to its prior printer's number, which would be 1138.

The question is on the motion. Those in favor of such a reversion will vote "aye." Those opposed will vote "no." The members will proceed to vote.

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

The following roll call was recorded:

**YEAS—164**

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

**NAYS—19**

Dietz	Letterman	Mrkonic	Sirianni
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Dininni	Livengood	Noye	Vroon
Fischer, R. R.	Mackowski	Piccola	Wilt
Fryer	Manmiller	Pott	Zord
Haskell	Mowery	Salvatore	

## NOT VOTING—17

Beloff	Hutchinson, A.	Pievsky	Shelton
Berson	Lynch	Rappaport	Trello
Geesey	O'Brien, B.	Rhodes	Valicenti
Gleeson	O'Donnell	Seltzer	Williams
Hamilton			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GARZIA offered the following amendments:

Amend Title, page 1, line 1, by striking out "and" and inserting , certain eating establishments and

Amend Title, page 1, line 2, by striking out "a penalty" and inserting penalties

Amend Bill, page 2, by inserting between lines 12 and 13

Section 2. (a) As used in this section, the term "eating establishment" shall mean a premise where food is regularly and customarily prepared and sold to the public in one or more rooms, other than living quarters, and equipped with tables and chairs accommodating 50 persons at one time, including but not limited to inns, taverns, roadhouses, hotels, motels, resort facilities, diners, restaurants, saloons, barrooms, ice cream parlors, confectioneries, soda fountains and all stores where ice cream and food preparations are sold.

(b) Every eating establishment shall contain a designated area for patrons who smoke, and a designated area for patrons who are non-smokers. These areas shall be adequately marked and similar in all respects.

(c) The posting of signs stating "NO SMOKING," or "SMOKING AREAS," shall be placed in the above designated areas so as to be clearly visible to anyone entering therein. The placement of said signs shall be the sole responsibility of the owner, operator, manager, proprietor or caretaker of said areas.

(d) Nothing in this section shall affect other laws or regulations prohibiting smoking.

(e) Any person violating the provisions of this section shall upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$100, plus costs. Each day of violation or continued violation shall constitute a separate offense.

On the question,

Will the House agree to the amendments?

The SPEAKER. Pass the amendment up here, please. Before the gentleman, Mr. Garzia, starts or anyone else, let the Chair read the proper amendment.

For the information of the members, this is an amendment to SB 168 and it is numbered A2887.

## PARLIAMENTARY INQUIRY

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

Mr. VROON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VROON. Mr. Speaker, do we have available to each member a copy of that prior printer's number? I do not see one on my desk.

The SPEAKER. That bill has most certainly been delivered

and has been on the desk for many, many weeks.

Mr. VROON. With its prior printer's number?

The SPEAKER. Yes, sir. Yes, certainly.

If the gentleman does not have a copy of the bill or if other members will indicate that they have not been able to locate a copy of the bill, we will ascertain if we can get those copies and deliver them to you.

Those members who indicate they do not have the present printer's number of 1138 on their desks, are there a number of members who qualify under that class? Raise your hands, please.

All right. We will delay the vote on this until we have the bill available for distribution.

## SB 168 PASSED OVER TEMPORARILY

The SPEAKER. Without objection, the bill will be passed over temporarily. When we return to it, we will return to the amendment and recognize the gentleman, Mr. Garzia.

The Chair wishes to apologize to the gentleman, Mr. Vroon. The bill never was on your desk because the bill was amended in committee. The Chair was misinformed and, therefore, no member would have that on the desk. We will see that it is distributed. Thank you for pointing that out.

## CONSUMER AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1391, printer's No. 2173**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. STEWART offered the following amendment:

Amend Sec. 3, page 2, line 29 by striking out "three" and inserting seven

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart, on an amendment to HB 1391.

Mr. STEWART. Thank you, Mr. Speaker.

The SPEAKER. Excuse me. For what purpose does the majority whip rise?

Mr. GREENFIELD. Mr. Speaker, this is an agreed-to amendment on my part. If Mr. Stewart wants to explain it, fine, but I agree to the amendment.

The SPEAKER. Under the rules, the gentleman, Mr. Stewart, is obligated to make a brief explanation. The gentleman may proceed.

Mr. STEWART. Thank you, Mr. Speaker.

I am not so sure the responsible and enlightened consumers of this Commonwealth really need this protective legislation. I am almost certain that the small business community of this Commonwealth does not. So in an effort to make it a little more palatable, my amendment changes the time limit the merchant

has to effect the repair or replacement of the defective product from 3 full business days to 7 full business days, I would urge everyone's support.

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

The following roll call was recorded:

YEAS—183

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

NAYS—0

NOT VOTING—17

Barber	Geesey	Hutchinson, A.	Pievsky
Bellomini	Gleeson	Hutchinson, W.	Rappaport
Beloff	Hamilton	Lynch	Shelton
Berson	Harper	O'Donnell	Williams
Fee			

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from

Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I would like to be recorded in the affirmative on the Stewart amendment to HB 1391.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

The Chair recognizes the minority whip.

Mr. RYAN. Would the gentleman from Philadelphia, Mr. Greenfield, consent to interrogation?

The SPEAKER. The gentleman from Philadelphia indicates that he will stand for interrogation. The gentleman from Delaware is in order and may proceed.

Mr. RYAN. Mr. Speaker, I confess that I am not as familiar with this bill perhaps as I should be but to the extent that I am familiar with it, I am disturbed.

I am thinking that you, being the principal sponsor, may be able to take care of some of the doubts that have been raised in connection with this bill.

Are you familiar, Mr. Speaker, with the Uniform Commercial Code, specifically, 2314, which sets up a warranty of fitness for ordinary purpose?

Mr. GREENFIELD. I cannot say that I am specifically familiar with that. No.

Mr. RYAN. All right. Is there any sponsor of this bill who is familiar with the provisions of the existing law with respect to this area of the law, that is, the Uniform Commercial Code?

Mr. GREENFIELD. Mr. Speaker, I do not know that that is relevant. If you might point out the relevancy of what you are driving at, perhaps we might be able to answer you more coherently.

Mr. RYAN. All right. Thank you.

This bill, Mr. Speaker, purports to set up a new warranty of fitness for ordinary purposes and requires cash refunds if the product is returned within 7 days if it cannot be repaired within 3 days. Now, I understand there has been an amendment since that time. I am not sure how that affects my notes.

The part that disturbs me is under existing law, Mr. Speaker, as I understand the law, the Uniform Commercial Code, section 2-314, sets up a warranty of fitness for ordinary purpose. I am curious as to how this law changes or affects the present law.

Now I point out to you, the bill before us does not amend the Uniform Commercial Code. So there is going to be a redundancy, in my opinion, in the law as far as these warranties go.

I would like that answered. There is no question today that there is a law covering warranties in this area. I am wondering if this is a duplication and if, indeed, it is or if it is a change, why the Uniform Commercial Code was not changed rather than a separate bill introduced.

Mr. GREENFIELD. Mr. Speaker, let me explain the essence of this bill and perhaps it might clarify it for you. The essence of this bill is that if you as a purchaser go to an establishment and purchase, for instance, a radio, a television, et cetera, et cetera, take it home and it does not work and 4 or 5 days later you take it back to the merchant and the merchant says to you, I am sorry, we do not have any similar appliance that we can give you, and we cannot make repairs on this or get you a similar item for perhaps another month or so.

I had that experience. I think that no one, no legitimate merchant, wants to take money from a purchaser without giving him something in return.

