

# Legislative Journal

TUESDAY, NOVEMBER 22, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 101

## HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.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:

Almighty God, Our Loving and Most Gracious Father, as the responsibilities of this day flood in upon us and the challenges of this hour weigh heavily upon our minds, we turn to Thee with the fullest confidence that Thou wilt grant to each of us the strength, the power, and the might to carry through to the best of our ability these opportunities. We know full well that many times we are called upon to make the supreme sacrifice on behalf of those we serve; and we recall regretfully but quite vividly the tragic and untimely death of the Honorable John F. Kennedy just 14 years ago today. The words of this great American still stir us to concerted action — "Ask not what your country can do for you — ask what you can do for your country." Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, November 21, 1977, will be postponed until printed.

### MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

#### YEAS—198

Abraham	Gallagher	Madigan	Salvatore
Anderson	Gallen	Manderino	Scanlon
Armstrong	Gamble	Manmiller	Scheaffer
Arthurs	Garzia	McCall	Schmitt
Barber	Gatski	McClatchy	Schweder
Bellomini	Geisler	McGinnis	Scirica
Beloff	George, C.	McIntyre	Seltzer
Bennett	George, M.	McLane	Shuman
Berlin	Giammarco	Mebus	Shupnik
Berson	Gillette	Meluskey	Smith, E.
Bittinger	Gleeson	Milanovich	Smith, L.
Bittle	Goebel	Miller	Spencer

Borski	Goodman	Milliron	Spitz
Brandt	Gray	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Stapleton
Brunner	Greenleaf	Morris	Stewart
Burd	Grieco	Mowery	Stuban
Burns	Halverson	Mrkonic	Sweet
Butera	Hamilton	Mullen, M. P.	Taddonio
<i>Caltagirone</i>	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, B.	Tello
Cimini	Helfrick	O'Brien, D.	Valicenti
Cohen	Hoeffel	O'Connell	Vroon
Cole	Honaman	O'Donnell	Wagner
Cowell	Hopkins	O'Keefe	Wansacz
Davies	Hutchinson, A.	Oliver	Wargo
DeMedio	Hutchinson, W.	Pancoast	Wass
DeVerter	Itkin	Parker	Weidner
DeWeese	Johnson	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Dietz	Katz	Pievsky	Wiggins
Dininni	Kelly	Pitts	Williams
Dombrowski	Kernick	Polite	Wilson
Donatucci	Klingaman	Pott	Wilt
Dorr	Knepper	Pratt	Wise
Doyle	Kolter	Prendergast	Wright, D.
Duffy	Kowalshyn	Pyles	Wright, J. L.
Dumas	Laughlin	Rappaport	Yahner
Englehart	Lehr	Ravenstahl	Yohn
Fee	Letterman	Reed	Zearfoss
Fischer, R. R.	Levi	Renwick	Zeller
Fisher, D. M.	Levin	Rhodes	Zitterman
Flaherty	Lincoln	Richardson	Zord
Foster, A.	Livengood	Rieger	Zwikl
Foster, W.	Logue	Ritter	
Freind	Lynch	Ruggiero	Irvis,
Fryer	Mackowski	Ryan	Speaker

#### NAYS—3

Geesey                      Shelton                      Sirianni

#### NOT VOTING—0

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

## HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1896**                      By Messrs. GARZIA and DiCARLO

An Act requiring that certain eating establishments establish separate facilities for smokers and nonsmokers.

Referred to Committee on Health and Welfare.

**No. 1897**                      By Messrs. PICCOLA, SCHMITT, Mrs. TAYLOR, Messrs. BROWN, REED,

HOPKINS, ZORD, MANMILLER and  
DININNI

An Act amending the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," approved May 1, 1929 (P. L. 1216, No. 427), further defining "real estate broker" and further providing for suspension or revocation of licenses.

Referred to Committee on Professional Licensure.

**No. 1898** By Messrs. LEHR, SCHMITT, ANDERSON,  
A. C. FOSTER and DORR

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), excluding persons whose sole income is social security benefits from certain taxes on gas and electric utilities.

Referred to Committee on Consumer Affairs.

**No. 1899** By Messrs. RENWICK, GEORGE,  
LETTERMAN, RAVENSTAHL, LOGUE,  
NOYE and E. H. SMITH

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), changing the name of the Pennsylvania Game Commission to the Pennsylvania Wildlife Commission and making editorial changes.

Referred to Committee on Game and Fisheries.

**No. 1900** By Messrs. PETRARCA, LIVENGOOD,  
KOLTER, LETTERMAN and O'CONNELL

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the Fire and Panic Act, mandating smoke detectors in public buildings.

Referred to Committee on Business and Commerce.

**No. 1901** By Mr. KOWALYSHYN, Mrs. GILLETTE,  
Messrs. SCHMITT and ZEARFOSS

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further providing for policies issued to the trustees of a fund established by two or more employers and defining employees.

Referred to Committee on Insurance.

**No. 1902** By Mr. KOWALYSHYN, Mrs. GILLETTE,  
Messrs. SCHMITT and ZEARFOSS

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the Group Life Insurance Policy Law, further providing for policies issued to trustees of joint funds.

Referred to Committee on Insurance.

**No. 1903** By Messrs. DiCARLO and LINCOLN

An Act amending the "Pennsylvania Drug and Alcohol Abuse Control Act," approved April 14, 1972 (P. L. 221, No. 63), further providing for confidentiality of records.

Referred to Committee on Health and Welfare.

**No. 1904** By Mr. DiCARLO

An Act amending the "Mental Health and Mental Retardation Act of 1966," approved October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), providing for the Advisory Committee on Mental Health and the Advisory Committee on Mental Retardation.

Referred to Committee on Health and Welfare.

**No. 1905** By Mr. DiCARLO

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for the Advisory Committee on Mental Health and the Advisory Committee on Mental Retardation.

Referred to Committee on Health and Welfare.

**No. 1906** By Mr. DiCARLO

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for certain advisory boards in the Department of Public Welfare and the Commissioner of Mental Retardation.

Referred to Committee on Health and Welfare.

**No. 1907** By Messrs. TAYLOR, GARZIA, BENNETT,  
GATSKI, PRATT, SWEET, GEORGE, FEE,  
ZELLER, STAIRS, DeWEESE, CASSIDY,  
D. R. WRIGHT, FRYER, STAPLETON,  
DeMEDIO, DOMBROWSKI, COLE,  
MILLIRON, SHUMAN, STUBAN, DIETZ,  
LEVI, YAHNER, MORRIS, RUGGIERO,  
ABRAHAM, LAUGHLIN, RITTER,  
VALICENTI, ZWIKL, BITTINGER,  
TENAGLIO, COWELL, FLAHERTY,  
MILANOVICH, GRIECO, CALTAGIRONE,  
DUMAS and O'KEEFE

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), by eliminating provisions for automatic adjustment of rates and further providing rates.

Referred to Committee on Consumer Affairs.

**No. 1908** By Messrs. DiCARLO, HOPKINS,  
DOMBROWSKI, BELLOMINI and D. S.  
HAYES

An Act prohibiting certain acts relating to damage or destruction of apiaries; and providing penalties.

Referred to Committee on Conservation.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

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

#### SENATE BILL No. 386

An Act providing for referenda to determine the will of the electorate with regard to permitting certain Sunday trading.

Referred to Committee on Business and Commerce.

#### SENATE BILL No. 698

An Act making an appropriation to the Department of Environmental Resources out of various funds for payment of annual fixed charges in lieu of taxes to political subdivisions or school districts on lands acquired by the Commonwealth for Project 70.

Referred to Committee on Appropriations.

**SENATE BILL No. 699**

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

Referred to Committee on Appropriations.

**SENATE BILL No. 700**

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

Referred to Committee on Appropriations.

**SENATE BILL No. 964**

An Act amending the act of October 7, 1976 (P. L. 1090, No. 218), entitled "Protection From Abuse Act" further regulating the right to possession of the residence or household and further providing for contempt temporary financial support arrest and emergency relief by the Philadelphia Municipal Court.

Referred to Committee on Judiciary.

**SENATE BILL No. 994**

An Act authorizing the Borough of Bristol County of Bucks with the approval of the Departments of Community Affairs Environmental Resources and Justice and the Governor to convey a certain tract of land located within said borough and acquired with Project 70 money and transferring the interest and restrictions relating to Project 70 lands to a tract of land to be acquired as part consideration for this conveyance.

Referred to Committee on Conservation.

**SENATE BILL No. 1000**

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes further providing for the rights of certain persons in estates of certain decedents and the rules of interpretation of wills and conveyances.

Referred to Committee on Judiciary.

**SENATE BILL No. 1093**

An Act authorizing the Borough of Grove City of Mercer to change the use it is making of a portion of the land acquired pursuant to the provisions of the "Project 70 Land Acquisition and Borrowing Act" Project B-23-S.

Referred to Committee on Conservation.

**SENATE BILL No. 1141**

An Act providing for a referendum on the question of expanding the uses of certain authorized indebtedness to include loans for construction of new nursing home facilities.

Referred to Committee on Health and Welfare.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. ZORD, TADDONIO, POTT, GOEBEL, CESSAR, Mrs. KERNICK, Messrs. SCHMITT, MRKONIC, CALTAGIRONE, BURD, L. E. SMITH, DeVERTER, ZELLER, POLITE, ARTHURS, LEHR,

MOWERY, REED, GREENLEAF, BITTINGER, GEESEY, Mrs. TAYLOR, Messrs. HELFRICK, NOYE and SALVATORE

**HOUSE RESOLUTION No. 171**

The Speaker of the House of Representatives appoint a five-member bipartisan committee, three from the majority party and two from the minority party for the purpose of investigating the mismanagement and fraud involving the personnel and operation of the Department of Public Welfare.

Referred to Committee on Rules.

By Messrs. DiCARLO, HOPKINS, DOMBROWSKI, BELLOMINI and D.S. HAYES

**HOUSE RESOLUTION NO. 172**

The Speaker of the House of Representatives direct the House Committee on Agriculture and Rural Affairs to investigate the possible dangers to bees resulting from the spraying of pesticides.

Referred to Committee on Rules.

**LEAVE OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request a leave of absence for Mr. BRANDT for today's session as he is attending public hearings in Elizabethtown.

The SPEAKER. Without objection, leave is granted.

**CALENDAR****SB 354 AND SB 355 PASSED OVER TEMPORARILY**

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

Mr. GEISLER. Mr. Speaker, on the conference committee reports on SB 354 and SB 355, would you pass them over temporarily, please?

The SPEAKER. The Chair rescinds its announcement that the bills will be passed over for today. The members will mark, on page 15, SB 354 and SB 355 over temporarily.

**INSURANCE BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1288, printer's No. 1870**, entitled:

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682, No. 284), adding certain requirements before which members of certain mutual insurance companies shall be liable to assessment.

On the question,

Will the House agree to the bill on third consideration?

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 1, page 1, line 16, by striking out "Section 808," and inserting The

Amend Sec. 1, page 1, lines 17 and 18, by striking out

"amended December 30, 1974 (P. L. 1045, No. 342),"

Amend Sec. 1, page 1, line 18, by inserting after "amended" by adding sections

Amend Bill, page 1, lines 19 through 24; page 2, lines 1 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 808.1. Requirements to Issue Assessable Policies on Automobiles.—Prior to the sale of an assessable policy providing any type of insurance upon automobiles, the insurance company representative or broker shall explain the definition and responsibilities of purchasing an assessable policy to the applicant. The company representative or broker shall secure and forward to the company a signed statement from the applicant that he understands the possible consequences of the assessable policy. The statement shall be in such a form as shall be prescribed and approved by the Insurance Commissioner. A copy of the signed statement shall be attached to the policy.

Section 808.2. Penalties.—(a) Any mutual company, or any officer or agent thereof, or any broker, which or who issues or delivers to any person in this Commonwealth any policy in violation of the provisions of section 808.1, or forges an applicant's signature on the form described in section 808.1, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300) for each offense.

(b) The Insurance Commissioner may, in his discretion, take, against the offending party, any one or more of the following courses of action:

(1) Revoke the license of any company, corporation, association, or other insurer, or of the agent thereof, which or who violates any of the said provisions.

(2) Impose a penalty of not more than one thousand dollars (\$1,000) for each act of violation of any provisions of section 808.1.

(c) Any fines collected under this section shall be allocated to the applicable guaranty fund for such use as the directors of such fund may deem appropriate.

(d) Before the Insurance Commissioner shall take any action as authorized above, he shall give written notice to the person, company, association, accused of violating the law, stating specifically the nature of alleged violations, and fixing a time and place, at least ten days thereafter, when a hearing of the matter shall be held. After such hearing or upon failure of the accused to appear at such hearing, the Insurance Commissioner shall impose such of the above penalties, as he deems advisable. When the Insurance Commissioner shall have taken any action as above set forth, the party aggrieved may appeal to the Commonwealth Court.

Section 808.3. Assessment.—No assessment may be made on any policy issued in violation of the provisions of section 808.1.

Section 808.4. Binder.—Nothing in the provisions of sections 808.1, 808.2 and 808.3 shall be construed to bar the extension of insurance coverage by oral binder, provided that assessable policies extended by oral binder must comply with the provisions of sections 808.1, 808.2 and 808.3.

On the question,

Will the House agree to the amendments?

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

Mr. ZEARFOSS. Mr. Speaker, you showed admirable restraint by not saying "recognizes Mr. Zearfoss finally."

The SPEAKER. I thought of it.

Mr. ZEARFOSS. This is the amendment that is labeled A3003. There are several other amendments on the desk with my name that are for this bill. The one I am offering is the most recent one — A3003.

Essentially what the amendment would do to the bill is restrict the requirements of notice of an assessable policy to automobile insurance policies only. In addition, this amendment adds additional penalties and sanctions for failure to give the required notice and provides that no assessment would be proper against an insured who has not received the required notice.

I think the amendment improves the bill substantially. It takes care of a problem that exists with respect to assessable automobile policies without unduly restricting the business of mutual insurance companies not in the automobile business where there is no problem.

I would suggest that the House adopt the amendment. Mr. Kowalshyn is not here, but this amendment has been worked out in conjunction with Mr. Kowalshyn and his staff. It is not, as far as I know, agreed to by everyone. I know that there are segments of the insurance business that favor the amendment and there are segments that oppose it, so it is not an agreed-to amendment, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, are we planning a caucus at all today?

The SPEAKER. I would assume, Mr. Ritter, that we shall, yes.

Mr. RITTER. Mr. Speaker, the reason I asked that is because this amendment by Mr. Zearfoss does change the bill considerably. It may improve it, in his words, but it does change it considerably.

I would like to first have an opportunity to discuss it with Representative Kowalshyn, chairman of the Insurance Committee, or at the very least discuss the amendment in caucus. I do not recall that we have discussed this particular amendment in caucus.

For that reason, Mr. Speaker, I would ask that we pass over this bill until we have had time to caucus on the amendment.

The SPEAKER. Is the gentleman, Mr. Kowalshyn, on the floor of the House?

#### HB 1288 PASSED OVER TEMPORARILY

The SPEAKER. Unless the gentleman, Mr. Zearfoss, objects, and he indicates that he does not, the Chair will accede to the request of the gentleman, Mr. Ritter, and will not place the question before the House at this time, does the House agree to the amendment? The Chair rescinds that question, and the Chair will pass over temporarily HB 1288, PN 1870.

The Chair would suggest that when we caucus, those mem-

bers interested in this amendment and in this bill attend the caucus so that we may discuss the amendment as it pertains to this particular piece of legislation.

Mark the bill over temporarily, and we will go into caucus on the bill and the amendment thereto.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **House Bill No. 825** with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting immediately thereafter the following:

To the act of July 9, 1976 (P. L. 586, No. 142), entitled "An Act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes; adding revised, codified and compiled provisions relating to Judiciary and Judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law," adding certain provisions of existing law to and making conforming and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes, separately reenacting certain related provisions of law and repealing certain acts and parts of acts supplied by the act as supplemented hereby.

Amend Bill, page 1, lines 19 through 24, by striking out all of said lines and inserting immediately thereafter the following:

Section 1. Section 5104 of Title 42, Act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, added July 9, 1976 (P. L. 586, No. 142), is amended by adding a subsection to read:

§ 5104. Trial by jury.

\* \* \*

(c) Criminal matters.—In criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.

Section 2. Sections 6302, 6303, 6304(a), 6308, 6321(b), 6323(a) and 6327(a) of Title 42, added July 9, 1976 (P. L. 586, No. 142), are amended to read:

§ 6302. Definitions.

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

"Child." An individual who [is];

(1) Is under the age of 18 years; [or]

(2) Is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years; or

(3) Was adjudicated dependent before reaching the age of 18 years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.

"Court." The court of common pleas.

"Custodian." A person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court.

"Delinquent Act."

(1) The term means[:

(I) An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under federal law, or under local ordinances.; or

(II) A specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian,

or other custodian committed by a child who is ungovernable.]

(2) The term shall not include:

(I) The crime of murder; or

(II) Summary offenses, unless the child fails to pay a fine levied thereunder, in which event notice of such fact shall be certified to the court.

"Delinquent Child." A child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

"[Deprived] dependent child." A child who:

(1) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals;

(2) Has been placed for care or adoption in violation of law;

(3) Has been abandoned by his parents, guardian, or other custodian;

(4) Is without a parent, guardian, or legal custodian; [or]

(5) While subject to compulsory school attendance is habitually and without justification truant from school;

(6) Has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision;

(7) Is under the age of ten years and has committed a delinquent act;

(8) Has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (6); or

(9) Has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (6).

"Protective supervision." Supervision ordered by the court of children found to be [deprived] dependent.

"Shelter care." Temporary care of a child in physically unrestricted facilities.

§ 6303. Scope of chapter.

(a) General Rule.—This chapter shall apply exclusively to the following:

(1) Proceedings in which a child is alleged to be delinquent or [deprived] dependent.

(2) Transfers under section 6322 (relating to transfer from criminal proceedings).

(3) Proceedings arising under subchapter E (relating to dispositions affecting other jurisdictions).

(4) Proceedings under the interstate compact on juveniles, as set forth in section 731 of the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code."

(b) Minor Judiciary.—No child shall be detained, committed or sentenced to imprisonment by a district justice or a judge of the minor judiciary.

§ 6304. Powers and duties of probation officers.

(a) General Rule.—For the purpose of carrying out the objectives and purposes of this chapter, and subject to the limitations of this chapter or imposed by the court, a probation officer shall:

(1) Make investigations, reports, and recommendations to the court.

(2) Receive and examine complaints and charges of delinquency or [deprivation] dependency of a child for the purpose of considering the commencement of proceedings under this chapter.

(3) Supervise and assist a child placed on probation or in his protective supervision or care by order of the court or other authority of law.

(4) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be

needed or desirable.

(5) Take into custody and detain a child who is under his supervision or care as a delinquent or [deprived] dependent child if the probation officer has reasonable cause to believe that the health or safety of the child is in imminent danger, or that he may abscond or be removed from the jurisdiction of the court, or when ordered by the court pursuant to this chapter or that he violated the conditions of his probation.

(6) Perform all other functions designated by this chapter or by order of the court pursuant thereto.

\* \* \*

§ 6308. Law enforcement records.

(a) General Rule.—Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public except as provided in subsection(b); but inspection of the records and files is permitted by:

- (1) The court having the child before it in any proceeding.
- (2) Counsel for a party to the proceeding.
- (3) The officers of institutions or agencies to whom the child is committed.
- (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
- (5) A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.

(b) Public Availability.—

(1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is 14 or more years of age at the time of the alleged conduct and if:

(I) The child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm; or

(II) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(2) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name of the child and the nature of the conduct in question.

§ 6321. Commencement of Proceedings.

(b) Venue.—A proceeding under this chapter may be commenced:

- (1) In the county in which the child resides.
- (2) If delinquency is alleged, in the county in which the acts constituting the alleged delinquency occurred.
- (3) If [deprivation] dependency is alleged, in the county in

which the child is present when it is commenced.

\* \* \*

§ 6323. Informal Adjustment.

(a) General Rule.—

(1) Before a petition is filed, the probation officer or other officer of the court designated by it, subject to its direction, [may in the case of a delinquent child to be charged with a delinquent act designated a crime, and] shall, in the case of a [deprived] dependent child [or, in the case of a delinquent child to be charged with any other delinquent act, where commitment is clearly not appropriate] where the jurisdiction of the court is premised upon the provisions of paragraph (1), (2), (3), (4), (5) or (7) of the definition of "dependent child" in section 6302 (relating to definitions) and if otherwise appropriate, refer the child and his parents to any public or private social agency available for assisting in the matter. Upon referral, the agency shall indicate its willingness to accept the child and shall report back to the referring officer within three months concerning the status of the referral.

(2) Similarly, the probation officer may in the case of a delinquent child, or a dependent child where the jurisdiction of the court is permitted under paragraph (6) of the definition of "dependent child" in section 6302, refer the child and his parents to an agency for assisting in the matter.

(3) The agency may return the referral to the probation officer or other officer for further informal adjustment if it is in the best interests of the child.

\* \* \*

§ 6327. Place of Detention.

(a) General Rule.—A child alleged to be delinquent may be detained only in:

- (1) A licensed foster home or a home approved by the court.
- (2) A facility operated by a licensed child welfare agency or one approved by the court.
- (3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare.
- (4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

Under no circumstances shall a child be detained [ , placed, or committed] in any facility with adults, or where [he] the child is apt to be abused by other children. [unless there is no appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times and shall be detained, placed, or committed under such circumstances for not more than five days.]

\* \* \*

Section 3. Confinement of Children With Adults.

Until December 31, 1979, a child may be detained in a facility with adults if there is no appropriate facility available within a reasonable distance or a contiguous county, whichever is nearer, for the detention of the child in which case the child shall be kept separate and apart from such adults at all times and shall be detained under such circumstances for not more than five days.

