

## Legislative Journal

TUESDAY, DECEMBER 13, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 113

## HOUSE OF REPRESENTATIVES

The House convened at 11 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:

Gracious Lord, on this day we pause to honor and glorify Thy holy and most righteous name. We invoke Thy blessing upon us as we assemble to carry out the duties and responsibilities placed before us. We ask that Thy abiding presence may be in our midst and motivate and guide our thoughts and actions, so that we may act in accord with Thy truth. Heavenly Father, inspire us that the deliberations of this hour may be pleasing and acceptable unto Thee; fill us with the power of Thy presence that we may act in accord with Thy will and way; and bestow upon us the abundance of Thy peace that we may find rest with Thee. Amen.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, December 12, 1977, will be postponed until printed.

That hollow sound that you note, instead of the clear and ringing tone, is because the Speaker has split the bronze plate up here. I would assume that that might be psychologically explainable to certain members, and this is a wooden one which will be more easily split.

## MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker is about to take the master roll. And because of the fact, as all members are fully aware, that we shall be voting on several very, very special bills, the master roll must be taken accurately. Even if your friend is walking in the door and is not in his seat, we do not wish him or her voted.

Only those people physically present, please, on the master roll. We will keep the master roll open for a full 10 minutes. The clerk will open the board for the master roll. Only those people physically present, please, on the master roll.

Only those members physically present, please. We must have an accurate roll call. We must have an accurate roll call today. Please do not embarrass yourself or your friend by putting him or her on the roll call if that person is not physically pres-

ent, because the Speaker is going to call those names off into the record.

The following roll call was recorded:

## YEAS—195

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

## NAYS—0

## NOT VOTING—8

Gillette	Hopkins	Lynch,	Shelton
Honaman	Kernick	Mullen, M. M.	Weidner

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

### SENATE MESSAGE

#### APPOINTMENT OF CONFERENCE COMMITTEE

The clerk of the Senate informed that the Senate insists on nonconcurrence in House amendments to Senate bill No. 748, 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 employee 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.

And has appointed Messrs. MELLOW, ORLANDO and HOPPER a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned House bill No. 1274, 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 supplemental calendar.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned House bill No. 1283, 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 supplemental calendar.

### 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. 377.

### 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. 481.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

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

#### HOUSE BILL No. 331

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled as amended "The Fourth to Eighth Class County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 332

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 333

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 1252

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands by the United States to the several states, for the endowment of Agricultural Colleges" making appropriations for carrying the same into effect providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1253

A Supplement to the act of July 28, 1966 (3rd Sp. Sess P. L. 87, No. 3), entitled "University of Pittsburgh—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1254

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1255

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "Temple University—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1256

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine Philadelphia Pennsylvania.

#### HOUSE BILL No. 1257

An Act making an appropriation to the Philadelphia College of Textiles and Science.

#### HOUSE BILL No. 1258

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County Pennsylvania.

#### HOUSE BILL No. 1259

An Act making an appropriation to the Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

#### HOUSE BILL No. 1260

An Act making an appropriation to the Johnson School of Technology of Scranton Pennsylvania.

#### HOUSE BILL No. 1261

An Act making an appropriation to the Delaware Valley Col-

lege of Science and Agriculture at Doylestown Pennsylvania.

#### HOUSE BILL No. 1262

An Act making an appropriation to the Trustees of the University of Pennsylvania.

#### HOUSE BILL No. 1263

An Act making an appropriation to the Pennsylvania College of Optometry Philadelphia Pennsylvania.

#### HOUSE BILL No. 1264

An Act making appropriations to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia Pennsylvania.

#### HOUSE BILL No. 1270

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

#### HOUSE BILL No. 1272

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science Pittsburgh Pennsylvania.

#### HOUSE BILL No. 1273

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine Philadelphia Pennsylvania.

#### HOUSE BILL No. 1275

An Act making an appropriation to the Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

#### HOUSE BILL No. 1276

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

#### HOUSE BILL No. 1279

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia Pennsylvania.

### BILLS SIGNED BY SPEAKER

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

#### HOUSE BILL No. 331

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled as amended "The Fourth to Eighth Class County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 332

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 333

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law" further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

#### HOUSE BILL No. 1252

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227),

entitled "An act to accept the grant of Public Lands by the United States to the several states, for the endowment of Agricultural Colleges" making appropriations for carrying the same into effect providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1253

A Supplement to the act of July 28, 1966 (3rd Sp. Sess P. L. 87, No. 3), entitled "University of Pittsburgh—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1254

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1255

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "Temple University—Commonwealth Act" making appropriations for carrying the same into effect providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

#### HOUSE BILL No. 1256

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine Philadelphia Pennsylvania.

#### HOUSE BILL No. 1257

An act making an appropriation to the Philadelphia College of Textiles and Science.

#### HOUSE BILL No. 1258

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County Pennsylvania.

#### HOUSE BILL No. 1259

An Act making an appropriation to the Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

#### HOUSE BILL No. 1260

An Act making an appropriation to the Johnson School of Technology of Scranton Pennsylvania.

#### HOUSE BILL No. 1261

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown Pennsylvania.

#### HOUSE BILL No. 1262

An Act making an appropriation to the Trustees of the University of Pennsylvania.

#### HOUSE BILL No. 1263

An Act making an appropriation to the Pennsylvania College of Optometry Philadelphia Pennsylvania.

#### HOUSE BILL No. 1264

An Act making appropriations to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia Pennsylvania.

#### HOUSE BILL No. 1270

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

**HOUSE BILL No. 1272**

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science Pittsburgh Pennsylvania.

**HOUSE BILL No. 1273**

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine Philadelphia Pennsylvania.

**HOUSE BILL No. 1275**

An Act making an appropriation to the Franklin Institute of State of Pennsylvania at Philadelphia Pennsylvania.

**HOUSE BILL No. 1276**

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

**HOUSE BILL No. 1279**

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia Pennsylvania.

Whereupon,

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1971** By Messrs. PICCOLA, MANMILLER,  
SCHEAFFER, DININNI, NOYE, GEESEY,  
MOWERY and SELTZER

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), permitting persons in classified service to seek and hold the office of school director.

Referred to Committee on State Government.

**No. 1972** By Mr. REED

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), authorizing civil service employees to hold noncompensated elective or appointed positions of political subdivisions.

Referred to Committee on State Government.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. TRELLO, MISCEVICH, LOGUE,  
RAVENSTAHL and LAUGHLIN

**HOUSE RESOLUTION No. 181**

The Speaker of the House of Representatives appoint a select committee of seven members, four from the majority and three from the minority, to examine and investigate the use of funds appropriated to State-related and State-aided colleges and universities to determine if such funds are being efficiently and effectively used.

Referred to Committee on Rules.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leave of absence for Mr. LYNCH for today's session.

The SPEAKER. Without objection, leave is granted.

**SENATE MESSAGE**

### AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to

**SENATE BILL No. 480**

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

And has appointed Senators LYNCH, ROSS and MANBECK a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

### MOTION INSISTING UPON CONCURRENCE AND APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. MANDERINO moved that the House insist upon Senate concurrence in House amendments to Senate bill No. 480, printer's No. 1391, and that a committee of conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 480

The SPEAKER. The Chair appoints as a committee of conference on the part of the House:

Messrs. BELLOMINI, KOLTER and DININNI

Ordered, That the clerk inform the Senate accordingly.

**CALENDAR**

### MINES AND ENERGY MANAGEMENT BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 1676, printer's No. 2017, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

**BILL RECOMMITTED**

Mr. B. F. O'BRIEN moved that House bill No. 1676 be recommitted to the Committee on Mines and Energy Management.



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

The following roll call was recorded:

## YEAS—177

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

## NAYS—6

Brown	Geesey	Kukovich	Reed
Fischer, R. R.	Haskell		

## NOT VOTING—20

Bellomini	Gleeson	Kernick	Rappaport
Beloff	Honaman	Klingaman	Rhodes
Bittle	Hopkins	Lynch	Shelton
Gatski	Johnson	McClatchy	Weidner
Gillette	Jones	Mullen, M. M.	Williams

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

The SPEAKER. The bill is recommitted.

## INSURANCE BILL ON SECOND CONSIDERATION

Agreeable to order,

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

**No. 996, printer's No. 2422, entitled:**

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing cancellation of or refusal to renew policies of automobile insurance; \*\*\*" further providing for limitations on the cancellation and failure to write or renew certain policies.

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

Ordered, to be transcribed for third consideration.

## TRANSPORTATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 88, printer's No. 98, entitled:**

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), referred to as the City State Highway Law deleting and adding routes in the City of Williamsport.

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

Ordered, to be transcribed for third consideration.

## JUDICIARY BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 872, printer's No. 2435, entitled:**

An Act amending the "Magisterial District Reform Act" approved July 15, 1976 (No. 204), further providing for priority of legal business mandatory liability insurance retired district justices certain costs jurisdiction courses of instruction transfers and salary increases.

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

Ordered, to be transcribed for third consideration.

AGRICULTURE AND RURAL AFFAIRS BILL  
ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1326, printer's No. 1999, entitled:**

An Act to regulate the sale and distribution for agricultural purposes of ground limestone burned and hydrated lime and related products in the Commonwealth of Pennsylvania; conferring powers and imposing duties on the Secretary of Agriculture; establishing fees; making an appropriation and prescribing penalties.

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

Ordered, to be transcribed for third consideration.

## APPROPRIATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 839, printer's No. 898, entitled:**

An Act providing for the capital budget for the fiscal year 1977-1978.

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

Ordered, to be transcribed for third consideration.

# MILITARY AND VETERANS AFFAIRS BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1878, printer's No. 2301**, entitled:

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.

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

Ordered, to be transcribed for third consideration.

# TRANSPORTATION BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BENNETT the House resumed consideration on final passage of **Senate bill No. 402, printer's No. 406**, entitled:

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

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 Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, SB 402 was defeated by this House of Representatives last week. I would sincerely suggest, Mr. Speaker, that those members who voted against the bill might have been a little bit confused with what the bill really does and, if the members would bear with me, I would attempt to give some clarification to the bill.

This legislation, like SB 1555 that passed last year, would increase the license fees to those persons doing business within the Commonwealth of Pennsylvania. It is not a consumer tax at all. The fees were established in 1947 under the subject act, and this is the first increase in those fees in that 30-year period.

The bill would increase the fees to the banks, finance companies, and repossessioners who are doing business within the Commonwealth. I personally have spoken with the persons concerned in those areas. They voice no objection to the bill. There is no objection from the Department of Banking. As a matter of fact, the Department of Banking is solidly in favor of the bill. The fees would be increased, and that money would go to the Department of Banking to allow that department to oversee those persons.

Mr. Speaker, I would ask for an affirmative vote on the bill and ask all the members to vote in favor.

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—105

Anderson	Garzia	McGinnis	Schweder
Barber	Geisler	McIntyre	Shupnik
Bennett	George, M.	McLane	Smith, E.
Berson	Giammarco	Mebus	Smith, L.
Bittinger	Goodman	Milanovich	Spencer
Borski	Gray	Miller	Stairs
Brandt	Greenfield	Morris	Stapleton
Burns	Harper	Mrkonic	Stuban
Caltagirone	Hoeffel	Musto	Taddonio
Caputo	Hutchinson, A.	O'Brien, B.	Tenaglio
Cessar	Hutchinson, W.	O'Donnell	Wansacz
Cianciulli	Itkin	O'Keefe	Wargo
Cohen	Johnson	Oliver	Wenger
Cole	Jones	Parker	White
Cowell	Kelly	Petrarca	Wiggins
DiCarlo	Knepper	Pievsky	Wilson
Dininni	Kolter	Pott	Wise
Dombrowski	Kowalyszyn	Pratt	Wright, D.
Donatucci	Kukovich	Ravenstahl	Wright, J. L.
Dorr	Laughlin	Reed	Yohn
Doyle	Letterman	Rhodes	Zearfoss
Duffy	Levi	Richardson	Zitterman
Dumas	Levin	Rieger	Zwinkl
Englehart	Lincoln	Ritter	
Fee	Logue	Ruggiero	Irvis,
Fisher, D. M.	Manderino	Scanlon	Speaker
Gamble	Manmiller	Schmitt	

# NAYS—82

Abraham	Gallagher	McCall	Salvatore
Armstrong	Gallen	Meluskey	Scheaffer
Arthurs	Geesey	Milliron	Scirica
Berlin	George, C.	Miscevich	Seltzer
Brown	Goebel	Moehlmann	Shuman
Brunner	Greenleaf	Mowery	Sirianni
Burd	Grieco	Mullen, M. P.	Spitz
Butera	Halverson	Novak	Stewart
Cassidy	Hamilton	Noye	Sweet
Cimini	Hasay	O'Brien, D.	Taylor, E.
Davies	Haskell	O'Connell	Taylor, F.
DeMedio	Hayes, D. S.	Pancoast	Thomas
DeVertter	Hayes, S. E.	Peterson	Trello
DeWeese	Helfrick	Piccola	Valicenti
Dietz	Hopkins	Pitts	Vroon
Fischer, R. R.	Katz	Polite	Wagner
Flaherty	Klingaman	Prendergast	Wilt
Foster, A.	Lehr	Pyles	Yahner
Foster, W.	Livengood	Renwick	Zeller
Freind	Mackowski	Ryan	Zord
Fryer	Madigan		

# NOT VOTING—16

Bellomini	Gillette	Lynch	Shelton
Beloff	Gleeson	McClatchy	Wass
Bittle	Honaman	Mullen, M. M.	Weidner
Gatski	Kernick	Rappaport	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.

# REMARKS ON VOTE

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

Mr. WASS. Mr. Speaker, if I would have been in my seat

when SB 402 was voted on, I would have voted in the affirmative.

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

Can the Chair have the attention of the gentleman, Mr. Hayes? On HB 1507, PN 1807, page 7 — has the Republican caucus caucused on this bill?

Mr. S. E. HAYES. Mr. Speaker, we caucused on this bill several weeks ago. I believe the bill is straightforward and the members are prepared to make a decision.

#### FINANCE BILLS ON THIRD CONSIDERATION

Agreeable to order,

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

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

On the question,

Will the House agree to the bill on third consideration?

Bill 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—176

Abraham	Gamble	McIntyre	Schweder
Anderson	Garzia	McLane	Scirica
Armstrong	Geesey	Mebus	Seltzer
Arthurs	Geisler	Meluskey	Shuman
Barber	George, C.	Miller	Shupnik
Bellomini	George, M.	Milliron	Sirianni
Bennett	Giammarco	Miscevich	Smith, E.
Berlin	Goebel	Moehlmann	Smith, L.
Berson	Goodman	Morris	Spencer
Bittinger	Gray	Mrkonic	Spitz
Borski	Greenfield	Mullen, M. P.	Stairs
Brandt	Greenleaf	Musto	Stapleton
Brown	Grieco	Novak	Stewart
Brunner	Halverson	Noye	Stuban
Burns	Hamilton	O'Brien, B.	Sweet
Butera	Harper	O'Brien, D.	Taddonio
Caltagirone	Haskell	O'Connell	Taylor, E.
Caputo	Hayes, D. S.	O'Donnell	Taylor, F.
Cassidy	Hayes, S. E.	O'Keefe	Tenaglio
Cessar	Helfrick	Oliver	Thomas
Cianciulli	Hoefel	Pancoast	Trello
Cimini	Hutchinson, A.	Parker	Valicenti
Cohen	Hutchinson, W.	Peterson	Vroon
Cole	Itkin	Petrarca	Wagner
Cowell	Johnson	Piccola	Wansacz
Davies	Jones	Pievsky	Wargo
DeMedio	Katz	Pitts	Wass
DeVerter	Kelly	Polite	Wenger
DeWeese	Klingaman	Pott	White
DiCarlo	Knepper	Pratt	Wiggins
Dietz	Kolter	Prendergast	Wilson
Diminni	Kowalyshyn	Pyles	Wise
Dombrowski	Kukovich	Ravenstahl	Wright, D.
Donatucci	Laughlin	Reed	Wright, J. L.
Dorr	Lehr	Renwick	Yahner
Doyle	Levi	Rhodes	Yohn
Duffy	Levin	Richardson	Zearfoss
Dumas	Lincoln	Rieger	Zeller

Fee	Livengood	Ritter	Zitterman
Fisher, D. M.	Logue	Ruggiero	Zord
Flaherty	Madigan	Salvatore	Zwikl
Foster, A.	Manderino	Scanlon	
Foster, W.	Manmiller	Scheaffer	Irvis,
Fryer	McCall	Schmitt	Speaker
Gallagher	McClatchy		

#### NAYS—11

Burd	Hasay	McGinnis	Ryan
Fischer, R. R.	Letterman	Milanovich	Wilt
Freind	Mackowski	Mowery	

#### NOT VOTING—16

Beloff	Gatski	Hopkins	Rappaport
Bittle	Gillette	Kernick	Shelton
Engelhart	Gleeson	Lynch	Weidner
Gallen	Honaman	Mullen, M. M.	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.

#### REMARKS ON VOTE

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

Mr. GALLEN. Mr. Speaker, through inadvertence I neglected to vote on HB 1507. I would like the record to show that I would like to have been recorded in the negative.

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

Agreeable to order,

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

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

On the question,

Will the House agree to the bill on third consideration?

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

Mr. MEBUS. Mr. Speaker, rather than have the bill fall off the calendar by reason of the fact that it is on the 15th day, might it be more advisable with the concurrence of Mr. Brunner, to have the bill laid on the table so that it does not have to go through all the committee action again?

The SPEAKER. If the gentleman, Mr. Brunner, so desires, the Chair will recognize him.

#### HB 1633 TABLED

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

Mr. BRUNNER. Mr. Speaker, I move that HB 1633, PN 2193, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### SB 782 PASSED OVER TEMPORARILY

The SPEAKER. SB 782, PN 1473, is not called today, but the members should make notes on their calendars that the gentleman, Mr. DeVerter, is having an amendment drafted. Is the amendment ready?

Mr. DeVERTER. Mr. Speaker, I apologize to the House and to the Speaker. The amendment was drafted in error. It is being redrafted, and it should be down very shortly, sir.

The SPEAKER. Because this is a Senate bill and because we anticipate not being back here until the 3rd of January, we will pass the bill over temporarily and hope by this afternoon that the gentleman's amendments will be in shape to be offered.

Mr. DeVERTER. Well, Mr. Speaker, the amendment was distributed, but the amendment has some technical errors in it as well as substantive errors, and I would like to have those corrected and then offer it. It should be ready very shortly.

The SPEAKER. All right. We will pass the bill over temporarily. The members should mark SB 782 "Amend — DeVerter."

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

Mr. MEBUS. Mr. Speaker, I have an amendment also which I expect to have down very, very shortly, and I am circulating a memo at this very time indicating what will be the nature of that amendment.

The SPEAKER. But that is not to SB 782.

Mr. MEBUS. That is to SB 782, sir.

The SPEAKER. Very well. We will mark it "Amend — Mebus."

The Chair thought he recognized your memo to the tax bill. Was that not your memo?

Mr. MEBUS. Well, SB 782 is the tax bill, sir. SB 782 is the gross receipts tax bill.

The SPEAKER. The gentleman is absolutely correct. The Speaker was not reading carefully.

DeVerter and Mebus on SB 782, the gross receipts tax bill. The gentleman, Mr. Mebus, is absolutely correct.

Mr. MEBUS. And I will have that amendment very, very shortly.

The SPEAKER. The Chair apologizes to the gentleman for not recognizing the number of the bill. But inasmuch as we have reached this bill, which is over temporarily, the Chair would advise all members who have any amendments to this bill to have those amendments drafted during the recess so that the House is not delayed by any last-minute amendments. If any member submits a last-minute amendment and that member is in violation of the rules of this House by so doing, the member is advised that the Chair will hold strictly to the rules. There is ample time to draft whatever amendments are required now.