Many stores have a no-cash refund policy. So what that means is that you go back to the store and say, oh, I bought this for a present for someone. I wanted to use this immediately. The store manager says, I am sorry, we have a no-cash refund policy. You can take and buy anything else you want in this store for the similar amount of money—are you listening, Mr. Ryan? You are not going to understand it, if you do not listen.

Mr. RYAN. Mr. Speaker, I do not understand it now because it is not responsive to my question, but go ahead.

Mr. GREENFIELD. Well, I was trying to give you the essence of the bill and perhaps you can fit that into your question.

Mr. RYAN. I thought I had, but go ahead.

Mr. GREENFIELD. Therefore, the purchaser gets an option to take anything in the store, which he may not want. Therefore, he has purchased and given out goods, money and got nothing in return. I think that this bill is such as you talk about for protecting the consumer. This is direct consumer protection in the market place.

Mr. RYAN. All right.

Mr. GREENFIELD. Now, in your legalistic and knowledgeable information, perhaps you can fit that into the code that you are referring to.

Mr. RYAN. The code that I am referring to is the code that governs almost every commercial transaction in Pennsylvania today. It is not just some little thing that exists in our law. It is what guides the entire field of merchandising in Pennsylvania. It is not just a casual little law that I might be able to fit something into.

I might point out, Mr. Speaker, that under the Uniform Commercial Code the language is a reasonable time to do the very thing that you are suggesting that must be done within 7 days. So to that extent what you are suggesting is not only in conflict with existing law but, in my judgment, it is probably anti-consumer, because under the existing law of the Uniform Commercial Code a reasonable time is the time set forth rather than 7 days. Reasonableness could be 10 days; reasonableness could be 1 month; reasonableness could be 3 months, perhaps; but you have placed a 7-day limit on it.

The other thing I would like to ask of Mr.—

Mr. GREENFIELD. I am sorry. You are falsely interpreting the bill.

Mr. RYAN. Are you—

Mr. GREENFIELD. It is 14 days now as the amendment has been given.

Mr. RYAN. All right. Fourteen days. My remarks still apply.

Under the code we do not have a 14-day or a 7-day or a 3-day limit. We have a reasonable time, which is interpreted as reasonable under the circumstances of the transaction.

Now, could you tell me, Mr. Speaker, under this bill if it became law whether a merchant could sell something as is, that is, free of warranty?

Mr. GREENFIELD. Yes, he could sell it free of warranty.

Mr. RYAN. Where?

Mr. GREENFIELD. There is no change in this law as to the existing— This only adds an additional provision.

I would like to interrogate you, if you would permit, for a moment and reverse it.

Mr. RYAN. I have no objection to that, Mr. Speaker, but I would like to finish first and then finish this subject. Would you show me where a person, under your bill, can sell something as is?

Mr. GREENFIELD. That would be under contractual law, Mr. Speaker. I think. I do not have your legal knowledge. I just have a brief amount. I think the contract law would take over that kind of a situation.

Mr. RYAN. What does this bill do as to a sale? What warranty attaches to any sale?

Mr. GREENFIELD. Mr. Speaker, I think the bill is very simple in its explanation. It says that if you purchase an item which is defective, you have a right to get a cash refund. I do not know that under your statements of the prior code that that exists. You are talking about warranties and other legalistic terms. I am talking about some bottom-line, rock-bottom fact that if you, as a purchaser, go into an establishment, purchase an item which is inoperable, defective, worthless, that you have a right to go back to that storeowner and get a cash refund within a reasonable time.

I guess what I am driving at, Mr. Speaker, with all those, again, legalistic terms, I as a purchaser, went back to a store with an item which was admittedly defective, could not work, and the owner of that store said, oh, I am sorry. Now this was Christmas time and it was a purchase for my daughter who wanted a certain radio of a certain nature, and that is the basis for this type of legislation. The owner said, oh, I am sorry. Sure the item is broken but we cannot replace it. Perhaps in January or February we will get a new stock in, but you can get anything you want in the meantime here. I said, I do not want anything now. I am interested in buying this present for my daughter and I would like a cash refund, and my response from him was, I am sorry, you cannot get a cash refund.

Now, I think that the consumer has a right to get the value for his money, and that is the nature and the purpose of this particular bill. I think anything else would be unjust and unfair to the consumer in the market place.

Mr. RYAN. I agree with everything he said. It is unjust and it is unfair but it does not answer my question. My question, basically, Mr. Speaker, is, if this is what you are seeking, I happen to believe in my legalistic manner that it should be done by amending the Uniform Commercial Code which guides the merchandising transaction of Pennsylvanians.

My earlier question to you, Mr. Speaker, was, what warranty, if any, attaches to merchandise that is sold under this bill? And

I am suggesting that under section 2 of this bill "A warranty that merchandise shall be fit is implied in a sale of merchandise . . ." I do not find any place in this bill where a merchant could sell a product as is. I understand what you said, that is contractual. I understood that answer that you gave me. I am suggesting to you that the way this bill is presently drawn, this may obviate the right in a seller to put an as-is clause. That right is given to a seller today under the Uniform Commercial Code. It would seem that you are repealing part of the Uniform Commercial Code by the language of this bill. That is my concern. Not with the protection of the consumer. I am not trying to get it in worse shape or trying to destroy a right that you are attempting to create. I think it is being done improperly, and that is the reason for my interrogation.

Now my question: If this bill becomes law, can a seller sell a piece of merchandise to the general public as is, that is, where a buyer knows that he gets what he sees with no warranties attached to it?

Mr. GREENFIELD. Mr. Speaker, I emphatically answered your question on another occasion and I said it was most definitely not prohibiting as-is sales.

It is my opinion and it has been the opinion of counsel and the Consumer Protection Committee that this would then depend on contractual relationship between the parties, and if someone purchased an as-is item, he purchases with knowledge, aforesaid, and he has to accept it in that manner. This is not for that reason that this bill was drawn.

Mr. RYAN. I understand, Mr. Speaker, that it may not be for that reason that the bill was drawn. I am suggesting to you, however, that that is what the bill says. The Uniform Commercial Code again, which governs commercial transactions in Pennsylvania, has a specific provision for as-is sales. That is the law of Pennsylvania.

This would seem to supplement and perhaps even override the existing Commercial Code of Pennsylvania in this area of the law, and if indeed that is the case, there is no provision for as-is sales in your bill. That is just one example. I understand your position. You said that you can enter into such a contract. I seriously doubt that.

Mr. GREENFIELD. Can I just answer your question a moment by reading section 6 on page 5?

Mr. RYAN. Go ahead.

Mr. GREENFIELD. "...remedies established in this act shall be in addition to other rights, duties and remedies under the law."

In other words, if that is a remedy under the law in your code that you referred to, then it would prevail.

Mr. RYAN. Mr. Speaker, a merchant selling as is is not attempting to effectuate a remedy. He is attempting to effectuate a sale. It is a sale as is. It has nothing to do with the right to—

Mr. GREENFIELD. It should not be his remedy, then.

Mr. RYAN. Pardon me.

Mr. GREENFIELD. I am surprised you are going—

Mr. RYAN. Pardon me. Pardon me, sir.

Mr. GREENFIELD. It would be his remedy.

Mr. RYAN. Pardon me, sir.

Mr. GREENFIELD. Go ahead.

Mr. RYAN. It has nothing to do with the rights and remedies that exist under the Uniform Commercial Code in a separate section. We are talking about the right to sell as is, a right to sale, not a remedy question. The remedies is a separate section of the code.