Section 4. Section 6327 of Title 42, added July 9, 1976 (P. L. 586, No. 142), is amended by adding a subsection to read:

§ 6327. Place of Detention.

\* \* \*

(c) Detention in jail prohibited.—It is unlawful for any person in charge of or employed by a jail knowingly to receive for detention or to detain in the jail any person whom he has or should have reason to believe is a child.

\* \* \*

Section 5. Confinement of Children in Jails.

Until December 31, 1979, a jail may be used for the detention of a child who is alleged to be delinquent but only if the detention is necessary for the safety of the public and if the jail has been approved for the detention of the child by the Department of Public Welfare in good faith and the detention has been ordered by the court pursuant to chapter 63 of Title 42 of the Pennsylvania Consolidated Statutes (relating to juvenile matters). The Department of Public Welfare shall approve for use for purposes of and in accordance with the provisions of this section any jail which it finds maintains, for the detention of the child, an appropriate room under adequate supervision; provided, that the Department of Public Welfare shall have, no later than October 2, 1977, by regulation promulgated standards governing the operations of such portions of such jails as are used for the detention of children pursuant to this section and shall cause the jails to be inspected by the Department of Public Welfare at least once every six months until this confinement is terminated in accordance with provisions in this act.

Section 6. Section 6327(c) and (d) of Title 42, added July 9, 1976 (P. L. 586, No. 142), are amended and a subsection is added to read:

§ 6327. Place of Detention.

(c) (d) Transfer of Child Subject to Criminal Proceedings.—If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.

(d) (e) Detention of [deprived children] dependent child.—A child alleged to be [deprived] dependent may be detained or placed [in shelter care only in one of the facilities] only in a Department of Public Welfare approved shelter care facility as stated in subsection (a) (1), (2) and (4), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses [or of children alleged to be delinquent], but may be detained in the same shelter care facilities with alleged delinquent children.

(f) Development of approved shelter care programs.—The Department of Public Welfare shall develop or assist in the development in each county of this Commonwealth approved programs for the provision of shelter care for children referred to or under the jurisdiction of the court.

Section 7. Required County Detention Services.

(a) General Rule.—Each county, acting alone or in conjunction with other counties as provided in section 8, shall by December 31, 1978, submit to the Department of Public Welfare for approval a plan for the removal of children from adult facilities. If no such plan is submitted or accepted by the department within the allocated period, the department, after determining the detention needs of individual counties, shall thereafter take whatever steps it deems necessary to provide the required detention services for any such county or counties: including the construction of a regional detention facility to meet the needs of the counties insofar as is consistent with prohibitions against the use of adult facilities for juvenile offenders as provided in chapter 63 of Title 42 of the Pennsylvania Consolidated Statutes (relating to juvenile matters). The department, after exhausting all other available funds including law enforcement assistance administration funds and any other federal or state funds available for such purpose, shall charge the cost of establishing the necessary regional detention facilities to the counties that will utilize its services.

(b) Charges Imposed Upon Counties.—The amount due the Commonwealth for the services or facilities provided pursuant to subsection (a) shall be paid by the county within 15 months after receipt of notice of the amount due. In determining the amount which each county shall be charged for the establishment of a regional detention facility, the department shall take

into account the extent to which the participating counties shall utilize the facilities.

(c) Limitation on Charges.—Except as provided in subsection (d), the charges made by the department against any county pursuant to this subsection shall not exceed \$50,000.

(d) Additional Charges.—In addition to the charges authorized for the providing of regional detention facilities and notwithstanding the limitations on such charges set forth in subsection (c), The Commonwealth shall be entitled to an additional amount for providing such facilities equivalent to 7% of the costs imposed on the county.

(e) Disposition of Charges.—All sums collected from the counties pursuant to this subsection shall be paid into the General Fund and credited to the Department of Public Welfare.

Section 8. Regional Detention Facilities.

(a) General Rule.—Where the operation of an approved detention facility by a single county would not be feasible, economical or conducive to the best interest of a child needing detention care, the Department of Public Welfare shall:

(1) Make provisions directly or by contract with a single county for the implementation and operation, in accordance with the regulations promulgated by the Department of Public Welfare, of regional detention facilities serving the needs of two or more counties.

(2) Arrive at mutually agreeable arrangements with counties participating in the use of such regional detention facilities for the equitable sharing in the costs of constructing and operating such regional detention facilities, including necessary expenditures to transport children and, if financially indigent, their parents, guardians, or custodians to and from such regional detention facilities with funds contributed by the state and by such counties. The department shall only operate a regional detention facility, established under section 7(a), upon refusal of the counties participating in its use to operate the facility pursuant to department regulations.

(b) Use of Commonwealth Facilities.—The Department of General Services shall make available any vacant Commonwealth building which the Department of Public Welfare certifies as appropriate for renovation as a regional detention facility.

Section 9. Sections 6331, 6332(a), 6335(a), 6339(a), 6340(c), 6341(a), (b) and (c), 6351, 6352 and 6353 of Title 42, added July 9, 1976 (P. L. 586, No. 142), are amended to read:

§ 6331. Release from Detention or Commencement of Proceedings.

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the intake or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that his detention or shelter care is warranted or required under section 6325 (relating to detention of child). The release of the child shall not prevent the subsequent filing of a petition as provided in this chapter. If he is not so released, a petition shall be promptly made and presented to the court within 24 hours or the next court business day of the admission of the child to detention or shelter care.

§ 6332. Informal [Detention] Hearing.

(a) General Rule.—An informal [detention] hearing shall be held promptly by the court or master and not later than 72 hours after the child is placed in detention or shelter care to determine whether his detention or shelter care is required under section 6325 (relating to detention of child) and if the child is alleged to be delinquent, that probable cause exists that the child has committed a delinquent act. Reasonable notice thereof, either oral or written, stating the time, place, and purpose of the [detention] hearing shall be given to the child and if they can be found, to his parents, guardian, or other custodian. Prior to the commencement of the hearing the court or master shall inform the parties of their right to counsel and to appointed counsel if they are needy persons, and of the right of the child

to remain silent with respect to any allegations of delinquency.

§ 6335. [Summons.] Release or Holding of Hearing.

(a) General Rule.—After the petition has been filed the court shall fix a time for hearing thereon, which, if the child is in detention or shelter care shall not be later than ten days after the filing of the petition. If the hearing is not held within such time, the child shall be immediately released from detention or shelter care. A child may be detained or kept in shelter care for an additional single period not to exceed ten days where:

(1) The court determines at a hearing that:

(I) Evidence material to the case is unavailable;

(II) Due diligence to obtain such evidence has been exercised; and

(III) There are reasonable grounds to believe that such evidence will be available at a later date; and

(2) The court finds by clear and convincing evidence that:

(I) The life of the child would be in danger;

(II) The community would be exposed to a specific danger; or

(III) The child will abscond or be removed from the jurisdiction of the court.

The court shall direct the issuance of a summons to the parents, guardian, or other custodian, a guardian ad litem, and any other persons as appear to the court to be proper or necessary parties to the proceeding, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons shall also be directed to the child if he is 14 or more years of age or is alleged to be a delinquent. A copy of the petition shall accompany the summons.

§ 6339. Investigation and Report.

(a) General Rule.—If the allegations of a petition are admitted by a party or notice of hearing under section 6355 (relating to transfer to criminal proceedings) has been given, the court, prior to the hearing on need for treatment or disposition, may direct that a social study and report in writing to the court be made by an officer of the court or other person designated by the court, concerning the child, his family, his environment, and other matters relevant to disposition of the case. If the allegations of the petition are not admitted and notice of a hearing under section 6355 has not been given, the court shall not direct the making of the study and report until after the court has [heard] held a hearing on the petition upon notice of hearing given pursuant to this chapter and the court has found that the child committed a delinquent act or is a [deprived] dependent child.

§ 6340. Consent Decree.

(c) Duration of Decree.—A consent decree shall remain in force for six months unless the child is discharged sooner by probation services with the approval of the court. Upon application of the probation services or other agency supervising the child, made before expiration of the six-month period, a consent decree may be extended by the court for an additional six months.

§ 6341. Adjudication.

(a) General Rule.—After hearing the evidence on the petition the court shall make and file its findings as to whether the child is a [deprived] dependent child, or if the petition alleges that the child is delinquent, whether the acts ascribed to the child were committed by him. If the court finds that the child is not a [deprived] dependent child or that the allegations of delinquency have not been established it shall dismiss the petition

and order the child discharged from any detention or other restriction theretofore ordered in the proceeding.

(b) Finding of Delinquency.—If the court finds on proof beyond a reasonable doubt that the child committed the acts by reason of which he is alleged to be delinquent it shall enter such finding on the record and it shall then proceed immediately or at a postponed hearing, which shall occur not later than 20 days after adjudication if the child is in detention, to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and to make and file its findings thereon. In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that the child is in need of treatment, supervision or rehabilitation. If the court finds that the child is not in need of treatment, supervision or rehabilitation it shall dismiss the proceeding and discharge the child from any detention or other restriction theretofore ordered.

(c) Finding of [deprivation] Dependency.—If the court finds from clear and convincing evidence that the child is [deprived] dependent, the court shall proceed immediately or at a postponed hearing, which shall occur not later than 20 days after adjudication if the child has been removed from his home, to make a proper disposition of the case.

§ 6351. Disposition of [deprived] Dependent Child.

(a) General Rule.—If the child is found to be a [deprived] dependent child the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

(2) Subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following:

(I) Any individual resident within or without this Commonwealth who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.

(II) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

(III) A public agency authorized by law to receive and provide for the child.

(3) Without making any of the foregoing orders transfer custody of the child to the juvenile court of another state if authorized by and in accordance with section 6363 (relating to ordering foreign supervision).

(b) Limitation on Confinement.—Unless a child found to be [deprived] dependent is found also to be delinquent he shall not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

(b) Limitation on Confinement.—Unless a child found to be [deprived] dependent is found also to be delinquent he shall not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

(c) County Programs.—Every county of this Commonwealth shall develop programs for children under paragraph (5) or (6) of the definition of "dependent child" in section 6302 (relating to definitions).

§ 6352. Disposition of Delinquent Child.

(a) General Rule.—If the child is found to be a delinquent child the court may make any of the following orders of disposition best suited to his treatment, supervision, rehabilitation, and welfare:

(1) Any order authorized by section 6351 (relating to disposition of [deprived] dependent child).

(2) Placing the child on probation under supervision of the probation officer of the court or the court of another state as

provided in section 6363 (relating to ordering foreign supervision), under conditions and limitations the court prescribes.

(3) Committing the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare.

(4) [Committing] If the child is 12 years of age or older, committing the child to an institution operated by the Department of Public Welfare. [or special facility for children operated by the Department of Justice.]

(5) Ordering payment by the child of reasonable amounts of money as fines, costs or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child.

(6) An order of the terms of probation may include an appropriate fine considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the earnings of the child received through participation in a constructive program of service or education acceptable to the victim and the court whereby, during the course of such service, the child shall be paid not less than the minimum wage of this Commonwealth. In ordering such service, the court shall take into consideration the age, physical and mental capacity of the child and the service shall be designed to impress upon the child a sense of responsibility for the injuries caused to the person or property of another. The order of the court shall be limited in duration consistent with the limitations in section 6353 (relating to limitation on and change in place of commitment) and in the act of May 13, 1915 (P. L. 286, No. 177), known as the "Child Labor Law." The court order shall specify the nature of the work, the number of hours to be spent performing the assigned tasks, and shall further specify that as part of a plan of treatment and rehabilitation that up to 75% of the earnings of the child be used for restitution in order to provide positive reinforcement for the work performed.

In selecting from the alternatives set forth in this section, the court shall follow the general principle that the disposition imposed should provide the means through which the provisions of this chapter are executed and enforced consistent with section 6301(b) (relating to purposes) and when confinement is necessary, the court shall impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child.

(b) Limitation on Place of Commitment.—A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime. [unless there is no other appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times.]

§ 6353. Limitation on [length] and Change in Place of Commitment.

(a) General Rule.—No child shall initially be committed to an institution for a period longer than three years or a period longer than he could have been sentenced by the court if he had been convicted of the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of time, or modified, if the court finds after hearing that the extension or modification will effectuate the original pur-

pose for which the order was entered. The child shall have notice of the extension or modification hearing and shall be given an opportunity to be heard. The committing court shall review each commitment every six months and shall hold a disposition review hearing at least every [12] nine months.

(b) Transfer to Other Institution.—After placement of the child, and if his progress with the institution warrants it, the institution may seek to transfer the child to a less secure facility, including a group home or foster boarding home. The institution shall give the committing court written notice of the transfer. If the court does not object to such transfer within ten days after receipt of the notice, the transfer may be effectuated. If the court objects to the transfer, it shall hold a hearing within 20 days after objecting to the transfer for the purpose of reviewing its commitment order. If the institution seeks to transfer to a more secure facility the child shall have a full hearing before the committing court. At the hearing, the court may reaffirm or modify its commitment order.

(c) Notice of Available Facilities and Services.—Immediately after the Commonwealth adopts its budget, the Department of Public Welfare shall notify the courts and the General Assembly, for each Department of Public Welfare region, of the available:

- (1) Secure beds for the serious juvenile offenders.
- (2) General residential beds for the adjudicated delinquent child.
- (3) The community-based programs for the adjudicated delinquent child.

If the population at a particular institution or program exceeds 110% of capacity, the department shall notify the courts and the General Assembly that intake to that institution or program is temporarily closed and shall make available equivalent services to children in equivalent facilities.

Section 10. Sections 6355(a), 6361(a) and (c) and 6362 of Title 42, added July 9, 1976 (P. L. 586, No. 142), are amended to read:

§ 6355. Transfer to Criminal Proceedings.

(a) General Rule.—After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this Commonwealth, the court before hearing the petition on its merits may rule that this chapter is not applicable and that the offense should be prosecuted, and transfer the offense, where appropriate, to the division or a judge of the court assigned to conduct criminal proceedings, for prosecution of the offense if all of the following exist:

- (1) The child was 14 or more years of age at the time of the alleged conduct.
- (2) A hearing on whether the transfer should be made is held in conformity with this chapter.
- (3) Notice in writing of the time, place, and purpose of the hearing is given to the child and his parents, guardian, or other custodian at least three days before the hearing.
- (4) The court finds:

(I) That there is a prima facie case that the child committed the delinquent act alleged; [and the court finds]

(II) That the delinquent act would be considered a felony if committed by an adult; and

(III) That there are reasonable grounds to believe all of the following:

- (I) (a) That the child is not amenable to treatment, supervision or rehabilitation as a juvenile through available facilities. In determining this the court may consid-

er age, mental capacity, maturity, previous records and probation or institutional reports.

[(II)] (b) That the child is not committable to an institution for the mentally retarded or mentally ill.

[(III)] (c) That the interests of the community require that the child be placed under legal restraint or discipline or that the offense is one which would carry a sentence of more than three years if committed as an adult.

\* \* \*

#### § 6361. Disposition of Nonresident Child.

(a) General Rule.—If the court finds that a child who has been adjudged to have committed a delinquent act or to be [deprived] dependent is or is about to become a resident of another state which has adopted the uniform juvenile court act, or a substantially similar law which includes provisions corresponding to this section and section 6362 (relating to disposition of resident child received from another state), the court may defer hearing on need of treatment and disposition and request by any appropriate means the appropriate court of the county or parish of the residence or prospective residence of the child to accept jurisdiction of the child.

\* \* \*

(c) Procedure for Transfer.— Upon receipt and filing of an acceptance the court of this Commonwealth shall transfer custody of the child to the accepting court and cause him to be delivered to the person designated by that court to receive his custody. It also shall provide the accepting court with certified copies of the order adjudging the child to be a delinquent, or [deprived] dependent child, of the order of transfer, and if the child is on probation or under protective supervision under order of the court, of the order of disposition. It also shall provide the accepting court with a statement of the facts found by the court of this Commonwealth and any recommendations and other information or documents it considers of assistance to that court in making a disposition of the case or in supervising the child on probation or otherwise.

\* \* \*

#### § 6362. Disposition of Resident Child Received From Another State.

(a) General Rule.—If a juvenile court of another state which has adopted the uniform juvenile court act, or a substantially similar law which includes provisions corresponding to section 6361 (relating to disposition of nonresident child) and this section, requests a court of this Commonwealth to accept jurisdiction of a child found by the requesting court to have committed a delinquent act or to be an unruly or [deprived] dependent child, and the court of this Commonwealth finds, after investigation that the child is, or is about to become, a resident of a county for which the court is established, the court shall promptly and not later than 14 days after receiving the request issue its acceptance in writing to the requesting court and direct its probation officer or other person designated by it to take physical custody of the child from the requesting court and bring him before the court of this Commonwealth or make other appropriate provisions for his appearance before the court.

(b) Hearing on further disposition.—Upon the filing of certified copies of the orders of the requesting court:

(1) Determining that the child committed a delinquent act or is an unruly or [deprived] dependent child; and

(2) Committing the child to the jurisdiction of the court of this Commonwealth;

The court of this Commonwealth shall immediately fix a time for a hearing on the need for treatment, supervision or rehabilitation and disposition of the child or on the continuance of any probation or protective supervision.

(c) Further Proceedings.—The hearing and notice thereof and all subsequent proceedings are governed by this chapter. The court may make any order of disposition permitted by the facts and this chapter. The orders of the requesting court are conclusive that the child committed the delinquent act or is an unruly or [deprived] dependent child and of the facts found by the court in making the orders. If the requesting court has

made an order placing the child on probation or under protective supervision, a like order shall be entered by the court of this Commonwealth.

#### Section 11. County Liability for New Shelter Care Program Operating Costs.

Excluding probation services, no county shall be required to pay more than 10% of the costs of operating new shelter care programs required to implement the reclassification provided for in paragraph (6) of the definition of "dependent child" in 42 PA. C.S. § 6302, (relating to definitions) provided that:

(1) The county has applied for existing Federal funds to implement paragraph (6) of the definition of "dependent child" in 42 PA. C.S. § 6302;

(2) The county has not been deemed ineligible for these Federal funds; and

(3) The programs are approved as necessary by the Department of Public Welfare to implement paragraph (6) of the definition of "dependent child" in 42 PA. C.S. § 6302.

For the purposes of this section, shelter care shall not include institutional facilities.

#### Section 12. Applicability of Statutory Construction Act.

The provisions of 1 PA. C.S. § 1952 (relating to effect of separate amendments on code provisions enacted by same general assembly) and 1 PA. C.S. § 1974 (relating to effect of separate repeals on code provisions by same general assembly) shall be applicable to this act.

#### Section 13. Repeals.

(a) General Rule.—Except as otherwise expressly provided in this subsection, the following acts and parts of acts are hereby repealed absolutely:

Second sentence of section 3, act of August 3, 1977 (No. 41), entitled "an act amending the act of December 6, 1972 (P. L. 1464, No. 333), entitled 'an act relating to the care, guidance, control, trial, placement and commitment of delinquent and deprived children, further defining "child," "delinquent act," and "deprived child," further defining certain words, changing certain references from "deprived" to "dependent," further providing for informal adjustment and consent decrees, further regulating detention and shelter care and imposing certain duties on counties and the Department of Public Welfare, further providing for transfers and for the disclosure of certain records, making related changes and making certain repeals and providing an appropriation."

Act of August 8, 1977 (No. 50), entitled "an act providing the Commonwealth with the right to jury trials in criminal cases."

(b) Construction of Section.—The repeals set forth in subsection (a) are intended as a continuation of the repeals contained in section 2 of Senate Bill No. 767, known as the "judiciary act repealer act of 1977," and shall be construed in pari materia therewith.

Amend Bill, page 27, line 29, by striking out after "Section" the number "2" and inserting "14"

On the question,

Will the House concur in the Senate amendments?

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

Mr. BERSON. Mr. Speaker, on the question of concurrence in the Senate amendments to HB 825, I move that the House nonconcur.

The SPEAKER. No; the gentleman should not make a negative motion. The gentleman should state—and for the information of the other members who have this difficulty, the statement should be made—on the question of concurrence in Senate amendments, I ask that the vote be in the negative. Then those people voting in the negative are voting to nonconcur.

On the question, shall the House concur in the amendments inserted by the Senate to HB 825, PN 2202, the Chair recog-

nizes the gentleman, Mr. Berson.

Mr. BERSON. The number on the board is incorrect, Mr. Speaker.

The SPEAKER. HB 825?

Mr. BERSON. They have 1825 up there.

The SPEAKER. It is now corrected? Yes; it is now corrected.

On the question, the Chair recognizes the gentleman, Mr. Berson. What is his recommendation?

Mr. BERSON. My recommendation is that we nonconcur and vote in whatever manner the Speaker instructs us to in order to achieve that result.

The SPEAKER. It shows you that he is an intelligent lawyer.

The Chair recognizes the gentleman from Montgomery, Mr. Greenleaf. For what purpose does the gentleman rise? On concurrence?

Mr. GREENLEAF. Yes, Mr. Speaker.

I would also recommend nonconcurrence.

The SPEAKER. On the question of shall the House concur in Senate amendments inserted by the Senate to HB 825, it has been recommended that those people who wish to nonconcur will vote in the negative. Those who wish to concur will vote "yea"; those who wish to nonconcur will vote "nay."

For what purpose does the gentleman from Allegheny, Mr. Itkin, rise?

Mr. ITKIN. Would Mr. Berson indicate the reason for nonconcurrence?

The SPEAKER. The gentleman, Mr. Berson, indicates that he will so indicate. The gentleman is recognized and is in order and may proceed.

Mr. BERSON. Mr. Speaker, when this bill went over to the Senate, it consisted only of the title and lines 19 to 24 on page 1, which authorized the taking of physicians' testimony by oral interrogatories. For some reason the Senate entirely gutted that language, removed it entirely, and plugged in a whole host of other items in this bill.