The same position will be taken by the Chair on a bill which is currently on the tabled calendar. That is on page 9 of the tabled calendar. It is SB 1187, which is the bill which is popularly known as the budget-cutting bill. Any member who wishes to offer amendments to that bill must get those amendments in

order now. Any member who waits until the last minute and then has a brilliant flash of intuition will find that the Chair will adhere strictly to the rules of the House on the acceptance or rejection of amendments. If you have amendments, get them prepared now.

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

Mr. S. E. HAYES. On SB 1187 I would just like to announce that there are three amendments at the present time, and maybe, sir, you would want to mark your calendar. Representative Fischer, Representative Mowery, and Representative DeVerter will be offering amendments to SB 1187.

The SPEAKER. The Chair thanks the gentleman.

Mr. S. E. HAYES. And Representative Helfrick.

#### POINT OF ORDER

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

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, on the calendar marked "Tuesday, December 13," it does not appear that SB 1187 is on the calendar. Is that correct?

The SPEAKER. It is not on the active calendar; it is on the tabled calendar. It was placed on the tabled calendar on third reading. It is the intention of the majority leader to remove it from the table calendar at the opportune time. It will then be printed on a supplemental active calendar and be available on third reading for the members to decide its fate.

Mr. RICHARDSON. Thank you very much.

#### MISS PENNSYLVANIA PRESENTED

The SPEAKER. The Chair at this time is pleased to welcome to the hall of the House and to the podium the young lady who was named Miss Pennsylvania. She is the guest of Representative Noah Wenger and the Lancaster County delegation. I guess Mr. Milliron missed out on this one.

The Chair welcomes Miss Lynne Carol Grote to the hall of the House and invites the young lady to step to the microphone for recognition and some words.

Ladies and gentlemen, Miss Pennsylvania.

Miss GROTE. Thank you and good afternoon.

This is so spontaneous, and I would like to thank Representative Wenger for being able to work this into your busy, busy schedules.

The last time I spoke in front of you was prior to the Miss America Pageant. Now with that being a part of the past and a very, very fond memory, I am here before you again.

Let me say that I have reached the half point in my year representing you as your Miss Pennsylvania. It is not a point that has become stagnant. No; it is a point that now I really can become very active and involved in representing you in whatever capacity that this job affords me.

The Miss America Pageant, win or lose, was an experience. I thank you for your support and for your kind enthusiasm that you have given me in representing this state. It certainly was

an honor. And because of the results of the Miss America Pageant, I come back to you with a nice handsome scholarship with which to start graduate school and a preliminary award in the talent competition.

It is very nice to see you again today. I am here on behalf of the tree-lighting ceremony, and since that is to take place in a very short while, I must excuse myself.

Thank you, ladies and gentlemen, for your kind attention, and have a nice holiday season.

The SPEAKER. Well, there is more than one way of getting your attention.

#### JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1205, printer's No. 2405**, entitled:

An Act amending the act of September 9, 1965 (P. L. 498, No. 252), entitled as amended "An act exempting certain firemen policemen and volunteer ambulance and rescue squad personnel and National Ski Patrol personnel from civil liability when rendering emergency care first aid and rescue in the performance of their duties except in certain instances" extending the provisions of the act.

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, Shall the bill pass finally?

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

#### YEAS—185

Abraham	Gallagher	McCall	Scheaffer
Anderson	Gallen	McClatchy	Schmitt
Armstrong	Gamble	McGinnis	Schweder
Arthurs	Garzia	McIntyre	Scirica
Barber	Geesey	McLane	Seltzer
Bellomini	Geisler	Mebus	Shuman
Bennett	George, C.	Meluskey	Shupnik
Berlin	George, M.	Milanovich	Smith, E.
Berson	Giammarco	Miller	Smith, L.
Bittinger	Goebel	Milliron	Spencer
Borski	Goodman	Miscevich	Spitz
Brandt	Gray	Moehlmann	Stairs
Brown	Greenfield	Morris	Stapleton
Brunner	Greenleaf	Mowery	Stewart
Burd	Grieco	Mrkonic	Stuban
Burns	Halverson	Mullen, M. P.	Sweet
Butera	Hamilton	Musto	Taddonio
Caltagirone	Harper	Novak	Taylor, E.
Caputo	Haskell	Noye	Taylor, F.
Cassidy	Hayes, D. S.	O'Brien, B.	Tenaglio
Cessar	Hayes, S. E.	O'Brien, D.	Thomas
Cianciulli	Helfrick	O'Connell	Trello
Cimini	Hoeffel	O'Keefe	Valicenti
Cohen	Hopkins	Oliver	Vroon
Cole	Hutchinson, A.	Pancoast	Wagner
Cowell	Hutchinson, W.	Parker	Wansacz
Davies	Itkin	Peterson	Wargo
DeMedio	Johnson	Petrarca	Wass
DeVerter	Jones	Piccola	Wenger
DeWeese	Katz	Pievsky	White
Dietz	Kelly	Pitts	Wiggins
Dininni	Klingaman	Polite	Wilson

Dombrowski	Knepper	Pott	Wilt
Donatucci	Kolter	Pratt	Wise
Dorr	Kowalyszyn	Prendergast	Wright, D.
Doyle	Kukovich	Pyles	Wright, J. L.
Duffy	Laughlin	Ravenstahl	Yahner
Dumas	Lehr	Reed	Yohn
Englehart	Letterman	Renwick	Zearfoss
Fee	Levi	Rhodes	Zeller
Fischer, R. R.	Levin	Richardson	Zitterman
Fisher, D. M.	Livengood	Rieger	Zord
Flaherty	Logue	Ritter	Zwinkl
Foster, A.	Mackowski	Ruggiero	
Foster, W.	Madigan	Ryan	Irvis,
Freind	Manderino	Salvatore	Speaker
Fryer	Manmiller	Scanlon	

NAYS—0

NOT VOTING—18

Beloff	Gleeson	Lynch	Shelton
Bittle	Hasay	Mullen, M. M.	Sirianni
DiCarlo	Honaman	O'Donnell	Weidner
Gatski	Kernick	Rappaport	Williams
Gillette	Lincoln		

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 Luzerne, Mr. Hasay. For what purpose does the gentleman rise?

Mr. HASAY. Mr. Speaker, on HB 1205, PN 2405, my switch was not properly working. I wish to be recorded in the affirmative, please.

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

#### CITATION PRESENTED

The SPEAKER. The Chair at this time has a duty to perform which the Chair hoped it would not have to perform. But an extraordinarily good friend of the Speaker is going to retire at the end of this month. An extraordinarily competent and efficient state worker who has worked here in the hall of the House for many years is going to retire at the end of this month.

The Chair at this time deems it an honor to read the citation which will be presented to the lady by Representative Manmiller, but the Chair has preempted Representative Manmiller to the point where the Chair would like to read the citation into the record, for Thelma Mariano has been and continues to be a very close friend of the Speaker, a splendid public servant, the type to whom all of the people of the Commonwealth owe thanks and an obligation.

Commonwealth of Pennsylvania

Citation by The House of Representatives

WHEREAS, Thelma Mariano has been employed by the Commonwealth of Pennsylvania Department of Highways beginning on April 17, 1939, until entering the Women's Army Corps in 1942 and served ten months and two weeks. Following

her tour of duty, she became employed by the Department of Highways from 1946 to 1948 and then at the Mechanicsburg Depot; and

WHEREAS, Thelma Mariano was employed from February 1, 1959 to the present time as a stenographer and official reporter by the Pennsylvania House of Representatives; and

WHEREAS, Thelma Mariano has been a creditable lifelong resident of Hummelstown, Dauphin County, and a parishioner of St. Joan of Arc Church, Hershey.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends its gratitude for faithful service to Ms. Thelma Mariano upon her retirement from state employment and expresses its fond wishes that she may enjoy a long, healthy and happy future life, enriched by her personal life experiences and enveloped always by the grace of God and the benevolence of her fellowmen; and further directs that a copy of this citation be delivered to Thelma Mariano, 19 Cameron Avenue, Hummelstown, Pennsylvania 19036.

Submitted by:  
JOSEPH C. MANMILLER  
Sponsor

K. LEROY IRVIS  
Speaker of the House of  
Representatives

Attest:  
VINCENT J. SCARCELLI  
Chief Clerk of the House of  
Representatives

December 7, 1977.

The SPEAKER. Will the lady please rise and come to the podium so that she may accept the citation?

Ladies and gentlemen of the House, a good public servant, Miss Thelma Mariano.

Miss MARIANO. All I can say is thank you very much.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I wonder if the prime sponsor would consent to the joinder of all the members of the House as co-sponsors on that resolution.

The SPEAKER. I think it is a splendid idea. I am sure the gentleman, Mr. Manmiller, will permit all of us to add our names or have those names added as joint sponsors of this citation.

Without objection, all the names of the House members currently serving will be added to the citation honoring Thelma Mariano.

We thank you sincerely. We hope the people of this Commonwealth recognize, as I am sure they do, that you are only an example of the many, many, many faithful and devoted public servants the Commonwealth of Pennsylvania has.

Congratulations.

Does the gentleman, Mr. Manmiller, wish to make a statement on the record? The Chair apologizes. The Chair did not recognize that the gentleman wished to make a statement.

The Chair recognizes the gentleman from Dauphin, Mr. Manmiller.

Mr. MANMILLER. Mr. Speaker, I thank you for granting to me a few of the very precious moments of this great body and the opportunity to perform a very pleasant task, a pleasant task but a sad task as it is one of good-bye.

Mr. Speaker, many years ago when I was a boy, on many occasions I heard my father say: "He who thinketh by the inch and talketh by the yard should be kicketh by the foot." And as a

boy growing up, it is quite evident this was not one of my more successful ventures. Throughout my life I never fully understood the lesson my father was attempting to convey. However, 3 years ago when I became a member of this body, comprehension of what my father so often said came quickly. On many an occasion I sat here feeling sorry for myself and other members as we listened to those who talked by the yard. But then I began realizing how fortunate the members were. A member could take a walk, turn down his hearing aid, read a newspaper, catch up on his mail, converse with his neighbor, or whatever. I also began realizing there are those who are not as fortunate. There are those who must sit and listen, and they are the women of deep concentration, deep thought, and above all patience or they could not survive. They are the ladies who sit in the well of this House intently listening to every word and recording the same. They are the ladies known as the House stenographers or recorders.

It is this, Mr. Speaker, that brings me to the order of business which we have just completed. It has been a pleasant task but, as I said, a sad one, and it is one of good-bye. Today I am proud of Thelma Mariano, and I hope that all of you join with me in wishing her the best.

Thank you.

#### HIGHER EDUCATION SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I would like to announce a meeting of the Subcommittee on Higher Education immediately on the declaration of the recess in the Education Committee room.

#### LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Barber, for the purpose of making an announcement.

Mr. BARBER. Mr. Speaker, there will be a meeting of the Liquor Control Committee in the majority caucus room as soon as the recess is declared.

#### RULES COMMITTEE MEETING CANCELED

The SPEAKER. There is no need for a Rules Committee meeting. The Chair advises the lady, Mrs. Taylor, that the Rules Committee meeting, which was to consider a certain resolution is not being called. The sponsor of the resolution has agreed to delay the resolution.

#### DEMOCRATIC CAUCUS

The SPEAKER. There being no further business before the House at this period of time, the House will stand in recess until 2:30. There is a caucus called for the Democratic Party at 1 o'clock.

The Chair repeats: Anyone, Democrat or Republican, who has an amendment to either the gross receipts bill or to the budget-cutting bill must have those amendments printed and cir-

culated before we return to the floor of this House at 2:30. The Chair does not intend to delay the business of the House while some member comes up with a last-minute amendment.

*The Chair recognizes the majority leader.*

Mr. MANDERINO. Mr. Speaker, it is my understanding that on the gross receipts tax bill, there are two amendments that we are aware of and that we will caucus on.

The SPEAKER. That is correct — the gentleman, Mr. DeVerter, and the gentleman, Mr. Mebus. No one else has suggested an additional name. Are there any additional names, Mr. Hayes?

Mr. S. E. HAYES. No, Mr. Speaker.

The SPEAKER. On SB 1187 on page 9, for the information of the members, the Chair has listed the gentleman, Mr. Rhodes, as offering an amendment; the gentleman, Mr. DeVerter; the gentleman, Mr. Helfrick; the gentleman, Mr. Fischer; the gentleman, Mr. Mowery; the gentleman, Mr. Letterman, who says he has two amendments; and the gentleman, Mr. McLane. The Chair has no other amendments.

Does the gentleman, Mr. Bennett, have an amendment to that bill?

Mr. BENNETT. Mr. Speaker, I intend to offer two amendments to SB 1187.

The SPEAKER. The gentleman, Mr. Bennett, will offer two amendments to SB 1187. Are there other amendments to be offered? The gentleman, Mr. Pitts, will offer an amendment.

Does the gentleman, Mr. Meluskey, have an amendment?

Mr. MELUSKEY. Yes, Mr. Speaker, I have two amendments.

The SPEAKER. The gentleman, Mr. Meluskey, has two amendments.

Does the gentleman, Mr. Itkin, have one or two?

Mr. ITKIN. I have several. Just put down about 10.

The SPEAKER. Just put down about 10? All right. The gentleman, Mr. Itkin, has several amendments.

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

Mr. DiCARLO. Mr. Speaker, just a point of information. I hope the Chair can advise me accordingly. Are you anticipating voting SB 1187 this afternoon?

The SPEAKER. Oh, yes.

Mr. DiCARLO. Mr. Speaker, has the Democratic caucus caucused on that legislation yet? I was unable to get to Harrisburg yesterday because of the weather and got in late yesterday afternoon, and it was my understanding that we had not discussed it.

The SPEAKER. The purpose of the Democratic caucus as well as the purpose of the Republican caucus is to do precisely that. That is the reason the Chair has emphasized the importance of having the amendments drafted. Each party will caucus on SB 1187 and possibly also the gross receipts bill, but I think both caucuses dealt with that yesterday.

Mr. DiCARLO. Mr. Speaker, if I can ask your indulgence further. I have several amendments I would like to offer, but they will not be offered if I can get some clarity in our Democratic caucus. There are some things in that proposal that I do not know about, and I need some answers.

The SPEAKER. The Chair would suggest you have the

amendments drafted first, and then if you are satisfied by your discussion in caucus, you can always withhold the amendment.

Mr. DiCARLO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DiCarlo's name should be added to offer amendments to SB 1187. The gentleman, Mr. Sweet, has one amendment. Are there further amendments contemplated? The Chair hears none. The Chair will read again the list: The gentleman, Mr. Rhodes; the gentleman Mr. DeVerter; the gentleman, Mr. Helfrick, the gentleman, Mr. Fischer; the gentleman, Mr. Mowery; the gentleman, Mr. Letterman; the gentleman, Mr. McLane; the gentleman, Mr. Bennett; the gentleman, Mr. Pitts; the gentleman, Mr. Meluskey; the gentleman, Mr. Itkin; the gentleman, Mr. DiCarlo; the gentleman, Mr. Sweet. Those amendments will be considered in both caucuses.

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

Mr. D. S. HAYES. Mr. Speaker, I may have amendments. I will let you know in a few minutes.

The SPEAKER. We will put the gentleman, Mr. David Hayes, on the list.

Does the gentleman, Mr. Laughlin, have amendments?

Mr. LAUGHLIN. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Do you have amendments to offer to this bill?

Mr. DAVIES. Tentatively, but I have my doubts because of the question of constitutionality, Mr. Speaker.

The SPEAKER. We will add the gentleman, Mr. Davies, to the list, and he should prepare the amendments anyway so that they can be debated in caucus.

## REPUBLICAN CAUCUS

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

Mr. S. E. HAYES. Mr. Speaker, I am pondering as to what time we should caucus. I would request a Republican caucus at this time. I do not see where we are going to be able to make much progress before 2:30, but there are a couple of amendments which are far reaching that are prepared, and I believe that the Republicans should caucus on these few amendments before we go to lunch. I think in a few moments we could establish our position on these amendments, and I would ask for a caucus immediately.

We have caucused on the two bills. We only have to caucus on the amendments, Mr. Speaker, so I would respectfully ask all Republicans to come to caucus immediately.

The SPEAKER. There will be a Republican caucus immediately. The Democratic caucus will be held at 1:15. We will return to the floor of the House at 2:30.

## RECESS

The SPEAKER. This House stands in recess until 2:30 this afternoon.

**AFTER RECESS**

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

**HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE**

**No 1973** By Messrs. GOODMAN, W. D.  
HUTCHINSON, KLINGAMAN and  
HELFRICK

An Act authorizing the Board of Schuylkill County Municipal Authority to transfer certain Project 70 lands in New Castle, Ryan and Blythe Townships in Schuylkill County to Crown American Corporation in exchange for a certain parcel of land containing the Mud Run Dam.

Referred to Committee on Conservation.

**HOUSE RESOLUTION INTRODUCED AND REFERRED**

By Mrs. KELLY, Messrs. RICHARDSON, WHITE,  
SALVATORE, JONES, JOHNSON, GIAMMARCO,  
McLANE, WANSACZ, Mrs. HARPER, Messrs. POTT,  
KLINGAMAN, NOYE, MCGINNIS, FEE, MRKONIC,  
DUFFY, GAMBLE, GEISLER, FLAHERTY, REED,  
LINCOLN, LEVIN, DOYLE, DiCARLO, OLIVER,  
WIGGINS, DIETZ, WASS, MILLER, HASAY, GRIECO,  
KATZ, BURNS, CESSAR, Mrs. TAYLOR, Miss  
SIRIANNI, Mrs. SCANLON, Messrs. CIANCULLI,  
RIEGER and BARBER

**HOUSE RESOLUTION No. 182**

The Health and Welfare Committee of the House of Representatives be directed to investigate Upsal Day School of the Center for the Blind in Philadelphia as regards the alleged unsafe and unsanitary conditions and the possible misuse of State funds.

Referred to Committee on Rules.

**SENATE MESSAGE****SENATE BILL FOR CONCURRENCE**

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

**SENATE BILL No. 1085**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" creating the Pennsylvania Office of Mine Safety and providing for its powers and duties.

Referred to Committee on Mines and Energy Management.

**BILLS SIGNED BY SPEAKER**

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

**SENATE BILL No. 377**

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law" excluding

certain structures involved in manufacturing from taxation.

**SENATE BILL No. 481**

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled as amended "The Fourth to Eighth Class County Assessment Law" excluding certain structures used in manufacturing from taxation and making an editorial change.

Whereupon,

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

**FILMING PERMISSION GRANTED**

The SPEAKER. The Speaker has given permission to Mr. Aaron Neal of the Harrisburg Area Community College newspaper, The Fourth Estate, to take still photographs on the floor of the House for a period of 10 minutes.

The Chair would suggest that the gentleman wait for a period of another 5 minutes until the members gather, and then you may start. We will let you know.

**BILLS REPORTED FROM COMMITTEE AND TABLED****HB 652, PN 2442 (Amended)**

By Mr. BERSON

An Act to provide for the selection of jurors to serve in the courts of common pleas of this Commonwealth; defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in certain counties, and prescribing its powers and duties; providing for the compensation and expenses of jurors summoned to serve; providing penalties for violation of the act and for failure to serve; and repealing inconsistent acts.

Judiciary.

**HB 1966, PN 2429**

By Mr. BERSON

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

Judiciary.

**CALENDAR****FINANCE BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 782, printer's No. 1473**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971" extending the gross receipts tax to all electricity produced in the Commonwealth; and providing for reporting.

On the question,

Will the House agree to the bill on third consideration?

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

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

I wonder if the gentleman, Mr. DeVerter, would yield for just a moment, please.