Mr. GREENFIELD. But that would be his remedy, Mr. Speaker.

Mr. RYAN. No, it is not only his.

Mr. GREENFIELD. It would be his remedy in a court.

Mr. RYAN. No, it is not.

Mr. GREENFIELD. He could then bring that up as a matter of argument.

Mr. Speaker, I think it is apparent that you are trying by subterfuge other extraneous matters to defeat the benefits that I am trying to bring to the consumer in the market place. And you, in your original statement, said that you do not wish to interfere with those rights and you agreed with them.

Mr. RYAN. Mr. Speaker, I resent the inference of Mr. Greenfield in his statement that I am attempting to do any such thing. I am trying to elicit information from the gentleman who obviously is unaware of the provisions of the Uniform Commercial Code. And that is why—and I am not criticizing you for that—I asked if there was someone here prepared to debate this bill in light of the existing law of Pennsylvania in the area of commercial transactions. I am not trying to pull a fast one on you. I am telling you that I approve of what you have said when attempting to use the illustration of your Christmas purchase. I am suggesting to you, however, that it should be done through the Uniform Commercial Code and, if not, then I would like to interrogate someone who is familiar with that code so they can explain to me why it should not be that way.

Mr. GREENFIELD. Mr. Speaker, I think on numerous occasions, and I have sat here for 11 years, I have seen bills which refer to other codes which go out beyond that and set up a law within themselves. I do not think this has to refer to the Uniform Commercial Code that you have referred to. We are talking now about a specific situation. We are asking that the merchants give a cash refund, repair or replace an item within 14 days, and that is consumer protection and that is all we are asking. I think anything else is just throwing fodder in the eyes of the members here and trying to destroy that kind of a right that I want to build up.

Mr. RYAN. I am finished with the interrogation.

Mr. Speaker, the gentleman, not being completely burdened with the facts, has made an apodictic statement that I am attempting to scuttle a bill, which I am not attempting to do. I am simply saying that it is a better procedure if, instead of setting a new law off unto itself, we amend the code, which is a uniform code, if, indeed, that is what we want to do. This area of the law covered by the bill in question properly belongs in the Uniform Commercial Code which governs all commercial transactions in Pennsylvania of this nature.

I fully realize, Mr. Speaker, that we can set up a separate act. I am saying that it is wrong to do so when this proposed bill is in the same area of the law that the Uniform Commercial Code



is in. I wonder if, in talking to counsel for the Consumer Affairs Committee, he would not honestly agree that this is in that area and it is the code which should be amended to take care of your problem. I am not trying to scuttle your bill; I am trying to make this orderly. Mr. Speaker, I feel very strongly about this and I would think there are many lawyers at least and businessmen in this House who can understand the problem that I think is being created.

HB 1391 TABLED

Mr. RYAN. Accordingly, Mr. Speaker, I would ask that the bill be placed on the table so that Mr. Greenfield is given an opportunity to check some of the things I am saying; not my motives but rather the law which I am suggesting is relevant to this case and have another go at this after both sides have had a chance to check it out.

I ask you not to question my motive, that I am trying to kill your reform movement, but rather that the bill should be someplace else. On that basis, Mr. Speaker, I ask that the bill be tabled.

The SPEAKER. It has been moved by the gentleman from Delaware, Mr. Ryan, that the House shall table HB 1391, PN 2173.

The motion is not debatable. The Chair will allow the chief sponsor of the bill to state his position on the motion and that is all.

Mr. GREENFIELD. Mr. Speaker, I feel very strongly about this particular matter. If there is some doubt or misinformation that the wise minority whip has, I would be glad to sit down and speak to him about it to clarify it. I will agree to tabling it for another day or so.

The SPEAKER. The motion is to table the bill.

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

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1106, printer's No. 2081**, entitled:

An Act amending "The Pennsylvania Civil Procedural Support Law" approved July 13, 1953 (P. L. 431, No. 95), requiring support of a child born out of lawful wedlock requiring the action to be brought within certain time limits requiring trial by the court or by jury in a civil action and making repeals.

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—182

Abraham      Gallen      McCall      Schweder

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

NAYS—0

NOT VOTING—18

Barber	Geesey	Lynch	Prendergast
Beloff	Gleeson	O'Brien, B.	Rappaport
Berson	Hamilton	O'Donnell	Shelton
Cole	Hutchinson, A.	Pievsky	Williams
Dumas	Logue		

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.

The SPEAKER. For the information of the members, those who may have neglected to note it on their calendars, the House amended HB 1106 yesterday. We did not reprint the bill, as you recall, because we thought we were going to take up another amendment which was to be offered. The bill will be reprinted in its correct printer's form and will be transmitted to the Senate as having been passed with the constitutional majority, the concurrence of the Senate being requested.

CONSIDERATION OF SB 168 AND GARZIA  
AMENDMENTS RESUMED

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

Mr. GARZIA. Mr. Speaker, I wish I could say that this is an agreed-to amendment, but I cannot. I am going to have to convince 102 people that it is a good amendment.

The amendment that I am offering today to SB 168 is a very simple amendment. All it does is say that eating establishments with 50 seats or more would have to provide a nonsmoking section for people who do not smoke. In Harrisburg there is only one such restaurant that I know of and that is called Dennys. Some of us are getting pretty tired of eating at Dennys all the time. You can only go through that menu once.

I think for a year and a half I complained to the Democrats on my side of the aisle about our majority caucus room, about the smokers who smoke those lousy cigars and cigarettes. With my complaints and a few others, we made the state put in four air cleaners in the majority caucus room. It really is not too bad now when we have a caucus, and even I can sit through 2 to 3 hours because they did the job. They did not prevent anyone from smoking.

If you go to church—I hope some of you do go to church—and if you go to a theater, you sit there for 2 or 3 hours and you do not light up a cigar and you do not light up a cigarette. That means that you can sit there for 2 or 3 hours without smoking.

Our courtrooms in Delaware County have “no smoking” signs all over the place, and the judges do enforce that rule in the chambers when court is in session. Our county commissioners put up “no smoking” signs in their room and there are two Republican commissioners. I think Mr. Ryan knows who they are. I even complimented them for putting up “no smoking” signs, and they do enforce it. No one smokes when they are in session.

Listen to this: Some of you people have blind people in your families. My mother was blind, and you did not dare smoke in the same room my mother was in because that smoke bothered her, and I imagine it bothers a lot of blind people. A lot of blind people cannot go into a restaurant today to enjoy a meal because some slob somewhere lights up a cigar or a pipe. I feel very strongly about that because I had blindness in my family. I know what the suffering is. So give them a break.

Dr. Bachman, I think, has made tomorrow, Thursday, or next Thursday “No Smoking” day. So somebody realizes in the state government that smoking can be bad for your health, and it is worse for the people who do not smoke.

All this amendment that I propose does is to have the restaurants provide a nonsmoking section for nonsmokers. It does not say they have to put up a wall; it does not say they have to put in a fan; it does not say a darn thing except that they have to provide a certain section. I hope that 102 members have guts enough to cast a vote and forget about the smokers who may vote against them next time. This can make or break me, but I am not worried about coming back next time, because I think there are many nonsmokers in this country who need help. I hope you will vote in the affirmative for this amendment.

Thank you.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Kelly.

Mrs. KELLY. Mr. Speaker, I rise in opposition to the amendment by my colleague, Mr. Garzia.