I think I know why they did that, but I think the bill we sent them was a valuable bill which would have expedited civil trials involving medical testimony, and I think we ought to insist that that also be included in this package.

On the question recurring,

Will the House concur in the Senate amendments?

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

YEAS—2

Laughlin McIntyre

NAYS—192

Abraham	Gallagher	Manmiller	Scanlon
Anderson	Gallen	McCall	Scheaffer
Armstrong	Gamble	McClatchy	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Barber	Gatski	McLane	Scirica
Bellomini	Geisler	Mebus	Seltzer
Beloff	George, C.	Meluskey	Shuman
Bennett	George, M.	Milanovich	Shupnik
Berlin	Giammarco	Miller	Smith, E.

Berson	Gillette	Milliron	Smith, L.
Bittinger	Goebel	Miscevich	Spencer
Bittle	Goodman	Moehlmann	Stairs
Borski	Gray	Morris	Stapleton
Brown	Greenfield	Mowery	Stewart
Brunner	Greenleaf	Mrkonic	Stuban
Burd	Grieco	Mullen, M. P.	Sweet
Burns	Halverson	Mullen, M. M.	Taddonio
Butera	Hamilton	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	Hoefel	O'Keefe	Wagner
Cole	Honaman	Oliver	Wansacz
Cowell	Hopkins	Pancoast	Wargo
Davies	Hutchinson, A.	Parker	Wass
DeMedio	Hutchinson, W.	Petrarca	Weidner
DeVerter	Itkin	Piccola	Wenger
DeWeese	Johnson	Pievsky	White
DiCarlo	Jones	Pitts	Wiggins
Dietz	Katz	Polite	Williams
Dininni	Kelly	Pott	Wilson
Dombrowski	Kernick	Pratt	Wilt
Donatucci	Klingaman	Prendergast	Wise
Dorr	Knepper	Pyles	Wright, D.
Doyle	Kolter	Rappaport	Wright, J. L.
Duffy	Kowalshyn	Ravenstahl	Yahner
Dumas	Lehr	Reed	Yohn
Englehart	Letterman	Renwick	Zearfoss
Fee	Levi	Rhodes	Zeller
Fischer, R. R.	Lincoln	Richardson	Zitterman
Fisher, D. M.	Livengood	Rieger	Zord
Flaherty	Logue	Ritter	Zwinkl
Foster, A.	Lynch	Ruggiero	
Foster, W.	Mackowski	Ryan	Irvis,
Freind	Madigan	Salvatore	Speaker
Fryer	Manderino		

NOT VOTING—6

Brandt	Gleeson	Sirianni	Spitz
Geesey	Shelton		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned HOUSE BILL NO. 594, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Bill, page 1, lines 1 through 17, by striking out all of said lines and inserting immediately thereafter the following:

SECTION 1. SUBSECTIONS (A) AND (B) OF SECTION 4, ACT OF MAY 25, 1945 (P. L. 1050, NO. 394), KNOWN AS THE "LOCAL TAX COLLECTION LAW," AMENDED JUNE 5, 1947 (P. L. 453, NO. 205), AND SUBSECTION (B) AMENDED MAY 8, 1947 (P. L. 172, NO. 75), MAY 22, 1953 (P. L. 213, NO. 24), AND JULY 13, 1953 (P. L. 411, NO. 90), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

Amend Bill, page 2, lines 4 through 12, by striking out all of said lines; line 19, by striking out after "authorize" the words "and require" and inserting "and require"; line 21, by striking

out after "county" all the remainder of said line; line 22, by striking out at the beginning of the line "of the first class" and inserting "and for townships of the first class"; line 23, by striking out after "class" the following: "and townships of the first class"

Amend Bill, page 4, line 5, by striking out after "authorize" the words "and require" and inserting "and require"; line 7, by striking out after "county" the words "and for boroughs" and inserting "and for boroughs"; line 10, by striking out all of said line; line 11, by striking out at the beginning of the line "TAX COLLECTORS"; line 14, by striking out all of said line; lines 16 through 30, by striking out all of said lines.

Amend Bill, page 5, lines 1 through 30, by striking out all of said lines; page 6, lines 1 through 30, by striking out all of said lines; page 7, lines 1 through 13, by striking out all of said lines.

On the question,  
Will the House concur in the Senate amendments?

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

Mr. FRYER. Mr. Speaker, the bill before us is the same bill as passed this House in July. It had been reported out of the Senate Local Government Committee with amendments, but it was recommitted and those amendments were removed. Therefore, PN 2169 of this bill is identical to PN 1149, which the House has already approved.

I would suggest a "yes" vote once again by concurring with the Senate amendments.

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

Mr. MEBUS. I rarely disagree with my friend, Mr. Fryer, but on this I do disagree with him. I would hope that we would non-concur in the amendments. In fact, I never liked the bill in the first place. So I am asking for negative votes, if I can get them.

Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. I wonder if the sponsor would submit to interrogation.

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

Mr. HALVERSON. Mr. Speaker, could you advise me as to when is the effective date of this bill?

Mr. FRYER. Does the gentleman have the answer or does he—

Mr. HALVERSON. No; I do not have the answer. I did not get a chance to get out the bill.

Mr. FRYER. One moment, sir.

Mr. HALVERSON. What I am concerned about, Mr. Speaker, is at least in the sixth-class counties, tax collectors were elected and they will assume office, I guess, the first Monday or Tuesday of January. My question is whether this new law will apply to those tax collectors if this bill is successful.

Mr. FRYER. The bill would be effective 60 days after the approval of this House and the Governor.

Mr. HALVERSON. So then it would not have any effect on this present list of tax collectors who were just elected in November?

Mr. FRYER. I have answered the gentleman's questions. The

act will take effect 60 days after the approval of the Governor and this House.

Mr. HALVERSON. Thank you, Mr. Speaker.

On the question recurring,  
Will the House concur in the Senate amendments?

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

YEAS—98

Barber	Geisler	Meluskey	Schmitt
Bellomini	Giammarco	Milanovich	Schweder
Beloff	Gillette	Morris	Scirica
Bennett	Goodman	Mowery	Shupnik
Berlin	Gray	Mrkonic	Stairs
Borski	Greenfield	Mullen, M. P.	Stapleton
Brown	Greenleaf	Mullen, M. M.	Stuban
Burd	Harper	Musto	Taddonio
Burns	Hoeffel	Noye	Taylor, F.
Caltagirone	Itkin	O'Brien, B.	Tenaglio
Caputo	Johnson	O'Donnell	Wargo
Cianciulli	Jones	O'Keefe	Weidner
Cole	Kelly	Olite	White
Cowell	Kernick	Pievsky	Wiggins
DeWeese	Kolter	Pratt	Williams
Dombrowski	Kowalyshyn	Prendergast	Wilson
Donatucci	Laughlin	Rappaport	Wise
Doyle	Letterman	Ravenstahl	Wright, J. L.
Dumas	Levi	Richardson	Yahner
Fee	Livengood	Rieger	Yohn
Fischer, R. R.	Logue	Ritter	Zitterman
Flaherty	Manderino	Ruggiero	Zwilk
Foster, A.	McCall	Ryan	
Fryer	McIntyre	Scanlon	Irvis,
Gallagher	McLane	Scheaffer	Speaker

NAYS—93

Abraham	Gamble	Lynch	Renwick
Anderson	Garzia	Mackowski	Salvatore
Armstrong	Gatski	Madigan	Seltzer
Arthurs	George, C.	Manmiller	Shuman
Berson	George, M.	McClatchy	Smith, E.
Bittinger	Goebel	McGinnis	Smith, L.
Bittle	Grieco	Mebus	Spencer
Butera	Halverson	Miller	Stewart
Cassidy	Hamilton	Milliron	Sweet
Cessar	Hasay	Miscevich	Taylor, E.
Cimini	Haskell	Moehlmann	Thomas
Davies	Hayes, D. S.	Novak	Trello
DeMedio	Hayes, S. E.	O'Brien, D.	Valicenti
DeVertter	Helfrick	O'Connell	Vroon
DiCarlo	Honaman	Pancoast	Wagner
Dietz	Hopkins	Parker	Wansacz
Dininni	Hutchinson, A.	Petrarca	Wass
Dorr	Hutchinson, W.	Piccola	Wenger
Duffy	Katz	Pitts	Wilt
Englehart	Klingaman	Polite	Wright, D.
Fisher, D. M.	Knepper	Pott	Zearfoss
Foster, W.	Lehr	Pyles	Zeller
Freind	Lincoln	Reed	Zord
Gallen			

NOT VOTING—9

Brandt	Geesey	Rhodes	Siranni
Brunner	Gleeson	Shelton	Spitz
Cohen			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the

negative and the amendments were not concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**FINANCE COMMITTEE MEETING**

The SPEAKER. The Chair announces at this time that there will be a meeting of the Finance Committee at 1:30 this afternoon.

**RECESS**

The SPEAKER. The Chair also announces at this time that the House will be in recess until 2 p.m. At that time the Chair will announce the further schedule of the House for today.

The House will be in recess until 2 p.m.

**AFTER RECESS**

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

**CALENDAR**

**JUDICIARY BILLS ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

Mr. BERSON offered the following amendments:

Amend Sec. 1, page 3, line 22 by inserting after "BE" as

Amend Sec. 1, page 3, line 23 by removing the period after "(1)" and inserting of section 3 of "The Commonwealth Court Act."

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, this is a technical amendment to add on page 3, line 23, the words "of section 3 of 'The Commonwealth Court Act.'", so that the sentence reads: "The election of judges as to these two additional judgeships shall be prescribed by subsection (1) of section 3 of 'The Commonwealth Court Act.'"

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—177**

Abraham	Fryer	Madigan	Scanlon
Anderson	Gallagher	Manderino	Scheaffer
Armstrong	Gamble	Manmiller	Schmitt
Arthurs	Garzia	McCall	Schweder
Barber	Gatski	McClatchy	Scirica

Bellomini	Geisler	McGinnis	Seltzer
Beloff	George, C.	McIntyre	Shuman
Bennett	George, M.	McLane	Shupnik
Berlin	Giammarco	Mebus	Smith, E.
Berson	Gillette	Meluskey	Smith, L.
Bittinger	Goebel	Milliron	Spencer
Bittle	Gray	Miscevich	Spitz
Borski	Greenfield	Morris	Stairs
Brown	Greenleaf	Mowery	Stapleton
Burd	Grieco	Mrkonic	Stewart
Burns	Halverson	Mullen, M. P.	Stuban
Butera	Hamilton	Mullen, M. M.	Sweet
Caltagirone	Harper	Musto	Taddonio
Caputo	Hasay	Novak	Taylor, E.
Cassidy	Haskell	Noye	Tenaglio
Cessar	Hayes, D. S.	O'Brien, B.	Thomas
Cianciulli	Hayes, S. E.	O'Brien, D.	Trello
Cimini	Helfrick	O'Connell	Valicenti
Cohen	Hoeffel	O'Donnell	Vroon
Cole	Honaman	O'Keefe	Wansacz
Cowell	Hopkins	Oliver	Wargo
Davies	Hutchinson, W.	Pancoast	Wass
DeMedio	Itkin	Parker	Weidner
DeVerter	Johnson	Petrarca	Wenger
DeWeese	Jones	Pievsky	White
DiCarlo	Katz	Pitts	Wiggins
Dietz	Kelly	Polite	Wilson
Dininni	Kernick	Pott	Wilt
Dombrowski	Klingaman	Prendergast	Wise
Dorr	Knepper	Pyles	Wright, D.
Doyle	Kowalshyn	Rappaport	Wright, J. L.
Duffy	Laughlin	Ravenstahl	Yahner
Dumas	Lehr	Reed	Yohn
Fee	Letterman	Renwick	Zearfoss
Fischer, R. R.	Levi	Richardson	Zitterman
Fisher, D. M.	Lincoln	Rieger	Zwilk
Flaherty	Livengood	Ritter	
Foster, A.	Logue	Ruggiero	Irvis,
Foster, W.	Lynch	Ryan	Speaker
Freind	Mackowski	Salvatore	

**NAYS—6**

Englehart	Kolter	Zeller	Zord
Hutchinson, A.	Piccola		

**NOT VOTING—17**

Brandt	Gleeson	Moehlmann	Sirianni
Brunner	Goodman	Pratt	Taylor, F.
Donatucci	Milanovich	Rhodes	Wagner
Gallen	Miller	Shelton	Williams
Geesey			

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

On the question,

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

**SB 236 RECOMMITTED**

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

Mr. MILLIRON. Thank you, Mr. Speaker.

On the face of it, Mr. Speaker, I have no objections if the need is there for additional judges in Philadelphia. There is also an omnibus judges bill that is being considered for common pleas court judges all over the Commonwealth.

The motion I am about to make has nothing to do with trying to kill the bill whatsoever. I just feel that when we have not

solved the budget crisis, I do not think we should spend one single dollar more until we know if we have enough to pay for general operations of this state.

I would like to make a recommittal motion to Mr. Berson's committee, knowing that he could call—

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

Mr. MILLIRON. Thank you, Mr. Speaker.

—knowing that he could call the bill back at any time, but I am not about to vote for any bill that costs any money until we have our budget solved.

I therefore make a motion to recommit this bill to the Judiciary Committee until the fiscal problems are solved.

Thank you, Mr. Speaker.

The SPEAKER. Would the gentleman like to reword his motion? If you recommit it until the fiscal problems are solved for Pennsylvania, that might be the year 2500.

The gentleman's motion is to recommit the bill to the Committee on Judiciary.

On the question of recommittal, the Chair recognizes the gentleman from Philadelphia, Mr. Berson.

Mr. BERSON. Mr. Speaker, I oppose the recommittal motion.

The bill to create the additional Commonwealth Court judges was before this body in the last session and was passed over.

The work of the Commonwealth Court has expanded enormously, especially with the addition of the jurisdiction in workmen's compensation matters. There is, I am told by President Judge Bowman, a desperate need for these two additional judges. There was a bill in the last session of this legislature to add the additional judges to the Commonwealth Court. It was passed over in the dying days of the session.

This bill is badly needed. The money, I am told by the Appropriations Committee through which this bill passed, is in the budget, and I would urge that we get on with the business and vote "no" on the recommittal.

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

Mr. DOYLE. Mr. Speaker, I would like to advise our body, the other members, of the sequence of this bill. When it came over to the House, it concerned only the Commonwealth Court judges, the two. It was then amended to include I think 21 common pleas court judges and three judges for the traffic court of Philadelphia. Then the common pleas judges were struck from the bill, leaving only the Commonwealth Court and the Philadelphia traffic court judges, because of the astronomical cost.

I would suggest that we vote against the motion to recommit, because the small amount of money which is needed to fund the Commonwealth Court judges is already in the budget and we need them. Both parties have agreed that they are desperately needed, and it is not that much money involved.

The other issue of whether or not you want the Philadelphia traffic court judges can be presented by reverting to the prior printer's number of this piece of legislation. But in the initial instance it should not go back to the committee, because the committee as it is now has already considered it. It has already gone through the Appropriations Committee, and we would not want to travel that same route again by referring it back to the

Judiciary Committee.

So I would urge you first, initially, to at least oppose the motion to recommit SB 236 to the Judiciary Committee.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the astute observations of my colleague from Delaware, Mr. Doyle, that we should not vote to recommit this bill. I think I can say that I, too, am convinced that the Commonwealth Court has need for two additional judges to help alleviate the load that is presently before them and the extreme caseload that I know they are getting each day.

What happens to the bill with respect to the three municipal court judges, I am not completely aware of that problem. But I know the problems of the Commonwealth Court are such that we should provide them with two additional judges, and I would agree with those who oppose that motion and would urge that others coincide with that and keep the bill on the calendar and vote the two additional law judges for the Commonwealth Court.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

With all due respect to Mr. Ryan and Mr. Doyle, my experience has been that the Commonwealth Court is the most efficient and best operated court in this Commonwealth. If there is a need for additional judges in any court, it is the Superior Court. The Commonwealth Court is most expeditious presently in rendering its opinions, and I am not aware of any need in that court for additional judges.

I would support this recommittal motion.

The SPEAKER. Would the gentleman yield?

The gentleman may not argue the need for the bill, only the question of whether it should be recommitted. The gentleman must limit his remarks to the motion.

Mr. PICCOLA. For those reasons, Mr. Speaker, I would favor the recommittal.

The SPEAKER. All right; thank you.

The Chair recognizes, on the motion to recommit, the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I rise also to oppose this motion.

If I may have the indulgence of the Speaker for a moment, a question was asked as to the cost of these two additional judges. I have the fiscal note. It would be \$190,000, and that money is already in the budget.

Mr. Speaker, I would say in addition, I agree with the gentleman who just arose that the Superior Court has a tremendous workload. The Commonwealth Court, however, sits in panels of three judges—

The SPEAKER. Will the gentleman yield?

The Chair instructs the gentleman the same as it instructed a prior speaker. He is limited to arguments only for or against recommitment at this time, not on the merits of the bill.

Mr. RAPPAPORT. I thank the Chair.

The SPEAKER. Speaking for the second time on the motion, the Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Thank you, Mr. Speaker.

I hate to take on the distinguished lawyers Rappaport, Ber-son, Doyle, and Ryan on this, but as a nonlawyer speaking about the courts, the money, we keep hearing, is already in the budget. Well, there is a lot of money, Mr. Speaker, already in the budget—

The SPEAKER. The Chair hates to interrupt the gentleman, but the Chair's patience is wearing rather thin. The gentleman will restrict his remarks to the recommittal motion.

Mr. MILLIRON. Thank you, Mr. Speaker.

Since, Mr. Speaker, I had originally made the motion to re-commit because of fiscal matters, I again ask for the bill to be recommitted until we can see what the total financial picture of the Commonwealth would be.

This is not to kill the bill, as Mr. Doyle had suggested. It would not again have to go through the entire cycle—through the Appropriations Committee—because there has been a fiscal note attached. I suggest that we temporarily have the bill back in committee and we can discuss it at a later date.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, on the motion.

Mr. McCLATCHY. Mr. Speaker, as a nonlawyer, I get a little nervous when I see lawyers in the House get up and oppose re-committal. Therefore, Mr. Speaker, I would suggest that we support a recommittal.

The SPEAKER. That may well be the winning argument.

On the motion, the Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, as another nonlawyer on the other side of the aisle, I rise to oppose the motion to recommit, and I urge all the members of this House to vote against the recommittal.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—114

Abraham	Gamble	Manmiller	Ritter
Armstrong	Garzia	McCall	Ruggiero
Arthurs	Gatski	McClatchy	Scheaffer
Bennett	George, C.	McGinnis	Schmitt
Bittle	George, M.	Meluskey	Schweder
Brown	Gillette	Milanovici	Shuman
Burd	Goebel	Miller	Smith, E.
Burns	Grieco	Milliron	Smith, L.
Caltagirone	Halverson	Miscevich	Stairs
Caputo	Hasay	Moehlmann	Stewart
Cassidy	Haskell	Morris	Stuban
Cessar	Hayes, D. S.	Mowery	Taddonio
Cimini	Hayes, S. E.	Mrkonic	Taylor, E.
Cole	Helfrick	Mullen, M. M.	Taylor, F.
Cowell	Honaman	Musto	Thomas
Davies	Hopkins	Novak	Trello
DeVerter	Hutchinson, A.	Noye	Valicenti
DeWeese	Hutchinson, W.	O'Donnell	Vroon
DiCarlo	Kernick	Pancoast	Wass
Dietz	Klingaman	Parker	Weidner
Dininni	Knepper	Petrarca	Wenger

Dombrowski	Kolter	Piccola	Wilson
Duffy	Lehr	Pitts	Wilt
Fischer, R. R.	Letterman	Polite	Wise
Fisher, D. M.	Levi	Pott	Wright, D.
Flaherty	Lincoln	Pyles	Wright, J. L.
Foster, W.	Livengood	Ravenstahl	Zeller
Fryer	Logue	Renwick	Zord
Gallen	Madigan	Rhodes	Zwikl

NAYS—78

Anderson	Gallagher	Manderino	Scirica
Barber	Geisler	McIntyre	Seltzer
Bellomini	Giammarco	McLane	Shupnik
Beloff	Gleeson	Mebus	Spencer
Berlin	Goodman	Mullen, M. P.	Spitz
Berson	Gray	O'Brien, B.	Stapleton
Bittinger	Greenfield	O'Brien, D.	Sweet
Borski	Greenleaf	O'Connell	Tenaglio
Butera	Hamilton	O'Keefe	Wansacz
Cianciulli	Harper	Oliver	Wargo
Cohen	Hoeffel	Pievsky	White
DeMedio	Itkin	Pratt	Wiggins
Donatucci	Johnson	Prendergast	Williams
Dorr	Jones	Rappaport	Yahner
Doyle	Katz	Reed	Yohn
Dumas	Kelly	Richardson	Zearfoss
Englehart	Kowalyszyn	Rieger	Zitterman
Fee	Laughlin	Ryan	
Foster, A.	Lynch	Salvatore	Irvis,
Freind	Mackowski	Scanlon	Speaker

NOT VOTING—8

Brandt	Geesey	Sirianni	Wagner
Brunner	Shelton		

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

The SPEAKER. The bill is so recommitted.

INTERROGATION

Mr. MEBUS requested and obtained unanimous consent to interrogate Mr. GREENFIELD.

Mr. MEBUS. Mr. Speaker, I am looking for a little guidance, and I think maybe some of the other members are as well, as to what sort of plans we should be making for hotel rooms this evening or to warn our respective families as to when we expect to be home and that sort of thing. Is there any basis of judgment at this time, any advice that the Chair or the majority whip can offer in this connection?