The SPEAKER. The gentleman indicates he will yield. The gentleman, Mr. Hayes, may proceed.



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

There is a flood of amendments this afternoon for obvious reasons. I would like to call the attention of the Republican representatives to a memorandum which I placed on their desks, and I would ask that they pay particular attention to that memorandum.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeVERTER offered the following amendments:

Amend Title, page 1, line 10, by inserting after "penalties," "creating the Pennsylvania Higher Education Fund and appropriating part of the personal income tax and corporate income taxes thereto and

Amend Bill, page 1, by inserting between lines 14 and 15

Section 1. The act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," is amended by adding a section to read:

Section 362. The Pennsylvania Higher Education Fund.—(a) In recognition of the General Assembly's commitment to higher education in Pennsylvania there is hereby created a separate segregated fund to be known as the "Pennsylvania Higher Education Fund."

(b) All funds deposited in such fund shall only be appropriated to and used by institutions of higher learning not otherwise receiving funds from the Commonwealth of Pennsylvania through a general appropriations act or any amendment or supplement thereto. The term "institution of higher learning" shall not be construed to mean a museum, notwithstanding that such museum might be affiliated with a college or university.

(c) Beginning July 1, 1978 and each year thereafter, that portion of the tax imposed by section 302 equal to three-tenths of one per cent of the income taxable thereunder and that portion of the taxes imposed by sections 402 and 502 equal to one per cent of the income taxable under such sections shall be deposited in the "Pennsylvania Higher Education Fund" and be subject to appropriations as specified herein.

(d) Nothing herein shall be construed to require the General Assembly to appropriate, in any year, all the money contained in or due to accrue into said fund.

Amend Sec. 1, page 1, line 15, by striking out "1" and inserting 2

Amend Sec. 1, page 1, lines 15 and 16, by striking out ", of the act of March 4, 1971 (P. L. 6, No. 2)," in line 15 and "known as the "Tax Reform Code of 1971," " in line 16 and inserting of the act,

Amend Sec. 2, page 9, line 19, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

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

This amendment is A3325. Is that correct?

Mr. DeVERTER. That is correct, Mr. Speaker.

The SPEAKER. A3325. The Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I offer this amendment in light of the recent impasse that we have had with respect to the institutions of higher learning, those particularly in the state-related area.

This amendment addresses itself to that tax increase that has recently been passed onto the people of this Commonwealth in the name of education. I firmly believe that when we do this, the money should be so earmarked. It is with that intent that I offer this amendment.

Simply what the amendment does is it takes three-tenths of 1 percent of the personal income tax and 1 percent of the corporate net income tax and designates it to a Pennsylvania higher education fund. This fund will accrue those moneys as heretofore mentioned with respect to the percentages on the personal and corporate net income tax.

It should be noted that the final paragraph of the amendment indicates that the total amendment should not be construed to mean that the General Assembly must at any time spend all the money that might approximate that which has come into that fund.

In other words, presently the three-tenths of 1 percent and the 1 percent CNI raises approximately \$285 million, and that is approximately what our state-related institutions need. I would suggest that perhaps in subsequent years there will be additional funds coming in at a higher rate with the three-tenths and 1 percent and that the money may accrue to a greater extent than is needed for those institutions. It then permits the General Assembly at any given time to designate those funds for other purposes. That is the intent of the amendment, Mr. Speaker.

#### POINT OF ORDER ON GERMANENESS

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

Mr. ENGLEHART. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ENGLEHART. I suggest, Mr. Speaker, that the gentleman's amendment is not germane to the Tax Reform Code of 1971, and I request the Speaker to put the question to the House as to whether it is germane.

My reasons for saying it is not germane are really not complicated. The Tax Reform Code of 1971 imposes taxes, nothing else. It has done that ever since 1971. It has never been the history of this House to permit appropriations to be made in a tax bill, and even though the language in the last paragraph of the amendment tries to say it is not an appropriation, that is basically what it is doing. It is setting aside money out of tax revenues for nonpreferred problems.

The constitution of this state prohibits this General Assembly or the Governor or the Treasurer from spending money for nonpreferreds until all general appropriations have been made, funded, and passed — all the more reason that an amendment like this would not be germane to a tax bill.

Thirdly, the constitution provides that all nonpreferred appropriations require a two-thirds vote. If we are going to start mixing in ideas of funding nonpreferreds in a tax bill, are we going to require a two-thirds vote for the tax, a two-thirds vote

for the amendment, or a two-thirds vote for final passage?

Mr. Speaker, I submit that the amendment is not germane, and I request that the question be put to the House and the members vote "no."

The SPEAKER. The Chair understands the question raised. As the Chair reads the rules of the House, the gentleman is raising a question of germaneness based on an alleged violation of rule 27 of the House, which states, "No bill shall be amended so as to change its original purpose. (Constitution, Article III, Section 1)." Apparently it is the gentleman, Mr. Englehart's argument that this amendment, the DeVerter amendment, violates that particular rule and therefore is not germane.

On the question of germaneness, this is a question to be resolved by a vote of the House.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment does not make appropriations. It merely establishes a fund which I could not find nor anyone else, I believe, in this House, a rule or the constitution which prohibits.

If I recall correctly and those who are perhaps more informed than I, there was a time when the Sales and Use Tax was designated for education in this Commonwealth and was so stated in the preamble. Now I see nothing wrong in our establishing in the Tax Reform Code of 1971 the ability for us to have a fund there designated for the educational purposes of our young people.

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

Mr. ENGLEHART. I have nothing further, Mr. Speaker. I request the members to vote "no."

The SPEAKER. The Question before the House is, is the DeVerter amendment germane to SB 782? Those who believe it to be germane will vote "yes"; those who believe it to be nongermane will vote "no."

On the question,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

#### YEAS—77

Anderson	Goebel	McGinnis	Scirica
Armstrong	Greenleaf	Mebus	Seltzer
Brandt	Grieco	Miller	Sirianni
Burd	Halverson	Moehlmann	Smith, E.
Burns	Hamilton	Mowery	Smith, L.
Butera	Hasay	Noye	Spencer
Cessar	Haskell	O'Brien, D.	Spitz
Cimini	Hayes, D. S.	O'Connell	Stairs
Davies	Hayes, S. E.	Pancoast	Taddonio
DeVerter	Helfrick	Parker	Taylor, E.
Dietz	Hutchinson, W.	Peterson	Thomas
Dininni	Katz	Piccola	Vroon
Dorr	Klingaman	Pitts	Wagner
Fischer, R. R.	Lehr	Polite	Wenger
Fisher, D. M.	Levi	Pott	Wilson
Foster, A.	Mackowski	Pyles	Wilt
Foster, W.	Madigan	Ryan	Wright, J. L.
Freind	Manmiller	Salvatore	Yohn

Gallen	McClatchy	Scheaffer	Zearfoss
Geesey			

#### NAYS—114

Abraham	Fryer	Manderino	Ruggiero
Arthurs	Gallagher	McCall	Scanlon
Barber	Gamble	McIntyre	Schmitt
Bellomini	Garzia	McLane	Schweder
Bennett	Gatski	Meluskey	Shuman
Berlin	Geisler	Milanovich	Shupnik
Berson	George, C.	Milliron	Stapleton
Bittinger	George, M.	Miscevich	Stewart
Borski	Giammarco	Morris	Stuban
Brown	Goodman	Mrkonic	Sweet
Brunner	Gray	Mullen, M. P.	Taylor, F.
Caltagirone	Greenfield	Mullen, M. M.	Tenaglio
Caputo	Harper	Musto	Trello
Cassidy	Hoeffel	Novak	Valicenti
Cianciulli	Hutchinson, A.	O'Brien, B.	Wansacz
Cohen	Itkin	O'Donnell	Wargo
Cole	Johnson	O'Keefe	Wass
Cowell	Jones	Oliver	White
DeMedio	Kelly	Petrarca	Wiggins
DeWeese	Knepper	Pievsky	Wise
DiCarlo	Kolter	Prendergast	Wright, D.
Dombrowski	Kowalyszyn	Rappaport	Yahner
Donatucci	Kukovich	Ravenstahl	Zeller
Doyle	Laughlin	Reed	Zitterman
Duffy	Letterman	Renwick	Zord
Dumas	Levin	Rhodes	Zwinkl
Englehart	Lincoln	Richardson	
Fee	Livengood	Rieger	Irvis,
Flaherty	Logue	Ritter	Speaker

#### NOT VOTING—12

Beloff	Gleeson	Kernick	Shelton
Bittle	Honaman	Lynch	Weidner
Gillette	Hopkins	Pratt	Williams

So the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. For the information of the House, we are still awaiting from the drafting agency the Mebus amendment. Has the gentleman, Mr. Mebus, received his amendment yet?

Mr. MEBUS. I have not, Mr. Speaker. I do not know what to do to facilitate the operation. I know that Bob Kagan has a copy of my intent and the wording that was sent upstairs.

The SPEAKER. Let me query the majority leader on this.

Mr. Majority Leader, I am informed by the Legislative Reference Bureau that even though Mr. Mebus turned his amendment in at 10:30 this morning, the amendment has not yet come out of their computer.

Mr. MANDERINO. I would suggest that they get a new computer up there.

The SPEAKER. The Chair has already sent a rather pointed request for information from that office which may involve more than a new computer.

Is the gentleman satisfied to allow the gentleman, Mr. Mebus, to explain his amendment or does the gentleman, Mr. Manderino, decide that we should delay this vote until the amendment is actually before us?

Mr. MANDERINO. Will the gentleman, Mr. Mebus, consent to interrogation?

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

Mr. MANDERINO. We have read your memo which embodied what your thoughts were for the amendment. Do you know whether the Legislative Reference Bureau has changed the wording as it was contained in the memo?

Mr. MEBUS. Not to my knowledge, but Mr. Murphy, standing behind me, made a casual observation which I overheard and that is why I snickered. He said, "They'd better not."

We would hope that it was satisfactory as it went up there. I think it was rather well researched before it was even sent to them.

Mr. MANDERINO. Mr. Speaker, I would ride with the consensus of the House. I have the language of the amendment; I can deal with it in those terms. I think, though, that we should have it before a final vote.

On the merits of the amendment, I know there is going to be a suggestion made that the amendment is unconstitutional. I would be able to take it that far, and that may dispose of the matter.

The SPEAKER. We will continue with the Mebus amendment, even though it is not physically before us, up to the point where the House must make a final decision on the acceptance or rejection of the amendment.

The Chair recognizes the gentleman from Montgomery, Mr. Mebus, who will explain the amendment he is offering to SB 782, PN 1473.

Mr. MEBUS. Mr. Speaker, the biggest questions that have been raised in connection with this bill have to do with the impact of possible retaliation by other states immediately around our borders or possibly even including the State of Virginia, though I do not know that that is terribly relevant. But it is the fear of a number of us that if we do this, certain power presently used in Pennsylvania but generated out of state would be subjected to a similar tax and in turn this tax would have to be paid by the consumers in the given service area. In order to mitigate or limit or minimize—however you choose to say it—the impact of any potential retaliation, I am offering this amendment.

What the amendment suggests is this: If after we enact this tax a bordering state enacts a similar tax in retaliation, then the sum total of the dollars to be paid by a given utility to the other state as compared to the dollars that would be collected on the reverse end of this thing would be balanced out one against the other. Should it turn out that the net would require a payment from Pennsylvania users to the other states, then this amount could only be added to the utility bill as a direct pass-through and not in any sense be made part of the rate structure, together with the profit margin that is permitted by the Public Utility Commission.

So hopefully, though the collections by the Commonwealth might not be so great, at least it would not be socked to our people to pay it. That is what I am seeking, because I feel that this, though a well-intended sort of tax measure, could result in in-

creased utility bills which are particularly burdensome to those at the low end of the economics ladder.

This is an effort to try to minimize the impact of any rate increase that would result from retaliation against Pennsylvania.

#### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the majority leader. For what purpose does the gentleman rise?

Mr. MANDERINO. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, I rise to suggest the unconstitutionality of the Mebus amendment. The Mebus amendment purports to allow what is termed as possible retaliation in the memo that we received — anything in a neighboring state which might reassess, reenact, or administratively modify any existing tax level, to make the same applicable to a Pennsylvania domiciliary.

Mr. Speaker, it is my opinion and the opinion of people who have looked at the matter for me that to allow administrative modification or any modification of the tax levy imposed by the State of Pennsylvania by simple administrative act in another state would be not only an unlawful delegation of the authority of this legislature to the Secretary of Revenue, who would then mandatorily have to enter into reciprocal agreements, but would also constitute a violation of the uniformity clause of the Federal Constitution and the uniformity clause of the Pennsylvania constitution, because we would then be in a situation where if a Pennsylvania-based utility is producing power in New Jersey or in Ohio or in Delaware, we would then, because of the credit given, be selling that power to that state for a lesser figure, for a smaller figure than would be paid by, say, the State of New York that has no utility there serving Pennsylvania.

Because of that simple fact that there are states that do not have utilities servicing Pennsylvania that would never get the benefit of the credit, we would be applying a tax that would not be uniform and would be violative of not only our constitution but the Constitution of the United States.

I suggest the Mebus amendment is unconstitutional and ask that the question be put to the House.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus, on the question of constitutionality.

Mr. MEBUS. Mr. Speaker, originality in the wording here is not significant to me. The intent is, as I stated earlier, to try to mitigate any increase or prevent any increase in the cost of utility rates to our people.

I am not a constitutional lawyer, and as has been said on this floor before, even those who claim to be are not certain of the accuracy of their observations. But I would like to see this provision in the act, even if a severability clause were added to it, so that if it were found constitutional, the remainder would not be so found so that there would be at least some basic premise for trying to provide this protection for the people.

If, in fact Mr. Manderino's allegation is correct, no harm would be done. But if he were incorrect, we would provide this protection for the users of utilities in the Commonwealth.

The SPEAKER. On the question of constitutionality then, the Chair recognizes the gentleman from Delaware, Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, I have never heard a more spurious argument than the one advanced by Mr. Manderino. There is nothing in the constitution that says that utility rates have to be uniform, and that is what he is talking about. He says if there is a credit in one state, then the utility rates charged in New Jersey are different than the utility rates charged in New York. So what? That is not in the constitution. That does not make this amendment unconstitutional.

The second point is, he is saying that you cannot have different forms of reciprocity or reciprocal agreements of a different nature with different states. That is spurious and ridiculous on its face also. We have all sorts of different reciprocal agreements with different states, and it all depends on what states have what taxes and how the Secretary of Revenue enters into those agreements.

I was the primary sponsor of a bill that permits the Secretary of Revenue to enter into reciprocal agreements with other states on the personal income tax. Now is the majority leader saying that that is unconstitutional? Of course not. I think the argument that he advances is stupid and should be ignored.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we are imposing a tax. We are imposing a tax, and the Mebus amendment allows credits against that tax which will effectively change the rate of that tax for those states that may have power plants in that state supplying Pennsylvanians.

New York has no power plant, as an example, supplying Pennsylvania. Their rate of taxation would be a different rate of taxation, and there is no question about that. If a credit were allowed and mandatorily allowed and the rate would be changed by administrative act, it is an unconstitutional delegation of power to the Secretary of Revenue by this General Assembly and it would result in an ununiform tax which is violative of both the Federal Constitution and the Pennsylvania state constitution. And if that is stupid, Mr. Speaker, that is stupid.

Mr. ZEARFOSS. That is stupid.

The SPEAKER. The Chair recognizes, on the question of constitutionality for the second time, the gentleman, Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, the Pennsylvania constitution does not protect the citizens of New York from unequal taxation. Mr. Manderino is attempting to raise the issue of constitutionality here in an area that has absolutely no applicability whatsoever. It does not matter whether we charge the citizens of New York one rate of tax and the citizens of New Jersey another rate of tax if that is a result of a reciprocal agreement entered into by our Secretary of Revenue based on the law that we enact here. This law is unquestionably valid and can be enacted, and it follows the same kinds of reciprocal laws that we have with respect to other taxes.

It seems to me that we should be concerned here with protecting the citizens of Pennsylvania. Why is the majority leader worried about the citizens of New York? Let them sue us if they

think it is unconstitutional.

The SPEAKER. Because the Chair has already allowed a violation of the rule without recognizing it, the Chair is going to continue on this question only to permit the debate to continue. But for the information of the members, rule 4 says plainly that no member can speak more than once on a question of a matter of order or on a question of constitutionality, which is a question of order, a point of order.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, Mr. Zearfoss says that we have the ability to tax at different rates for different states. He is categorically wrong, and he should know that the purest elements of constitutional law are that you must tax anything exported from the state at the same rate going to any state outside this Commonwealth. We cannot tax at one rate products going to New York and at another rate products going to New Jersey, Ohio, or California. And it is the Federal Constitution that restricts us.

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

Mr. MEBUS. Mr. Speaker, this is my turkey, and if I may, I would like to respond once more if the House will permit me to do so.

The SPEAKER. The gentleman may proceed.

Mr. MEBUS. In response to the majority leader, I would say this: We are not taxing at different rates into different states. The tax rate would remain the same. The only thing that we are talking about is if there is retaliation, that a credit, not against the tax rate but against the total taxes paid, be permitted so that the amount that would be ultimately levied against the utility users would not be the total amount that is taxed by the other state, that a credit be allowed against it insofar as the utility rate determination is concerned. The tax rate would not change. It would be the same for every state, but merely that the sum totals of the amounts collected by one state as opposed to the other state would be offset one against the other when we are determining what will be passed through to the ultimate payer of the levy, which is in this case the utility user.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman from Montgomery, Mr. Pancoast.

Mr. PANCOAST. Will the majority leader consent to interrogation?

The SPEAKER. The gentleman, Mr. Pancoast, was recognized. The gentleman inquires whether or not the majority leader will stand for interrogation.

Mr. MANDERINO. Yes.

The SPEAKER. The majority leader indicates he will so stand. The gentleman, Mr. Pancoast, is in order and may proceed.

Mr. PANCOAST. Mr. Speaker, I believe I heard the majority leader say that SB 782 would raise revenue. Is that correct, Mr. Speaker?

Mr. MANDERINO. Pardon me?

Mr. PANCOAST. Did I hear you say that SB 782 is proposed to raise revenue?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. PANCOAST. Mr. Speaker, I cannot understand then why the question that is being put to this House is not a question of constitutionality of the proposed SB 782, because I read in the Constitution of the Commonwealth of Pennsylvania in Article III, section 10, that "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills."

It seems to me that the question that ought to be put at the present time, Mr. Speaker, is, is this proposed bill constitutional, not whether the amendments that Mr. Mebus wishes to offer are constitutional to that unconstitutional proposal.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we had this same debate here in the hall of the House at the time that the budget was passed and I think we put it to rest, but we are amending a gross receipts tax that is already on the books in Pennsylvania and trying to extend that tax in Pennsylvania to a legitimate subject of taxation which has heretofore escaped taxation and should be taxed.

The SPEAKER. The gentleman, Mr. Manderino, has raised the point of order that the amendment offered by the gentleman, Mr. Mebus, to SB 782, PN 1473, is unconstitutional. Mr. Manderino's motion includes an alleged violation of Article VIII, section 1, of the Pennsylvania constitution. The Speaker, under rule 4, is required to submit questions affecting constitutionality to the floor of the House, which the Chair now does.

The question before the House is on the point of order raised by the gentleman, Mr. Manderino. Those believing that the amendment offered by the gentleman, Mr. Mebus, is constitutional will vote "aye."

#### POINT OF ORDER

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

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, is it not a fact that in order for us to vote on any question concerning this particular amendment, we would have to have the amendment in front of us in order to see it, and the discussion raised at this particular time was raised merely as a matter of procedure in terms of trying to help with time? We have not seen that amendment in its printed form, and I thought that we were going to have an opportunity to see it before any question was raised and voted upon.