I would just like the members of this House to know the story of this bill. Representative Joel Johnson introduced the original bill for no smoking in hospitals. At the same time a Senate bill, sponsored by Senator Hill, came to my committee. Mr. Johnson was very kind and courteous to allow the Senate bill to be enacted instead of his own, which is something to be commended. All the bill says is that there shall be no smoking in patients' rooms and public areas of hospitals except in those sections designated as smoking areas.

By adding all these amendments to the bill, it will only spoil the bill and ruin it for the hospitals.

Now I am not criticizing the merits of Mr. Garzia's amendments or any other amendments that are introduced. They should be put in as special legislation.

I would ask all the members to try to concentrate on the hospitals first, and all these other amendments can be introduced as separate legislation.

Thank you.

PARLIAMENTARY INQUIRY

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

Mr. McCLATCHY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLATCHY. Mr. Speaker, rule 65, if I am not wrong, deals with a member having a private interest, and it reads:

A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon.

My question is, Mr. Speaker, that I think we should ask all those who are smokers to refrain from voting on this legislation.

Thank you.

The SPEAKER. The Chair would be absolutely delighted if the Chair dared to so rule, but the Chair does not so rule.

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

Mrs. KERNICK. Mr. Speaker, if you are going to apply it to the smokers, it should also apply to the nonsmokers since they have an interest.

The SPEAKER. That would place us back at ground zero. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell, on the amendment.

Mr. O'CONNELL. Mr. Speaker, I rise in opposition to the amendment for some of the reasons that the lady from Philadelphia stated, because the bill before you is important and it does deal with hospitals, and I think it is important, perhaps, that we consider that.

However, the Garzia amendment goes entirely too far. It would be effective 60 days after it was signed into law. It is an

absolute impossibility for people in that business to get into compliance in that length of time.

This bill, in addition to that problem, is almost unenforceable. There is no way in this Commonwealth that anyone could enforce this kind of legislation. It is only going to put an additional burden upon the people in the restaurant business and particularly those in the banquet and catering business. It is one that they just could not hardly enforce. It is just an impossibility. You would be, in fact, requiring them to appoint people into security positions in virtually all of the restaurants across the Commonwealth. I would ask for that reason and some additional reasons that we oppose the amendment.

Thank you.

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

Mr. ARTHURS. Mr. Speaker, I rise in support of the Garzia amendment. This fall I spent part of my vacation out in the State of Michigan. Michigan has enacted this same type of legislation in their restaurants. It is no problem at all whatsoever out there. It is not anything that costs any of the restaurants any money. There is no policing problem or anything like that.

All we are saying and all Mr. Garzia is asking in this amendment is that there be a portion of a particular restaurant set aside for nonsmokers.

As you enter a restaurant out in Michigan, the signs that I saw there read: "Please ask if you wish to be seated in a non-smoking area." There were no partitions; there were no special provisions whatsoever. All there was was one particular area where they would take you if you were a nonsmoker. Otherwise, they would just put you on the other side. There was no discrimination, none whatsoever.

As far as policing, I do not think it would be any different from what we have with our Liquor Control Board today. I do not think that this is asking that we keep a policeman standing at every restaurant being responsible for this. I think it is a matter that when a restaurant or any establishment such as this would be found by a person who was responsible for the policing that was out of conformity or not standing up to the law, then they would be cited. It is not anything that would require having to keep someone there all the time whatsoever.

I think it is a very good amendment. I think Mr. Garzia talked about blind people. I think it can go one step further than this. There are so many people in our country today who have allergies. I guess all of these things get right down to a personal thought. I happen to have a wife who is bothered terribly with allergies. She can control it. But you can go into a restaurant and if you sit in the area where someone smokes, nine times out of ten the person who is doing the smoking does not care. But if you are sitting where someone is smoking cigarettes, they always have that habit of putting it under your nose, the nonsmoker, rather than keeping it under their own or blowing the smoke in your direction rather than blowing it on their own friends. If my wife gets too much of this smoke, you can bet the next day she has eyes that are swelled shut.

Now this restricts us as to where we can go and where we cannot. I think this is where the discrimination comes in, be-

cause, like I say, there are some people who do have consideration when they are smoking, but the majority of the people when they are smoking a cigarette, when they are not puffing on it, do not keep it under their own nose; they put it over where the smoke is going in someone else's nose. I think it is about time that we are looking out for the innocent person rather than the person who is performing the act that is offensive to others. I would ask for support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell, for the second time on the amendment.

Mr. O'CONNELL. Just a brief response so that the members of the House might know that I was a four-pack-a-day smoker, those long ones, too, and I quit it cold turkey.

I do not really now object to being in areas where people do smoke. The worst possible situation to be in is the Republican caucus room under the conditions that exist there.

Now if you are going to invoke this kind of legislation, then I do not see any reason for just limiting it to restaurants and people such as this. I think all of the stadiums and all of the other public facilities in this Commonwealth ought to share in the same prohibition. It should not just be restricted to these kinds of people and these kinds of businesses. For that reason again, I oppose it, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Arthurs, for the second time on the amendment.

Mr. ARTHURS. I agree with you, Mr. Speaker. What I am concerned about is not myself because I can go into those places even though I do not like them, and I do not like them at all. I remember not only the minority caucus room but the majority caucus room. There is nothing worse than going into those places. But we are saying that they can—

The SPEAKER. With that statement, I concur.

Mr. ARTHURS. That is right, and not necessarily because of the smoking but because of the heat.

Mr. O'CONNELL. The hot air in this chamber is worse than any cigarette smoke I ever endured.

Mr. ARTHURS. That is right. But what I am saying is, I am concerned about other people. This is exactly why we need to do it, not necessarily for ourselves because we have a choice, but we have people who cannot go into some of these places. I am just saying that we should give everyone the right. We are not stopping anyone from smoking, but let us give those of us who do not appreciate it a chance to enjoy our meals also.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I speak in opposition to this amendment because I think that the penalty is most severe and, in my particular case, might imply even the death penalty. I do not smoke; my wife does. And if she gets picked up and has to pay a \$100 fine, I am liable to kill her.

The SPEAKER. That is one of the most persuasive arguments I have ever heard on the floor.

The Chair recognizes the gentleman from Delaware, Mr. Garzia, for the second time on the amendment.

Mr. GARZIA. In answer to the gentleman's question about

the fine, it is up to \$100. You could be fined just \$1. It is a sliding scale up to \$100 in front of a magistrate. It is not a \$100 fine.

Mr. Speaker, may I interrogate Mrs. Kelly, please?

The SPEAKER. The gentleman has indicated that he would like to interrogate the lady from Philadelphia, Mrs. Kelly. The lady indicates that she will stand for interrogation. The gentleman from Delaware is in order and may proceed.

Mr. GARZIA. Mr. Speaker, do I have a bill in your committee pertaining to this same problem?

Mrs. KELLY. I cannot hear you.

Mr. GARZIA. Do I have a bill in your committee—

The SPEAKER. Will the gentleman yield?

The gentleman may now proceed with care about an inquiry about bills contained in committee; with care. I say, the gentleman may proceed with care about an inquiry about bills in committee.

Mr. GARZIA. Okay.

Mr. Speaker, I do have a bill in the Health and Welfare Committee. Mrs. Kelly made the statement that she opposed this amendment because it may harm SB 168 concerning the hospitals.

Now my question to Mrs. Kelly is: Do not people who go to restaurants have rights? Everybody does not go to the hospital every day. More people go to restaurants than go to hospitals. Now my question is: Why are you opposing this amendment because it just says "restaurants"?

Mrs. KELLY. I wish I could hear what he is saying, Mr. Speaker, but I just cannot hear.

The SPEAKER. The first question is: Do not people who go into restaurants have rights?