The SPEAKER. Did we this morning pass a resolution that we were going to act as a bunch of noisy ruffians and I missed it?

For the majority whip's information, the gentleman, Mr. Mebus, intends to interrogate concerning the schedule of the House in regard to whether or not the House members should be advised to remain here tonight and plan on being in session tomorrow.

Mr. GREENFIELD. If that is the question, I will attempt to answer it.

Mr. Speaker, the answer to your question is that everything depends on what is going on presently to resolve this matter, and you will be advised at a later time what the scheduling of this House will be. We are not prepared at this moment to definitively announce that schedule.

Mr. MEBUS. I take it then that the wise man will reserve his room and be prepared for the worst or the best, depending on how it is to be judged.

Mr. GREENFIELD. I think that would be a very wise decision.

### FILMING PERMISSION GRANTED

The SPEAKER. The Chair announces at this time that the Chair has given permission to Sue Klemens, who is a photographer for the United Press International, to shoot for 10 minutes still photographs on the House floor beginning now.

At the same time the Chair has given permission to Caren Myers of WPVI-TV from Philadelphia and WTAE-TV, Pittsburgh, to shoot silent film footage for 10 minutes on the floor, and to Jayne Miller of WHP-TV, Harrisburg, to shoot silent film footage for 10 minutes on the floor. All three will begin shooting now.

Agreeable to order,

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

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

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLIRON offered the following amendments:

Amend Sec. 3 (Sec. 1391), page 4, line 6, by striking out "two" and inserting three

Amend Sec. 3 (Sec. 1391), page 4, line 7, by striking out "two" and inserting three

Amend Sec. 3 (Sec. 1391), page 4, line 8, by striking out "six" and inserting four

Amend Sec. 3 (Sec. 1391), page 4, line 24, by striking out "three" and inserting two

Amend Sec. 3 (Sec. 1391), page 4, line 25, by striking out "three" and inserting two

On the question,

Will the House agree to the amendments?

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

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, this is the bill which would create a commission on sentencing. When I looked the bill over, Mr. Speaker, the one major objection I had was that a larger majority than I felt was necessary of the members of this sentencing commission would be made up by appointees of the judicial branch of government.

I think the reason that many of us have expressed dissatisfaction on sentencing has been because of the amount of latitude that the courts have in this matter. We have wanted to become more involved in the sentencing of criminals and to have legislative input. That is why we have passed mandatory sentencing in the past and have had the courts ignore it.

My amendment, Mr. Speaker, would state that the Speaker of the House and the President pro tempore of the Senate

would each appoint three members to this commission rather than two and that the Supreme Court administrator would appoint four instead of six. I think we should have more say on who is appointed to the sentencing commission than the courts, and I would sincerely ask everybody to support the amendment.

Thank you, Mr. Speaker.

### AMENDMENTS WITHDRAWN

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

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, I have been informed by the prime sponsor that he would prefer not running this bill this afternoon. As a result, I would withdraw my amendment at this time, although I will offer it whenever the bill is ready to be run.

### HB 953 PASSED OVER

The SPEAKER. Without objection, HB 953 will go over for today.

### INSURANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House resumed third consideration of **House bill No. 1288, printer's No. 1870**, entitled:

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P. L. 682, No. 284), adding certain requirements before which members of certain mutual insurance companies shall be liable to assessment.

On the question,

Will the House agree to the bill on third consideration?

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 1, page 1, line 16, by striking out "Section 808," and inserting The

Amend Sec. 1, page 1, lines 17 and 18, by striking out "amended December 30, 1974 (P. L. 1045, No. 342),"

Amend Sec. 1, page 1, line 18, by inserting after "amended" by adding sections

Amend Bill, page 1, lines 19 through 24; page 2, lines 1 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 808.1. Requirements to Issue Assessable Policies on Automobiles.—Prior to the sale of an assessable policy providing any type of insurance upon automobiles, the insurance company representative or broker shall explain the definition and responsibilities of purchasing an assessable policy to the applicant. The company representative or broker shall secure and forward to the company a signed statement from the applicant that he understands the possible consequences of the assessable policy. The statement shall be in such a form as shall be prescribed and approved by the Insurance Commissioner. A copy of the signed statement shall be attached to the policy.

Section 808.2. Penalties.—(a) Any mutual company, or any officer or agent thereof, or any broker, which or who issues or delivers to any person in this Commonwealth any policy in violation of the provisions of section 808.1, or forges an applicant's signature on the form described in section 808.1, shall be guilty of a misdemeanor, and, upon conviction thereof,

shall be sentenced to pay a fine of not more than three hundred dollars (\$300) for each offense.

(b) The Insurance Commissioner may, in his discretion, take, against the offending party, any one or more of the following courses of action:

(1) Revoke the license of any company, corporation, association, or other insurer, or of the agent thereof, which or who violates any of the said provisions.

(2) Impose a penalty of not more than one thousand dollars (\$1,000) for each act of violation of any provisions of section 808.1.

(c) Any fines collected under this section shall be allocated to the applicable guaranty fund for such use as the directors of such fund may deem appropriate.

(d) Before the Insurance Commissioner shall take any action as authorized above, he shall give written notice to the person, company, association, accused of violating the law, stating specifically the nature of alleged violations, and fixing a time and place, at least ten days thereafter, when a hearing of the matter shall be held. After such hearing or upon failure of the accused to appear at such hearing, the Insurance Commissioner shall impose such of the above penalties, as he deems advisable. When the Insurance Commissioner shall have taken any action as above set forth, the party aggrieved may appeal to the Commonwealth Court.

Section 808.3. Assessment.—No assessment may be made on any policy issued in violation of the provisions of section 808.1.

Section 808.4. Binder.—Nothing in the provisions of sections 808.1, 808.2 and 808.3 shall be construed to bar the extension of insurance coverage by oral binder, provided that assessable policies extended by oral binder must comply with the provisions of sections 808.1, 808.2 and 808.3.

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

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss, on the amendment.

Mr. ZEARFOSS. Mr. Speaker, the amendment, as I said this morning, would limit the requirement of notification that a policy is an assessable policy to those situations where automobile insurance is involved. The problem that was being addressed by the sponsors of the bill dealt with automobile policies. The sponsors have agreed with me that the amendment would be satisfactory and would solve the problem that they were concerned about.

In addition to limiting the requirements of notification to automobile policies, the amendment includes additional sanctions for violation of the requirement of notification.

It also takes care of some other technical problems that were overlooked in the original draft of the bill, such as the situation where a policy is ordered orally over the phone and a binder of the policy is issued to make it clear that there must be oral notification given at that time of the assessable nature of the policy that will be issued.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn,

Mr. KOWALYSHYN. Mr. Speaker, I would like to comment briefly on the amendment being offered by Mr. Zearfoss. I would like to say first that it is a self-contained proposal in that it is intended to replace the bill to which it is an amendment.

In my opinion, it is a good proposal because it meets some of the abuses that have appeared as far as the purchase of assessable mutual automobile insurance policies. This bill will afford a measure of protection to the insured who finds it necessary to contract with a mutual insurance company which has assessable policies.

Thank you.

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

The following roll call was recorded:

YEAS—188

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

Hopkins

NAYS—1

NOT VOTING—11

Barber	Geesey	Richardson	Wagner
Brandt	McIntyre	Shelton	Williams
Dumas	Rhodes	Sirianni	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—190

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

NAYS—1

Cole

NOT VOTING—9

Brandt	O'Donnell	Richardson	Sirianni
Geesey	Rhodes	Shelton	Wagner
Miscevich			

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 now recognizes the gentleman from Adams, Mr. Cole. For what purpose does the gentleman rise?

Mr. COLE. Mr. Speaker, I would like to have a correction of a vote on HB 1288, PN 1870. I was voted "no." I would like to be recorded in the affirmative.

The SPEAKER. It is not possible for the gentleman to have the recording changed, but the gentleman's remarks correcting the record will be placed on the record so that will be the final record.

Mr. COLE. Thank you, Mr. Speaker.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 748, printer's No. 1458, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled as amended "The Pennsylvania Workmen's Compensation Act" further defining employe to include volunteers in the State Parks and Forests Program deputy game protectors special waterway patrolmen and to volunteers in connection with forest fire protection and providing benefits.

On the question,

Will the House agree to the bill on third consideration?

Mr. PITTS offered the following amendments:

Amend Title, page 1, line 7, by inserting after "penalties," providing coverage for volunteer rescue and lifesaving squads and

Amend Sec. 1 (Sec. 601), page 1, line 21, by inserting after "corps," volunteer rescue and lifesaving squads,

Amend Sec. 1 (Sec. 601), page 2, line 9, by inserting after "corpsmen", rescue and lifesaving squad members

Amend Sec. 1 (Sec. 601), page 2, line 10, by inserting after "corps" or rescue and lifesaving squad

Amend Sec. 1 (Sec. 601), page 2, line 12, by inserting after "fire", rescue and lifesaving

Amend Sec. 1 (Sec. 601), page 2, line 13, by inserting after "company", rescue and lifesaving squad

Amend Sec. 1 (Sec. 601), page 2, line 15, by inserting after "fire", rescue and lifesaving

Amend Sec. 1 (Sec. 601), page 2, line 16, by inserting after "chief", squad leader

Amend Sec. 1 (Sec. 601), page 2, line 19, by inserting after "fire" where it appears the first time rescue and lifesaving

Amend Sec. 1 (Sec. 601), page 2, line 19, by inserting after "companies", rescue and lifesaving squad,

Amend Sec. 1 (Sec. 601), page 2, line 21, by inserting after "corps," rescue and lifesaving squads,

Amend Sec. 1 (Sec. 601), page 4, line 4, by inserting after "corps," volunteer rescue and lifesaving squad,

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, this amendment would provide coverage for volunteer rescue and lifesaving squads by adding them to the coverage provided by workmen's compensation. This is identical to legislation which this House passed last session, HB 713, which passed unanimously and was sent to the Senate. Unfortunately, it became bogged down in the workmen's compensation appropriation last year in the Senate, so we have reintroduced it this year.

The fiscal note last session was nothing essentially, insignificant, from the Appropriations Committee.

Briefly, the rationale for the amendment is this: An independent rescue association which provides lifesaving service goes in with the volunteer fire fighters at the same time to fight a fire. In fact, they go in before to clear a house and rescue someone, and then the fire fighters come in to extinguish the fire. They face the same hazards as the volunteers who are covered for workmen's compensation, and this would provide them with that coverage in case of injury.

I urge passage of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Abraham	Gallen	Manderino	Scanlon
Anderson	Gamble	Manmiller	Scheaffer
Armstrong	Garzia	McCall	Schmitt
Arthurs	Gatski	McClatchy	Schweder
Barber	Geisler	McGinnis	Scirica
Bellomini	George, C.	McIntyre	Seltzer
Beloff	George, M.	McLane	Shuman
Bennett	Giammarco	Mebus	Shupnik
Berlin	Gillette	Meluskey	Smith, E.
Berson	Gleeson	Milanovich	Smith, L.
Bittinger	Goebel	Miller	Spencer
Bittle	Goodman	Milliron	Spitz
Borski	Gray	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Stapleton
Brunner	Greenleaf	Morris	Stewart
Burd	Grieco	Mowery	Stuban
Burns	Halverson	Mrkonic	Sweet
Butera	Hamilton	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, B.	Trello
Cimini	Helfrick	O'Brien, D.	Valicenti
Cohen	Hoeffel	O'Connell	Vroon
Cole	Honaman	O'Donnell	Wansacz
Cowell	Hopkins	O'Keefe	Wargo
Davies	Hutchinson, A.	Oliver	Wass
DeMedio	Hutchinson, W.	Pancoast	Weidner
DeVerter	Itkin	Parker	Wenger
DiCarlo	Johnson	Petrarca	White

Dietz	Jones	Piccola	Wiggins
Dininni	Katz	Pievsky	Williams
Dombrowski	Kelly	Pitts	Wilson
Donatucci	Kernick	Polite	Wilt
Dorr	Klingaman	Pott	Wise
Doyle	Knepper	Pratt	Wright, D.
Duffy	Kolter	Prendergast	Wright, J. L.
Dumas	Kowalyszyn	Pyles	Yahner
Englehart	Laughlin	Rappaport	Yohn
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Fisher, D. M.	Levi	Renwick	Zitterman
Flaherty	Lincoln	Rhodes	Zord
Foster, A.	Livengood	Rieger	Zwilk
Foster, W.	Logue	Ritter	
Freind	Lynch	Ruggiero	Irvis,
Fryer	Mackowski	Ryan	Speaker
Gallagher	Madigan	Salvatore	

NAYS—0

NOT VOTING—7

Brandt	Geesey	Shelton	Wagner
DeWeese	Richardson	Sirianni	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—194

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

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

NAYS—0

NOT VOTING—6

Brandt	Richardson	Sirianni	Wagner
Geesey	Shelton		

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

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

URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. Is the gentleman, Mr. Doyle, on the floor of the House? Have the amendments been distributed? They are being distributed now? They have not been.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I know what our rules provide. It seems a shame, however, in the case of the Doyle amendments to go to the expense of duplicating them. What the Doyle amendments do is simply correct what is obviously a deficiency in the bill, because in the case of Delaware County, which is a home-rule-charter county, there is some question as to whether or not the 2-A Code — the Second Class A County Code — applies in this instance. Mr. Doyle's amendment simply would include the home-rule-charter county within the purview of the bill.

I am satisfied on behalf of the Republican contingent from Delaware County that the amendment be agreed to, and I am sure Mr. Doyle agrees to it because it is his amendment—if you want to save the money.

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Doyle.

Mr. DOYLE. If Mr. Rappaport has something to add, I would yield to him.

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

Mr. RAPPAPORT. Would the gentleman from Delaware, Mr. Doyle, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Doyle, will yield for just a moment until the Chair places the question. If we are going to deal with this, we had better get back on the bill.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DOYLE offered the following amendments:

Amend Sec. 1 (Sec. 1922.1), page 1, line 11, by inserting before "The" (a)

Amend Sec. 1 (Sec. 1922.1), page 2, by inserting between lines 1 and 2

(b) The provisions of this section shall be applicable in all counties of the second class and second class A irrespective of whether any of such counties is operating under a home rule charter pursuant to the act of April 13, 1972 (P. L. 184, No. 62), known as the "Home Rule Charter and Optional Plans Law."

On the question,

Will the House agree to the amendments?

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

Mr. RAPPAPORT. Mr. Speaker, could the gentleman perhaps inform me as to whether the bill that he is seeking to amend is applicable everywhere in the Commonwealth?

Mr. DOYLE. It is applicable to every second class A county that has a home rule charter. It just so happens that there is only one county in the Commonwealth, so it is therefore applicable to the entire Commonwealth, but it in effect however, deals with only one county.

Mr. RAPPAPORT. Mr. Speaker, perhaps I did not make myself clear to the speaker. Does the bill which he seeks to amend apply everywhere in the Commonwealth?

Mr. DOYLE. Yes; it does.

Mr. RAPPAPORT. Does it apply to all counties and school districts in this Commonwealth regardless of classification?

Mr. DOYLE. No. The bill that I am amending deals only with second class and second class A counties.

Mr. RAPPAPORT. Mr. Speaker, I apologize to the gentleman, if I may. I had thought originally that this was not needed, if the House intends to do this, but apparently it is from a technical point of view.

Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, would somebody please explain the amendment? I do not even know the necessity for the bill in the first instance.

The SPEAKER. The Chair is about to ask that explanation

from the sponsor of the amendment.

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

Mr. DOYLE. Mr. Speaker, the amendment itself puts in the requirement that the auditors under the controller of 2-A counties, even though that county has a home rule charter, will audit the books of account of the district justices within the county. It is necessary, in my opinion, because the bill itself deals with second class and second class A counties but not second class A counties with a home rule charter. The bill itself mandates that the controllers of the counties perform the audit, and it is necessary because the Auditor General can audit but only for Commonwealth funds, not county funds. The bill, as I understand it, is necessary so that the county controller can audit county funds as well for a complete audit.

The amendment simply adds Delaware County because of the position we are in, being a 2-A county with a home rule charter.

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

I am concerned, frankly, about some language, and perhaps Mr. Doyle's amendment addresses itself to that. My understanding of the minor judiciary system as approved by the Constitutional Convention is that we no longer have aldermen, magistrates, or justices of the peace, but rather we have district justices. Is that correct, Mr. Speaker?

Mr. DOYLE. Well, that is not entirely accurate. We call them district justices, but I think the terminology that remained in the constitution does say justices of the peace, although we call them district justices now. It is a new system, but the terminology still pertains.

Mr. RITTER. So that the intention is still to cover the district magistrates. Whether they be called by any other name, it is the new district magistrate system, district justices.

Mr. DOYLE. Yes; that is correct. We no longer have in Pennsylvania any of the old JP's.

Mr. RITTER. We do not have any of the others any longer.

Mr. DOYLE. That is correct. We do not have any; no.

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

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

Caltagirone	Hamilton	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, A.	Pancoast	Wass
DeVerter	Hutchinson, W.	Parker	Weidner
DeWeese	Itkin	Petrarca	Wenger
DiCarlo	Johnson	Piccola	White
Dietz	Jones	Pievsy	Wiggins
Diminni	Katz	Pitts	Williams
Dombrowski	Kelly	Polite	Wilson
Donatucci	Kernick	Pott	Wilt
Dorr	Klingaman	Pratt	Wise
Doyle	Knepper	Prendergast	Wright, D.
Duffy	Kolter	Pyles	Wright, J. L.
Dumas	Kowalshyn	Rappaport	Yahner
Englehart	Laughlin	Ravenstahl	Yohn
Fee	Lehr	Reed	Zearfoss
Fischer, R. R.	Letterman	Renwick	Zeller
Fisher, D. M.	Levi	Rhodes	Zitterman
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Livengood	Ritter	Zwilk
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Irvis,
Fryer	Mackowski	Salvatore	Speaker

NAYS—0

NOT VOTING—6

Brandt	O'Donnell	Shelton	Sirianni
Geesey	Richardson		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

The Chair recognizes the gentleman from Delaware, Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, I guess this bill came out of the Judiciary Committee before it went to the Appropriations Committee, or did it?

Mr. Speaker, I request permission to interrogate the chairman of the Urban Affairs Committee or someone else who knows something about the bill.

The SPEAKER. I do not see the gentleman on the floor of the House.

Mr. ZEARFOSS. Mr. Speaker, I will ask the question of the Chair, and perhaps somebody who knows the answer can volunteer to give me an answer. What other audits are presently made of district justices?

The SPEAKER. Is the gentleman, Mr. Doyle, competent to answer the question? The question is, are there any other district magistrates who are audited?

Mr. ZEARFOSS. No, Mr. Speaker. The question is, are there

any other audits of district justices?

The SPEAKER. Are there any other audits of district justices other than the one proposed in the bill?

Mr. DOYLE. Yes, Mr. Speaker, there are. As I stated in my remarks, the Auditor General audits the funds, but only the funds that are remitted to the Commonwealth of Pennsylvania, not the funds that are remitted to the local municipality — the fines and so forth, the fines and costs going to the county. That is the problem that they want to correct.

Mr. ZEARFOSS. Is it not true that municipal auditors audit the district justices within their municipal boundaries? You are saying they do not?

Mr. DOYLE. To my knowledge, the auditors elected in boroughs and townships do not audit the books of the district justices. They are elected—

The SPEAKER. Will the gentleman yield?

**PERMISSION GRANTED TO REMOVE JACKETS**

The SPEAKER. For those members who are wearing jackets, it is getting stuffy in here. You may remove them and join those other members who did it before permission was granted.

The gentleman, Mr. Doyle, may proceed.

Mr. DOYLE. Mr. Speaker, I have been corrected, and I do not speak authoritatively here. I have just been corrected. They say in the provisions they may audit. Some do and some do not, apparently. There is no requirement that they audit.

Mr. ZEARFOSS. Well, Mr. Speaker, is the thrust of the bill to permit or require the county auditor or controller to audit district justices within the county? Is that the whole thing? For purposes of moneys collected that are county moneys? Is that it?

Mr. DOYLE. That is correct. The analysis they sent said—and this, of course, only amends the Second Class County Code—county controllers to annually audit the accounts of the minor judiciary.

Mr. ZEARFOSS. What I am getting at, Mr. Speaker, is, would this audit as contemplated audit all aspects of their operations or just county funds?

Mr. DOYLE. The bill itself, I think, is a complete audit. It requires a complete audit of county, state, and local moneys because there is now no complete audit of their moneys.

We have a situation in the county where, as I understand it, merely for a lack of remitting for paperwork and so forth, moneys were held up. The president judge had to step in, swoop down, and suspend the district justice. If we had a periodic audit, perhaps that would not have happened.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

I would like to make a brief statement.

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

Mr. ZEARFOSS. Mr. Speaker, I was a justice of the peace. I do not know whether the new district justice procedure changed the audit requirements that were in effect when I was a justice of the peace, but I do know that at that time the municipal auditors audited my books and the state auditors audited my books. I know that there was no audit by the county.

Now I guess what this bill would do is provide for an audit that would look at the entire record of the district justice and

be able to put everything together. I suppose from that standpoint it is good. I am a little concerned that what we are doing is just requiring an audit to be made and then the information gained by that audit will not be used by anyone. We are duplicating audits that are already being made, and this adds to the expense of the system, perhaps unnecessarily.

On the question recurring,  
Shall the bill pass finally?

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

**YEAS—186**

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

**NAYS—0**

**NOT VOTING—14**

Barber	Dumas	Ruggiero	Wagner
Beloff	Geesey	Shelton	Wiggins
Brandt	Harper	Sirianni	Williams
Caputo	Richardson		

The majority required by the Constitution having voted in

the affirmative, the question was determined in the affirmative.

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

**LOCAL GOVERNMENT BILL ON THIRD CONSIDERATION**

Agreeable to order.