The SPEAKER. Is the gentleman objecting to continuing the vote? If the gentleman does object, then we may not continue this vote at this time.

Mr. RICHARDSON. Yes; I do raise an objection, Mr. Speaker, until we have an opportunity to see it. I am not sure which way I am going to go yet myself.

The SPEAKER. The gentleman is within his rights to raise the objection, and the House will stand at ease until the amendment is distributed. I understand the amendment has now been received and will be distributed on the floor of the House.

Has the amendment been printed?

Mr. MEBUS. No, Mr. Speaker, but it has just been handed over to the amendment clerk and it will be very, I would guess, very, very shortly. I think it is in order for that purpose now.

#### POINT OF ORDER WITHDRAWN

The SPEAKER. Is the gentleman, Mr. Richardson, satisfied if a copy of the amendment is handed to him? The gentleman withdraws his point of order.

#### AMENDMENT TO SB 782

The following is the amendment offered by Mr. MEBUS which, however, was not read:

Amend Bill, page 7, by inserting between lines 2 and 3

(3) If, subsequent to the effective date of this act, any other state imposes any tax upon a Pennsylvania domiciled utility which is similar in any manner to the tax imposed by section 1101(b) (2), or re-assesses, reenacts or administratively modifies any existing tax levy to make same applicable to a Pennsylvania domiciled utility, the Secretary of Revenue shall immediately enter into negotiations for a reciprocal agreement with such state to credit against the tax hereby imposed upon foreign utilities, amounts which such state taxes Pennsylvania utilities. The credit negotiated by reciprocal agreement shall reduce the tax levy imposed upon foreign utilities by section 1101(b) (2) in an amount equal to similar reductions granted to Pennsylvania utilities by such other state. In the event the Secretary of Revenue is unable to consummate such reciprocal agreement, or if any agreement so negotiated does not fully offset taxes imposed on Pennsylvania utilities, the Pennsylvania Public Utility Commission shall not consider such increased out-of-state tax burden as a factor in any request for a utility rate increase. Any such increase not offset may only be recovered on a dollar-for-dollar basis.

The SPEAKER. The question is on the constitutionality of the amendment offered by the gentleman, Mr. Mebus, to SB 782, PN 1473. Those believing the amendment to be constitutional will vote "aye"; those believing it to be unconstitutional will vote "no."

On the question,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

#### YEAS—90

Anderson	Halverson	Mowery	Sirianni
Armstrong	Hamilton	Musto	Smith, E.
Brandt	Hasay	Noye	Smith, L.
Burd	Haskell	O'Brien, D.	Spencer
Burns	Hayes, D. S.	O'Connell	Spitz
Butera	Hayes, S. E.	O'Keefe	Stairs
Cessar	Helfrick	Pancoast	Taddonio
Davies	Hutchinson, W.	Parker	Taylor, E.
DeVerter	Katz	Peterson	Thomas
Dietz	Klingaman	Piccola	Vroon
Dininni	Knepper	Pitts	Wagner

Dorr	Laughlin	Polite	Wass
Fischer, R. R.	Lehr	Pott	Wenger
Fisher, D. M.	Levi	Pyles	White
Foster, A.	Mackowski	Richardson	Williams
Foster, W.	Madigan	Ryan	Wilson
Freind	Manmiller	Salvatore	Wilt
Gallen	McClatchy	Scheaffer	Wright, J. L.
Geesey	McGinnis	Schmitt	Yohn
George, M.	Mebus	Scirica	Zearfoss
Goebel	Miller	Seltzer	Zeller
Greenleaf	Moehlmann	Shuman	Zord
Grieco	Morris		

## NAYS—103

Abraham	Englehart	Lincoln	Rieger
Arthurs	Fee	Livengood	Ritter
Barber	Flaherty	Logue	Ruggiero
Bellomini	Fryer	Manderino	Scanlon
Beloff	Gallagher	McCall	Schweder
Bennett	Gamble	McIntyre	Shelton
Berlin	Garzia	McLane	Shupnik
Berson	Gatski	Meluskey	Stapleton
Bittinger	Geisler	Milliron	Stewart
Borski	George, C.	Miscevich	Stuban
Brown	Giammarco	Mrkonc	Sweet
Brunner	Goodman	Mullen, M. P.	Taylor, F.
Caltagirone	Gray	Mullen, M. M.	Tenaglio
Caputo	Greenfield	Novak	Trello
Cassidy	Harper	O'Brien, B.	Valicenti
Cianciulli	Hoefel	O'Donnell	Wansacz
Cohen	Hutchinson, A.	Oliver	Wargo
Cole	Itkin	Petrarca	Wiggins
Cowell	Johnson	Pievsky	Wise
DeMedio	Jones	Pratt	Wright, D.
DeWeese	Kelly	Prendergast	Yahner
DiCarlo	Kolter	Rappaport	Zitterman
Dombrowski	Kowalshyn	Ravenstahl	Zwilk
Donatucci	Kukovich	Reed	
Doyle	Letterman	Renwick	Irvis,
Duffy	Levin	Rhodes	Speaker
Dumas			

## NOT VOTING—10

Bittle	Gleeson	Kernick	Milanovich
Cimini	Honaman	Lynch	Weidner
Gillette	Hopkins		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration?

## CONSTITUTIONAL POINT OF ORDER

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

Mr. PANCOAST. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PANCOAST. Mr. Speaker, I question the constitutionality of the proposed SB 782.

The majority leader said that this was merely an attempt to raise revenue of an existing tax bill. The bill, of course, is designed to impose a tax on a new category of those who are subject to the tax.

Our constitution provides specifically that all bills for raising revenue shall originate in the House. It says nothing about the imposition of a new tax or the amendment of an old tax but any bill for raising revenue. SB 782 originated in the Senate. It is an attempt to raise revenue. Therefore, I challenge the constitutionality of this bill.

The SPEAKER. The gentleman, Dr. Pancoast, has raised a question of constitutionality on the total bill, SB 782, PN 1473. The gentleman raises that question under Article III, section 10, of the Pennsylvania constitution, which says: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills."

The question is on the constitutionality of this bill. Now the Chair has advised the members that under rule 4, no member may speak more than once on the point of order except with the permission of the House.

The Chair recognizes, on the question of constitutionality of the total bill, the majority leader.

Mr. MANDERINO. Mr. Speaker, as indicated earlier, the same identical argument was made when we were voting other tax bills here this summer and in the fall.

The House decided those questions, and they decided the question contrary to the position now taken by Mr. Pancoast. And without opening up the record and going through all the debate that we had before, I simply ask all members to vote in favor of the constitutionality of SB 782 as it is before us and vote in the affirmative.

The SPEAKER. On the question of the constitutionality of the total bill, the Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I would hope on this vote, in the face of the plain language of the constitution which says that revenue bills must originate in the House, that this House will not simply, in a blind exercise of partisanship, abdicate and give up that most important prerogative.

The constitution is absolutely clear. It says that a revenue-raising bill—and that is what this is—must originate in the House. It looks very ill of this House to accept the spurious arguments on constitutionality that were raised on the previous motion on a partisan basis and then in the face of the plain language of the constitution refuse to enforce it. You have an oath to do that, and you ought to follow it.

Thank you.

## PARLIAMENTARY INQUIRY

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

Mr. ZEARFOSS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Under the rules of the House, does the Speaker have the authority to rule on the issue of constitutionality or must that question be put to the House?

The SPEAKER. The Speaker has been advised that under the rules of the House, the question must be decided by the House.

Mr. ZEARFOSS. Mr. Speaker, I would like to debate that issue.

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

Mr. ZEARFOSS. Mr. Speaker, I am aware of the fact that there have been court cases decided on this issue after a bill has been passed raising revenue where that bill, or at least the amendments to a bill, originated in the Senate. The courts have said that the provision of the constitution requiring that revenue-raising measures originate in the House does not supersede the enrolled-bill doctrine, and the bill, a revenue-raising measure, once enrolled, even though it originated in the Senate, can be considered to be a valid exercise of legislative authority.

I would, however, like to point out a distinction. We are not talking about an enrolled bill at this point; we are talking about the constitution and the authority that it gives to this House of Representatives, authority that it takes away from the Senate of this state. We are not asking a court here to decide the issue of whether a revenue-raising measure may be initiated in the Senate. We are being asked to decide that question ourselves here in the House of Representatives where the people of Pennsylvania have given us the authority to initiate tax-raising measures.

It seems to me that as members of the House we should exercise our prerogative, assert our authority given to us by the constitution, and tell the Senate and tell the people of Pennsylvania that we are willing to accept that responsibility that has been given to us and tell the Senate that they cannot do this to us even though we may let it slip through once or twice and the court may say that it is valid. When we are given the opportunity to pass on that issue, we as House members should tell the Senate that it is our authority; it is our prerogative to initiate revenue-raising measures; and we are going to assert that authority. We can tell them right now that if it does not go through the Finance Committee of the House and the bill is not named a House bill and it does not originate here, they are not going to get any revenue raised in this Commonwealth in the future. I think we can start right now and tell them that, and I think we should by voting against the constitutionality of this bill.

On the question,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

#### YEAS—109

Abraham	Gallagher	McCall	Ritter
Barber	Gamble	McIntyre	Ruggiero
Bellomini	Garzia	McLane	Scanlon
Beloff	Gatski	Milanovich	Schmitt
Bennett	Geisler	Milliron	Schweder
Berlin	George, C.	Miscevich	Shupnik
Berson	Giammarco	Morris	Stapleton
Bittinger	Gleeson	Mrkoncic	Stewart
Borski	Goodman	Mullen, M. P.	Stuban
Brunner	Gray	Mullen, M. M.	Sweet
Caltagirone	Greenfield	Musto	Taylor, F.
Caputo	Greenleaf	Novak	Tenaglio
Cassidy	Harper	O'Brien, B.	Trello
Cianciulli	Hoeffel	O'Donnell	Valicenti
Cohen	Hutchinson, A.	O'Keefe	Wagner

Cole	Johnson	Oliver	Wansacz
Cowell	Jones	Parker	Wargo
DeMedio	Kelly	Petrarca	White
DeWeese	Knepper	Piccola	Wiggins
Dombrowski	Kolter	Pievsky	Wise
Donatucci	Kowalyszyn	Pott	Wright, D.
Duffy	Kukovich	Pratt	Yahner
Dumas	Letterman	Prendergast	Zitterman
Englehart	Levin	Rappaport	Zwinkl
Fee	Lincoln	Ravenstahl	
Fisher, D. M.	Livengood	Reed	Irvis,
Flaherty	Logue	Renwick	Speaker
Fryer	Manderino	Rieger	

#### NAYS—84

Anderson	Gallen	Manmiller	Seltzer
Armstrong	Geesey	McClatchy	Shuman
Arthurs	George, M.	McGinnis	Smith, E.
Brandt	Goebel	Mebus	Smith, L.
Brown	Grieco	Meluskey	Spencer
Burd	Halverson	Miller	Spitz
Burns	Hamilton	Moehlmann	Stairs
Butera	Hasay	Mowery	Taddonio
Cessar	Haskell	Noye	Taylor, E.
Cimini	Hayes, D. S.	O'Brien, D.	Thomas
Davies	Hayes, S. E.	O'Connell	Vroon
DeVerte	Helfrick	Pancoast	Wass
DiCarlo	Hutchinson, W.	Peterson	Wenger
Dietz	Itkin	Pitts	Williams
Dininni	Katz	Polite	Wilson
Dorr	Klingaman	Pyles	Wilt
Doyle	Laughlin	Richardson	Wright, J. L.
Fischer, R. R.	Lehr	Ryan	Yohn
Foster, A.	Levi	Salvatore	Zearfoss
Foster, W.	Mackowski	Scheaffer	Zeller
Freind	Madigan	Scirica	Zord

#### NOT VOTING—10

Bittle	Hopkins	Rhodes	Sirianni
Gillette	Kernick	Shelton	Weidner
Honaman	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. MEBUS. Mr. Speaker, at first blush this bill appears to be an ideal tax bill, for it affects no Pennsylvanians. It passed the Senate by a vote, I believe, of 48 to nothing. The taxes to be collected are to be paid by the utility companies of Ohio, New York, New Jersey, Delaware, Maryland, Virginia, and West Virginia or by their customers by means of a pass-through.

In light of this, why was it that it took us two meetings of the Finance Committee to get the bill to the floor? And why am I debating the subject now? I think it is very clear that it is because there is a genuine fear that at least two of our neighbor-

ing states could take action which would result in increased taxes on our utility companies and in turn on their customers.

If I may, I would like to read into the record a letter sent to the minority leader, Mr. Butera, by Charles F. Kurfess, the minority leader of the House of Representatives in the State of Ohio.

(Reading:)

Dear Representative Butera:

I have no hesitancy in indicating to anybody that, if one state starts to tax any kind of product or service which is exported to be consumed in another state, such as a utility service, it obviously raises United States constitutional questions with regard to interstate commerce and appears to be an open invitation to other states to reply in kind and enact similar legislation.

I would think, also, that at this time, when the states in this particular area are recognized to be in competition with other geographic areas of the country for economic development and attractiveness to industry and commerce, this kind of state-by-state retaliatory legislation may be counter-productive, to say the least.

Very truly yours,  
CHARLES F. KURFESS

In the light of our PUC regulations and procedures, any such retaliatory action by another state would result in increased rates to our customers. In the final analysis this out-of-state tax may well be paid, at least in part, by those least able to afford it, those at the bottom of the income scale, those Pennsylvanians at the bottom of the income scale.

There is no certainty that Ohio and New Jersey will retaliate or, to be a bit more delicate, exercise reciprocity, but there is no assurance that they will not. Until yesterday I was greatly concerned about the prospects of the enactment of a retaliatory tax by Maryland. I am less fearful of that problem today than I was yesterday. We are trying to sift through the tax laws of New Jersey and Ohio and to get expressions from others beyond Minority Leader Kurfess and from bureaucrats as well as legislative leaders regarding their reactions to the passage of this gross receipts tax. Our investigations are not yet complete.

We do not wish to get burned nor to let our constituents, virtually all of whom pay utility bills, get burned. This lack of assurance regarding the ultimate effect of SB 782 is the basis of my opposition to the passage of this bill.

In addition, however, there is another fear that should be resolved which very greatly concerns the Pennsylvania economy. Pennsylvania is a net exporter of electric power. Pennsylvania has, therefore, numerous generating facilities within its borders. Additional facilities of this nature are presently under construction and more are in the design stage. These facts are true for two reasons: First, because of our significant bituminous coal resources; and secondly, because of a favorable tax structure. No matter what taxes we pass, the coal will not move. But might not a significant change in the tax structure make someone else's coal more attractive?

The spin-offs for our economy resulting from this power plant construction have been numerous and they have been significant. It has been very helpful to have them locate here. They mean jobs for Pennsylvanians. We must be certain that

the passage of this bill will not result in destroying this favorable position.

I really do not want to stand here and oppose this bill today, but I feel I must do so if we do not have answers to some of these questions. A delay of no more than a week and I think I might well join you in support of it if we can answer more of the questions that I have raised. Let us be certain before we act of just where we are headed.

If this bill is enacted without solid assurances relative to the matters I have discussed, we may well have bought a pig in a poke and that pig may very quickly jump out of the poke and cause another stink directly traceable to Harrisburg. If this bill is passed today and the results come back to haunt us, I would hope to witness the majority leader voluntarily eating crow and acknowledging that fact to this body and acknowledging further that the action we are about to take today was truly precipitous.

It is my belief that the questions I have posed can be answered with reasonable accuracy and reasonably promptly.

#### MOTION TO POSTPONE SB 782

Mr. MEBUS. Hence, Mr. Speaker, I would move that this bill be passed over until such assurances are available for all of us.

Thank you.

The SPEAKER. The motion of the gentleman, Mr. Mebus, is that SB 782, PN 1473, which is on final passage, be postponed.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—74

Anderson	Goebel	Manmiller	Shuman
Armstrong	Greenleaf	McClatchy	Sirianni
Burd	Grieco	McGinnis	Smith, E.
Burns	Halverson	Mebus	Smith, L.
Butera	Hamilton	Mowery	Spencer
Cessar	Hasay	Noye	Spitz
Cimini	Haskell	O'Brien, D.	Stairs
Davies	Hayes, D. S.	O'Connell	Taddonio
DeVerter	Hayes, S. E.	Pancoast	Taylor, E.
Dietz	Helfrick	Peterson	Thomas
Dininni	Hutchinson, W.	Pitts	Vroon
Dorr	Katz	Polite	Wass
Fischer, R. R.	Klingaman	Pyles	Wilson
Fisher, D. M.	Knepper	Ryan	Wilt
Foster, A.	Laughlin	Salvatore	Wright, J. L.
Foster, W.	Lehr	Scheaffer	Yohn
Freind	Levi	Scirica	Zearfoss
Gallen	Mackowski	Seltzer	Zord
Geesey	Madigan		

#### NAYS—117

Abraham	Gallagher	McLane	Ruggiero
Arthurs	Gamble	Meluskey	Scanlon
Barber	Garzia	Milanovich	Schmitt
Bellomini	Gatski	Milliron	Schweder
Beloff	Geisler	Miscevich	Shelton
Bennett	George, C.	Morris	Shupnik
Berlin	George, M.	Mrkoncic	Stapleton
Berson	Giammarco	Mullen, M. P.	Stewart
Bittinger	Gleeson	Mullen, M. M.	Stuban
Borski	Goodman	Musto	Sweet



Brunner	Gray	Novak	Taylor, F.
Caltagirone	Greenfield	O'Brien, B.	Tenaglio
Caputo	Harper	O'Donnell	Trello
Cassidy	Hoeffel	O'Keefe	Valicenti
Cianciulli	Hutchinson, A.	Oliver	Wagner
Cohen	Itkin	Parker	Wansacz
Cole	Johnson	Petrarca	Wargo
Cowell	Jones	Piccola	White
DeMedio	Kelly	Pievsky	Wiggins
DeWeese	Kolter	Pott	Williams
DiCarlo	Kowalshyn	Pratt	Wise
Dombrowski	Kukovich	Prendergast	Wright, D.
Donatucci	Letterman	Rappaport	Yahner
Doyle	Levin	Ravenstahl	Zeller
Duffy	Lincoln	Reed	Zitterman
Dumas	Livengood	Renwick	Zwinkl
Englehart	Logue	Rhodes	
Fee	Manderino	Richardson	Irvis,
Flaherty	McCall	Rieger	Speaker
Fryer	McIntyre	Ritter	

## NOT VOTING—12

Bittle	Gillette	Kernick	Moehlmann
Brandt	Honaman	Lynch	Weidner
Brown	Hopkins	Miller	Wenger

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

On the question recurring,  
Shall the bill pass finally?

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

Mr. BRUNNER. Mr. Speaker, in quick response to the expressed fears of Mr. Mebus that other states might retaliate against Pennsylvania by imposing a similar tax on power produced in other states and shipped into Pennsylvania, I, at least, do not think this will happen.

First of all, many other states already impose this type of tax, the same type of tax that we are imposing in SB 782. Maryland, West Virginia, New Jersey, and Delaware all impose a similar tax. If other states would retaliate, I do not believe that they could single out Pennsylvania. It seems to me that they would have to impose a similar tax on all power shipped out of that particular state into other states, and perhaps under Federal law, Mr. Speaker, they would even have to increase the rates on their own citizenry. I think that any other state would think twice before going to that extent to get even with Pennsylvania. It seems to me that states do not tax on the basis of retaliation. State taxes are based on the entire economic climate and on the question of revenue needed in that state.

It has also been said, I believe, that this bill would deter development of new power stations and new power facilities here in Pennsylvania. I do not think that is so either for many reasons, the most important of which is that Pennsylvania has the most favorable tax climate for utilities, and I will say that again. Pennsylvania has the most favorable tax climate for utilities of all our surrounding states.