Mrs. KELLY. Yes, they do.

The SPEAKER. All right. And the second question is: Why are you opposing this bill?

Mr. GARZIA. This amendment.

The SPEAKER. This amendment.

Mrs. KELLY. I am not opposing the amendment because of its merits, Mr. Speaker. I am just saying that the bill that we have before us is only for hospitals. Now I have had the occasion in the last 2 or 3 weeks to speak to many administrators of the hospitals. They are very much in favor of the bill for hospitals because in most cases they wish there were legislation so they could say to the patients, sorry, but you cannot smoke here or you cannot smoke in your room.

The merits of Mr. Garzia's amendment or any member of this House has merit, but introduce it as another piece of legislation so that we can look into that. I am only asking that this bill be not disturbed by adding a lot of amendments which will take a lot of time to implement and things of the sort. I am not against his amendment, per se, but I am just asking for him to introduce separate legislation.

This happens with a lot of bills. A lot of our bills have other amendments attached to them that spoil the whole thought of the bill and that is the end of it. We never seem to get them enacted into law.

Mr. GARZIA. Mr. Speaker, I do have a bill in the Health and Welfare Committee pertaining to smoking in restaurants. But I

want to remind Mrs. Kelly and the members here that even though this bill pertains to hospitals, once again, everybody does not go to the hospital every day.

Let the full Senate decide the vote on this bill when it goes back for concurrence. I think you and I know that this thing can go to a conference committee and it can be struck right out, but give it chance. Help somebody who is bothered by the smoke.

Now Mr. Arthurs mentioned about people with emphysema and other ailments, people who are blind. Give them a halfway decent chance to go into the restaurants of their choice.

Let us vote this amendment in and let the Senate make up its mind whether it wants to concur in our amendment or not, because it will end up in a conference committee anyway.

Thank you.

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

The following roll call was recorded:

YEAS—54

Armstrong	DiCarlo	Hayes, D. S.	Shuman
Arthurs	Dorr	Hayes, S. E.	Sirianni
Bittle	Doyle	Helfrick	Smith, L.
Brandt	Dumas	Hoeffel	Stapleton
Brown	Englehart	Lincoln	Tenaglio
Brunner	Fee	McClatchy	Thomas
Burns	Fischer, R. R.	Milanovich	Wass
Caltagirone	Flaherty	Mrkonic	Wise
Caputo	Gamble	O'Keefe	Wright, D.
Cimini	Garzia	Petrarca	Zeller
Cowell	George, C.	Pitts	Zwinkl
Davies	George, M.	Polite	
DeMedio	Gray	Reed	Irvis,
DeWeese	Greenleaf	Renwick	Speaker

NAYS—127

Abraham	Gillette	McCall	Scanlon
Anderson	Goebel	McGinnis	Scheaffer
Bellomini	Goodman	McIntyre	Schmitt
Beloff	Greenfield	McLane	Schweder
Bennett	Grieco	Mebus	Shupnik
Berlin	Halverson	Meluskey	Smith, E.
Berson	Harper	Milliron	Spencer
Bittinger	Hasay	Miscevich	Spitz
Borski	Haskell	Moehlmann	Stairs
Burd	Honaman	Morris	Stewart
Butera	Hopkins	Mowery	Stuban
Cassidy	Hutchinson, W.	Mullen, M. P.	Sweet
Cessar	Itkin	Mullen, M. M.	Taddonio
Cianciulli	Johnson	Musto	Taylor, E.
Cohen	Jones	Novak	Taylor, F.
Cole	Katz	Noye	Trello
DeVerter	Kelly	O'Brien, B.	Valicenti
Dietz	Kernick	O'Brien, D.	Vroon
Dininni	Klingaman	O'Connell	Wansacz
Dombrowski	Knepper	Oliver	Wargo
Donatucci	Kolter	Pancoast	Weidner
Duffy	Kowalshyn	Parker	Wenger
Fisher, D. M.	Laughlin	Piccola	White
Foster, A.	Lehr	Pott	Wiggins
Foster, W.	Letterman	Pratt	Wilson
Freind	Levi	Prendergast	Wilt
Fryer	Livengood	Pyles	Wright, J. L.
Gallagher	Logue	Ravenstahl	Yahner
Gallen	Mackowski	Rieger	Zearfoss
Gatski	Madigan	Ruggiero	Zitterman
Geisler	Manderino	Ryan	Zord
Giammarco	Manmiller	Salvatore	

## NOT VOTING—19

Barber	Lynch	Rhodes	Shelton
Geesey	Miller	Richardson	Wagner
Gleeson	O'Donnell	Ritter	Williams
Hamilton	Pievsky	Scirica	Yohn
Hutchinson, A.	Rappaport	Seltzer	

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

The SPEAKER. Does the gentleman, Mr. Garzia, have additional amendments?

Mr. GARZIA. No, Mr. Speaker. I have no more amendments. I just want to thank the legislators, the true ones who had guts enough to vote "yes" on this amendment. And I hope nothing happens to the lungs of the rest of you who voted "no."

Thank you.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BRANDT offered the following amendments:

Amend Title, page 1, line 1, by inserting after "hospitals" in other public places and at public meetings

Amend Bill, page 1, lines 5 through 18; page 2, lines 1 through 13, by striking out all of said lines and inserting

Section 1. Short title.

This act shall be known and may be cited as the "Smoking Regulation Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Public meeting." A meeting open to the public.

"Public place." Any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms. It shall not include enclosed areas normally occupied exclusively by smokers even though such areas may be visited by nonsmokers.

Section 3. Police power.

The Commonwealth of Pennsylvania declares the passage of this act to be a valid exercise of its police powers to protect the right of the nonsmoking public to be free from the discomfort of smoke in public places and at public meetings.

Section 4. Prohibitions.

No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition shall not apply in cases where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and seating arrangements are under the control of the sponsor of the function and not under the control of the proprietor or person in charge of the place. This prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, except that the Department of Labor and Industry shall establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health or comfort of nonsmoking employees.

Section 5. Inclusion.

Smoking includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

Section 6. Designation of smoking areas.

(a) Smoking areas shall be designated by proprietors or other persons in charge of public places, except where smoking is prohibited by the fire marshal or by other law, ordinance or regulation, or where the proprietor or his agent prohibits smoking.

(b) Designated smoking areas shall be so designated as to utilize existing physical barriers and ventilation systems in or-

der to minimize the effect of smoke in nonsmoking areas of the same facility or establishment. When a public place consists of a single room, the provisions of this act shall be considered met if smoking is restricted to one side of the room which is clearly posted as a smoking area. No public place other than an establishment which is owned or operated by a person who is licensed to sell malt and brewed beverages or liquor shall be designated as a smoking area in its entirety. When such establishment is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

Section 7. Responsibilities of proprietors.

The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by posting appropriate signs, arranging seating to provide a smoke-free area, and shall refuse to serve, deal with, treat, handle, accommodate, or otherwise do business with any person who is smoking in other than a posted smoking area.

Section 8. Penalty.

A person violating the provisions of this act shall be guilty of a summary offense.

Section 9. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Mr. Speaker, this amendment is titled "A2981."

The SPEAKER. The gentleman, Mr. Brandt, is offering for the consideration of the House an amendment numbered "A2981."

The gentleman may proceed.

Mr. BRANDT. Thank you, Mr. Speaker.

I think much has been said about the issue of smoking. We heard that other states have enacted legislation such as this. I would like to say at the outset that I am a smoker. I believe I could quit. I know I could quit if I wanted to and I have done so. I have not smoked for 20 minutes. I am starting right now.