The House proceeded to third 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.

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

Gallagher	Mackowski	Ryan	
Gallen	Madigan	Salvatore	Irvis,
Gamble	Manderino	Scanlon	Speaker

**NAYS—2**

Bennett	Miscevich
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**NOT VOTING—16**

Barber	Dumas	Goodman	Shelton
Beloff	Fischer, R. R.	Rhodes	Sirianni
Brandt	Geesey	Richardson	Wiggins
Caputo	Gleeson	Ruggiero	Williams

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

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

**TRANSPORTATION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third 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.

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—185**

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

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

## NAYS—0

## NOT VOTING—15

Barber	Freind	Richardson	Wiggins
Beloff	Geesey	Ruggiero	Williams
Brandt	O'Brien, B.	Shelton	Wright, J. L.
Dumas	Rhodes	Sirianni	

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.

## REMARKS ON VOTE

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

Mr. FREIND. Mr. Speaker, on that last vote on SB 888, I inadvertently did not flip my switch. I would like to be recorded in the affirmative.

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

## PARLIAMENTARY INQUIRY

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

Mr. GEISLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GEISLER. If we were to table SB 354 and SB 355, what would be the status as far as the days?

The SPEAKER. The running of the days would be tolled; it would be stopped.

Mr. GEISLER. How many days do we have, 12? Is that the maximum?

The SPEAKER. Fifteen days.

Mr. GEISLER. Fifteen. All right. Just pass the bills over temporarily then, please.

The SPEAKER. The bills have been passed over temporarily and they will remain so.

## FILMING PERMISSION GRANTED

The SPEAKER. The Chair at this time announces that it has given permission for Betsi Amig of WIIC-TV of Pittsburgh to shoot silent film footage for a period of 10 minutes on the floor of the House beginning now.

## RESOLUTION ADOPTED

Mr. RITTER called up HOUSE RESOLUTION NO. 154, entitled:

General Assembly create a Benjamin Franklin Symposium Committee.

On the question,

Will the House adopt the resolution?

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

Mr. RITTER. Mr. Speaker, if the members will recall, we had a Benjamin Franklin Symposium Committee that presented a seminar at the beginning of this session. What we would like to do now would be to reactivate a Benjamin Franklin Symposium Committee to provide another orientation session at the beginning of the next legislative session.

We think that there was some valuable information gathered, and we would like to continue it on an ongoing basis and at the same time involve legislative staff in some information hearings and programs.

I would ask for an affirmative vote, Mr. Speaker.

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

Mr. PICCOLA. Mr. Speaker, would the gentleman, Mr. Ritter, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Ritter, indicates that he will so consent. The gentleman, Mr. Piccola, is in order and may proceed.

Mr. PICCOLA. Mr. Speaker, could you advise me on the cost of the Benjamin Franklin Symposium that was held in January of this year?

Mr. RITTER. Mr. Speaker, I do not have the figures with me. If the gentleman would have said something, I could have gotten them for him.

As to the cost to the taxpayers, if that is the question, we received an appropriation of \$5,000 from each of the four caucuses in the House and Senate for a total of \$20,000. We received an interpersonnel grant from the Federal Government, and the bulk of the money—maybe Mr. Parker can verify it—about 50-some thousand dollars, came from private sources—corporations and businesses within the Commonwealth of Pennsylvania. We frankly hope to be able to operate if we have this one in the same fashion, that the money from the respective caucuses would be a kind of backup if in fact we do not solicit enough from the private community. But the bulk of the money came from private sources, and that is our intention if we have another one.

But as to the cost to the state taxpayers, as I said, the maximum was \$20,000 for the last one.

Mr. PICCOLA. Mr. Speaker, was there a line-item appropria-

tion in the budget last year for that event?

Mr. RITTER. No; there was not. Not to the best of my knowledge, no.

Mr. PICCOLA. Then correct me if I am wrong. What you are stating is that the funds, the taxpayers' funds, that supported that event came from the legislative appropriations.

Mr. RITTER. Yes; they did. Yes; they did, out of the leadership accounts of the four caucuses.

Mr. PICCOLA. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—179

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

NAYS—7

Armstrong	Mackowski	Spencer	Wass
Hasay	Smith, L.	Spitz	

NOT VOTING—14

Anderson	Dombrowski	Richardson	Sirianni
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Barber	Dumas	Seltzer	Wagner
Belloff	Geesey	Shelton	Williams
Brandt	Lynch		

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

RECONSIDERATION OF VOTE  
ON CONCURRENCE IN SENATE AMENDMENTS  
TO HB 594

Mr. FRYER moved that the vote by which the House nonconcurred in Senate amendments to HB 594 on this day be reconsidered.

Mr. DAVIES seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—166

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

NAYS—20

Bittle	Foster, W.	Miller	Smith, L.
DeVerter	Halverson	Moehlmann	Spencer
Dietz	Hasay	Pancoast	Taylor, E.
Dininni	Mackowski	Piccola	Zearfoss
Dorr	Madigan	Polite	Zord

NOT VOTING—14

Barber	Geesey	Rhodes	Sirianni
Bellomini	Grieco	Richardson	Wagner
Brandt	Hutchinson, A.	Shelton	Williams
Dumas	Manmiller		

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

On the question recurring,  
Will the House concur in the Senate amendments?

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

Mr. FRYER. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to HB 594, PN 2169.

On the question recurring,  
Will the House concur in the Senate amendments?

The following roll call was recorded:

YEAS—114

Bellomini	Gleeson	Meluskey	Schmitt
Beloff	Goodman	Milanovich	Schweder
Bennett	Gray	Milliron	Scirica
Berlin	Greenfield	Morris	Shuman
Berson	Greenleaf	Mowery	Shupnik
Borski	Harper	Mrkonic	Smith, E.
Brown	Haskell	Mullen, M. P.	Stapleton
Brunner	Hayes, D. S.	Musto	Stuban
Burns	Hoeffel	Noye	Taylor, E.
Caltagirone	Hopkins	O'Brien, B.	Taylor, F.
Caputo	Hutchinson, W.	O'Connell	Tenaglio
Cianciulli	Itkin	O'Donnell	Vroon
Cohen	Johnson	O'Keefe	Wargo
Cole	Jones	Oliver	Weidner
Davies	Kelly	Pievsky	White
Dombrowski	Kernick	Pitts	Wiggins
Donatucci	Kolter	Pott	Wilson
Doyle	Kowalshyn	Pratt	Wilt
Englehart	Laughlin	Prendergast	Wise
Fee	Letterman	Pyles	Wright, D.
Fischer, R. R.	Levi	Rappaport	Wright, J. L.
Flaherty	Livengood	Ravenstahl	Yahner
Foster, A.	Logue	Reed	Yohn
Fryer	Manderino	Rieger	Zearfoss
Gallagher	McCall	Ritter	Zitterman
Garzia	McClatchy	Ruggiero	Zwilk
Geisler	McGinnis	Ryan	
Giammarco	McIntyre	Scanlon	Irvis,
Gillette	McLane	Scheaffer	Speaker

NAYS—75

Abraham	Fisher, D. M.	Knepper	Renwick
Anderson	Foster, W.	Lehr	Salvatore
Armstrong	Freind	Lincoln	Seltzer
Arthurs	Gallen	Lynch	Smith, L.
Bittinger	Gamble	Mackowski	Spencer
Bittle	Gatski	Madigan	Spitz
Burd	George, C.	Manmiller	Stairs
Cassidy	George, M.	Mebus	Stewart
Cessar	Goebel	Miller	Sweet
Cimini	Grieco	Miscevich	Taddonio
Cowell	Halverson	Moehlmann	Thomas
DeMedio	Hamilton	Mullen, M. M.	Trello
DeVerter	Hasay	Novak	Valicenti
DeWeese	Hayes, S. E.	O'Brien, D.	Wansacz
DiCarlo	Helfrick	Pancoast	Wass
Dietz	Honaman	Parker	Wenger

Dininni	Hutchinson, A.	Petrarca	Zeller
Dorr	Katz	Piccola	Zord
Duffy	Klingaman	Polite	

NOT VOTING—11

Barber	Dumas	Richardson	Wagner
Brandt	Geesey	Shelton	Williams
Butera	Rhodes	Sirianni	

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

Ordered, That the clerk inform the Senate accordingly.

RECESS

The SPEAKER. For the information of the members of the House, the House is going to be declared in recess until 4 p.m. At that time there will be a swearing-in ceremony of the gentleman, Mr. Levin. He will be present at the floor of the House at 4 p.m.

The Chair suggests that the members report at 5 minutes of 4. Make certain that you are in your seats and, I trust, sufficiently quiet so the gentleman, Mr. Levin, can hear the words of his oath of office.

The House stands in recess until 3:55.

Mr. DeMEDIO. Mr. Speaker, could we call a meeting?

MILITARY AND VETERANS AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I would like to call a meeting of the Military and Veterans Affairs Committee off the floor of the House immediately upon recessing.

The SPEAKER. A meeting has been called immediately of the Military and Veterans Affairs Committee at the announcement of the recess. That is immediately.

AFTER RECESS

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

The SPEAKER. The House will remain at ease pending the arrival of newly elected Representative Levin. The House will be at ease.

SPECIAL ORDER OF BUSINESS SWEARING IN OF NEW MEMBER

The SPEAKER. Without objection, the House will now take up as a special order of business the swearing in of Representative-elect Stephen E. Levin. The Chair hears no objection.

The Chair recognizes the Sergeant at Arms of the House, who will present the Secretary of the Commonwealth.

The SERGEANT AT ARMS. Mr. Speaker, the Secretary of the Commonwealth, the Honorable Barton A. Fields.

The SPEAKER. The Chair recognizes the Honorable Barton A. Fields, Secretary of the Commonwealth of Pennsylvania. HONORABLE BARTON A. FIELDS. Thank you, Mr. Speaker.

In the Name and By Authority of the Commonwealth of Pennsylvania

TO THE HONORABLE SPEAKER AND TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election for a member of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania held in the One-hundred-and-ninety-fourth Legislative District, as the same has been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the respective County Board of Elections. The following person, having received the highest number of votes in his district, was duly elected as a member of the House of Representatives in the General Assembly:

One-hundred-and-ninety-fourth District STEPHEN E. LEVIN Philadelphia County

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at the city of Harrisburg, this twenty-second day of November in the year of our Lord one thousand nine hundred and seventy-seven and of the Commonwealth the two hundredth and second.

BARTON A. FIELDS Secretary of the Commonwealth

SEAL

The SPEAKER. The clerk will read the returns.

Commonwealth of Pennsylvania ( November 15, 1977 ) County of Philadelphia ( ss: Philadelphia, Pa.

TO THE SECRETARY OF THE COMMONWEALTH:

WE HEREBY CERTIFY that the foregoing are the official returns as they appear on record of the votes cast at the MUNICIPAL ELECTION held November 8, 1977 for the 194TH LEGISLATIVE DISTRICT:

DEMOCRAT

STEPHEN E. LEVIN had Six Thousand Five Hundred and Four votes . . . . . 6,504

REPUBLICAN

JAMES W. GOULD had Two Thousand Three Hundred Forty-six votes . . . . . 2,346

CITIZENS

ANN R. JORDAN had Nine Hundred Forty-three votes . . . . . 943

COMMITTEE FOR RIVERS

DAVID L. RIVERS had Six Hundred Sixty-two votes . . . . . 662

PEOPLES

ESTHER EDWARDS had Eight Hundred and Ten Votes . . . . . 810

IN WITNESS WHEREOF, We have hereunto set our hands and seal of office this 15th day of November, 1977.

MARGARET M. TARTAGLIONE JOHN F. KANE EUGENE E. MAIER County Board of Elections Attest: VINCENT D. GAITLEY Clerk

SEAL

In the Name and by Authority of the Commonwealth of Pennsylvania

I, Barton A. Fields, Secretary of the Commonwealth, do hereby certify that at the SPECIAL ELECTION held on the eighth day of November 1977

STEPHEN E. LEVIN

Having received Six Thousand Five Hundred and Four votes was duly elected to the office of Representative in the General Assembly in the One Hundred Ninety-Fourth Legislative District of Pennsylvania.

Witness my hand and the seal of my office this twenty second day of November 1977.

BARTON A. FIELDS Secretary of the Commonwealth

SEAL

COMMITTEE APPOINTED TO ESCORT MEMBER-ELECT

The SPEAKER. The Chair appoints the gentleman from Philadelphia County, Mr. Roland Greenfield, and the gentleman from Philadelphia County, Mr. Max Pievsky, to escort the member-elect to the bar of the House for the purpose of taking the oath. The committee will proceed with the performance of its duties.

The oath of office required by Article VI of the constitution, taken by all members of the General Assembly, will be administered by the Honorable James S. Bowman, President Judge of the Commonwealth Court of Pennsylvania.

OATH OF OFFICE ADMINISTERED

The SPEAKER. The members will please rise.

HONORABLE JAMES S. BOWMAN. Mr. Levin, are you prepared to take the oath of office?

Mr. LEVIN. I am, sir.

HONORABLE JAMES S. BOWMAN. If so, place your left hand upon the Bible and raise your right hand.

Do you, Stephen E. Levin, solemnly swear that you will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that you will discharge the duties of your office with fidelity? If so, answer "I do."

(Member asserted oath.)

HONORABLE JAMES S. BOWMAN. I now declare you sworn into the office of member of the House of Representatives.

NEW MEMBER CONGRATULATED BY SPEAKER

The SPEAKER. The Chair wishes to extend the congratula-

tions of the Speaker and the congratulations of the House to the newly elected Representative, Mr. Stephen E. Levin, and the Chair wishes to express its gratitude to the President Judge, a former colleague of the Speaker, Judge Bowman, for the perspicacity, the balance, and the perceptions which he has brought to the bench over the years in which he has served. The Chair wishes to thank him for performing the honorable duty of swearing into this representative body the newest member, Stephen E. Levin. Judge Bowman, thank you very, very much indeed.

### ESCORT COMMITTEE DISCHARGED

The SPEAKER. The escort committee is discharged with the thanks of the House.

Mr. Levin, your seat is No. 150, and the first vote for which you will be called upon will be the vote for a tax. Welcome to the hall of the House.

### NEW MEMBER WELCOMED BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think the gentleman has left the hall of the House, but perhaps he is within the sound of my voice. I want to welcome him, Stephen Levin, to the House of Representatives and say to the gentleman that he comes from a district in the great city of Philadelphia that has been represented for many years by a distinguished legislator who has worked long and hard for people of that city and who has given distinguished service to the people of Pennsylvania in his works here in the House.

I would only hope that our new member can give us that same kind of service, that same kind of dedication to his work here in the House, and I am sure that we will help him with a very quick and fast beginning this evening when we call up HB 247 again.

Welcome, Steve.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I hate to correct Mr. Manderino and the Speaker. I do not believe that the first action of Mr. Levin will be voting for a tax, because I understood that Judge Bowman extracted from him a vote for the Commonwealth Court bill and a promise that he would move to reconsider that and see that that was the first order of business taken care of by him.

The SPEAKER. On the other hand, I did notice the gentleman from Dauphin County, who shall be here nameless—

Mr. RYAN. You mean the one with the broken arm?

The SPEAKER. I noticed he is carrying his left arm a little bit awkwardly, while having a rather intimate conversation with the President Judge at the podium. The President Judge has been long known to the Speaker as a man of very direct words and even more direct action.

### HOUSE SCHEDULE

The SPEAKER. The House will stand in recess. The Chair

recognizes the majority leader for his recommendation as to time. Has the majority leader made a decision on that?

The Chair would suggest you pay careful attention to the announcement.

Mr. MANDERINO. Mr. Speaker, I can understand the frustration of the members in the continuing of the recess, but it is absolutely necessary. We will vote again this evening on the revenue-raising measure. I would expect that we would be ready, Mr. Speaker, at about 8 o'clock.

The SPEAKER. All right.

Mr. MANDERINO. And I would suggest that every member of the House be present on the floor of the House promptly at 8, and hopefully we can begin at that time.

### BILLS REPORTED FROM COMMITTEES AND TABLED

**HB 1616, PN 2348 (Amended)** By Mr. GALLAGHER

An Act requiring the Secretary of Education to establish guidelines for the reimbursement of school districts for certain expenses incurred by them connected with the achievement of integration.

Education.

**HB 1630, PN 2349 (Amended)** By Mr. VALICENTI

An Act amending the "Pennsylvania Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess 1937 P. L. 2897, NO. 1), further providing for authorities.

Labor Relations.

**HB 1878, PN 2301** By Mr. DeMEDIO

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.

Military and Veterans Affairs.

**SB 967, PN 1494 (Amended)** By Mr. VALICENTI

An act establishing minimum wages and providing for hours of labor of seasonal farm workers and requiring certain records; providing for inspection of seasonal farm labor camps; providing for the promulgation of rules and regulations; establishing rights of access and egress providing penalties; and repealing certain acts.

Labor Relations.

### INTERROGATION

Mr. S. E. HAYES requested and obtained unanimous consent to interrogate Mr. MANDERINO.

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

Is it the Democratic floor leader's intention to call up HB 247 in its present form for the purpose of voting it in its present form?

Mr. MANDERINO. Mr. Speaker, this evening this House of Representatives will consider a revenue measure designed to raise sufficient revenues so that the nonpreferred appropriations can be funded with the additional revenue-raising measure that will be coming from the Senate and with the bill coming from the Senate that will make cuts in the budget.

There are, I am sure the gentleman is aware, negotiations

going on at the present time, and the result of those negotiations will determine the exact answer to the gentleman's question.

Mr. S. E. HAYES. Mr. Speaker, could you be more direct?

Mr. MANDERINO. I would like not to be and opt not to be.

Mr. S. E. HAYES. Is it possible, Mr. Speaker, that there will be a meeting of the House Committee on Finance for the purpose of reporting another revenue-raising bill?

Mr. MANDERINO. You can speculate on all sorts of things. The Appropriations Committee could do that; the Finance Committee might do that; neither might do that. I opt not to go further than I have.

Mr. S. E. HAYES. It seems to me, Mr. Speaker, that the people of Pennsylvania are interested in knowing what your intentions are. I do not believe the people of Pennsylvania take much liking to you deciding whether you want to opt to do this or opt to do that, because, Mr. Speaker, you are playing with people's tax dollars.

Mr. MANDERINO. Is that a question, Mr. Speaker?

Mr. S. E. HAYES. That is a direct statement to you, sir. Now I will ask you once more, is it your intention to suspend rule 30 sometime this evening for the purpose of amending HB 247?

Mr. MANDERINO. Mr. Speaker, listen carefully to my answer, because I gave it before and it was a complete answer. The gentleman knows that negotiations are going on. The gentleman is quite aware of that; there is no question in my mind. I said to him the direction that we will take this evening will depend upon the results of those negotiations. Now if you cannot accept that and the people of Pennsylvania cannot accept that, I have nothing more to offer.

Mr. S. E. HAYES. Mr. Speaker, the reason I asked this question is it seemed that you were quite interested in returning to the floor of this House at a specific time to consider a revenue-raising bill, and if you cannot be more specific at this particular moment as to what that revenue-raising bill may be, I just want to inform you that Republican Representatives will require some time to caucus on that matter.

Thank you, Mr. Speaker.

Mr. MANDERINO. If they need a caucus on the matter at that time, we will afford the time for that. That has always been the custom here.

The SPEAKER. The Chair, without objection, returns to reports of committees. The Chair recognizes the gentleman from Berks, Mr. Davies, who reports the following bill which the clerk will read.

Mr. DAVIES. Thank you, Mr. Speaker.

This is merely the bill form of the amendment that I had intended to offer to HB 247.

Thank you, sir.

The SPEAKER. All right. This is not a report of committee then. This is an introduction of a bill.

Is there further business to be brought before the House before the declaration of the recess by the majority party? Is there any further business to be brought before the House before the declaration of the recess by the Republican Party?

### BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows was prepared for presentation to the Governor:

#### HOUSE BILL No. 594

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law" authorizing the county commissioners to require joint bidding of bonds for tax collectors.

Whereupon,

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

### RECESS

The SPEAKER. This House now stands in recess until 8 p.m.

### AFTER RECESS

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

### SENATE MESSAGE

#### AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in House amendments to SENATE BILL NO. 116.

### SENATE MESSAGE

#### AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in House amendments to SENATE BILL NO. 657.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **HOUSE BILL NO. 274**, 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. 677

An Act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties.

#### HOUSE BILL No. 1765

An Act amending the act of May 28, 1931 (P. L. 202, No. 121), entitled as amended "Motor Boat Law" transferring certain powers and duties of the Department of Revenue to the Pennsylvania Fish Commission.

## SENATE MESSAGE

CONFERENCE COMMITTEE REPORT REJECTED  
BY SENATE

The Clerk of the Senate, being introduced, informed that the Senate has rejected the report of the Committee of Conference on the subject of the differences existing between the two Houses on Bill, numbered and entitled as follows, viz:

## SENATE BILL No. 354

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act" further providing for registration and for official registration application cards and the use thereof; requiring all party changes to be accomplished in person and restricting certain registrants.

## SENATE MESSAGE

CONFERENCE COMMITTEE REPORT REJECTED  
BY SENATE

The Clerk of the Senate, being introduced, informed that the Senate has rejected the report of the Committee of Conference on the subject of the differences existing between the two Houses on Bill, numbered and entitled as follows, viz:

## SENATE BILL No. 355

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled as amended "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" further providing for registration and for official registration application cards; providing for changes in party enrollment and restricting the activity of certain registrants.

## BILLS SIGNED BY SPEAKER

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

## HOUSE BILL No. 677

An Act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties.

## HOUSE BILL No. 1765

An Act amending the "Motor Boat Law" approved May 28, 1931 (P. L. 202, No. 121), transferring certain powers and duties of the Department of Revenue to the Pennsylvania Fish Commission.