The total tax on 1,000 kilowatts of electricity produced here in Pennsylvania amounts to \$2.83. In New Jersey the tax on the same 1,000 kilowatts of electricity is twice that amount or \$5.89. In New York the same tax is two and a half times as

great. It amounts to \$7.73. That is the rate it is in New York. Keep in mind that it is \$2.83 in Pennsylvania.

Secondly, when we are talking in terms of locating coal-fired plants, we have to keep in mind that they have to be located where the coal is. It is an established fact and an accepted fact that it is cheaper to ship electricity over the wires than it is to ship coal over the rails.

For those reasons you can be sure that as long as we have our coal reserves in Pennsylvania, utility companies will continue to want to locate their power-producing plants and generating stations in Pennsylvania despite the questions that have been raised about a gross receipts tax that we are passing today.

Mr. Speaker, we all agree that there is no good tax, but I think that SB 782 is a fair tax. It represents a fair tax, and I ask for a favorable vote on the bill.

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

Mr. GOEBEL. Mr. Speaker, I would like to speak against SB 782.

I do not think it is a matter of constitutionality or a matter of retaliation. I think, if you think about it, it is the right thing to do. Is there any Representative here who thinks he is for the people? Is there any Representative here who thinks he is for the workingman? I know a lot of times people have said to me that I should be a Democrat because Democrats are for the people.

The SPEAKER. It sounds like total rejection.

Mr. GOEBEL. I think I lost that one.

But, Mr. Speaker, this is really a very regressive tax. We are passing a tax that is going to go directly onto people who can least afford it, on older women, older men, retired people, people with families, legislators, people who can least afford it.

Furthermore, Mr. Speaker, I think what we should be trying to do is attract construction into Pennsylvania. Construction of power plants is very important to Pennsylvania whether you know it or not. If there is any Representative here who thinks he is a friend of labor, a friend of the workingman, I can tell you that in the last 3 years construction of power plants has carried the construction industry where if we would not have that, we would have nothing else. If we stifle the growth of power plants in Pennsylvania, we are going to be hurting labor. So consider that. We will be hurting labor in the long run.

The question I would like to pose is, is this our answer to the energy problem? We had a flurry of bills last winter dealing with all kinds of energy conservation, and now the most direct thing we are doing is passing a tax on utilities that goes right to the consumers.

People are screaming about fuel-adjustment clauses and you try to justify that. I think what we are doing here again is not helping the energy problem; we are just putting a further burden on the consumers. I think we should do what is right, and we should not pass further increases in costs of the consumers' energy and utilities. I think we should defeat this bill and tax those who can afford it, not the people who cannot afford it.

## QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from

Chester, Mr. Vroon. For what purpose does the gentleman rise?

Mr. VROON. I rise first to a question of personal privilege and then to comment on the bill.

The SPEAKER. The gentleman will state it.

Mr. VROON. In view of the usual reception of "Vroon, Vroon," I am pleased to see my fan club still intact and to hear that they are designating me, as usual, as a man of action.

Now the comment.

The SPEAKER. Even though that is really not a question of personal privilege, it certainly is personal.

The gentleman may now make his comment on the bill.

Mr. VROON. May I interrogate Mr. Brunner, please?

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

Mr. VROON. Mr. Speaker, you made mention of the fact that other states impose a tax already on energy being exported from their states, did you not?

Mr. BRUNNER. Yes; I did, Mr. Speaker.

Mr. VROON. Did you include New Jersey in that number?

Mr. BRUNNER. Yes; I did, Mr. Speaker.

Mr. VROON. What rate of tax does New Jersey impose on energy being exported from New Jersey?

Mr. BRUNNER. I believe it is 7½ percent.

Mr. VROON. Yes; that is correct.

Now, Mr. Speaker, do you not also know that in the case of the Philadelphia Electric Company, they do not pay 7½ percent but in lieu thereof they have a special arrangement whereby they pay the corporate net income tax to New Jersey instead of that 7½ percent?

Mr. BRUNNER. I believe the gentleman is correct. By special arrangement the Philadelphia Electric Company pays taxes in the State of New Jersey as a corporation, not as a utility.

Mr. VROON. I just had that verified this morning by counsel of the Philadelphia Electric Company, that they do have this special arrangement, and that if this special arrangement were to be removed, the 7½-percent tax would be imposed and the difference would be substantial. Does not the company claim \$34 million, Mr. Speaker?

Mr. BRUNNER. Mr. Speaker, I cannot really reply to that question intelligently. All I can tell you is that if the State of New Jersey was of a mind to change the relationship which exists between them and the Philadelphia Electric Company, they could have done it a long time ago. I am not so sure that this particular bill would prompt them to do it.

Secondly, I do not know the extent of that relationship between Philadelphia Electric Company and the State of New Jersey. If indeed it is a contract, if in fact it is a contract, I doubt that the State of New Jersey could abrogate that contract. They would have to live by its terms and conditions, and I do not think that they could retaliate, if you want to use that word, by changing the contract. They would not be allowed to do that.

Mr. VROON. Mr. Speaker, if you knew that there was no contractual arrangement, consequently this is a rather loose tacit agreement between the company and the state, would you not agree then that they could change that by administrative order

at the drop of a hat?

Mr. BRUNNER. I do not know the nature—I have said this before—I do not know the nature of the relationship between Philadelphia Electric Company and the State of New Jersey. In our efforts to get that question answered this week by speaking with the Attorney General's office in the State of New Jersey, by talking to the Department of Revenue in the State of New Jersey, by talking to the Public Service Corporation, we have not been able to get that answer. So I do not know what the situation is.

Mr. VROON. Thank you, Mr. Speaker.

Now some comments, Mr. Speaker.

The SPEAKER. The gentleman is in order and may continue. He may make a comment on the bill on final passage.

Mr. VROON. The Philadelphia Electric Company serves some 1,200,000 customers in southeast Pennsylvania. All of these customers are in my district and in all of the districts of Philadelphia and the suburbs. Each one of us is affected. All of my constituents are in this area. If this tacit arrangement were to be removed—and suffice it to say that there would not necessarily be a move on the part of New Jersey but there is no guarantee whatsoever that they would not choose to do this—they have the prerogative of immediately changing that arrangement and assessing the 7½-percent tax which truly applies. In that event this can cost every customer of Philadelphia Electric as much as \$40 a year in additional utility costs which is going to come out of the pockets of people in southeast Pennsylvania, but it will not affect the people in the rest of the state.

Therefore, we have two very serious situations here. This cost may very well come back and be assessed against people in just one part of our state, and believe me it is true. It is as true as I am standing here that these people already pay a higher rate of utility cost in our part of the state than they do in the rest of Pennsylvania.

Consequently, I cannot vote for this tax because I am almost certain—at least I am not certain that it will not happen but I am almost certain—that some kind of additional cost will be levied on my customers, on my constituents who live in this area.

Consequently, I urge everybody who represents people in southeast Pennsylvania to make note of this very important situation. You are vulnerable. If you vote for this tax and if it should happen—and it can—then you will be called upon to answer for permitting this to happen to your people.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, on final passage, the gentleman from York, Mr. Anderson.

Mr. ANDERSON. Thank you, Mr. Speaker.

This idea of this particular tax is not a new idea. A number of years ago when I happened to be chairman of the Ways and Means Committee, we discussed this quite at length, made a thorough study of it, decided it was not a good tax, that it was not feasible, and dropped the idea.

Since this has come up, I contacted the Speaker of the House in the State of Maryland, and the following is a letter from the Speaker of the Maryland House of Delegates which I would like to read for the record. It says:

(Reading:)

I am enclosing a copy of a letter which I sent to Speaker Irvis expressing Maryland's concern over the above captioned bill and its possible effect on Maryland consumers. In light of the fact that this bill has now passed the Pennsylvania State Senate, it is incumbent upon me to have legislation drafted here in Maryland which would have the effect of imposing a similar reciprocal tax to protect our Maryland constituents. I know that you understand our concern, and I would only hope that the Pennsylvania House would also understand the problems this bill presents and would defeat this unwarranted legislation.

And the letter is signed by John Hanson Briscoe, Speaker of the House in the State of Maryland.

I think this shows that is going to happen to us from the states upon which we will impose this tax. I am sure that those in southeastern Pennsylvania who get electricity from Philadelphia Electric—and one of their plants is in Conowingo, Maryland—will have their rates increased due to this.

Thank you very much.

The SPEAKER. The Chair recognizes, on final passage of the bill, the gentleman from Montgomery, Mr. Mebus, for the second time on the bill.

Mr. MEBUS. Mr. Speaker, I do not really want to oppose this bill, but I find that I have no choice but to oppose it.

One of the basic reasons for my opposition is a statement that was made by Mr. Brunner just a few minutes ago when asked under interrogation by Mr. Vroon as to what would happen with regard to the situation in New Jersey as it affects the Salem nuclear plant out of which Philadelphia Electric draws many kilowatt-hours of electricity. He said he did not know.

This is my argument — we do not know. For a deliberative body to move in a direction such as this, when we do not know, certainly I think denies our true responsibility to the people we are here to represent. Therefore, I would urge everyone to vote "no."

Thank you.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Valicenti.

Mr. VALICENTI. Thank you, Mr. Speaker.

I just want to tell the illustrious Representative Goebel that he has not been here long enough, so evidently he has not searched the records as to how much the House of Representatives has done for the workingman and workingwomen—not a workingman; that is just one; that is single—workingmen and workingwomen. We have done an awful lot.

And my friend, I think if I search your record, I would like to know how much and how many times you voted for labor, you being a labor man yourself. So do not say that the House of Representatives has not done anything for the workingmen or women. Get up and respond.

Thank you very much.

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

Mr. POTT. Thank you, Mr. Speaker.

After considerable deliberation and soul-searching in review of the facts surrounding SB 782, I have decided to cast my vote

in favor of SB 782.

The key reason, Mr. Speaker, is that I think that for too long foreign utility companies have ripped off the citizens of this Commonwealth. They locate their power plants here in Pennsylvania and avoid property taxes in their own state. We exempt them from a gross receipts tax here in Pennsylvania, so they have the best of both worlds. They do not pay anything at home and they do not pay anywhere here. Who hurts from this? Well, the citizens of Pennsylvania hurt from it because all other utilities in Pennsylvania are paying taxes, paying gross receipts taxes, and these people are not.

I would like to read a couple facts. In 1975 eight domestic utility companies produced almost 88 million kilowatt-hours of electricity and paid \$215 million in taxes or \$2.45 per thousand kilowatt-hours. Twelve foreign utilities generated almost 26 million kilowatt-hours and paid only \$5,700,000 in taxes or 20 cents per hour. The citizens of Pennsylvania are paying \$2.45; the foreign companies are paying 20 cents an hour. This tax will raise it a buck. They are still only going to be paying half of what the Pennsylvania companies pay per kilowatt-hour. This tax seems to me that at long last the General Assembly has wakened up and is taking responsibility for the citizens of Pennsylvania and not giving foreign utility companies that are coming in here a free ride.

I question the retaliation for the reasons that have previously been mentioned on this floor. I question whether this tax is really going to hurt capital investment in Pennsylvania, because our tax rate, even if this is enacted, is still going to be the lowest of our surrounding states on utility companies. In August 1977 the United States Congress, through amendments to the Clean Air and Streams Act, declared that Pennsylvania was not saturated with utility plants where our surrounding states such as New Jersey, Maryland, and Delaware are. They do not have any choice but to locate in Pennsylvania for capital expansion.

It seems to me it is high time we end the rip-off of the citizens of this Commonwealth and tax these foreign companies that are coming in here using our natural resources, polluting our air, and not giving us a dime in return.

Thank you, Mr. Speaker.

The SPEAKER. On final passage of the bill, the Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I have three lines of interrogation. I would like to request interrogation of Mr. Brunner.

The SPEAKER. Will the gentleman, Mr. Brunner, stand for interrogation? The gentleman, Mr. Brunner, indicates that he will so stand. The gentleman, Mr. Williams, is in order and may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, my first question is: If the surrounding states in fact did "retaliate" in kind, is it your view that the citizens of this state and in particular Philadelphia and the southeastern part of the state would in fact realize some increase in utility bills?

Mr. BRUNNER. Mr. Speaker, there is a distinct possibility, but I do not have any way of knowing that for certain.

Mr. WILLIAMS. Okay. I think that is an honest answer, but it does seem kind of clear that if in fact there were reciprocal kinds of taxes, that would have to be reflected somehow in a higher bill for citizens of this state.

My second line is: Other than what you have said already, is there any guarantee or quasi-guarantee that you are aware of that these surrounding states would not in fact reciprocate?

Mr. BRUNNER. No. There is no way that we would know that either. I believe that up until now all we have been talking about is the specter, the ghost, the apparition of retaliation. I think that if that indeed would occur in the future, some future legislature would sit down and deal with the problem at that time.

Mr. WILLIAMS. Well, in fact, I did receive a copy of a letter sent to our Speaker from the Speaker of the Maryland House of Delegates which did indicate that most probably if we imposed this tax, they would have to reciprocate. Do you give any weight to the actuality of that?

Mr. BRUNNER. We saw the letter. We considered it. We did not give much credence to the letter, as a matter of fact.

Mr. WILLIAMS. Mr. Speaker, one final question or query for my own decision on this matter: Mr. Pott made an observation in his statement. I must plead my own ignorance. It is clear that the foreign utilities who locate here pay no gross receipts tax at the present time and that, in fact, those who are located here do pay that gross receipts tax?

Mr. BRUNNER. Very clear.

Mr. WILLIAMS. And do you agree with him that as you compare the overall climate between those who are here and those who are not here, the climate is more feasible overall for the foreigners to be here?

Mr. BRUNNER. Yes; I would say so. I think it is high time we took this action. To repeat what Mr. Pott said, it is just time that we looked into this situation that has existed from time immemorial and get it corrected.

Mr. WILLIAMS. Okay. And would you think that that is one of the strongest reasons why we could in fact make this tax that is going to make things sort of equal without sacrificing anything that is substantial?

In other words, the way I look at it, you have got two situations here. On the one hand, you have the possibility of reciprocity. On the other hand, Mr. Pott suggests that that is probably baloney because the situation is pretty good here for the foreign companies. That sort of sounds like it makes sense. Would you agree with that combination of things and that, in fact, the danger of retaliation would almost probably be absorbed in the advantages that they get?

Mr. BRUNNER. I would agree. There has been a lot of talk here this afternoon about the threat of retaliation. It is my personal judgment that that will not come about. There are just too many reasons why it will not. Number one, in my remarks earlier I said that particularly when you think about coal-fired stations, they have to build the stations where the coal is. We have coal in Pennsylvania; New Jersey does not have any coal. If we are going to build hydropower stations, you have to build them where the water is. We have those facilities.

I do not think we will be faced with the situation of retaliation in the future.

Mr. WILLIAMS. Okay. I do not think that these companies will move out.

One last question, rather specific, raised by one of the gentlemen over here: With regard to Philadelphia Electric, which is of very great interest to those of us in the southeastern area of the state, have you investigated that situation to the extent that you can give us an assessment as to whether New Jersey would "punish" Philadelphia Electric and therefore have our consumers have higher bills in the near future?

Mr. BRUNNER. No. If you are asking us did we assess the New Jersey legislature or the New Jersey Department of Revenue to ask them if they would quickly go out and ask for such legislation to be introduced, no, we did not do that.

Mr. WILLIAMS. Have you talked to Philadelphia Electric to get their point of view clearly as to the dangers that they see to themselves and to the consumers in Philadelphia and the southeastern part of the state? Have you made an inquiry as to that?

Mr. BRUNNER. Yes; we have. We have discussed the matter at great length with various people from the Philadelphia Electric Company. But keep in mind—and I keep repeating this—the only objection, the only real objection that has been leveled against this legislation is the objection that other states might retaliate in the future. I believe this was the strongest objection registered by the Philadelphia Electric Company, and I think that is a fair statement. Although I must admit they had some other minor objections, their strong objection to this legislation lies in the fact that they fear that in the future New Jersey might retaliate.

Mr. WILLIAMS. Do you or do you not believe right now that New Jersey will take some form of action that will raise the liability of Philadelphia Electric and therefore our consumers?

Mr. BRUNNER. Well, for whatever value my personal opinion is, sir, I would say that I do not believe that they will retaliate.

Mr. WILLIAMS. Thank you.

The SPEAKER. The Chair recognizes, on final passage, the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I rise in favor of SB 782.

I represent a district that not too many years ago put in a coal-fired plant. An atomic plant is near completion now right on the edge of my district, and we have heard discussion of energy parks. I was the president of the Col-Lu-Cog government prior to election here, which was a council form of government with promises that economic growth and industry will come into the area and follow. We have seen none of that economic growth. We have seen no industry. All we see is hardship to the people in that district because they could not even find employment at the time of the construction of the plant.

With the capacity that these two plants have, the upper end of Pennsylvania will never use that kind of power. It will all be shipped to foreign New York-New Jersey, and I am in favor of the tax.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner, on final passage of the bill.

Mr. WAGNER. Thank you, Mr. Speaker.

I want to echo Representative Stuban's comments. I also urge passage.

This bill is not too unlike HB 1353, which I introduced earlier. But, you know, we are not the only state to do this. New Mexico and Arizona have a similar problem. One state gets electricity and the other state ships it. The shipping state imposed a tax. They imposed a tax because electric generation stations are a lot like dumps — everybody has got to have them, but nobody wants them in their own area. They are of no economic benefit to the area.

They came into Mr. Stuban's area and my area, and they said we are going to bring jobs; jobs are going to be here building this place. Well, they came in all right. They hired people from Pennsylvania, Maryland, New Jersey, New York. Three years later they are gone.

We were going to have public swimming places, reservoirs, boating. They have a place now where you can go and watch ducks. And let me tell you what they did for our area. They took our farmland. It looks like an erector set now, high-tension wires everywhere. They dumped fly ash all over the place. And who is getting the benefit? Not us, not us "ruralites" here.

Most of this electricity, nearly 25 percent of it, net, is shipped out of the state. Sure, we buy some, and we talked about reciprocity by the other states. Well, is that not too bad? If we are selling them more than they are selling us, then they are going to end up still paying more. They cannot reciprocate.

Now I am not for turning off the electricity in these areas. They need our electricity, and we have got the natural resources; we have got the water; we have got the flatland; and we have got the coal. But by golly, if we have to put up with the headaches of it and we have to put up with the taking of our farmland and we have to put up with the losing of some of our environmental resources, then we ought to get some benefit.

The people who are buying this electricity are not paying at the same rate that you and I are. When we sell it to New York or New Jersey or Maryland, they are paying at a lower rate than we area. Those companies are turning around and selling it to their people for a profit. All I am saying is let us help our people out. Let us look at the situation and let us support this bill.

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

Mr. J. L. WRIGHT. Thank you, Mr. Speaker.

I would like to take this opportunity to address a remark, a point of observation, in particular to Mr. Brunner and also in particular to those Representatives from eastern Pennsylvania.

The question has been raised on this floor several times in the past hour as to whether the State of New Jersey would retaliate, and I think at best Mr. Brunner said he did not know. I think there is an answer to that question — a precedent established by the State of New Jersey, a history from the State of New Jersey as to whether they will retaliate or not.

If you recall, when Pennsylvania instituted an income tax, a personal income tax, before the ink was dry on the document the State of New Jersey enacted a commuter tax against residents of the State of Pennsylvania who are employed in the State of New Jersey. They did the same thing to the residents of the State of New York who are employed in the State of New Jersey.

Mr. Speaker, there is a precedent. The State of New Jersey will retaliate. There is a history to prove it.