I think the basic issue on the smoking issue is the smokers' right to smoke versus the nonsmokers' right to breathe clean air. With the amendment that Mr. Garzia gave us today and the amendments that were passed the last time and the bill as it is proposed before us, I really feel sincerely that the amendment I propose is a good compromise to all areas.

I would like to call your attention to the amendment. We go a little bit further than the hospitals, although hospitals are included in the bill now. We define "Public meeting" as a meeting open to the public. We define "Public place" as any enclosed, indoor area used by the general public for all types of services.

We promote a state policy in the fact that we say "The Commonwealth of Pennsylvania declares the passage of this act to be a valid exercise of its police powers to protect the right of the nonsmoking public to be free from the discomfort of smoke in public places and at public meetings."

The point that Mr. O'Connell brought up, I believe, is taken care of in the amendment that in the case of caterers, people renting a total area, they can designate whether it is a smoking or nonsmoking area.

We finally define what smoking is and the most important part of this amendment is "Designated smoking areas." We can use the common barriers that most times exist now in restau-

rants and in public places, but at the same time we allow places to be designated smoking places as of the whole. We look at this as we do with our Liquor Control Board. Any business that has a liquor license can designate that total area as a smoking place as a whole, and I think this is a step in the right direction.

As to the responsibilities of the proprietors, the proprietors shall make reasonable efforts as far as having smoking and nonsmoking areas. I certainly ask your support of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—88

Anderson	Foster, W.	Meluskey	Smith, L.
Armstrong	Gamble	Milanovich	Stairs
Arthurs	Garzia	Mowery	Stapleton
Bittle	Geisler	Mrkonic	Sweet
Brandt	George, C.	O'Brien, D.	Taddonio
Brown	George, M.	O'Keefe	Taylor, E.
Brunner	Goebel	Pancoast	Thomas
Burns	Gray	Parker	Wass
Butera	Greenleaf	Piccola	Weidner
Caltagirone	Grieco	Pitts	Wenger
Cessar	Hasay	Polite	Wilson
Cimini	Hayes, D. S.	Ravenstahl	Wise
Cole	Hayes, S. E.	Reed	Wright, D.
Cowell	Helfrick	Renwick	Wright, J. L.
Davies	Hoeffel	Ritter	Yahner
DeMedio	Honaman	Ryan	Yohn
DeVerter	Hopkins	Salvatore	Zearfoss
DeWeese	Katz	Scanlon	Zeller
DiCarlo	Levi	Scheaffer	Zwinkl
Dorr	Lincoln	Seirica	
Englehart	Madigan	Seltzer	Irvis,
Fee	McClatchy	Shuman	Speaker
Fischer, R. R.	Mebus		

NAYS—96

Ahraham	Gallagher	Logue	Pyles
Bellomini	Gallen	Mackowski	Rhodes
Beloff	Gatski	Manderino	Rieger
Bennett	Giammarco	Manmiller	Ruggiero
Berlin	Gillette	McCall	Schmitt
Berson	Goodman	McGinnis	Schweder
Bittinger	Greenfield	McIntyre	Shupnik
Borski	Halverson	McLane	Smith, E.
Burd	Harper	Miller	Spencer
Caputo	Haskell	Milliron	Spitz
Cassidy	Hutchinson, W.	Miscevich	Stewart
Cianciulli	Itkin	Moehlmann	Stuban
Cohen	Johnson	Morris	Taylor, F.
Dietz	Jones	Mullen, M. P.	Tenaglio
Dininni	Kelly	Mullen, M. M.	Trello
Dombrowski	Kernick	Musto	Valicenti
Donatucci	Klingaman	Novak	Vroon
Doyle	Knepper	Noye	Wansacz
Duffy	Kolter	O'Brien, B.	Wargo
Fisher, D. M.	Kowalyszyn	O'Connell	White
Flaherty	Laughlin	Oliver	Wiggins
Foster, A.	Lehr	Pott	Wilt
Freind	Letterman	Pratt	Zitterman
Fryer	Livengood	Prendergast	Zord

NOT VOTING—16

Barber	Hamilton	Petrarca	Shelton
Dumas	Hutchinson, A.	Pievsky	Sirianni
Geesey	Lynch	Rappaport	Wagner
Gleeson	O'Donnell	Richardson	Williams

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?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Just one comment before we vote on SB 168. You know in today's newspaper I read where the Carlisle Hospital has just banned smoking in that hospital because of flammable products that they have in the hospital. I think they already have that right and I do not think we need this bill at all. I would like to have a "no" vote on it. Thank you.

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

Mr. JOHNSON. Mr. Speaker, I had also introduced legislation to ban smoking in certain areas in the hospitals. The reason that I did this, Mr. Speaker, was because I was in the hospital myself in 1971 and we had two people in the room. I had just come out of an operation. At that time the patient in the next bed refused to smoke because of my condition. He did not have to refuse to smoke for me but he did.

So this last year I visited one of my constituents in the hospital. When I walked in the room, the first thing I did was light up a cigarette. The person I went to visit told me, please, do not light the cigarette because this woman just came out of ether.

I talked to some of the doctors in the hospital at that time and they also said they would welcome legislation like this because they could set people aside in different rooms and in different areas of the hospitals to allow people to smoke and to allow people who do not smoke a chance to live in comfort, as Mr. Garzia says, in the hospital while they are recuperating.

So that is the reason that I did not ask Mrs. Kelly to push my bill out of the House first, because the Senate bill had passed the Senate and was coming to the House. I did not want to delay this legislation any longer. I wanted it to reach the House and become law if it is possible.

So I am asking everyone, if it is possible for you, to support this legislation that takes care of the hospitals.

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

Mr. GARZIA. Mr. Speaker, I do support this bill even though my amendment is not in it.

I am glad somebody does feel sorry for somebody who does not smoke, laying somewhere, and I hope this bill is passed.

On the question recurring,

Shall the bill pass finally?

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

YEAS—161

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

NAYS—24

Burd	Gillette	Manmiller	Sirianni
Dininni	Hasay	Miller	Spitz
Duffy	Haskell	Moehlmann	Stairs
Freind	Knepper	Piccola	Tenaglio
Fryer	Letterman	Pott	Wilt
Gatski	Livengood	Prendergast	Zearfoss

NOT VOTING—15

Barber	Geesey	Lynch	Richardson
Berson	Gleeson	O'Donnell	Shelton
DeMedio	Hamilton	Pievsky	Williams
Dumas	Hutchinson, A.	Rappaport	

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.

The SPEAKER. On the final passage of the bill, the "ayes" are 161; the "nays" 24.

The majority required by the Constitution having voted in the affirmative, the bill passes finally and the clerk will notify the Senate that the House has passed the bill, it having been reverted to a prior printer's number.

HB 1391 REMOVED FROM TABLE

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

Mr. GREENFIELD. Mr. Speaker, would I be in order to make a motion to remove a bill from the table?

The SPEAKER. The gentleman would be in order.

Mr. GREENFIELD. Mr. Speaker, I wish to make a motion to remove HB 1391, as amended, to which there was objection, from the table so that we can make the necessary amendments.

Thank you.

The SPEAKER. It has been moved by the gentleman, Mr. Greenfield, that HB 1391, as amended, which was placed upon the table earlier during the session, be now removed from the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—182

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

NAYS—5

Fisher, D. M.	Piccola	Sirianni	Zord
Klingaman			

NOT VOTING—13

Berson	Hamilton	O'Donnell	Rappaport
Borski	Hutchinson, A.	Pievsky	Shelton
Geesey	Lynch	Pratt	Williams
Gleeson			

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

**HB 1391 PLACED ON CALENDAR**

The SPEAKER. Would the gentleman, Mr. Greenfield, advise the Chair as to whether he is ready to offer his amendments today?