Whereupon,

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

## CALENDAR

## JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. McCLATCHY. Mr. Speaker, this bill was submitted at the request of the county commissioners of our state. They have had a problem with the Mental Health Procedures Act with court-appointed attorneys. What they would like to do is turn these cases over to the public defenders. It would save them quite a bit of financial costs. That is the main thrust of the bill.

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

Mr. DORR. May I ask Mr. McClatchy if he would be willing to answer an interrogation?

The SPEAKER. The gentleman, Mr. McClatchy, has indicated he will stand for interrogation. The gentleman, Mr. Dorr, is in order and may proceed.

Mr. DORR. Did I understand the gentleman to indicate that this was a matter of cost and not a matter of whether or not counsel was available to persons subject to commitment?

Mr. McCLATCHY. As I understand it, yes.

Mr. DORR. So as far as you know, right now nobody is being deprived of counsel as a result of the public defender not being able to act in this area. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. DORR. Thank you.

On the question recurring,

Shall the bill pass finally?

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

## YEAS—174

Armstrong	Garzia	Manmiller	Scheaffer
Arthurs	Gatski	McCall	Schmitt
Barber	Geisler	McClatchy	Schweder
Bellomini	George, C.	McGinnis	Scirica
Bennett	George, M.	McLane	Seltzer
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Meluskey	Shupnik
Bittinger	Gleeson	Milanovich	Smith, E.
Bittle	Goebel	Miller	Smith, L.
Borski	Goodman	Milliron	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Halverson	Mrkonic	Stewart
Caltagirone	Hamilton	Mullen, M. P.	Stuban
Caputo	Hasay	Musto	Sweet
Cassidy	Haskell	O'Brien, B.	Taddonio
Cessar	Hayes, D. S.	O'Brien, D.	Taylor, E.
Cianciulli	Hayes, S. E.	O'Connell	Taylor, F.
Cohen	Helfrick	O'Donnell	Tenaglio
Cole	Hoeffel	O'Keefe	Thomas
Cowell	Honaman	Oliver	Vroon
Davies	Hopkins	Pancoast	Wansacz

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

NAYS—6

Anderson	Foster, A.	Mackowski	Noye
Dorr	Lehr		

NOT VOTING—21

Abraham	Grieco	Miscevich	Sirianni
Beloff	Harper	Novak	Trello
Brandt	Kelly	Rappaport	Valicenti
Dimini	Levin	Rhodes	Wagner
Donatucci	McIntyre	Shelton	Williams
Geesey			

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. Novak. For what purpose does the gentleman rise?

Mr. NOVAK. Mr. Speaker, on HB 394 I wish my vote to be recorded in the affirmative.

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

FINANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

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—193

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

NAYS—0

NOT VOTING—8

Brandt	Levin	Shelton	Wagner
Geesey	Rhodes	Sirianni	Williams

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.

INSURANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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 treatment 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.

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

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

The question is, Shall the bill pass finally?

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

YEAS—184

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

NAYS—7

McClatchy	Moehlmann	Spitz	Vroon
McGinnis	Pitts	Taylor, E.	

NOT VOTING—10

Brandt	Geesey	Shelton	Wagner
Brunner	Miscevich	Sirianni	Williams
Gallen	Rhodes		

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.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, the last bill, HB 1238, you said would be referred to the Senate for concurrence. I do not believe there were any amendments inserted by the House, were there?

The SPEAKER. No. That is to concur in the action of the House. That is all that means.

There are two conference committee reports on page 15, SB 354 and SB 355.

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

Mr. GEISLER. Mr. Speaker, are you bringing these up for a vote now?

SB 354 AND SB 355 DROPPED FROM CALENDAR

The SPEAKER. For the information of the members of the House, the Speaker has been informed that it is not necessary for the House to take action on the conference committee reports on SB 354 and SB 355. The Speaker was under the impression that it was necessary, but it is not. Those two committee of conference reports having been rejected by the Senate, it is not necessary, Mr. Geisler, for any motion on your part. The committee of conference reports will both drop from our calendar, and they will go automatically back to the committees of conference.

Mr. GEISLER. Thank you, Mr. Speaker.

RECALL RESOLUTION

The SPEAKER. The Senate has sent to the House of Representatives a resolution of recall from the Governor of a bill which was passed by both the House and the Senate.

SENATE MESSAGE

SENATE RESOLUTION

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

In the Senate. November 16, 1977.

RESOLVED (the House of Representatives concurring). That Senate Bill No. 334, Printer's No. 1301, entitled "An act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled 'An act creating a Pennsylvania Municipal Retirement

System for the payment of retirement allowances to officers, employes, firemen and police of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions and municipal government associations and providing for the administration of the same by a board composed of the State Treasurer and others appointed by the Governor; imposing certain duties on the Pennsylvania Municipal Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers, employes, firemen and police of such political subdivisions, institutions supported and maintained by political subdivisions, and upon municipal authorities; providing for the continuation of certain municipal retirement systems now administered by the Commonwealth; providing certain exemptions from taxation, execution, attachment, levy and sale and providing for the repeal of certain related acts, further providing for selection of the chairman and vice chairman of the board, for designation of alternates by certain board members, for audits for the credit of excess interest and surplus allocations for administrative expenses and for interest paid while vesting, and changing the date of the itemized estimate to municipalities," be recalled from the Governor for the purpose of amendment.

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

*On the question,*

Will the House concur in the resolution of the Senate?

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

Mr. VROON. Mr. Speaker, I hate to look like an ignoramus, but I do not know what the heck this is all about. What is that?

The SPEAKER. The Senate has passed a resolution recalling a bill passed by both the House and the Senate, a Senate bill, from the Governor's hands for the purpose of introducing an amendment. The only question that is before the House is whether or not we will concur in the Senate's resolution of recall. Nothing of substance is before us whatsoever.

Will the members please be seated? I am certain this gentleman is not the only one who does not understand this procedure.

If the House adopts the resolution of the Senate, then the bill returns from the hands of the Governor to the Senate where the Senate may there introduce whatever amendments the Senate prefers.

Mr. VROON. Mr. Speaker, then will it come to us and then will we know what it is all about?

The SPEAKER. Oh, yes, just as if it had never passed at a prior time, and you will be free to vote any way you wish on it.

Mr. VROON. Very good.

The SPEAKER. This is merely procedural. There is no harm done particularly by adopting the Senate resolution, because whatever the Senate does would have to then flow through the House again.

Does that answer the gentleman's question?

Mr. VROON. Thank you, sir.

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

Mr. MEBUS. Mr. Speaker, I am not prepared to discuss all the ins and outs of this situation for the benefit of my own cau-

cus, but I would say this: From the things I do know about the situation right now, I think it is to the benefit of everybody if we get this turkey back into our hands as quickly as possible.

Therefore, I encourage everybody to support this resolution.

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

Mr. SHUMAN. Since this is 2 days before Thanksgiving, I want to know what that turkey is. I do not have an idea.

Mr. MEBUS. Take a bite; you will enjoy it.

Mr. SHUMAN. Is it a gobbler or is it a hen? Seriously, I do not know what—

The SPEAKER. The Chair is taking you seriously. The Chair is merely awaiting the attention of the House so that we can try to answer your question.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, SB 334 passed this House without a dissenting vote. It passed the Senate 46 to 3. The Senate in the process amended the bill with an amendment that said that Municipal Retirement Board members could appoint nominees to serve in their stead. The Governor has indicated that he does not like the provision that allows appointees to these boards to appoint someone to act in their stead, and he has indicated that he would probably veto the bill.

The main bill set up a different method of funding the board. There is no problem with that part of the bill. There is no turkey. The Senate simply wants to recall the bill, take out the provision having to do with appointed members of the board designating others to act on their behalf, and they are asking that we join them in the recall motion. Any change that they make will have to come back to the House of Representatives.

*I would suggest that we pass the resolution recalling from the Governor.*

#### PARLIAMENTARY INQUIRY

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

Mr. DiCARLO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Could you answer the following question: When a piece of legislation that is passed by both Chambers is referred to the Governor's office for signature to be put into law, can you tell me what the time period is for the Governor to sign it? Or if he does not sign it and it automatically goes into law, what is that time period?

The SPEAKER. Normally the Governor has, under the constitution, 10 days in which he may sign the bill into law or delay and not sign it into law, in which case, if he has not vetoed it, it becomes automatically a statute of the Commonwealth.

Mr. DiCARLO. Would that be within 10 days, sir?

The SPEAKER. Evidently so. Otherwise it could not have been recalled.

Once a bill has become a statute, the House cannot recall it nor can the Senate. So he must not have signed it.

Mr. DiCARLO. Mr. Speaker, the problem that I have is, according to the House History, it indicates that the House of

Representatives passed this bill on third consideration and final passage on the 19th of October. This is now November 23, and I am just wondering how indeed we have the right to recall this proposition at this time.

The SPEAKER. In order to answer your question accurately, we would have to wait and see at what date the Speaker of the House signed the bill and sent it to the Governor and what date the Governor received it officially. The 10 days would run, in my understanding of the constitution, from the day the Governor actually received the bill. He would have 10 full days from the date of reception.

Mr. DiCARLO. Mr. Speaker, is there somebody—

The SPEAKER. Apparently the Governor was listening to our colloquy here and has phoned the desk to inform us that he received this on November 16. Therefore, it is well within the 10-day limit and, therefore, it is available for recall.

Mr. DiCARLO. The question that I have then, Mr. Speaker, is how long can the Speaker of the House hold any piece of legislation that this body passed before sending it to the executive branch for final signature?

The SPEAKER. As I understand it, the Speaker is constrained to act within a period of 5 days. He must sign and send within 5 days of passage; that is, 5 legislative days.

Now if you are asking exactly what time the Speaker signed this, we would have to check the record. But as far as the Governor is concerned, he says he received it on the 16th of November, and that means this resolution is well within the constitutional limits.

Mr. DiCARLO. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in the resolution of the Senate?

**PRESENCE NOTED**

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

Mr. BRANDT. Mr. Speaker, may I be added to the master roll?

The SPEAKER. You will be added to the master roll.

On the question recurring,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

**YEAS—190**

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

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

**NAYS—5**

Dininni	Milanovich	Piccola	Zeller
Mackowski			

**NOT VOTING—6**

Geesey	Shelton	Wagner	Williams
Rhodes	Sirianni		

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

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I request a recess of the House of Representatives until 9:30 for the purpose of a Democratic caucus.

**INTERROGATION**

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

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

Would the majority leader consent to interrogation? Mr. Greenfield will be all right; they are both the same anymore.

The SPEAKER. The gentleman, Mr. Hayes, has asked whether the majority leader will stand for interrogation.

Mr. MANDERINO. Does the gentleman have new questions or the same old ones?

The SPEAKER. The gentleman will state his new question to the majority leader.

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

Does the Democratic floor leader have any new proposals?

Whom does he have to check with, Mr. Speaker?

Mr. MANDERINO. I was just chatting with those people who told me all day you guys were going to produce some votes.

MR. S. E. HAYES. Who is that person?

The SPEAKER. Comedy hour now.

Mr. S. E. HAYES. Seriously, Mr. Speaker, my question is, do you have a proposal other than that which is presently contained in HB 247?

Mr. MANDERINO. I am making no proposals at this time, Mr. Speaker. I am asking for a caucus so that I can discuss with my members the present status of our caucus in relationship to the number of votes needed in passage of HB 247 on concurrence in Senate amendments with the number that we presently have toward that goal.

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

The SPEAKER. Would you like to try Mr. Greenfield now?

The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, seriously, Mr. Hayes was not being facetious. We want to know whether there is anything else we should cover in our caucus, because the rumors are flying; we hear them. And if not, we will not, but—

Mr. MANDERINO. What rumors do you hear? Do you hear rumors? You say you heard rumors. What do you hear?

Mr. BUTERA. If there is nothing else to discuss, then we will not.

Mr. MANDERINO. I suggest if you have nothing better to caucus on, caucus on those rumors.

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

Mr. DeVERTER. Mr. Speaker, I suggest the majority leader is entirely out of order and that his comments diminish his position totally in the eyes of the people of this Commonwealth.

Mr. MANDERINO. Mr. Speaker, must I formally move that we be in recess until 9:30? And since we have wasted 10 minutes, I will need an extra 10 minutes. It will be 9:45 now.

### RECESS

The SPEAKER. This House stands in recess until 9:45.

### AFTER RECESS

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

### CALENDAR

#### CONSUMER AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

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

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

On the question,

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

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

The question is, Shall the bill pass finally?

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, this bill has been debated numerous times ad nauseam. It merely changes the requirement for confirmation of Public Utility Commission members from two-thirds to a majority. I think we all understand the implications behind this.

I urge an affirmative vote.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would the prime sponsor kindly advise us what this bill does, just briefly?

The SPEAKER. The gentleman, Mr. Cohen, has already made a statement on that bill, but apparently the noise level was too high for the gentleman, Mr. Ryan, to hear. Will the gentleman, Mr. Cohen, repeat the statement?

Mr. COHEN. Yes. This bill very simply changes the confirmation requirement for Public Utility Commissioners from two-thirds of the Senate to a majority of the Senate. It brings it in line with the confirmation procedures for other offices that we passed last year.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this bill. I have from time to time this year and last term opposed a reduction of the number of Senators who must vote in favor of an appointee of the Governor prior to taking office in sensitive posts.

In my opinion, the Public Utility Commission is the type agency or commission that should stay at the two-thirds majority for confirmation of an appointee. It is ratemaking; it is quasi-judicial in a sense that it passes on any number of alleged offenses; and it is the type agency that with the wrong people appointed, a great deal of harm can befall the citizens of the Commonwealth.

For this reason I would urge the members to think twice before they vote in favor of this particular bill and change it from a two-thirds majority to a simple majority. Think of the caliber of men who have been suggested for appointment to some of our agencies, and wonder to yourself whether or not a simple majority is enough to protect the people of the Commonwealth under some of the circumstances that we have seen in this administration.

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

Mr. ARTHURS. Mr. Speaker, I rise in opposition to this bill. I feel very strongly that any appointment should carry a two-thirds majority for confirmation.

The SPEAKER. Will the gentleman yield?

The House will come to order.

If each one of you who is busily at work talking to his neighbor would just shut up, we would get along with this business. If each one insists on talking as a personal privilege,

we shall not complete the business of the day.

The Chair apologizes for the extended interruption to the gentleman. The gentleman may now proceed.

Mr. ARTHURS. Thank you, Mr. Speaker.

In this particular appointment — a member to the Public Utility Commission — I think we must keep in mind that this is a 10-year appointment. I think that on something as important and as long lasting as this particular appointment would be, one must be very careful. One must scrutinize very strongly the person who receives this appointment.

I think that we can see what has happened with various people who have been attempted to be appointed to some of our commissions in the past few years, and I think that we are fortunate, from what we have found out after some of the hearings, that there has been a requirement of the two-thirds. Once a person is in this particular position, really there is nothing that one can do to get him out.

This has worked very satisfactorily through the years for the State of Pennsylvania, and I think and I feel very strongly that we would be weakening our form of government when it comes to these appointments if we would reduce this to just a simple majority.

Now people can talk about the deals that are made and this type of thing for a two-thirds vote. But once again I will go back to my old theory — it is much easier to influence a simple majority than it is to influence a two-thirds majority.

I feel very strongly about this, and I hope that you would consider this very strongly when you cast your vote. This is not anything that we are carrying out for just this administration. We are carrying it out for future administrations.

I would ask for a “no” vote on this bill.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt, on final passage.

Mr. SCHMITT. Mr. Speaker, I rise to speak in favor of the proposed legislation for one very fundamental and simple reason; that is, if the members of this House will take stock of their own organizations to which they belong, they will find that it always prevails at 51 percent or a simple majority. This is American democracy.

I think by having a two-thirds requirement, you are vesting certain power in the Senate’s hands that is absolutely untenable. I recommend that everyone here consider the memberships of the various organizations to which he belongs, and he will remember that the simple majority is the democratic way.

I speak in favor of the bill, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, the last time we debated this issue, I got into quite a hassle with Mr. Ryan, so I am going to try to watch my wording this time.

I would like to call the members’ attention to the fact that the present situation we are in right now in the State of Pennsylvania with utilities has come about through a two-thirds vote, and there are not too many of us very happy about the situation that exists over there; that is, a situation that allows wheeling and dealing. That is what it allows.

As a matter of fact, what happened with the last appointment, you remember how many times the Governor put a candidate up and he was turned down until he finally brought a fellow in who had a lot of power, and the opposition was afraid to vote against him because they knew the political impact that labor would have on him. So you see, what happens is they force the Governor into bringing the kind of people who are going to have some political moxie. That is exactly what we did not want. We wanted people in there who were going to be working for the consumer, for the people.

So here you are in a situation where the majority party—I know I am not always with it, and I had to suffer the consequences; I understand that. Therefore, I believe the majority should rule. I agree with that and I live with that concept. Therefore, a simple majority of the Governor of this state or the administration in power is able to get their projects off the ground and get anything moving. But they have to live with what they do whether it is right or wrong. Therefore, the opposition can clobber them—that is their prerogative—if that is what they want to do. So let us stop this wheeling and dealing that goes on over there, because if you want my vote in the minority party, what are you going to give me? That is the way it works.

So therefore, let us get on with it and get down to a simple majority, the American system, and then you will start protecting the taxpayer but not paying for all these other wheels and deals that they have to get because they need a vote.

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

Mr. BROWN. Thank you, Mr. Speaker.

I would like to agree with Mr. Ryan. I would like to say that I think we should try and do our best to end special-interest control over the appointment of members to the PUC.

I would like to put this question before the House tonight: Is it easier for the special interests to garner one-third or is it easier for them under our proposition tonight to stop a nominee? I say, if we keep the present system, you are allowing them with a small minority to determine if a Herb Denenberg or a Mike Johnson or whoever sits on that board. That is why it is important that we allow the majority to rule and not a small minority under the present system.

I urge a “yes” vote on this bill.

On the question recurring,  
Shall the bill pass finally?

(Members proceeded to vote.)

### BOARD KEPT OPEN

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I would hope only those in their seats are voting.

The SPEAKER. The request has been—and the gentleman, Mr. Ryan, is absolutely correct—that only those in their seats are voting.

We will keep the board open, and if the gentleman will indicate to the Chair anyone who is being voted in absentia, the

Chair will instruct that that vote be stricken. Or if any other lady or gentleman on the floor of the House indicates to the Chair that any member is being voted who is not here present, the vote will be stricken.

The Chair will keep the vote open.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—105

Abraham	Flaherty	Levin	Ritter
Barber	Foster, A.	Livengood	Ruggiero
Beloff	Freind	Logue	Scanlon
Bennett	Fryer	Manderino	Schmitt
Berlin	Gallagher	McCall	Shelton
Berson	Gamble	McIntyre	Shupnik
Bittinger	Garzia	McLane	Stapleton
Borski	Gatski	Meluskey	Stewart
Brown	Geisler	Milanovich	Stuban
Brunner	George, C.	Morris	Tenaglio
Burns	George, M.	Mrkonic	Trello
Caltagirone	Giammarco	Mullen, M. P.	Valicenti
Caputo	Gleeson	Musto	Wargo
Cassidy	Goodman	Novak	White
Cianciulli	Gray	O'Brien, B.	Wiggins
Cohen	Greenfield	O'Donnell	Williams
Cole	Harper	O'Keefe	Wilson
Cowell	Hoeffel	Oliver	Wise
DeMedio	Hutchinson, A.	Petrarca	Wright, J. L.
DeWeese	Itkin	Pievsky	Yahner
DiCarlo	Johnson	Pratt	Zeller
Dombrowski	Jones	Ravenstahl	Zitterman
Donatucci	Kelly	Reed	Zwikk
Duffy	Kolter	Renwick	
Dumas	Kowalshyn	Rhodes	Irvis,
Englehart	Laughlin	Richardson	Speaker
Fee	Letterman	Rieger	

NAYS—87

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

NOT VOTING—9

Bellomini	Katz	Milliron	Sirianni
Geesey	McGinnis	Pyles	Wansacz
Hamilton			

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 Lackawanna, Mr. Wansacz. For what purpose does the gentleman rise?

Mr. WANSACZ. On the last vote on HB 1125, I would like to be recorded in the affirmative, please.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned HOUSE BILL NO. 247 with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Title, page 1, line 10, by striking out after "penalties," all the remainder of said line; lines 10 and 11, by striking out all of said lines and inserting immediately thereafter the following:

Increasing the rate of the personal income tax; imposing certain conditions in the saving clause of the personal income tax as to the validity of state laws authorizing cities of the first class by ordinance to impose a tax on the income of non-residents of such city; increasing the rate of tax imposed on certain corporations; changing the period for settlement of corporate income taxes and changing the prepayment of tax provisions for such taxes; prescribing the effective date for various provisions and repealing a certain act.

Amend Bill, page 1, lines 25 through 27, by striking out all of said lines; page 2, lines 1 through 30, by striking out all of said lines; page 3, lines 1 through 30, by striking out all of said lines; page 4, line 1, by striking out all of said line and inserting immediately thereafter the following:

Section 1. Section 302 of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," added August 31, 1971 (P. L. 362, No. 93), and amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 302. Imposition of Tax.—(a) There is hereby imposed an annual tax to be paid by resident individuals, estates or trusts at the rate of two and one-tenth per cent on the privilege of receiving each of the classes of income hereinafter enumerated in section 303.

(b) There is hereby imposed an annual tax to be paid by nonresident individuals, estates or trusts at the rate of one-tenth per cent on the privilege of receiving each of the classes of income enumerated in section 303 from sources within this Commonwealth.