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

Mr. ITKIN. Mr. Speaker, I rise today to announce that I will not vote for this bill, not because I do not understand that the revenues are required, and I suppose that the desired effect to achieve this revenue, the intent of the legislation is a good one and perhaps a just one in instances.

I do that because I have been elected to this House three times, and every time I have been elected, I took an oath before I have been seated. I have never compromised that oath, and I do not intend to do so today. I announce that because had that not been a problem for me, I probably would have voted for the measure. I think the bill is unconstitutional, and I think that in April or May we will be back again in a crisis situation trying to deal with this measure.

Therefore, for that reason today I will vote "no."

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, on final passage of the bill.

Mr. A. C. FOSTER. Mr. Speaker, will the gentleman from Washington, Mr. Brunner, consent to interrogation?

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

Mr. A. C. FOSTER. Mr. Speaker, I see nothing in this bill which excludes the Rural Electric Association co-ops and other municipal plants from the provisions of the bill. Is that correct?

Mr. BRUNNER. That is not correct. There is a provision in there with regard to municipally owned at least. I do not have the bill in front of me, but I know municipally owned are considered in there.

Mr. A. C. FOSTER. Maybe the municipally owned may be exempted. What about your Rural Electric cooperatives? They would be subject to the provisions of this, would they not?

Mr. BRUNNER. Right. I do not know that any REA, number one, generates any electricity. I do not think REA's generate. They buy and sell electricity but they do not generate, to my knowledge, number one. And number two, if they did, I do not think there is any instance where they ship it out of the state, because the REA's can only operate in assigned territories within the state.

Mr. A. C. FOSTER. Well, that essentially is my point, Mr. Speaker, the fact that they are large-scale purchasers of electricity from out of state.

For example, Adams Electric, which serves a great number of my constituents, purchases 42 percent of its power from the State of New York, and the other co-ops around the state, I think, you would find in a similar situation. Now if there is any type of retaliatory legislation, it would certainly have a very adverse impact upon these co-ops, would it not?

Mr. BRUNNER. We are still dealing with the same proposition. You are still talking about the threat of retaliation.

Listen, if in fact other states do retaliate, future legislative bodies such as ours will be sitting as we are today. They can consider those problems at that time, and they will consider the

problem with regard to your REA's at that time, too, I am sure.

Mr. A. C. FOSTER. Mr. Speaker, that would conclude my interrogation. I would just like to make a brief statement on the bill.

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

Mr. A. C. FOSTER. Mr. Speaker, throughout the debate the gentleman from Washington, Mr. Brunner, has elaborated on the point that other states probably will not retaliate or may not retaliate, but I think that is wrong on two points. I think, A, if they are able to retaliate in kind, in other words, with regard to utility rates, they will certainly do so. And secondly, if they are not in a feasible position to do that, they will seek some other form of taxation against Pennsylvania residents.

On the basis of what I have learned in the past day or so, the impact this will have upon the Rural Electric co-ops or anyone who is served by the rural co-ops, I think they should think long and hard before they vote for this bill. I intend to vote in the negative on the bill, and I would urge my colleagues to do likewise.

The SPEAKER. On final passage of the bill, the Chair recognizes the gentleman from Northumberland, Mr. Helfrick.

Mr. HELFRICK. Mr. Speaker, I rise in support of this bill, too.

I do not think it is necessary for me to go into my reasons, because Mr. Pott and Mr. Wagner and Mr. Stuban expressed them exactly the same way I feel, and I would ask our colleagues in the House here to support this bill.

There is one question I would like to ask of someone. It was brought up yesterday in caucus that after 2 years the funds from this bill will be returned to the municipalities. I have been unable to find that in the bill anywhere, and I was wondering if someone could clear me up on this point.

The SPEAKER. The gentleman, Mr. Helfrick, has asked to interrogate. Will the gentleman, Mr. Brunner, stand for interrogation? The gentleman, Mr. Brunner, indicates that he will. The gentleman, Mr. Helfrick, will please restate his question.

Mr. HELFRICK. Mr. Speaker, it was brought up in our caucus yesterday that the money that is generated by this gross receipts tax after 2 years will be returned to the municipalities. I could not find anything in the bill to that effect. Could you advise me whether that is actually in the bill or not?

Mr. BRUNNER. No, that is not in the bill, Mr. Speaker.

Mr. HELFRICK. That is what had concerned me.

Mr. BRUNNER. It is not.

Mr. HELFRICK. Then, in other words, that is not so.

Mr. BRUNNER. That is right.

Mr. HELFRICK. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast, on final passage of the bill.

Mr. PANCOAST. Mr. Speaker, I rise to oppose SB 782.

I am concerned about the burden on interstate commerce. I am concerned about retaliation by other states. I am concerned about the constitutionality of the procedures that we have followed in this House in acting on this bill.

But mainly, Mr. Speaker, I am concerned about the effect that this tax will have on the willingness of our sister states to

cooperate with us and on our capacity to cooperate with them. It seems to me that if we take action in support of SB 782 today, not only will we destroy this atmosphere of cooperation but I believe we will be encouraging further centralization of control of our society by the national government in Washington.

It is for this reason, Mr. Speaker, that I oppose SB 782.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Brunner please stand for interrogation?

The SPEAKER. The gentleman, Mr. Brunner, indicates he will so stand. The gentleman, Mr. Laughlin, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, taxes in the State of Pennsylvania are applied equally, and that is part of the constitution of Pennsylvania that they be applied uniformly across the board in all areas. Is that correct?

Mr. BRUNNER. All taxes on similar subject matter should be uniform, yes.

Mr. LAUGHLIN. Mr. Speaker, are there any areas of Pennsylvania that are presently paying a tax on a utility that is supplied from an out-of-state firm?

Mr. BRUNNER. Yes.

Mr. LAUGHLIN. Would you tell me what area of the state the firm that is charging that is in?

Mr. BRUNNER. It varies all over the state, Mr. Speaker. There are power companies in Pennsylvania that bring power in from West Virginia, Ohio, New Jersey, Maryland, and Delaware.

Mr. LAUGHLIN. Is there any portion of that tax that is presently applied in western Pennsylvania, Mr. Speaker?

Mr. BRUNNER. Yes.

Mr. LAUGHLIN. By what particular company, please?

Mr. BRUNNER. I do not know the names of the companies, but I would say that power that is generated in West Virginia that is transported into Pennsylvania is taxed by the State of West Virginia. Power that is generated in Ohio that comes into Pennsylvania is taxed by the State of Ohio.

Mr. LAUGHLIN. It is taxed by Ohio, but is it paid for by people who live in Pennsylvania who utilize it ultimately?

Mr. BRUNNER. Why, of course. It would be built into their rate structure. Certainly.

Mr. LAUGHLIN. You are then telling me that at the present time in western Pennsylvania, the Duquesne Light Company, for instance, is paying a tax on Ohio electricity supplied in Pennsylvania?

Mr. BRUNNER. Of course. But now you keep in mind that the tax structures in all states are not identical. The State of Ohio does not impose a gross receipts tax as we know it. They impose a real estate tax much in the same manner as we impose taxes on our steel mills, for example, and their rates reflect the same type of taxes we are trying to pass here today.

Mr. LAUGHLIN. Are the moneys paid by consumers in western Pennsylvania then assessed to them by virtue of their company applying for a rate increase through the PUC?

Mr. BRUNNER. Yes. It would be built into their rate structure. Certainly.

Mr. LAUGHLIN. Mr. Speaker, I am informed by the Duquesne Light Company that the \$4.4-million possibility for consumers in western Pennsylvania is very much real if Ohio were to take that particular action at this time.

Now how would you then explain that, that at the present time it is not happening but if they were to do this we would have it, if they are not already passing it on as you indicate?

Mr. BRUNNER. You know, I have tried in the last half hour to answer that question in so many different ways.

You are dealing with the same ghost, the same apparition that has been discussed here on the floor in the last half hour. We do not know what is going to happen. I do not know if Ohio is going to retaliate; neither do you.

Mr. LAUGHLIN. No, sir.

Mr. BRUNNER. If they do, some future legislature can deal with the problem.

Mr. LAUGHLIN. Mr. Speaker, in other words then, you are willing to permit that possibility in the future of a tax increase being applied to the people of western Pennsylvania for out-of-state utility electricity. Is that correct?

Mr. BRUNNER. Of course; yes.

Mr. LAUGHLIN. Okay.

Mr. BRUNNER. That is what SB 782 does. It generates \$47½ million this year in annual taxes.

Mr. LAUGHLIN. Mr. Speaker, the people who use electricity that is generated in the central part of western Pennsylvania and the people in that area are not presently paying any tax on the particular utility they are using. They are not paying extra in any way, shape, or form. But this money—

Mr. BRUNNER. Excuse me, Mr. Speaker. Do you know that as a matter of fact?

Mr. LAUGHLIN. Well, Mr. Speaker, we do not presently have any electricity coming into that area from out of state.

Mr. BRUNNER. Do you know that to be a fact?

Mr. LAUGHLIN. Yes, Mr. Speaker. In certain areas it is true.

Mr. BRUNNER. What is your source of that information, Mr. Speaker?

Mr. LAUGHLIN. The utility companies that I talked to today.

Mr. BRUNNER. I will not dispute that. All I can say is that from what little I know about the electrical grid system that exists, it is altogether possible that companies themselves do not know where the power is coming from that they are using.

Mr. LAUGHLIN. Mr. Speaker, there are certainly utility companies within the grid system that utilize electricity on peak periods in certain areas. I am not addressing those.

Mr. Speaker, the bottom line of the interrogation is this: Basically the moneys that we are raising from this tax on out-of-state utility use is going to be used to preserve the budget that we have passed here in Pennsylvania and to fund it. On the other hand, should a utility firm that is adjacent to any of our areas in Pennsylvania choose to take some action on their part to equalize that tax, it is going to be paid in specific areas by those people who are using out-of-state electricity, and it seems to me to create an imbalance of equalization of taxation when

one utility company is paying and someone else across the state is not.

I have no further questions of Mr. Brunner, Mr. Speaker. I would like to make one short remark.

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

Mr. LAUGHLIN. Mr. Speaker, I have considered this legislation at great length as to how it will affect the areas of western Pennsylvania, and I know that Jones & Laughlin is presently installing electric furnaces in Pittsburgh for the utilization of increased production.

I know that many of our people are complaining rather vigorously about the application of taxation through the use of utilities. We fail to tax food in the State of Pennsylvania under the sales tax; we do not tax clothing, because they are necessities. Mr. Speaker, I place the question to the members of the House: Is there any greater necessity than the utilities that we use in our home, and why should we be adding additional taxation to that area?

Thank you.

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

Mr. GALLEN. Mr. Speaker, in my time in the House of Representatives, we have considered a number of revenue-raising measures, and this probably seems like the least innocuous and probably the easiest one that we have ever had to vote for or against.

Mr. Speaker, I think it is true that Pennsylvania is a net exporter of electric utility power. Nonetheless, the Commonwealth does import considerable power.

We have heard from Mr. Anderson, who spoke about the letter he received from the Speaker of the Maryland House of Delegates, indicating that just as soon—as a matter of fact, even now he is preparing legislation which would reciprocate or retaliate against Pennsylvania.

Mr. Speaker, I feel that this tax can do nothing except increase the utility rates of some Pennsylvanians, and I oppose it.

Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a lot of discussion this afternoon based on the very real feeling of many members that they wish to protect their own constituents from an unfair tax.

Mr. Speaker, I personally get my power from Philadelphia Electric, as does my entire district. Philadelphia Electric Company both imports power and exports power. Philadelphia Electric is a partner in a generating plant in Salem, New Jersey, from whence they import power. Philadelphia Electric Company is also a partner in the Peach Bottom atomic plant, not far from Harrisburg, which exports power all over the northeastern part of the United States.

I think it is essential to understand how power is in fact distributed. Pennsylvania is part of the Pennsylvania-Maryland-Delaware-West Virginia grid. It is really impossible to determine in advance for what area a particular plant is working at a particular time. We export tremendous amounts of power to



Consolidated Edison in New York City, tremendous amounts. Let us look at what other states have done in order to pay for the environmental costs and other costs of generating power.

The State of Maryland has what they call a siting tax. They are putting a tax on power exported from Maryland into Pennsylvania, among other places, in order to build up a fund to pay the environmental costs of power plants that have not yet been constructed. I think that raises the issue of just who should pay for all these things.

Mr. Speaker, we have a number of pipeline companies in this Commonwealth that are taking gas and oil from Texas and Louisiana up to northern New Jersey and New York. Not one Pennsylvania consumer consumes any of that gas or any of that oil. Those pipelines go through Pennsylvania. Those pipeline companies are exempt. The real estate that they own as utility property is exempt from Pennsylvania taxation. Yet every township—

The SPEAKER. Will the gentleman yield?

#### POINT OF ORDER

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

Mr. VROON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VROON. I challenge the relevance of the argument of the speaker. He is not talking about the utility tax; he is talking about pipelines. It is irrelevant.

The SPEAKER. The Chair advises the gentleman that his point of order is not well taken.

The gentleman, Mr. Rappaport, may continue.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I would point out to my good friend from Chester County that the pipelines are owned by utility companies and are exempt, and that is what I am talking about. It reduces the tax base of every township, county, and school district that they go through, including, I believe, the gentleman's district. Pennsylvania gets no tax revenue from them. Yet they are exempt. We are giving up taxables so the people in New York and northern New Jersey can stay warm. They are not giving us anything.

Really, what we have tried to do by this tax—and we put it domestically some years ago, in 1882 I believe—was to say that no small municipality should get the windfall of taxing the power plant within its boundaries and taxing everybody around it, nor should it get all of the pollution. Therefore, it should be spread out over everybody who buys power from that plant.

When you look at it in terms of the grid, if Peach Bottom should blow up through an atomic accident and cause hundreds of millions of dollars in damages, this General Assembly will be called into session as we were for Wilkes-Barre and for Johnstown, and properly so, to appropriate money. The people who are getting the power from Peach Bottom in New York, New Jersey, and Maryland, unless we pass this tax, are going to be contributing 10 cents to that problem. That is what this tax will do. It says that those who consume the power shall pay for it and all of the costs in connection with it, not by the happenstance of where it happens to be located.

Several years ago during the last session, the House Business

and Commerce Committee was holding hearings in Bradford County, and the people up there came in and complained to us bitterly about an energy park that was going to be built in Bradford County—two atomic plants and three conventional plants. That power was not going to be used in Pennsylvania, I assure you. Yet the people in Bradford County were going to suffer for that. I am really not speaking so much for my own district as for all the Bradford Counties in this state that are going to have these huge energy factories.

Indiana County, with its mine-mouth plants, and all the other coal-producing areas are the ones that are going to have these huge plants that are going to be exporting the power. Louisiana puts a tax on its oil; Wyoming and the Dakotas put a tax on coal; Washington puts a tax on lumber that is exported out of the state. We are the only state that does not put a tax on our natural resources that are exported. We are exporting electricity and we should put a tax on it so that everybody who is going to use it helps to pay the costs of our air pollution and everything else. That is why we need this tax.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

#### YEAS—104

Arthurs	Flaherty	Manderino	Schweder
Barber	Fryer	McCall	Shelton
Bellomini	Gallagher	McIntyre	Shuman
Beloff	Gamble	McLane	Shupnik
Bennett	Garzia	Milliron	Stapleton
Berlin	Gatski	Mrkonic	Stewart
Berson	Geisler	Mullen, M. P.	Stuban
Bittinger	George, C.	Mullen, M. M.	Sweet
Borski	Giammarco	Musto	Taylor, F.
Brunner	Gleeson	Novak	Tenaglio
Caltagirone	Goodman	O'Brien, B.	Valicenti
Caputo	Gray	O'Donnell	Wagner
Cassidy	Greenfield	Oliver	Wansacz
Cianciulli	Harper	Petrarca	Wargo
Cohen	Helfrick	Pievsky	White
Cole	Hoefel	Pott	Wiggins
Cowell	Hutchinson, A.	Pratt	Williams
DeMedio	Johnson	Prendergast	Wise
DeWeese	Jones	Rappaport	Wright, D.
DiCarlo	Kelly	Ravenstahl	Yahner
Dombrowski	Kolter	Reed	Zeller
Donatucci	Kowalyszyn	Renwick	Zitterman
Doyle	Letterman	Rieger	Zwilk
Duffy	Levin	Ritter	
Dumas	Lincoln	Scanlon	Irvis,
Engelhart	Livengood	Schmitt	Speaker
Fee	Logue		

#### NAYS—89

Abraham	George, M.	McGinnis	Scheaffer
Anderson	Goebel	Mebus	Scirica
Armstrong	Greenleaf	Meluskey	Seltzer
Bittle	Grieco	Milanovich	Sirianni
Brandt	Halverson	Miller	Smith, E.
Brown	Hamilton	Miscevich	Smith, L.
Burd	Hasay	Moehlmann	Spencer
Burns	Haskell	Mowery	Spitz
Butera	Hayes, D. S.	Noye	Stairs



Cessar	Hayes, S. E.	O'Brien, D.	Taddonio
Cimini	Hutchinson, W.	O'Connell	Taylor, E.
Davies	Itkin	Pancoast	Thomas
DeVerter	Katz	Parker	Trello
Dietz	Klingaman	Peterson	Vroon
Dininni	Knepper	Piccola	Wass
Dorr	Kukovich	Pitts	Wenger
Fischer, R. R.	Lehr	Polite	Wilson
Fisher, D. M.	Levi	Pyles	Wilt
Foster, A.	Mackowski	Richardson	Wright, J. L.
Foster, W.	Madigan	Ruggiero	Yohn
Freind	Manmiller	Ryan	Zearfoss
Gallen	McClatchy	Salvatore	Zord
Geesey			

## NOT VOTING—10

Gillette	Kernick	Morris	Rhodes
Honaman	Laughlin	O'Keefe	Weidner
Hopkins	Lynch		

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I just want to note this historical occasion. The gentleman, Mr. Shuman, was in the affirmative.

The SPEAKER. The Chair wishes to inform the majority leader that he is to be congratulated. That is probably the fastest tax vote on record. The stopwatch listed only 31 seconds.

The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, at the risk of incurring the wrath of my wife, I might just reach over and give Billy a big kiss for that.

## REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I was called to the rear of the House to be on the phone, and I did not hear the bell to come and vote. I would like to have been recorded in the negative on SB 782.

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

The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I could not make my switch work. I would like to be recorded in the negative on SB 782.

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

The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, if I had been in my seat for SB 782, I would have voted in the negative.

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

## BILL SIGNED BY SPEAKER

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

## SENATE BILL No. 402

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

Whereupon,

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

## SENATE MESSAGE

## HOUSE BILL CONCURRED IN BY SENATE

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

## HOUSE BILL No. 737

An Act authorizing the Department of General Services with the approval of the General State Authority to convey a tract of land located in West Nantmeal Township Chester County to the Chester County Water Resources Authority.

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **House bill No. 1650**, 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.

## ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the Chair suggests that the members listen carefully to the procedures now about to take place.

A supplemental House calendar, dated Tuesday, December 13, carrying nonpreferred appropriation bills, HB 1274 and HB 1283, is now being distributed to the members. For the members' information, these bills were passed by the House but were amended by the Senate. The extracts from the Journal of the Senate announcing the fact that the Senate had already amended these two bills have already been read into the record.

## SUPPLEMENTAL CALENDAR

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **House bill No. 1274**, with the information that the Senate has passed the same with the following amendment in which concurrence of the House of Representatives is requested:

Amend Section 1, page 1, line 10, by striking out after "of"

the figure "\$1,000,000," and inserting in lieu thereof "\$1,500,000,"

On the question,

Will the House concur in the Senate amendment?

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

Mr. PIEVSKY. Mr. Speaker, I move that the House do concur in Senate amendments to HB 1274, PN 2287.