Mr. GREENFIELD. No, Mr. Speaker. I would just like it to lie on the calendar, please.

The SPEAKER. HB 1391, as amended, will not be reprinted. We will not reprint the bill inasmuch as another amendment is to be offered. The bill will reappear on the calendar on third consideration with the same printer's number and with the amendment attached.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended to add certain names to a resolution.

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

The following roll call was recorded:

YEAS—182

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

DeMedio	Hopkins	Oliver	Weidner
DeVerter	Itkin	Pancoast	Wenger
DeWeese	Johnson	Parker	White
DiCarlo	Jones	Petrarca	Wiggins
Dietz	Katz	Pitts	Wilt
Dininni	Kelly	Polite	Wise
Dombrowski	Kernick	Pott	Wright, D.
Donatucci	Klingaman	Prendergast	Wright, J. L.
Dorr	Knepper	Pyles	Yahner
Doyle	Kolter	Ravenstahl	Yohn
Duffy	Kowalyszyn	Reed	Zeller
Dumas	Laughlin	Renwick	Zitterman
Englehart	Lehr	Rhodes	Zord
Fee	Letterman	Richardson	Zwinkl
Fischer, R. R.	Levi	Rieger	
Fisher, D. M.	Lincoln	Ritter	Irvis,
Flaherty	Livengood	Ruggiero	Speaker

NAYS—5

Piccola	Spitz	Wilson	Zearfoss
Sirianni			

NOT VOTING—13

Geesey	Hutchinson, W.	Pievsky	Shelton
Gleeson	Lynch	Pratt	Valicenti
Hamilton	O'Donnell	Rappaport	Williams
Hutchinson, A.			

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

**SPONSORS ADDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following names be added to HR 167: Messrs. Trello and Gallagher.

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

**SUPPLEMENTAL CALENDAR**

**RESOLUTION ADOPTED**

Mr. LINCOLN called up **HOUSE RESOLUTION NO. 167**, entitled:

House Direct Committee On Consumer Affairs Investigate Fuel Adjustment Charge By Columbia Gas Company.

On the question,  
Will the House adopt the resolution?

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

Mr. LINCOLN. Mr. Speaker, HR 167 is the resolution which I introduced on Monday which we hope will lead us in the direction which will cure a very serious problem of many constituents of mine and other members of this House.

The resolution as printed and before us has a problem. It was amended in the Rules Committee. It should be PN 2309. The one that was passed out is PN 2286, and there was an amendment that was passed out. Now there may be some confusion. That amendment is just showing what the Rules Committee did. It deleted the subpoena power from HR 167.



I personally feel very strongly about this. I have attempted to maintain a low-key approach to the problem with the Columbia Gas Company. The only remark I would like to make at this time is that my intent—and I would hope the legislative intent would be interpreted that way—is that this committee investigate the past 2-months' billings by the Columbia Gas Company and in particular the fuel adjustment charges involved in that 2-month period. I would hope that this is not interpreted as an attempt to crucify a utility company. If there is justification for that utility company's charges for those 2 months, then I think we have an obligation to bring that fact forth too.

Hopefully, out of this there will be some direction given to the General Assembly and the Public Utility Commission in Pennsylvania to move in so as to alleviate some of the problems of especially limited-income individuals who must have the service the utility is providing.

I would hope that this resolution, once approved by the House, will be expeditiously enacted by the committee which is being charged with this obligation. I would urge the members of the House to vote in the affirmative at this time.

The SPEAKER. For the information of the members, the correct printer's number is now being distributed and you will note, per the instructions of the information of the gentleman, Mr. Lincoln, that certain lines have been amended out by the Rules Committee.

You should have in your hands now printer's No. 2309, which is the resolution on which the House is about to act.

On the resolution, the Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I rise too in support of this resolution. Many constituents of mine in my area complained to me about the fact that they have been getting gas bills where the fuel adjustment charge far exceeds the cost of the gas itself.

I am hopeful that by this resolution, sponsored by Mr. Lincoln and many other members from our area, that the matter could be investigated so as to be brought to some resolution of the problem, possibly some means of cutting the cost of fuel to at least look into why the fuel charges seem to be so excessive. Therefore I ask for the wholehearted support of members on both sides of the aisle for this resolution.

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

Mr. TRELLO. Mr. Speaker, I, too, rise in support of the Lincoln resolution to investigate the Columbia Gas.

As you know, I have introduced a piece of legislation in the 1975-76 session to eliminate the fuel adjustment charge and I also reintroduced it again in the 1977-78 session. But here are some of my reasons.

The majority of my constituents are served by Columbia Gas and in this morning's paper there is a little article there. Under the heading of "Gas Pains" it said, "Signs of the times, a South Hills resident receives a gas bill covering October and part of September." Under gas used it reads \$26.00; it reads \$25.00 under fuel cost and \$35.00 under the fuel adjustment charge.

Within about a 2-mile radius of my district, the borough of Coraopolis just received their gas bill for October. They have

\$146.00 for their gas bill and \$235.00 for their fuel adjustment charge.

Right across the river, where they have Equitable Gas, their bill is just about the same. They have \$258.00 for their gas bill and only \$110.00 for their fuel adjustment charge; absolutely the reverse of what Columbia Gas has.

I certainly do want to support this because all of the letters that I have received in the past 4 days, after the October billing, in every case the fuel adjustment charge was larger than the actual gas bill, and I think this warrants an investigation. I urge everybody to support the resolution.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, on the resolution.

Mr. DORR. Mr. Speaker I, too, support the resolution. I would hope that the committee, since it does, I believe, have the power to do this kind of thing, would ask the gas companies and other utilities to come in and report to the committee. In any event it would further explore the matter of the division on the bills of the particular charges that are made.

In response to legislation passed about a year ago, I believe, the gas companies and other utilities have begun to divide out their various charges and as we would put it if it were a budget item they have line-itemed the various things such as the fuel adjustment charge. I think they could not have done a worse job of explaining what those line items amount to. I would hope that the committee, when it gets to discussing these matters with the utility companies, would look into whether or not there are better ways to designate those line items on those bills so that the intent of this legislature in doing that, that is, to explain to the customer what these charges are about, will come about.