Section 2. Sections 351 and 359 of the act, added August 31, 1971 (P. L. 362, No. 93), are amended to read:

Section 351. Interest.—If any amount of tax imposed by this article is not paid on or before the last date prescribed for payment, interest on such amount at the rate of three-fourths of one per cent per month, for each month or fraction thereof from such date, shall be paid for the period from such last date to the date paid. The last date prescribed for payment shall be determined without regard to any extension of time for filing the return. This section shall not apply to any failure to pay estimated tax.

Section 359. Saving Clause and Limitations.—(a) Not-

withstanding anything contained in any law to the contrary, including but not limited to the provisions of the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), referred to as The Sterling Act, the validity of any ordinance or part of any ordinance or any resolution or part of any resolution, and any amendments or supplements thereto now or hereafter enacted or adopted by any political subdivision of this Commonwealth for or relating to the imposition, levy or collection of any tax, shall not be affected or impaired by anything contained in this article, except as hereinafter provided in subsection (b) of this section.

(b) Notwithstanding the provisions of subsection (a) of this section to the contrary, any rate of tax imposed by ordinance of a city of the first class pursuant to the above cited Sterling Act on salaries, wages, commissions, compensation or other income received or to be received for work done or services performed within such city by persons who are not legal residents of such city, shall not, except as hereinafter provided, exceed the tax imposition rate of four and five-sixteenths per cent for the tax year 1977 or for any tax year thereafter.

In the event such city by ordinance imposes a tax rate on residents or nonresidents in excess of the aforesaid tax rate on the income categories enumerated herein, the provisions of the ordinance imposing such tax rate increase on income of persons who are legal residents of such city, shall be deemed valid and legally effective within the meaning and application of subsection (a) herein. But the provisions of such ordinance imposing a tax rate in excess of four and five-sixteenths per cent with respect to persons who are not legal residents of such city shall be deemed suspended and without any validity to the extent that such tax rate exceeds the tax rate of four and five-sixteenths per cent on income of such nonresidents. And, such excess tax rate provisions shall remain suspended and without any validity until such date as the city of the first class, by ordinance, imposes a rate of tax on income of both legal residents or nonresidents of such city in excess of the tax rate imposition of five and three-fourths per cent per year. In such case the legislature hereby declares such suspension to be removed and the tax rate valid as to nonresidents, provided, however, that such suspension is removed and the rate deemed valid only to the extent the tax rate imposed on income of such nonresidents does not exceed seventy-five per cent of the tax rate imposed by ordinance per year on the income of legal residents of such city. It is the intention of the legislature by this subsection to impose certain terms and conditions with respect to the validity and legal effectiveness of the Sterling Act or of any ordinance of the city of the first class enacted pursuant thereto which imposes a tax on the income of nonresidents of such city.

Notwithstanding the suspension provisions set forth heretofore, each city of the first class which imposes a tax pursuant to the above cited Sterling Act shall, by ordinance direct every employer maintaining an office or transacting business within such city and making payment of compensation (I) to a resident individual, or (II) to a nonresident individual taxpayer performing services on behalf of such employer within such

city, shall deduct and withhold from such compensation for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's compensation during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due for such year with respect to such compensation. The method of determining the amount to be withheld shall be to withhold the highest amount of tax imposed with provision in such ordinance to provide refunds of the excess tax withheld to qualified nonresident taxpayers within four months of the end of each calendar year.

In the event that all or any part of the provisions of subsection (b) of this section are declared by a court to be unconstitutional, it shall be the duty of the court to construe the remaining amendatory provisions to Article III in accordance with Section 358.

Section 3. Section 402 of the Act, amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 402. Imposition of Tax.—Every corporation shall be subject to, and shall pay for the privilege of doing business in this Commonwealth, or having capital or property employed or used in this Commonwealth, by or in the name of itself, or any person, partnership, association, limited partnership, joint-stock association, or corporation, a state excise tax at the rate of twelve per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar years 1974, 1975 and 1976 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter, except where a corporation reports to the federal government on the basis of a fiscal year, and has certified such fact to the department as required by section 403 of this article, in which case, such tax, at the rate of twelve per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar years 1974, 1975 and 1976 and at the rate of eleven per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and during each fiscal year thereafter. No penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to eleven per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 4. Subsection (a) of Section 407 of the act is amended to read:

Section 407. Settlement and Resettlement.—(a) All taxes due under this article shall be settled by the department, and such settlement shall be subject to audit and approval by the department of the auditor general, and shall, so far as possible, be made so that notice thereof may reach the taxpayer within eighteen months after the tax report was required to be made.

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Section 5. Section 504 of the act, amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 502. Imposition of Tax.—Every corporation carrying on activities in this Commonwealth or owning property in this Commonwealth by or in the name of itself or any person, partnership, joint-stock association or corporation shall be subject to and shall pay a state property tax on taxable income derived from sources within this Commonwealth at the rate of twelve per cent per annum upon each dollar of such taxable income received by and accruing to such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar years 1974, 1975 and 1976 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter, except where a corporation reports to the federal government on the basis of a fiscal year and has certified such fact to the department as required by section 403 of Article IV, in which case such tax at the rate of twelve per cent shall be levied, collected and paid upon each dollar of such taxable income received by and accruing to such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar years 1974, 1975 and 1976 and at the rate of eleven per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and each fiscal year thereafter: Provided, however, that such taxable income shall not include income for any period for which the corporation is subject to taxation under Article IV: And, provided further, that no penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to eleven per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 6. The act is amended by adding a section to read:

Section 1202.1. Prepayment of tax.—(a) Notwithstanding the provisions of this act, or any other state tax law to the contrary, which required taxpayers to make payment of tentative tax, including but not limited to the capital stock and franchise tax, corporate net income and corporation income tax, gross receipts tax on public service companies, trans-

portation by motor vehicles and trackless trolleys, other than motor vehicles for hire, insurance premiums tax, mutual thrift institutions tax, net earnings tax, or other similar tax law requiring payment of tentative tax, but excluding the prepayment by banks and savings institutions under Article VII and title insurance and trust companies under Article VII of this act, such taxpayers, commencing with the calendar year 1970 and fiscal years beginning during the calendar year 1970 and each taxable year thereafter, on or before the fifteenth day of April for calendar year taxpayers, and on or before the fifteenth day of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall report annually and pay on account of the tax due for the current year, an amount to be computed by applying the current tax rate to ninety per cent of such tax base from the immediate prior year as may be applicable with respect to the tax being reported.

(b) For the taxable years commencing with calendar year 1979 and for each taxable year thereafter, the tentative tax due for the current year shall be computed by applying the current tax rate to ninety per cent of such tax base from the year preceding the immediate prior year as may be applicable with respect to the tax being reported; except that with respect to the aforesaid gross receipts tax on public service companies, transportation by motor vehicles and trackless trolleys, other than motor vehicles for hire, and the aforesaid insurance premiums tax, such amount shall continue to be computed by applying the current tax rate to ninety per cent of the tax base from the immediate prior year as may be applicable with respect to the tax being reported.

The tax imposed on shares of bank and savings institutions and title insurance and trust companies shall be paid in the manner and within the time prescribed by Article VII or Article VIII, as the case may be, but subject to the additions and interest provided in subsection (e) of this section.

(c) Payment of taxes imposed by Articles IV, V, IX and XI of this act and by the act of June 22, 1964 (P. L. 16, No. 2), known as "The Mutual Thrift Institutions Tax Act," may at the taxpayer's election be an amount estimated by the taxpayer which estimated amount shall not be less than ninety per cent of the tax as is finally reported in the annual tax report for the current calendar or fiscal year.

(d) A corporation with respect to the corporate net income tax imposed by Article IV and the corporation income tax imposed by Article V of this act may, at its election, report and pay in installments on account of the tax due for the current taxable year an amount computed either by applying the current tax rate to ninety per cent of the tax base as determined in subsection (a) or (b) of this section, or as computed on the basis estimated by the taxpayer to be due for the current year which estimated amount shall not be less than ninety per cent of the tax as is finally reported in the annual tax report for the current year as provided in subsection (c) of this section. The installments shall be paid in accordance with the following schedules:

Year In Which Tax Year Begins	First Due On the 4th Month	Second 15th Day Of 6th Month	Third The 9th Month	Fourth Following 12th Month
1978	95%	0%	5%	0%
1979	95%	0%	5%	0%
1980	80%	0%	10%	10%
1981	40%	30%	20%	10%
1982	30%	30%	25%	15%
1983 and Thereafter	25%	25%	25%	25%

Any taxpayer which has elected to compute its tentative tax liability on the aforesaid estimated basis and which has elected to report and pay said estimated tax in installments, may when reporting and paying its third or fourth installment, base such installment on an amended tentative tax report reflecting the taxpayer's new estimate of its tax liability for the tax year: Provided, that the new estimate reflects a lower tax liability than was previously reported in its original or, if applicable, amended tentative tax report. If an amended tentative tax report is filed, each remaining installment payment due, if any, shall be such as to bring the total installment payments made on account of the tax due for the current taxable year up to an amount determined by multiplying the tentative tax due for the year as reported in the amended report by the sum of the percentages set forth in the above schedule for the applicable elapsed installments.

The remaining portion of the tax due, if any, shall be paid upon the date the taxpayer's annual report is required to be filed under the applicable tax statute, determined without reference to any extension of time for filing such report.

(e) For taxable years beginning prior to January 1, 1979, should it subsequently be determined that the amount of the annual or any installment payment of tentative tax due was understated by more than five per cent, there shall be added to the tax determined to be due an additional ten per cent of the understatement and said percentage addition to the understatement shall be deemed an additional tax and shall bear interest from the date the tentative tax was due.

For taxable years beginning January 1, 1979 and thereafter, should it subsequently be determined that the amount of the annual or any installment payment of tentative tax due was underpaid, there shall be imposed an additional tax of ten per cent of the underpayment and said tax shall bear interest from the date the annual or any installment payment of tentative tax was due. Failure to remit the annual or any installment of tentative tax payments on or before the due dates prescribed in this act shall result in the assessment of interest and additions, if any, in the same manner as prescribed by law.

Section 7. The act of March 16, 1970 (P. L. 180, No. 69), entitled "An Act Relating to State Taxation; changing the manner in which tentative and annual taxes are to be paid; providing a penalty in certain cases; and making a repealer," is repealed on the date the amendatory provisions of section 1202.1 of this article become applicable.

Section 8. This act shall take effect immediately, but certain articles, sections or parts or provisions shall be applicable as

follows:

(1) The rate of tax imposed by section 302 shall apply on January 1, 1978 and thereafter.

(2) The rate of tax imposed by sections 402 and 502 shall be applicable to the calendar year 1977 or fiscal year beginning 1977.

(3) Section 407 of the act relating to settlement shall first apply to reports filed for the taxable year 1978.

(4) Section 1202.1 shall take effect immediately, and shall apply to tentative tax reports and payments for the calendar and fiscal years beginning in 1978 and thereafter.

On the question,

Will the House concur in the Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the House concur in the amendments placed in HB 247 by the Senate.

The SPEAKER. It is moved by the gentleman, Mr. Manderino, that the House do concur in the amendments inserted by the Senate to HB 247, PN 2313.

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

Mr. M. P. MULLEN. Mr. Speaker, I think that if we concur in the Senate amendments, we are darn fools, because first of all, we all learn from experience. I certainly made enough mistakes in my life and I made many mistakes here on the floor of the House of Representatives, and one of the gravest mistakes I ever made was back in 1969 and 1970.

What we did then, we were facing a similar situation as we are here tonight. What we were doing then was increasing the corporation net income tax from 7 percent to 12 percent. Of course, that looked like the easiest way out, just like this package looks like the easiest way out tonight. But I think all of us as members of the House of Representatives have an opportunity to look into the future and to try to assess what you are going to do here tonight, how it is going to affect future Pennsylvania.

Now what happened back in 1969 when I was foolish enough to vote for that bill is we labeled Pennsylvania as an antibusiness state. What we did that night is what is causing us the problems in Pennsylvania today. The major problem in Pennsylvania today is job opportunities. This is where we have the problem.

In the ward where I am the ward leader, in the 51st ward of Philadelphia, I have an unemployment rate of better than 30 percent. My major obligation is to try to get job opportunities. But what we did 5 years ago by increasing that corporation net income tax to 12 percent, we forever told industry, do not go into Pennsylvania. And I defy any of you today to show me in the last 5 years where an industry came into Pennsylvania on their own money. They did not. They came in when we gave them PIDA — Pennsylvania Industrial Development Authority — money, and that is the only reason.

We have lost over 200,000 jobs in Pennsylvania because of our bad tax climate, and we have an obligation to do something about that on a bipartisan effort. It should be just as important to us Democrats as it is to the Republicans to establish a business climate in Pennsylvania which is going to attract industry and which is going to encourage industry in this state to expand and to create jobs for us. This is our major job. But if we

vote for this package here tonight, we are going to further discourage industry from coming into this state.

For example, the other night I had dinner with Thacher Longstreth, who is president of the Chamber of Commerce in the city of Philadelphia, and he was telling me that the greatest deterrent they find—especially him as president of the Chamber of Commerce—to induce industry to come into our state and to have industry expand in this state is the bad tax climate, not only at the state level but at the local level. So I feel that we should not go for this package primarily for that reason.

Now when you look at the rest of the package, let us see what we are talking about. We are talking about phony budgets again. For example, one of the cuts they are going to make, they say they are going to cut the budget by \$30 million. Well, what they are doing is taking \$30 million out of the Transportation Department and putting \$30 million into the General Fund. That is no cut, because what they will ask you to do then in the next month or so is to come in here and vote for another tax for the Transportation Department. This is not a cut. This is only fooling the people. This is just giving them two taxes instead of one. The reason why we originally put the \$30 million into the Transportation Department was to try to avoid another tax.

Now when you look at the other cuts, what are they? They took \$57 million in lapses—Mr. Manderino told me in the caucus it was \$27 million, but whether it was \$27 million or \$50 million, whatever it is, they took lapses—and they said we are going to use these lapses to help fund the appropriations for this year. But what does that mean for next year? Next year it means we will not have that money. We are not going to increase taxes. We do not have enough money in anticipated revenues for next year to balance the budget now. It will only make next year's budget worse. Instead of giving these people reasonable increases so they can perform the services which they are supposed to for the State of Pennsylvania, we will probably have to cut them all.

But even taking the whole package together, what do we get? We do not even get enough money to fund the nonpreferreds. It is estimated that if we are to fund the nonpreferreds at the same level as they were last year, we will require \$320 million. And we are not getting \$320 million from this package; we are getting a lot of phony \$3 bills.

I think we are foolish to do this. The solution to the problem as I see it is that every man and woman in this legislature has to be a responsible legislator. I suggested this on the floor last September, and if we had done it, we would not have the problem today.

What we should do is nonconcur, appoint a conference committee consisting of two Democrats and two Republicans, and tell the conference committee to represent their respective parties and their respective viewpoints and to be sensible about the thing, sit down as sensible men, talk as men, and solve the problem. This is the way I used to do it when I was chairman of the Appropriations Committee. We worked it out because we did it on a bipartisan basis. That is the only way you are going to do it, and there is no one in this House who can show me we did it any other way in the past.

That is a sensible way of doing it. The Republicans will have to be responsible as well as us. But we will solve the problem, and we will solve it in a responsible manner. We will fund the nonpreferred bills in a proper way. That is my suggestion, and that is why I am going to vote against this tonight. And I do not think anyone who is going to be responsible should vote for it, because you are voting for something that is going to get you into further problems in the future.

Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, all those people who just clapped voted against what Mr. Mullen really wants, because what Mr. Mullen really wants is a \$300-million tax package. He is saying that the cuts that we are making we should not make, we cannot afford to make. Whether they are cuts or transfers, he is saying we need that money in this year's budget and we are going to need it in next year's budget. Mr. Mullen obviously, if he thinks that this General Assembly, both bodies, both Houses, is prepared to raise \$300 million in taxes or capable of raising \$300 million in taxes, has not been following the gyrations in the other body for the past few months.

He is not happy with the package. I am not happy with the package. I stated that yesterday. I know, though, that politics is the art of the possible, and it was possible to pass HB 247 as it stands before us now in the Senate of Pennsylvania when it appeared that nothing else was possible in the Senate, and they certainly voted on many, many alternatives.

What we have before us tonight is a compromise. It raises between 25 percent and 30 percent less moneys than would have had to have been raised without the cuts, without the transfer to the Motor License Fund of the \$30 million, without the lapses. There is no question that we will be in a very delicate and tight fiscal situation next year if we pass this package. But the alternative is to cut deeper, and, Mr. Mullen, you have not indicated a willingness to cut deeper. The alternative, Mr. Mullen, is to raise more money, and the other body is unable to raise more money and perhaps we might be unable to raise more money. What Mr. Mullen is talking about is technique, not substance. What Mr. Mullen suggests we do is amend the House rules to appoint a different kind of conference committee. I do not know how we amend the Senate rules. You know, they are part of the General Assembly, too.

Mr. Speaker, HB 247 which is before us this evening is exactly the same bill that was before us last evening. All of the arguments we heard last evening are applicable to this evening, and there is no sense in going into them again. I do not want to take the time to debate with Mr. Mullen why Pennsylvania has lost jobs. There are many, many reasons aside from our tax climate, and, incidentally, the latest study that has been done ranks Pennsylvania in the middle of all the industrial states when you take the tax impact on corporations, both the state taxes and the local taxes, and any corporation worth its salt looks at its total tax package that it must pay in a state before it decides to go in, and the corporate net income tax is only one aspect. We are in the middle of the industrial states in our tax climate so far as business is concerned.

Mr. Speaker, I urge an affirmative vote on HB 247.

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

Mr. WILLIAMS. Mr. Speaker, I rise to oppose concurrence in Senate amendments to HB 247 for two reasons. The first reason is that I basically agree with Mr. Mullen, not in all of his details but in the fact that our approach to solving this crucial problem is basically disorganized, piecemeal, and most certainly will get us in financial trouble next year. I just do not know why reasonable men and women cannot arrive at an appropriate tax. It seems as though everybody is getting to agree that some taxes are necessary, what is necessary to fund the colleges and the other nonpreferreds to an adequate level. It does not seem to me that that is very, very complicated. We talk about the art of the possible. I do think sometimes when the lives and the education and the viability of this society depend on it, that sometimes we should fight for the art of what is necessary.

My second reason, Mr. Speaker, is a little more parochial; that is, this bill contains a provision which would put a limit or a cap on the Philadelphia wage tax, such that there becomes a difference in what residents pay and what nonresidents who work in Philadelphia pay to the extent of a difference of 25 percent. Mr. Speaker, I have three reasons to oppose that provision in this particular kind of bill.

First of all, the Philadelphia wage tax is foreign to the legislation before us. It has absolutely nothing to do with and would not change one way or another what will be raised to fund the colleges and the other institutions.

Secondly, Mr. Speaker, it seems to me that the economic impact and inequities in this proposition are apparent and obvious. If in Philadelphia we raised the wage tax 1 percent and we provided this exemption, Philadelphia would lose \$24.5 million. Now this legislative body and some of the local authorities in Philadelphia have been saying, Philadelphia, take care of your own problems, your school problems, et cetera, at the same time that we have proposed to take away and erode that very same tax base. I think that that is contradictory and self-defeating.

Thirdly, Mr. Speaker, it must be clearly understood that Philadelphia is like most metropolitan areas. We support the mass transit system; we promote the cultural institutions. We are indeed the center of a metropolitan area, a very important metropolitan area in this Commonwealth. For this legislative body, Mr. Speaker, to take away from us a tax base and impose it on people who earn perhaps \$4,000 more per year than the nonresident who works in Philadelphia seems to be adopting a philosophy of imposing that very same system on people who are poorer. We have in nonresident workers in Philadelphia 254,000 workers who take away perhaps 30 percent of the jobs and money. Eighty-one thousand of those persons are from New Jersey or other states. They do not even live in the State of Pennsylvania. It seems to me, Mr. Speaker, that the observations of the bankers and the economists who testified relative to the 1976 and 1977 reopening of the Philadelphia budget said it well. They said the economic disparity between Philadelphia and the suburban areas was already serious and very great, and

to impose a further disparity would be a fiscal time bomb on our metropolitan area.

Mr. Speaker, finally, it just seems to me and I really seriously wonder whether we as Pennsylvanians seek to threaten the economic viability of a very important part of our state in terms of piecing together another bit of legislation where it does not belong.

Not only do I urge the members of this House to reflect upon the impact on Philadelphia but I urge especially that Philadelphia legislators think and reflect on the long-range impact that this provision would have on our city. It has been said that this would not bother us, that this would not take anything away from Philadelphia. Well, it just seems to me that the words of the experts and the economists should be considered. It also seems to me that those who want this will gain something, and the only place they can gain it from is the tax base of Philadelphia.

Mr. Speaker, I urge a nonconcurrence vote for those reasons. Thank you.

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

Mr. M. P. MULLEN. Mr. Speaker, I will be very brief this time.

First of all, I am not interested in technique; I am interested in results. We had absolutely no input in the package before us here tonight. This represented a compromise in the Senate at the last moment and in desperation, just like we are here tonight, and you very seldom come up with good compromises when you are in a situation of desperation. They fooled around with this thing for weeks, and then finally they hit upon this formula in the last minute. We have had no input.

All I am asking that be done is that it go to a conference committee and the Republicans have an opportunity to have some input in the House and the Democrats and we try to resolve as reasonable men the problem we all face.

I agree with the majority leader — you cannot make cuts in this budget, genuine cuts, for the simple reason the budget is half over; it is completed; half of the budget is over. The only thing you can do is resolve the problem in a sensible manner so that you will not complicate your problem next year. This is what we do every year, and then next year is worse.

So really, we have got to be sensible, and that is all I ask you to do. Certainly if it goes to a conference committee and we cannot come out with anything better than what we have here tonight, we have no alternative except to vote for this. But I say we want some input, at least I do as a responsible legislator. I think this is wrong for business; it has taken more jobs away from the future, and this is what it is all about as far as I am concerned.