#### PARLIAMENTARY INQUIRY

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

Mr. POTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POTT. Mr. Speaker, on the nonpreferred appropriations, would you instruct the House on the majority of votes necessary to concur in Senate amendments?

The SPEAKER. The same number of votes required to pass the bill in the first place, 136, is required on concurrence. These are nonpreferred bills and the amendments must be handled as if they were part of the original bill, and 136 votes are required.

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the gentleman, Mr. Pievsky?

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

Mr. POTT. Mr. Speaker, would you kindly explain to the General Assembly what the Senate amendments do to this bill?

Mr. PIEVSKY. Mr. Speaker, Mr. Rappaport has just asked me the same question. I have not seen the bill from the Senate. I do not know how they amended it.

I would ask that it go over at this particular time, Mr. Speaker.

The SPEAKER. Has the gentleman seen HB 1283?

Mr. PIEVSKY. No, Mr. Speaker.

The SPEAKER. You have not seen either bill?

Mr. PIEVSKY. No.

#### HB 1274 AND HB 1283 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I would ask you to go over these two bills temporarily. I was confused as to the content of both of the bills. I thought the Appropriations Committee chairman and the gentleman, Mr. Rappaport, had been briefed on them for debate, and they have not. I would ask that they go over temporarily.

The SPEAKER. The Chair states that, without objection, HB 1274 and HB 1283 will go over temporarily.

#### CALENDAR

##### NONPREFERRED APPROPRIATION BILLS ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RAPPAPORT the House resumed consideration on final passage of House bill No. 1250, printer's No. 1473, entitled:

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts of Philadelphia Pennsylvania.

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?

#### POINT OF ORDER

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

Mr. DiCARLO. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, it is my opinion that HB 1250, PN 1473, violates rule 19 (a), subsection (2), of this House of Representatives, and I would like to read as follows:

No bill which may result in an increase in the expenditure of Commonwealth funds shall be given second consideration reading on the calendar until the Appropriations Committee has certified that provision has been made to appropriate funds equal to such increased expenditure. Whenever the Appropriations Committee cannot so certify, the bill shall be returned to the committee from which it was last reported for further consideration and/or amendment.

Mr. Speaker, it is my understanding that the Commonwealth is still in the debate about budget cuts to be made. Even though this House of Representatives and this legislature has passed a tax package, it is our understanding that it is some \$88 million short, and I have not seen any wording or any certification from the House Appropriations Committee indeed certifying that the money is available to pay for this appropriation.

The SPEAKER. For the information of the gentleman, Mr. DiCarlo, the rule which the gentleman cites is to be applied on second reading. This bill and all the other bills to follow have not only been given second reading but have been given third consideration, and there was no objection raised at the proper time. By implication, therefore, the House has agreed that the bills are in proper order, and the House has indeed agreed to the bill three different times and the House must be acknowledged as having known its own rules. Consequently, regretfully, the Chair must rule that the gentleman's objection is not timely and, therefore, the House cannot consider it.

Does the gentleman have further inquiry?

Mr. DiCARLO. Yes; I do, Mr. Speaker. I believe that if the Chair would check the history of the House, he will find that when these nonpreferred appropriations were moved onto the final passage listing or final passage postponed calendar, that was before this General Assembly had indeed before it any tax package, and we did not have the opportunity to know whether we were going to pass taxes that would be in the total amount of \$302 million needed to pay for these appropriations or not. It is because of that problem that I did not rise at that time, not knowing what the revenue generated was going to be. Therefore, there was not going to be any consideration of the legislation by the House until the revenue-producing measure was considered.

The SPEAKER. The Chair regrets that the gentleman did not take the opportunity to strike while the iron was hot, but the Chair has to inform the gentleman again that his objection at this time is not timely. If the gentleman wishes to make any

other motions which may be timely, the Chair will entertain such motions, but the Chair cannot entertain a query as to whether or not the rules have been suspended, because by implication they have been suspended by the act of the House on second reading and on third reading of this particular bill.

Mr. DiCARLO. Mr. Speaker, I will accept the ruling of the Chair.

I am wondering if perhaps the chairman of the Appropriations Committee, if I am in order, will stand for brief interrogation.

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

Mr. DiCARLO. Mr. Speaker, we have HB 1250 before us, and it is my understanding that several other nonpreferred appropriations will be called up for action. Can you indicate if the revenues are available for us to fund these appropriations?

Mr. PIEVSKY. Yes, Mr. Speaker.

Mr. DiCARLO. Mr. Speaker, can you inform this House exactly where the moneys will come from to fund these appropriations? It is my understanding right now that we are \$88 million short in the General Fund.

Mr. PIEVSKY. Approximately, Mr. Speaker. Revenue estimates have to be made, Mr. Speaker. I think that we will be able to fund these nonpreferreds. I think that perhaps maybe our Budget Secretary could perform some magic over there like he usually does to help us out in this respect.

Mr. DiCARLO. Mr. Speaker, can you give me an indication where perhaps the Budget-Director may perform this magic? Will we have to cut other programs, Mr. Speaker? Will we be forced to cut other programs that we are operating now to fund these nonpreferreds?

Mr. PIEVSKY. I do not think so, Mr. Speaker.

Mr. DiCARLO. Can you indicate to this General Assembly where the money will come from?

Mr. PIEVSKY. From the revenues. From the taxes that we passed today, from the taxes that we passed last week.

Mr. DiCARLO. Will you agree we are also \$88 million short to fund our expenditures at this time?

Mr. PIEVSKY. Approximately. But we do not make the final estimates, Mr. Speaker. I am sure you are aware of that.

Mr. DiCARLO. Mr. Speaker, am I right in assuming then that perhaps the Budget Director can come up with the other \$88 million so that we will not have to make any budget cuts?

Mr. PIEVSKY. I certainly hope so. I hope so, but it will never happen.

Mr. DiCARLO. But what you are saying, Mr. Speaker, is the money is available for the nonpreferred appropriations but we do not have the money for the general government operations. Is that true?

Mr. PIEVSKY. Mr. Speaker, I think \$14 million might be more realistic than \$88 million, which you just stated.

Mr. DiCARLO. Thank you, Mr. Speaker.

#### QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from

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

Mr. ZEARFOSS. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Mr. Speaker, I find a series of amendments offered by Mr. Trello to these nonpreferred appropriations on my desk, including one to HB 1250. Are those amendments to be offered or have they been offered and rejected or are they being withdrawn or should I ignore them?

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

Mr. TRELLO. Mr. Speaker, in answer to that question I want to remind the gentleman that when the nonpreferred appropriations first appeared here in the House a month or so ago, the largest number of votes that I was able to muster up I think was 31; the smallest was 17. But I would like to go on and say what my amendment actually did. It reduced every nonpreferred appropriation by 50 percent, and that money was to be returned to the 505 school districts throughout the Commonwealth on an equal basis for the sole purpose of reducing taxes, since the school taxes are what people are really complaining about. But evidently this great body of ours only saw fit to give me a high of 31 and a low of 17 votes. So in view of that, I do not believe I will offer them again.

Mr. ZEARFOSS. 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—142

Anderson	Foster, W.	Manderino	Rieger
Armstrong	Freind	Manmiller	Ryan
Arthurs	Gallagher	McCall	Salvatore
Barber	Garzia	McClatchy	Scanlon
Bellomini	Gatski	McGinnis	Scheaffer
Beloff	Geesey	McIntyre	Scirica
Bennett	Geisler	McLane	Seltzer
Berlin	George, M.	Mebus	Shelton
Berson	Giammarco	Milanovich	Shupnik
Bittinger	Gleeson	Miller	Sirianni
Borski	Goebel	Moehlmann	Smith, E.
Brandt	Goodman	Morris	Spencer
Brunner	Gray	Mowery	Spitz
Burd	Greenfield	Mullen, M. P.	Stapleton
Burns	Greenleaf	Mullen, M. M.	Sweet
Butera	Grieco	Musto	Taddonio
Caputo	Halverson	O'Brien, B.	Taylor, E.
Cessar	Hamilton	O'Brien, D.	Tenaglio
Cianciulli	Harper	O'Connell	Thomas
Cimini	Helfrick	O'Donnell	Valicenti
Cohen	Hoeffel	O'Keefe	Vroon
Cowell	Hutchinson, A.	Oliver	Wansacz
Davies	Hutchinson, W.	Pancoast	Wargo
DeMedio	Itkin	Parker	White
DeWeese	Johnson	Petrarca	Wiggins
DiCarlo	Jones	Pievsky	Williams
Dininni	Katz	Pitts	Wilson
Dombrowski	Kelly	Polite	Wilt
Donatucci	Knepper	Pott	Wise
Doyle	Kolter	Prendergast	Wright, J. L.
Duffy	Kukovich	Pyles	Yohn
Dumas	Laughlin	Rappaport	Zearfoss
Englehart	Lehr	Ravenstahl	Zitterman

Fee	Levin	Reed	
Fisher, D. M.	Lincoln	Rhodes	Irvis,
Flaherty	Logue	Richardson	Speaker

## NAYS—54

Abraham	George, C.	Miscevich	Stairs
Bittle	Hasay	Novak	Stewart
Brown	Haskell	Noye	Stuban
Caltagirone	Hayes, D. S.	Peterson	Taylor, F.
Cassidy	Hayes, S. E.	Piccola	Trello
Cole	Klingaman	Pratt	Wagner
DeVerter	Kowalyszyn	Renwick	Wass
Dietz	Letterman	Ritter	Wenger
Dorr	Levi	Ruggiero	Wright, D.
Fischer, R. R.	Livengood	Schmitt	Yahner
Foster, A.	Mackowski	Schweder	Zeller
Fryer	Madigan	Shuman	Zord
Gallen	Meluskey	Smith, L.	Zwinkl
Gamble	Milliron		

## NOT VOTING—7

Gillette	Hopkins	Lynch	Weidner
Honaman	Kernick	Mrkonic	

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1251, printer's No. 1474**, entitled:

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art Philadelphia Pennsylvania.

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—150

Abraham	Freind	McClatchy	Salvatore
Anderson	Gallagher	McGinnis	Scanlon
Armstrong	Garzia	McIntyre	Scheaffer
Arthurs	Gatski	McLane	Scirica
Barber	Geesey	Mebus	Seltzer
Bellomini	Geisler	Milanovich	Shelton
Beloff	George, M.	Miller	Shupnik
Bennett	Giammarco	Moehlmann	Smith, E.
Berlin	Gleeson	Morris	Smith, L.
Berson	Goebel	Mowery	Spencer
Bittinger	Goodman	Mullen, M. P.	Spitz
Borski	Gray	Mullen, M. M.	Stapleton
Brandt	Greenfield	Musto	Sweet
Brunner	Greenleaf	Noye	Taddonio
Burd	Grieco	O'Brien, B.	Taylor, E.
Burns	Halverson	O'Brien, D.	Tenaglio
Butera	Hamilton	O'Connell	Thomas
Caputo	Harper	O'Donnell	Valicenti
Cessar	Helfrick	O'Keefe	Vroon
Cianciulli	Hoeffel	Oliver	Wagner
Cimini	Hutchinson, A.	Pancoast	Wansacz
Cohen	Hutchinson, W.	Parker	Wargo

Cole	Itkin	Petrarca	Wenger
Cowell	Johnson	Pievsky	White
Davies	Jones	Pitts	Wiggins
DeMedio	Katz	Polite	Williams
DeWeese	Kelly	Pott	Wilson
DiCarlo	Klingaman	Pratt	Wilt
Dombrowski	Knepper	Prendergast	Wise
Donatucci	Kolter	Pyles	Wright, J. L.
Doyle	Laughlin	Rappaport	Yohn
Duffy	Lehr	Ravenstahl	Zearfoss
Dumas	Levin	Reed	Zitterman
Englehart	Lincoln	Rhodes	Zord
Fee	Logue	Richardson	Zwinkl
Fisher, D. M.	Madigan	Rieger	
Flaherty	Manderino	Ritter	Irvis,
Foster, W.	McCall	Ryan	Speaker

## NAYS—45

Bittle	Gamble	Mackowski	Shuman
Brown	George, C.	Manmiller	Sirianni
Caltagirone	Hasay	Meluskey	Stairs
Cassidy	Haskell	Milliron	Stewart
DeVerter	Hayes, D. S.	Miscevich	Stuban
Dietz	Hayes, S. E.	Peterson	Taylor, F.
Dininni	Kowalyszyn	Piccola	Trello
Dorr	Kukovich	Renwick	Wass
Fischer, R. R.	Letterman	Ruggiero	Wright, D.
Foster, A.	Levi	Schmitt	Yahner
Fryer	Livengood	Schweder	Zeller
Gallen			

## NOT VOTING—8

Gillette	Hopkins	Lynch	Novak
Honaman	Kernick	Mrkonic	Weidner

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1265, printer's No. 1488**, entitled:

An Act making an appropriation to the Carnegie Museum at Pittsburgh Pennsylvania for maintenance and the purchase of apparatus supplies and equipment.

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—144

Abraham	Gallagher	McCall	Salvatore
Arthurs	Gamble	McGinnis	Scanlon
Barber	Garzia	McIntyre	Scheaffer
Bellomini	Gatski	McLane	Schmitt
Beloff	Geisler	Mebus	Scirica
Bennett	George, M.	Milanovich	Shelton
Berlin	Giammarco	Miller	Shupnik
Berson	Gleeson	Miscevich	Sirianni
Bittinger	Goebel	Moehlmann	Smith, E.
Borski	Goodman	Morris	Smith, L.

Brandt	Gray	Mowery	Spencer
Brunner	Greenfield	Mrkoncic	Spitz
Burd	Greenleaf	Mullen, M. P.	Sweet
Burns	Grieco	Mullen, M. M.	Taddonio
Butera	Halverson	Musto	Tenaglio
Caputo	Hamilton	Novak	Thomas
Cessar	Harper	O'Brien, B.	Trello
Cianciulli	Hayes, D. S.	O'Brien, D.	Valicenti
Cimini	Helfrick	O'Connell	Vroon
Cohen	Hoeffel	O'Donnell	Wagner
Cowell	Hutchinson, A.	Oliver	Wansacz
Davies	Hutchinson, W.	Pancoast	Wargo
DeMedio	Itkin	Parker	White
DeWeese	Johnson	Petrarca	Wiggins
DiCarlo	Jones	Pievsky	Williams
Dininni	Katz	Polite	Wilson
Dombrowski	Kelly	Pott	Wilt
Donatucci	Knepper	Prendergast	Wise
Doyle	Kolter	Pyles	Wright, J. L.
Duffy	Kukovich	Rappaport	Yohn
Dumas	Laughlin	Ravenstahl	Zearfoss
Englehart	Levin	Reed	Zitterman
Fee	Lincoln	Rhodes	Zord
Fisher, D. M.	Logue	Richardson	
Flaherty	Mackowski	Rieger	Irvis,
Foster, W.	Madigan	Ryan	Speaker
Freind	Manderino		

## NAYS—52

Anderson	Gallen	McClatchy	Shuman
Armstrong	Geesey	Meluskey	Stairs
Bittle	George, C.	Milliron	Stapleton
Brown	Hasay	Noye	Stewart
Caltagirone	Haskell	O'Keefe	Stuban
Cassidy	Hayes, S. E.	Peterson	Taylor, E.
Cole	Klingaman	Piccola	Taylor, F.
DeVerter	Kowalyshyn	Pitts	Wass
Dietz	Lehr	Pratt	Wenger
Dorr	Letterman	Renwick	Wright, D.
Fischer, R. R.	Levi	Ritter	Yahner
Foster, A.	Livengood	Ruggiero	Zeller
Fryer	Manmiller	Schweder	Zwikl

## NOT VOTING—7

Gillette	Hopkins	Lynch	Weidner
Honaman	Kernick	Seltzer	

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1266, printer's No. 1489**, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania for maintenance and the purchase of apparatus supplies and equipment.

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—136

Arthurs	Garzia	McGinnis	Salvatore
Barber	Gatski	McIntyre	Scanlon
Bellomini	Geisler	McLane	Scheaffer
Beloff	George, M.	Mebus	Schmitt
Bennett	Giammarco	Milanovich	Schweder
Berlin	Gleeson	Miller	Scirica
Berson	Goodman	Moehlmann	Seltzer
Bittinger	Gray	Morris	Shelton
Borski	Greenfield	Mowery	Shupnik
Brandt	Greenleaf	Mullen, M. P.	Sirianni
Brunner	Grieco	Mullen, M. M.	Smith, E.
Burd	Halverson	Musto	Smith, L.
Burns	Hamilton	Novak	Spencer
Butera	Harper	O'Brien, B.	Stapleton
Caputo	Hayes, D. S.	O'Brien, D.	Sweet
Cessar	Helfrick	O'Connell	Taddonio
Cianciulli	Hoeffel	O'Donnell	Tenaglio
Cimini	Hutchinson, A.	Oliver	Thomas
Cohen	Itkin	Pancoast	Valicenti
Cowell	Johnson	Parker	Vroon
DeMedio	Jones	Petrarca	Wansacz
DeWeese	Katz	Pievsky	Wargo
DiCarlo	Kelly	Polite	Wenger
Dombrowski	Knepper	Pott	White
Donatucci	Kolter	Prendergast	Wiggins
Doyle	Kukovich	Pyles	Williams
Duffy	Laughlin	Rappaport	Wilson
Dumas	Lehr	Ravenstahl	Wise
Englehart	Letterman	Reed	Wright, J. L.
Fee	Levin	Renwick	Yohn
Fisher, D. M.	Lincoln	Rhodes	Zitterman
Flaherty	Logue	Richardson	
Foster, W.	Madigan	Rieger	Irvis,
Freind	Manderino	Ryan	Speaker
Gallagher	McCall		

## NAYS—59

Anderson	Gallen	McClatchy	Stewart
Armstrong	Gamble	Meluskey	Stuban
Bittle	Geesey	Milliron	Taylor, E.
Brown	George, C.	Miscevich	Taylor, F.
Caltagirone	Goebel	Noye	Trello
Cassidy	Hasay	O'Keefe	Wagner
Cole	Haskell	Peterson	Wass
Davies	Hayes, S. E.	Piccola	Wilt
DeVerter	Hutchinson, W.	Pitts	Wright, D.
Dietz	Klingaman	Pratt	Yahner
Dininni	Kowalyshyn	Ritter	Zearfoss
Dorr	Levi	Ruggiero	Zeller
Fischer, R. R.	Livengood	Shuman	Zord
Foster, A.	Mackowski	Spitz	Zwikl
Fryer	Manmiller	Stairs	

## NOT VOTING—8

Abraham	Honaman	Kernick	Mrkoncic
Gillette	Hopkins	Lynch	Weidner

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1267, printer's No. 1490**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. Mr. Speaker, I have a question to ask Mr. Pievsky.

The SPEAKER. Will the gentleman, Mr. Pievsky, stand for interrogation? The gentleman, Mr. Pievsky, indicates that he will stand for interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, I raise a question concerning the University of Pennsylvania and the problem that presently exists there with the labor union struggle. I raise the question—

Mr. PIEVSKY. Mr. Speaker, this is the Pennsylvania University Museum and not the university, which I think you are concerned with.

Mr. RICHARDSON. Mr. Speaker, is this the museum of the university?

Mr. PIEVSKY. The University of Pennsylvania, Museum, yes.

Mr. RICHARDSON. That is the university. My question, Mr. Speaker, for the record, is to find out whether or not you have heard any word relevant to the problem that exists there concerning the 343 employees who were laid off. My concern is the fact that yesterday we heard word to that effect, and I am trying to find out whether or not you have anything on the record that would indicate that those 343 employees are going to be rehired to their positions. I do not believe everything I read in the newspapers.