I think that would be a logical extension of the committee's job under the resolution and I support the resolution.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—182

Abraham	Foster, W.	Logue	Salvatore
Anderson	Freind	Mackowski	Scanlon
Armstrong	Fryer	Manderino	Scheaffer
Arthurs	Gallagher	Manmiller	Schmitt
Barber	Gallen	McCall	Schweder
Bellomini	Gamble	McClatchy	Scirica
Beloff	Garzia	McGinnis	Seltzer
Bennett	Gatski	McIntyre	Shuman
Berlin	Geisler	McLane	Shupnik
Berson	George, C.	Mebus	Sirianni
Bittinger	George, M.	Meluskey	Smith, E.
Bittle	Giammarco	Milanovich	Smith, L.
Borski	Gillette	Miller	Spencer
Brandt	Goebel	Milliron	Spitz
Brown	Goodman	Miscevich	Stairs
Brunner	Gray	Moehlmann	Stapleton
Burd	Greenfield	Morris	Stewart
Butera	Greenleaf	Mowery	Suban
Caltagirone	Grieco	Mrkonic	Sweet
Caputo	Halverson	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	Hoefel	O'Connell	Vroon
Davies	Honaman	O'Keefe	Wagner
DeMedio	Hopkins	Oliver	Wansacz
DeVertter	Hutchinson, W.	Pancoast	Wargo
DeWeese	Itkin	Parker	Wass
DiCarlo	Johnson	Petrarca	Wenger
Dietz	Jones	Pitts	White
Dininni	Katz	Polite	Wiggins
Dombrowski	Kelly	Pratt	Wilt
Donatucci	Kernick	Prendergast	Wise
Dorr	Klingaman	Pyles	Wright, D.
Doyle	Knepper	Ravenstahl	Yahner
Duffy	Kolter	Reed	Yohn
Dumas	Kowalshyn	Renwick	Zeller
Engelhart	Laughlin	Rhodes	Zitterman
Fee	Lehr	Richardson	Zord
Fischer, R. R.	Letterman	Rieger	Zwinkl
Fisher, D. M.	Levi	Ritter	
Flaherty	Lincoln	Ruggiero	Irvis,
Foster, A.	Livengood	Ryan	Speaker

## NAYS—6

Burns	Pott	Wright, J. L.	Zearfoss
Piccola	Wilson		

## NOT VOTING—12

Geesey	Hutchinson, A.	O'Donnell	Shelton
Gleeson	Lynch	Pievsky	Weidner
Hamilton	Madigan	Rappaport	Williams

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

### BILLS REPORTED FROM COMMITTEES AND TABLED

**HB 1782, PN 2165**

By Mr. KOWALYSHYN

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

Insurance.

**HB 1832, PN 2235**

By Mr. GATSKI

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), clarifying certain provisions relating to the Department of Commerce.

Mines and Energy Management.

### ANNOUNCEMENTS

#### CONSUMER AFFAIRS COMMITTEE HEARING

The SPEAKER. The Chair recognizes, for purposes of making an announcement, the gentleman from Westmoreland, Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, unless we are controverted by the House leadership because of a tax vote or what not, I would like to announce that the Consumer Affairs Committee is holding a hearing tomorrow here in Harrisburg, a public hearing, on HB 845 which is the Anti-trust Act and we are intend-

ing to have, among other people, John H. Shenefield, who is the Assistant Attorney General from the Anti-trust Division in Washington, as a representative from the United States Department of Justice.

We would like to invite those who might be here in Harrisburg to attend this meeting if they care to do so. However, again, I repeat that this is subject to whether or not the House is going to permit us to have a meeting tomorrow or not. What do we do Jim?

The SPEAKER. We will tell you what we are going to do in a few minutes.

Mr. SCHMITT. Thank you.

### EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the Chairman of the Education Committee, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I wish to announce that there will be an Education Committee meeting in room 246, the Appropriations Committee room on the second floor upon the declaration of a recess of the House.

### HOUSE SCHEDULE

The SPEAKER. For the information of the members, the Chair has been advised by the Senate leaders that the Senate will be taking up the vote on the matter of taxes this afternoon. Depending on whether or not what the outcome of that vote is will depend also on whether or not the House remains in session for this week. We shall not know of the outcome of that vote for at least another hour and this House will stand in recess until 6 p.m.

The Chair cautions the members not to pack and leave. We will make a definitive announcement on the schedule for the rest of this week and possibly next week at 6 p.m.

Does the gentleman, Mr. Hayes, desire recognition? The Chair apologizes. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you Mr. Speaker. Do I understand correctly that there will be no more roll call votes today?

The SPEAKER. That is correct. There are no more roll call votes scheduled.

Mr. S. E. HAYES. Then it would be safe indeed for those representatives who are within travel distance of this Capitol to go to their homes this evening at this time.

The SPEAKER. Yes. That would be reasonably safe if they check here later in the evening as to our extended schedule or check tomorrow morning.

Mr. S. E. HAYES. And if we are going to be in session tomorrow in fact, what time will we be in session tomorrow?

The SPEAKER. That has not been suggested to the Chair by the majority leader. I do not know if the majority leader has had an — 1:00? The majority leader indicates that it will be at 1:00, and we shall know whether or not we are going to be in session at 6 p.m. The Chair will make an announcement from the podium at 6.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. If, in fact, we are sent a bill from the Senate, a funding mechanism funding measure, we may receive that this afternoon at 6:00 and take it on the calendar.

### RECESS

The SPEAKER. This House now stands in recess until 6 p.m.

### AFTER RECESS

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

The SPEAKER. For the information of the members within hearing of the Speaker's voice, the House will be adjourned until Monday, November 21, 1977, at 1 p.m., unless sooner recalled by the Speaker.

The Speaker does not anticipate an early recall of the House. This is a precautionary insertion to make certain we can come back if the Senate does act in a manner favorable. Then the Speaker would be in the position to recall the House earlier than Monday.

The Senate has passed over the necessary piece of legislation which has to be amended. They passed it over temporarily. The Senate is in recess, and the leader of the Senate has informed the Speaker that he does not anticipate any vote on any tax measure until at least tomorrow at the earliest.

### BILLS REPORTED FROM COMMITTEES AND TABLED

**SB 1038, PN 1218**

By Mr. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" further providing for persons not to be employed by school districts.

Education.

**SB 1048, PN 1433**

By Mr. GALLAGHER

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), entitled "State Public School Building Authority Act" providing for the private sale of refunding bonds in certain circumstances.

Education.

### BILLS PASSED OVER

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

### WELCOMES

The SPEAKER. The Chair would like to welcome to the hall of the House several visitors, many of whom have to leave very quickly.

Mr. Robert Cordell, Mr. Ray Peterson and Mr. Harry Jones who are newly elected members of the Greencastle-Antrim School Board.

They are here as the guests of Representative William Shuman.

The Chair also welcomes to the hall of the House Jean Coates and Messrs. Kunsch, Cage, Erving, Walton and Maropis who are from various Savings and Loans Associations in Chester County.

They are here as the guests of Representative Peter Vroom.

The Chair is also pleased to welcome to the hall of the House The Daniel Boone Optomists Club which is sponsoring a group of students to visit the Capitol during Youth Appreciation Week. These students are here accompanied by Mr. Tom Kerschner who is in charge of the visit.

The students and Mr. Kerschner are the guests of Representative Lester K. Fryer, Berks County.

The Chair at this time is delighted to welcome to the hall of the House the Honorable Clifford Cooper, Esq., who is a distinguished attorney from Pittsburgh, Pennsylvania, and is president of The Black Lawyers Association of Western Pennsylvania. Mr. Cooper is also the chairman of the Pennsylvania NAACP Legal Redress Committee. Mr. Cooper is visiting the House of Representatives today as the guest of the Speaker.

The Chair is delighted to welcome to the hall of the House an extremely prominent guest who is a guest of the Lackawanna County Delegation from the great northeast. He is Nester Chylak who was an American League Umpire for 26 years. Umpire-in-Chief at the 1977 World Series and has been named the Dean to the American League Umpires.

I think I hear a few National Leaguers in the audience. Come to think of it, would that not be nice. This would be the only time I would have the chance to throw an umpire out of the game. Better not try that, I have had too much respect for them.

### ADJOURNMENT

Mr. GAMBLE moved that this House do now adjourn until Monday, November 21, 1977, at 1 p.m., e.s.t., unless sooner recalled by the Speaker of the House.

On the question.

Will the House agree to the motion?

Motion was agreed to, and (at 6:05 p.m., e.s.t.) the House adjourned.