I want to see the nonpreferreds funded; I want to see a budget funded; and I want to make sure that the money is there next year to do it without new taxes.

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

Mr. RHODES. Mr. Speaker, I rise tonight and I feel very much like John Henry Cardinal Newman felt, to paraphrase his

title. I seek an apologia pro vita vota; I want to explain my vote.

I look around the room and I notice that we have in the corner in the back again, for the members who have not noticed, the House nurse. I am reminded of the tension, the pressure, the anxieties, the conflicts, some of which, as you will recall, erupted very near where I am speaking from tonight over last summer's budget debate. As the citizens of the Commonwealth watched us go through our agonized process, some listening, some not listening, all of us tired, trying to pass a budget, they saw us at our worst and our best and they oftentimes wondered why we did the things we did. I, myself, was glad that the people of this Commonwealth saw the House in action because I believe in my heart that most of us did what we did and got as angry as we got with each other because we did what we did sincerely believing what we did was right. That is why we got so angry; that is why we fought, even friends amongst friends, over the critical questions of the Commonwealth's budget.

I think about all the reasons we might vote for or against concurrence in this tax package sent to us by the Senate, and I think we have to cast aside all the superficial and irrelevant factors that should not come into play when voting taxes for the citizens and corporations of this Commonwealth. I, myself, am influenced by friends in our caucus and the other caucus; I am influenced by friends in the leadership; I am influenced by fatigue; I am influenced by an attempt to want to be a party loyalist, by all kinds of things. But I think my apologia, my apology for my vote, my explanation, has to go to what I see as the truth, what I see as the reality. I have to do what I think is right.

Reality No. 1, Mr. Speaker, is that we do need more taxes in the Commonwealth. Those of us in our caucus and those in the other caucus who believe somehow some magic will be worked out through this stubborn process that will mean a \$300-million cut in the budget I really think are being grossly unfair, irresponsible, and foolish in terms of the needs of this Commonwealth, and I cannot truck with such views about the finances of Pennsylvania. Those who seek higher office in Pennsylvania and seek it over the back of cutting \$300 million out of our state budget through some magic I think are grossly unfair, irresponsible politicians and deserve no elevation to higher executive or legislative office in this state. I think that is the height of irresponsibility. That is the first fact as I see it, Mr. Speaker. We need more taxes.

The second fact, as I see it, Mr. Speaker, is that the tax before us is not the best mix of taxes this Commonwealth could enact. I see unemployment rampant in the Commonwealth. I see in my own district serious problems of unemployment. I do not think it is a partisan issue. I think my party as much as the other considers business a part of this Commonwealth and wants to see business thrive in this Commonwealth. I think fact No. 2, Mr. Speaker, is this package of taxes is a detriment to this Commonwealth's future and growth.

However, Mr. Speaker, fact No. 3, as I see it, is that it is late November and soon December and the state-related institutions of the Commonwealth are about to close on us. That would be a catastrophe, Mr. Speaker, a genuine, real, full-blown catastrophe. And those in our caucus and the other caucus who

want to bring about this catastrophe—and I do recognize people on both sides of the aisle who genuinely want to effect that catastrophe—I think are also irresponsible in not carrying out their sworn oaths as members of this General Assembly. Yet I do believe they are sincere, and I wish they would reconsider.

Finally, Mr. Speaker, I want to explain exactly what I am going to do. I believe there are friends of mine and colleagues of mine in the other caucus who are trying to work with the business community of the Commonwealth to work out a more balanced approach to these taxes. I believe there are members of our caucus and our leadership who are doing likewise. I wish them well.

To the business community of the Commonwealth I would like to say, you do not have much time. The crisis in our schools is real. There are many of us who feel this tax package is unfair, but we cannot let the crisis become a catastrophe for the state-related institutions.

Tonight I will vote against concurrence. Next Wednesday, if there is no better package worked out in terms of the tax plan—and I would suggest something like a 2.2-percent personal income tax and a 1-percent increase in the CNI — corporate net income — something along those lines—if the business community has not done its job and made its views clear and more honorably than it did in the Senate to the House Democratic and Republican caucus, I, for one, and I know there are others in our Democratic caucus, will vote for concurrence in HB 247 by the middle of next week, because we will have no choice because we cannot let this serious situation amongst the state-related institutions become a catastrophe.

My message to my friends in the Republican caucus is take this message back to your friends in the business community, get on the stick, find those votes if you want to save business from sharing the catastrophe that will happen to the state-related institutions if we do not act by the end or middle of next week.

Thank you, Mr. Speaker.

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

Mr. DOYLE. Thank you, Mr. Speaker.

I had not intended to get into the fray at this time, but I could not let go unchallenged the statement by Mr. Williams from Philadelphia, because this Assembly by now and Mr. Williams knows that Philadelphia is the only large city in the United States that does not provide a tax differential between residents and nonresidents. And the reason is just commonsense: Nonresidents do not receive all the services that residents receive.

He did recite one startling fact, and that is what the bankers and the economists feel. The bottom line of that proposition is that taxes in Philadelphia are going to have to go up, and the reason why they have to go up is because they need additional support not for the administration but for their schools. That is where we draw the line, because nonresidents should not pay directly for the schools in Philadelphia. We are paying for the other services that we receive but certainly not for the schools. We support Philadelphia as any other school district and more,

perhaps, as a Commonwealth besides their own local effort. But to stand by and let see happen what is the inevitable of raising a tax base on nonresidents for the purpose of funding the schools in Philadelphia would just be unconscionable.

Thank you, Mr. Speaker.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I just want to respond to Mr. Doyle's remarks so we can keep this particular issue in context.

First of all, I want to reemphasize a condition of Philadelphians as it relates to workers who are non-Philadelphians. It seems to me very clear that the nonresidents, rightly so, get all of the benefits when they come into Philadelphia — police protection and all of that — and the residents who are there at night have to suffer whatever the bad conditions are which are usually crime, et cetera, you name it. So our view on that is that those who work and draw out \$4,000 more than Philadelphians get the day-to-day benefits and hardly any of the detriments, and they should pay an equal share. Moreover, any metropolitan city in any part of this world maintains those systems that make it viable culturally, and we have those that make it viable technologically and we have those that make it viable for industry and business, and business thinks that it would be bad fiscally and death fiscally to do this.

I am also reminded of the priority that at least our city administration gave to the tunnel—and that mainly benefits the long riders and those from out of Philadelphia—in hundreds of millions of dollars. So we pay very, very close attention to those nonresidents, and we finance that and the people who live in Philadelphia finance that.

I think it is deceptive to say that the moneys will go to education and that you all should not pay for Philadelphia education. I say it is very, very strange to admit and to concede a crushing and fiscally difficult educational system, a basic need of children, to be cracking at this time, for us on one side of the mouth to say you pay for it and on the other side of the mouth to take away a tax base that we already have.

I just want to add those remarks to Mr. Doyle's remarks so that it will not be misunderstood that this direction will be a slow and gradual death to Philadelphia. If I were the last member in the House to vote against that kind of erosion, I would still do so.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I move that this House continue in session beyond the 11 p.m. deadline.

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

The following roll call was recorded:

YEAS—184

Abraham	Gallagher	Mackowski	Schmitt
Armstrong	Gallen	Madigan	Schweder

Arthurs	Gamble	Manderino	Scirica
Barber	Garzia	Manmiller	Seltzer
Bellomini	Gatski	McCall	Shelton
Beloff	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Smith, E.
Berson	Giammarco	Meluskey	Smith, L.
Bittinger	Gillette	Milanovich	Spencer
Bittle	Gleeson	Miller	Spitz
Borski	Goebel	Milliron	Stairs
Brandt	Goodman	Miscevich	Stapleton
Brown	Gray	Moehlmann	Stewart
Brunner	Greenfield	Morris	Stuban
Burd	Greenleaf	Mowery	Sweet
Burns	Grieco	Mrkonjic	Taddonio
Butera	Halverson	Mullen, M. P.	Taylor, E.
Caltagirone	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'Donnell	Wagner
Cole	Hoefel	O'Keefe	Wansacz
Cowell	Honaman	Oliver	Wargo
Davies	Hopkins	Pancoast	Wass
DeVerter	Hutchinson, A.	Parker	Weidner
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Itkin	Pievsky	White
Dietz	Johnson	Pitts	Wiggins
Dininni	Jones	Polite	Williams
Dombrowski	Kelly	Pratt	Wilson
Donatucci	Kernick	Prendergast	Wilt
Dorr	Klingaman	Rappaport	Wise
Doyle	Knepper	Ravenstahl	Wright, D.
Duffy	Kolter	Reed	Wright, J. L.
Dumas	Kowalshyn	Rhodes	Yahner
Englehart	Laughlin	Richardson	Yohn
Fee	Lehr	Rieger	Zearfoss
Fischer, R. R.	Letterman	Ritter	Zeller
Fisher, D. M.	Levi	Ruggiero	Zitterman
Flaherty	Levin	Ryan	Zwikl
Foster, A.	Lincoln	Salvatore	
Foster, W.	Livengood	Scanlon	Irvis,
Freind	Logue	Scheaffer	Speaker
Fryer	Lynch		

NAYS—10

Anderson	O'Connell	Pyles	Vroon
McClatchy	Piccola	Renwick	Zord
McGinnis	Pott		

NOT VOTING—7

Caputo	Geesey	Katz	Sirianni
DeMedio	Hamilton	O'Brien, D.	

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

On the question recurring,  
Will the House concur in the Senate amendments?

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

YEAS—86

Barber	Garzia	Livengood	Rieger
Bellomini	Geisler	Logue	Ritter
Beloff	George, C.	Manderino	Scanlon
Bennett	Giammarco	McCall	Schmitt
Berlin	Gillette	McIntyre	Schweder
Berson	Gleeson	McLane	Shelton
Bittinger	Goodman	Milanovich	Shupnik

Borski	Gray	Milliron	Stapleton
Brunner	Greenfield	Morris	Stewart
Caputo	Harper	Mullen, M. M.	Stuban
Cianciulli	Hoeffel	Musto	Wansacz
Cohen	Hutchinson, A.	O'Brien, B.	Wargo
Cole	Itkin	O'Donnell	White
DeMedio	Johnson	O'Keefe	Wiggins
Dombrowski	Jones	Oliver	Wise
Donatucci	Kelly	Petrarca	Wright, D.
Doyle	Kolter	Pievsky	Yahner
Duffy	Kowalyshyn	Prendergast	Zitterman
Dumas	Laughlin	Rappaport	Zwinkl
Englehart	Letterman	Ravenstahl	
Fee	Levin	Reed	Irvis,
Gallagher	Lincoln	Renwick	Speaker

NAYS—111

Abraham	Fryer	Mebus	Shuman
Anderson	Gallen	Meluskey	Smith, E.
Armstrong	Gamble	Miller	Smith, L.
Arthurs	Gatski	Miscevich	Spencer
Bittle	George, M.	Moehlmann	Spitz
Brandt	Goebel	Mowery	Stairs
Brown	Greenleaf	Mrkonic	Sweet
Burd	Grieco	Mullen, M. P.	Taddonio
Burns	Halverson	Novak	Taylor, E.
Butera	Hasay	Noye	Taylor, F.
Caltagirone	Haskell	O'Brien, D.	Tenaglio
Cassidy	Hayes, D. S.	O'Connell	Thomas
Cessar	Hayes, S. E.	Pancoast	Trello
Cimini	Helfrick	Parker	Valicenti
Cowell	Honaman	Piccola	Vron
Davies	Hopkins	Pitts	Wagner
DeVerter	Hutchinson, W.	Polite	Wass
DeWeese	Kernick	Pott	Weidner
DiCarlo	Klingaman	Pratt	Wenger
Dietz	Knepper	Pyles	Williams
Dininni	Lehr	Rhodes	Wilson
Dorr	Levi	Richardson	Wilt
Fischer, R. R.	Lynch	Ruggiero	Wright, J. L.
Fisher, D. M.	Mackowski	Ryan	Yohn
Flaherty	Madigan	Salvatore	Zearfoss
Foster, A.	Manmiller	Scheaffer	Zeller
Foster, W.	McClatchy	Scirica	Zord
Freind	McGinnis	Seltzer	

NOT VOTING—4

Geesey	Hamilton	Katz	Sirianni
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader for the purpose of placing a motion before the House.

Mr. MANDERINO. Mr. Speaker, I move that rule 26 of this House be suspended so that a reconsideration motion on HB 247 may be placed.

PARLIAMENTARY INQUIRY

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

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, do we not have to suspend the

rules before the majority leader can offer this motion? It is my understanding that the rules indicate that—

The SPEAKER. That is precisely what the majority leader said. That is what the Speaker was about to announce, precisely that point. Now if the gentleman will yield and allow the Speaker to place the question, I think he may clarify it.

It is moved by the gentleman, Mr. Manderino, that the rules of the House be temporarily suspended so the House may consider a motion to reconsider the vote by which the House nonconcurred in HB 247. The question now is on the motion to suspend the rules temporarily.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—122

Abraham	Fryer	Manderino	Ruggiero
Arthurs	Gallagher	McCall	Scanlon
Barber	Gamble	McIntyre	Schmitt
Bellomini	Garzia	McLane	Schweder
Beloff	Gatski	Mebus	Shelton
Bennett	Geisler	Meluskey	Shuman
Berlin	George, C.	Milanovich	Shupnik
Berson	George, M.	Milliron	Stairs
Bittinger	Giammarco	Miscevich	Stapleton
Borski	Gillette	Morris	Stewart
Brown	Gleeson	Mrkonic	Stuban
Brunner	Goodman	Mullen, M. P.	Sweet
Caltagirone	Gray	Mullen, M. M.	Taylor, F.
Caputo	Greenfield	Musto	Tenaglio
Cassidy	Harper	Novak	Trello
Cianciulli	Hoeffel	O'Brien, B.	Valicenti
Cohen	Hopkins	O'Donnell	Wansacz
Cole	Hutchinson, A.	O'Keefe	Wargo
Cowell	Itkin	Oliver	Wass
DeMedio	Johnson	Petrarca	White
DeWeese	Jones	Pievsky	Wiggins
DiCarlo	Kelly	Pratt	Williams
Dombrowski	Knepper	Prendergast	Wise
Donatucci	Kolter	Rappaport	Wright, D.
Doyle	Kowalyshyn	Ravenstahl	Yahner
Duffy	Laughlin	Reed	Zeller
Dumas	Letterman	Renwick	Zitterman
Englehart	Levin	Rhodes	Zwinkl
Fee	Lincoln	Richardson	
Flaherty	Livengood	Rieger	Irvis,
Foster, A.	Logue	Ritter	Speaker

NAYS—75

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

NOT VOTING—4

Geesey Hamilton Katz Sirianni

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

RECONSIDERATION OF VOTE  
ON CONCURRENCE IN SENATE AMENDMENTS  
TO HB 247

Mr. GREENFIELD moved that the vote by which the House nonconcurred in Senate amendments to HB 247 on this day be reconsidered.

Mr. BERLIN seconded the motion.

On the question,

Will the House agree to the motion?

ANNIVERSARY NOTED

The SPEAKER. The Chair has just been informed that the House has kept in session on his 32nd wedding anniversary the distinguished former chairman of the Appropriations Committee, Mr. Jack "Lebanon Bologna" Seltzer. The Chair apologizes, not for keeping him here, Mrs. Seltzer, because he is part of the problem, but the Chair does apologize for having you and your lovely daughter sit here and have to go through this on your 32nd wedding anniversary.

The Chair now returns and recognizes the gentleman from Philadelphia, Mr. Mullen, on the question of reconsideration of the vote.

Mr. M. P. MULLEN. Mr. Speaker, I regretfully oppose the motion, and it is quite obvious why. As I explained to you before, I have a motion which I would like to offer, and if Mr. Manderino's motion is accepted, I will not be able to offer it. It will only prolong the matter another day or two. So I certainly suggest to those who supported our position on the last vote, support our position by voting "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—110

Abraham	Fryer	Logue	Ritter
Arthurs	Gallagher	Manderino	Ruggiero
Barber	Garzia	McCall	Scanlon
Bellomini	Gatski	McIntyre	Schmitt
Beloff	Geisler	McLane	Schweder
Bennett	George, C.	Meluskey	Shelton
Berlin	George, M.	Milanovich	Shupnik
Berson	Giammarco	Milliron	Stapleton
Bittinger	Gillette	Miscevich	Stewart
Borski	Gleeson	Morris	Stuban
Brown	Goodman	Mullen, M. M.	Sweet
Brunner	Gray	Musto	Taylor, F.
Caputo	Greenfield	Novak	Tenaglio
Cassidy	Harper	O'Brien, B.	Trello
Cianciulli	Hoeffel	O'Donnell	Valicenti
Cohen	Hopkins	O'Keefe	Wansacz
Cole	Hutchinson, A.	Oliver	Wargo
DeMedio	Itkin	Petrarca	White
DeWeese	Johnson	Pievsky	Wiggins
DiCarlo	Jones	Pratt	Williams

Dombrowski	Kelly	Prendergast	Wise
Donatucci	Kolter	Rappaport	Wright, D.
Doyle	Kowalshyn	Ravenstahl	Yahner
Duffy	Laughlin	Reed	Zitterman
Dumas	Letterman	Renwick	Zwinkl
Englehart	Levin	Rhodes	
Fee	Lincoln	Richardson	Irvis,
Flaherty	Livengood	Rieger	Speaker

NAYS—89

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

NOT VOTING—2

Geesey Sirianni

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House Mal S. Pancoast and Robert D. Liken, who are the guests of Representative Cessar.

The Chair also has the pleasure of introducing to the House Mrs. John A. Bolger, who is from McHenry, Illinois. She is the mother of John Bolger, who works for the Bankers Association here in Harrisburg. Mrs. Bolger's brother-in-law was a Democratic member of the Illinois House of Representatives for 25 years. Mrs. Bolger is here as the guest of Representative Reid Bennett.

The Chair also has the pleasure of welcoming to the floor of the House 18 members of the Community Y Youth and Government Program from Delaware County. They are accompanied by their adviser, Mrs. Toni Nolek, and their chaperones, Mrs. Patricia Kelly and Mrs. Marcella Melot. The group includes the outgoing Youth Governor, Samuel Lavella of Prospect Park. The group is here as the guests of Representative Gerald Spitz and the entire Delaware County delegation.

The Chair is delighted to welcome to the hall of the House Mr. James Frentz, who has a double distinction, I am told. He is here as the guest of Representative Fred Milanovich from Beaver County, and I understand he has had the fortune of having been born and raised in Hopewell Township, which is the home of Tony Dorsett.

**BILLS PASSED OVER**

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

**ADJOURNMENT**

Mr. MANDERINO moved that this House do now adjourn until Wednesday, November 23, 1977, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—139**

Abraham	Gallen	McGinnis	Scanlon
Arthurs	Gamble	McIntyre	Schmitt
Barber	Garzia	McLane	Schweder
Bellomini	Gatski	Mebus	Scirica
Beloff	Geisler	Meluskey	Seltzer
Bennett	George, C.	Milanovich	Shelton
Berlin	George, M.	Miller	Shuman
Berson	Giammarco	Milliron	Shupnik
Bittinger	Gleeson	Miscevich	Spitz
Bittle	Goodman	Moehlmann	Stapleton
Borski	Gray	Morris	Stewart
Brandt	Greenfield	Mrkonic	Stuban
Brown	Greenleaf	Mullen, M. P.	Sweet
Brunner	Halverson	Mullen, M. M.	Taylor, F.
Burd	Harper	Musto	Tenaglio
Butera	Hasay	Novak	Trello
Caputo	Haskell	O'Brien, B.	Valicenti
Cassidy	Hayes, S. E.	O'Donnell	Wansacz
Cessar	Hoeffel	O'Keefe	Wargo
Cianciulli	Honaman	Oliver	Wenger
Cohen	Hutchinson, A.	Petrarca	White
Cole	Itkin	Pievsky	Wiggins

Cowell	Johnson	Pott	Williams
DeMedio	Jones	Pratt	Wilt
DeWeese	Kelly	Prendergast	Wise
DiCarlo	Klingaman	Pyles	Wright, D.
Dombrowski	Kolter	Rappaport	Yahner
Donatucci	Kowalyshyn	Ravenstahl	Yohn
Doyle	Letterman	Reed	Zeller
Duffy	Levin	Renwick	Zitterman
Dumas	Lincoln	Rhodes	Zord
Englehart	Logue	Richardson	Zwinkl
Fee	Manderino	Rieger	
Flaherty	McCall	Ritter	Irvis,
Fryer	McClatchy	Ruggiero	Speaker
Gallagher			

**NAYS—57**

Anderson	Goebel	Madigan	Smith, E.
Armstrong	Grieco	Manmiller	Smith, L.
Burns	Hayes, D. S.	Mowery	Spencer
Caltagirone	Helfrick	Noye	Stairs
Cimini	Hopkins	O'Brien, D.	Taddonio
Davies	Hutchinson, W.	O'Connell	Taylor, E.
DeVerter	Kernick	Pancoast	Thomas
Dietz	Knepper	Parker	Vroon
Dininni	Laughlin	Piccola	Wagner
Dorr	Lehr	Pitts	Wass
Fischer, R. R.	Levi	Polite	Weidner
Fisher, D. M.	Livengood	Ryan	Wilson
Foster, A.	Lynch	Salvatore	Wright, J. L.
Foster, W.	Mackowski	Scheaffer	Zearfoss
Freind			

**NOT VOTING—5**

Geesey	Hamilton	Katz	Sirianni
Gillette			

The question was determined in the affirmative and the motion was agreed to, and (at 11:11 p.m., e.s.t.) the House adjourned.