Mr. PIEVSKY. Mr. Speaker, I was informed by Senator Joseph Smith that they are negotiating, and I think the problem is going to be resolved. In fact, the Senate passed their appropriations last night.

Mr. RICHARDSON. But you do not know that, do you?

The SPEAKER. For what reason does the gentleman from Philadelphia, Mr. Giammarco, interrupt?

Mr. GIAMMARCO. Maybe I can enlighten Mr. Richardson.

The SPEAKER. Does the gentleman, Mr. Pievsky, yield to the gentleman, Mr. Giammarco? The gentleman, Mr. Pievsky, yields to the gentleman, Mr. Giammarco. The gentleman, Mr. Giammarco, is in order and may proceed.

Mr. GIAMMARCO. Mr. Speaker, Mr. Valicenti, going back a week ago, asked me if I would sit in with the negotiations and with the University of Pennsylvania along with Senator Smith and Local 115 on behalf of the Labor Committee, which I did. At yesterday's meeting a letter of recognition was signed by the University of Pennsylvania and the labor movement in agreement that by January 16 all employees would be back with an increase of 5 percent and negotiations would go on until the problem would be solved. But the people would be put back to work before January 16, and the two outside contractors would be dismissed.

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

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

Mr. D. R. WRIGHT. Mr. Speaker, I simply want to make a comment with regard to my voting on these nonpreferred items.

It was mentioned that there would be a certain amount of magic or legerdemain performed in the Secretary of the Budget's office. I think we are seeing that legerdemain right here. My vote against these nonpreferred appropriations is not because I lack some appreciation for the arts, even for magic, but I am amazed, as a matter of fact, that my fiscally conservative friends are voting for these appropriations when it has been demonstrated that there are no funds available. That is why I am voting against these nonpreferred appropriations.

On the question recurring,  
Shall the bill pass finally?

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

## YEAS—139

Anderson	Geesey	Mebus	Seltzer
Arthurs	Geisler	Milanovich	Shelton
Barber	George, M.	Miller	Shupnik
Bellomini	Giammarco	Moehlmann	Sirianni
Bennett	Gleeson	Morris	Smith, E.
Berlin	Goodman	Mowery	Smith, L.
Berson	Gray	Mullen, M. P.	Spencer
Bittinger	Greenfield	Mullen, M. M.	Spitz
Borski	Greenleaf	Musto	Stapleton
Brandt	Grieco	O'Brien, B.	Stewart
Brunner	Halverson	O'Brien, D.	Sweet
Burd	Hamilton	O'Donnell	Taddonio
Burns	Harper	O'Keefe	Taylor, E.
Butera	Hayes, D. S.	Oliver	Tenaglio
Caputo	Helfrick	Pancoast	Thomas
Cessar	Hoeffel	Parker	Valicenti
Cianciulli	Hutchinson, A.	Petrarca	Vroon
Cimini	Hutchinson, W.	Pievsky	Wansacz
Cohen	Itkin	Pitts	Wargo
DeMedio	Johnson	Polite	Wenger
DeWeese	Jones	Pott	White
DiCarlo	Katz	Prendergast	Wiggins
Dininni	Kelly	Pyles	Williams
Dombrowski	Knepper	Rappaport	Wilson
Donatucci	Kolter	Ravenstahl	Wilt
Doyle	Laughlin	Reed	Wise
Duffy	Levin	Rhodes	Wright, J. L.
Dumas	Lincoln	Richardson	Yahner
Englehart	Logue	Rieger	Yohn
Fee	Madigan	Ryan	Zearfoss
Fisher, D. M.	Manderino	Salvatore	Zitterman
Foster, W.	McCall	Scanlon	Zwinkl
Freind	McGinnis	Scheaffer	
Gallagher	McIntyre	Schweder	Iris, Speaker
Garzia	McLane	Scirica	
Gatski			

## NAYS—57

Abraham	Foster, A.	Levi	Renwick
Armstrong	Fryer	Livengood	Ritter
Beloff	Gallen	Mackowski	Ruggiero
Bittle	Gamble	Manmiller	Schmitt
Brown	George, C.	McClatchy	Shuman
Caltagirone	Goebel	Meluskey	Stairs

Cassidy	Hasay	Milliron	Stuban
Cole	Haskell	Miscevich	Taylor, F.
Cowell	Hayes, S. E.	Novak	Trello
Davies	Klingaman	Noye	Wagner
DeVerter	Kowalyszyn	O'Connell	Wass
Dietz	Kukovich	Peterson	Wright, D.
Dorr	Lehr	Piccola	Zeller
Fischer, R. R.	Letterman	Pratt	Zord
Flaherty			

## NOT VOTING—7

Gillette	Hopkins	Lynch	Weidner
Honaman	Kernick	Mrkonic	

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

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

## BILLS SIGNED BY SPEAKER

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

**House Bill No. 737**

An Act authorizing the Department of General Services with the approval of the General State Authority to convey a tract of land located in West Nantmeal Township Chester County to the Chester County Water Resources Authority.

**Senate Bill No. 782**

An Act amending the act of March 4, 1971 (P. L., No. 2), entitled "Tax Reform Code of 1971" extending the gross receipts tax to all electricity produced in the Commonwealth; and providing for reporting.

Whereupon,

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

## CALENDAR

NONPREFERRED APPROPRIATION BILLS  
ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1268, printer's No. 1491**, entitled:

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia Pennsylvania.

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—143

Anderson	Gatski	McIntyre	Scirica
Arthurs	Geisler	McLane	Seltzer
Barber	George, C.	Mebus	Shelton
Bellomini	George, M.	Milanovich	Shupnik
Beloff	Giammarco	Miller	Sirianni

Bennett	Gleeson	Moehlmann	Smith, E.
Berlin	Goodman	Morris	Smith, L.
Berson	Gray	Mowery	Spencer
Bittinger	Greenfield	Mullen, M. P.	Spitz
Borski	Greenleaf	Mullen, M. M.	Stapleton
Brandt	Grieco	Musto	Stewart
Brunner	Halverson	O'Brien, B.	Sweet
Burd	Hamilton	O'Brien, D.	Taddonio
Burns	Harper	O'Connell	Taylor, E.
Butera	Hasay	O'Donnell	Tenaglio
Caputo	Hayes, D. S.	O'Keefe	Thomas
Cianciulli	Helfrick	Oliver	Valicenti
Cimini	Hoeffel	Pancoast	Vroon
Cohen	Hutchinson, A.	Parker	Wagner
Cowell	Hutchinson, W.	Petrarca	Wansacz
Davies	Itkin	Pievsky	Wargo
DeMedio	Johnson	Pitts	Wenger
DeWeese	Jones	Polite	White
DiCarlo	Katz	Pott	Wiggins
Dininni	Kelly	Prendergast	Williams
Dombrowski	Knepper	Pyles	Wilson
Donatucci	Kolter	Rappaport	Wilt
Doyle	Laughlin	Ravenstahl	Wise
Duffy	Levin	Reed	Wright, J. L.
Dumas	Lincoln	Rhodes	Yahner
Englehart	Logue	Richardson	Yohn
Fee	Madigan	Rieger	Zearfoss
Fisher, D. M.	Manderino	Ryan	Zitterman
Foster, W.	Manmiller	Salvatore	
Freind	McCall	Scanlon	Iris,
Gallagher	McGinnis	Scheaffer	Speaker
Garzia			

## NAYS—53

Abraham	Fryer	Livengood	Ruggiero
Armstrong	Gallen	Mackowski	Schmitt
Bittle	Gamble	McClatchy	Schweder
Brown	Geesey	Meluskey	Shuman
Caltagirone	Goebel	Milliron	Stairs
Cassidy	Haskell	Miscevich	Stuban
Cessar	Hayes, S. E.	Novak	Taylor, F.
Cole	Klingaman	Noye	Trello
DeVerter	Kowalyszyn	Peterson	Wass
Dietz	Kukovich	Piccola	Wright, D.
Dorr	Lehr	Pratt	Zeller
Fischer, R. R.	Letterman	Renwick	Zord
Flaherty	Levi	Ritter	Zwikl
Foster, A.			

## NOT VOTING—7

Gillette	Hopkins	Lynch	Weidner
Honaman	Kernick	Mrkonic	

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1269, printer's No. 1492**, entitled:

An Act making an appropriation to the Philadelphia Musical Academy Philadelphia Pennsylvania for maintenance and general operation.

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. Williams. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I rise to speak on the bill.

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

Mr. WILLIAMS. Mr. Speaker, with regard to this bill and the other bills that we have just voted on, I would like to register a strong objection to the fact that we seem to be running through these nonpreferred appropriations and it is my understanding that we are going to vote shortly on the preferred appropriations by way of considering certain reductions. I just want to state for the record very strongly that I think that that is an incorrect and inapplicable procedure to vote on nonpreferred appropriations when in fact we have not yet finished with, apparently not yet finished with, the budget for the mandated services of this Commonwealth.

When we finished our budget fight last summer, we thought that that problem was behind us. Apparently it is not. At that time we considered that we had to finish that part of the budget so we could then get to what is in a secondary position, those items being the nonpreferred appropriations. We are in the contradictory position of now, in December, voting and finishing up the nonpreferred appropriations and waiting to get to an unfinished budget. I think that is wrong; I think that is deceptive and an incorrect procedure, and I rose at this time, Mr. Speaker, to say so.

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—137

Arthurs	Gatski	Mebus	Schmitt
Barber	Geisler	Milanovich	Schweder
Bellomini	George, C.	Miller	Scirica
Beloff	George, M.	Moehlmann	Seltzer
Bennett	Giammarco	Morris	Shelton
Berlin	Gleeson	Mowery	Shupnik
Berson	Goodman	Mullen, M. P.	Sirianni
Bittinger	Gray	Mullen, M. M.	Smith, E.
Borski	Greenfield	Musto	Spencer
Brandt	Greenleaf	O'Brien, B.	Spitz
Brunner	Grieco	O'Brien, D.	Stapleton
Burd	Halverson	O'Connell	Stewart
Burns	Hamilton	O'Donnell	Sweet
Butera	Harper	O'Keefe	Taddonio
Caputo	Hayes, D. S.	Oliver	Tenaglio
Cessar	Helfrick	Pancoast	Thomas
Cianciulli	Hoefel	Parker	Valicenti
Cimini	Hutchinson, A.	Petrarca	Vroon
Cohen	Hutchinson, W.	Pievsy	Wagner
DeMedio	Itkin	Polite	Wansacz
DeWeese	Johnson	Pott	Wargo
DiCarlo	Jones	Pratt	Wenger
Dininni	Katz	Prendergast	White
Dombrowski	Knepper	Pyles	Wiggins
Donatucci	Kolter	Rappaport	Wilson
Doyle	Laughlin	Ravenstahl	Wilt
Duffy	Levin	Reed	Wise
Dumas	Lincoln	Renwick	Wright, J. L.
Englehart	Logue	Rhodes	Yahner

Fee	Madigan	Richardson	Zearfoss
Fisher, D. M.	Manderino	Rieger	Zitterman
Foster, W.	McCall	Ryan	
Freind	McGinnis	Salvatore	Irvis,
Gallagher	McIntyre	Scanlon	Speaker
Garzia	McLane	Scheaffer	

## NAYS—58

Abraham	Foster, A.	Livengood	Shuman
Anderson	Fryer	Mackowski	Smith, L.
Armstrong	Gallen	Manmiller	Stairs
Bittle	Gamble	McClatchy	Stuban
Brown	Geesey	Meluskey	Taylor, E.
Caltagirone	Goebel	Milliron	Taylor, F.
Cassidy	Hasay	Miscevich	Trello
Cole	Haskell	Novak	Wass
Cowell	Hayes, S. E.	Noye	Williams
Davies	Klingaman	Peterson	Wright, D.
DeVerter	Kowalyszyn	Piccola	Yohn
Dietz	Kukovich	Pitts	Zeller
Dorr	Lehr	Ritter	Zord
Fischer, R. R.	Letterman	Ruggiero	Zwick
Flaherty	Levi		

## NOT VOTING—8

Gillette	Hopkins	Kernick	Mrkonc
Honaman	Kelly	Lynch	Weidner

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

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1271, printer's No. 1494**, entitled:

An Act making an appropriation to the City of Harrisburg, Pennsylvania.

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 Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I wonder whether Mr. Pievsky would consent to interrogation.

The SPEAKER. Will the gentleman, Mr. Pievsky, stand for interrogation? The gentleman indicates that he shall so stand. The gentleman, Mr. Itkin, is in order and may proceed.

Mr. ITKIN. Mr. Speaker, you are the prime sponsor of HB 1271. Is that correct?

Mr. PIEVSKY. That is correct.

Mr. ITKIN. And this bill provides a \$100,000 appropriation to the city of Harrisburg for Capitol fire protection?

Mr. PIEVSKY. Right.

Mr. ITKIN. How has that money been used in the past, and what fire protection has been rendered to the Capitol by the city of Harrisburg?

Mr. PIEVSKY. Are you talking about the performance of the city fire department?



Mr. ITKIN. I would like to know in the prior appropriations just how the city of Harrisburg has used that money on behalf of the Capitol fire protection. For example, how many times has the Harrisburg fire department responded to alarms in the Capitol area? In other words, I would like to know for the \$100,000 spent what protection and services have been received by the Capitol.

Mr. PIEVSKY. Mr. Speaker, if it is all right with Mr. Itkin, I believe that my colleague from Harrisburg is on the floor—

The SPEAKER. The gentleman, Mr. Pievsky, yields to the gentleman, Mr. Reed. The gentleman, Mr. Reed, is in order and may proceed.

Mr. REED. Thank you, Mr. Speaker.

I am delighted that after all the other nonpreferreds went through without inquiry, he has found a special interest in this bill.

In response to Mr. Itkin—

The SPEAKER. At least, Stephen, the boos were melodious.

The gentleman, Mr. Reed, may proceed.

Mr. REED. To the best of my knowledge, off the top of my head, I believe the number of alarms answered in the Capitol complex, the immediate Capitol complex, during 1976, during the fiscal year, was 17 alarms, of which several were false. The fact that all the Capitol buildings are still standing is attributable to the fact that we respond very quickly, Mr. Speaker, to those fire calls.

In addition to that, I might add that the city of Harrisburg at its own expense has procured, solely because of the Capitol buildings being here, two very large what we call Tower I and Tower II. These are in addition to the hook and ladders which all fire departments have. They enable us to ascend into difficult places, such as around the Capitol dome, and enable us to reach the higher levels of the Departments of Public Welfare and Health, the Department of Labor and Industry, and the Department of Transportation. It is solely because of our responsibility to provide that fire protection to this Capitol complex, which is a special responsibility that we have had for many years, that we have spent that money for those trucks. In addition to that, we have special training and other special equipment and supplies which we maintain solely because of our responsibility to the Capitol complex.

I might add, as long as I have the floor, that the city of Harrisburg expends far in excess of \$100,000 per year in order to maintain the capability of dealing with fire protection for the Capitol complex.

In final response to your inquiry, the \$100,000 is specifically a part of the fire department's budget of the city of Harrisburg. It does not go into a general fund; that is to say, to be used for other purposes. It is specifically a part of the city of Harrisburg's fire department budget.

Mr. ITKIN. Maybe the speaker then could tell us, just what is the fire department budget for the city of Harrisburg?

Mr. REED. I am not certain, Mr. Speaker. I believe that the fire department—this is just an educated guess—is in the neighborhood of \$1.1 million. That, as I say, is a guess.

Mr. ITKIN. In other words, we provide about 10 percent of that protection.

Thank you, Mr. Speaker.

Mr. REED. Slightly less.

Mr. ITKIN. Mr. Speaker, the reason I rise is because in the last couple of years I have been a part-time resident of the city of Harrisburg, and because of our majority leader this year, I have been more or less a full-time resident of the city of Harrisburg. I live on Second Street, Mr. Speaker, and I feel that if I were a voter in the city of Harrisburg, which I am not—I am just a resident because I have my voting residence elsewhere—I would have in this last election kicked the rascals out, which apparently some of them have done. It is unfortunate that the rascals happen to be of my own party. But being a resident of the city of Harrisburg, I have found that the municipal services have been very poor, and I question whether the appropriation that this state legislature makes to the city of Harrisburg has been used wisely.

Now I will vote for this appropriation, but I am trying to communicate a message to the city fathers of Harrisburg that they had better shape up this city. I have been to many cities throughout the Commonwealth, and I find that the conduct of running this city is terrible.

For example, Second Street is a street which is a thoroughfare, a city street, that goes right through Harrisburg. The speed limit posted is 35 miles an hour, and we find—

#### POINT OF ORDER

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

Mr. RITTER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, is HB 1271 an appropriation to the Harrisburg fire department, or is it something to do with the streets or whatever it is in the city of Harrisburg? I would ask the gentleman to stay on the bill.

The SPEAKER. The gentleman, Mr. Ritter's point is well taken. The gentleman, Mr. Itkin, is straying from the exact matter before the House. The gentleman will restrict his remarks to the appropriation bill before the House.

Mr. ITKIN. Mr. Speaker, I agree with Mr. Ritter. I have strayed somewhat, but it is a source of great irritation to me. I have had two damaged cars in the process in the city of Harrisburg, and if the Representative from Harrisburg would want to pay for those bills, fine, let him do so if he thinks the city is run so well.

I will stop right now, but I am telling you right now, I am voting for it this year, but if the situation in the city of Harrisburg does not improve in the next 12 months, there are going to be some problems with me next year.

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

Mr. REED. Mr. Itkin expresses the same frustrations with the problems that any urban area has. I share from time to time the same frustrations and, as an individual legislator, do not have all the answers as to how we can correct all of our urban ills, regardless of what city they may be in.

I can assure you that the denial of the appropriation to the

city of Harrisburg for \$100,000 certainly would not be a move that would further improve the city's services in Harrisburg. If anything, it would further hurt them. So by using Mr. Itkin's own rationale, we ought therefore to not only approve this amount, but I would certainly consider seconding his amendment to increase the amount to improve our municipal services.

Thank you.

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

Mr. ZELLER. Mr. Speaker, I at one time had mixed emotions in regard to appropriations of this type until I talked to one of the fire inspectors who informed me as to the amount of work that is put into the Capitol buildings, the government buildings, in this city in regard to training and also the charging and caring for of extinguishers and so forth to see that they are placed in the proper places, which total into many, many thousands of dollars as contributions from the city of Harrisburg.

I have had an enlightenment that I was not aware of, and, having a soft spot in my heart for firemen, I think this is one of the most appropriate pieces of legislation we could pass today in regard to appropriations. So I feel that it should be passed. It is only right that they do give much more than \$100,000 to the Capitol buildings.

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

Mr. PICCOLA. Mr. Speaker, with regard to Mr. Itkin's comments, I might add for the record that the recent election holds great hope for the city of Harrisburg.

On the question recurring,  
Shall the bill pass finally?

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

## YEAS—152

Anderson	Foster, A.	Madigan	Richardson
Armstrong	Foster, W.	Manderino	Rieger
Arthurs	Freind	Manmiller	Ritter
Barber	Gallagher	McCall	Ryan
Bellomini	Gallen	McGinnis	Salvatore
Beloff	Gatski	McIntyre	Scanlon
Bennett	Geesey	McLane	Scheaffer
Berlin	Geisler	Mebus	Schweder
Berson	George, M.	Meluskey	Scirica
Bittinger	Giammarco	Milanovich	Seltzer
Bittle	Gleeson	Miller	Shelton
Borski	Goodman	Milliron	Shupnik
Brandt	Gray	Moehlmann	Smith, E.
Brunner	Greenfield	Morris	Spencer
Burd	Greenleaf	Mowery	Stewart
Burns	Halverson	Mrkonic	Stuban
Butera	Hamilton	Mullen, M. P.	Sweet
Caputo	Harper	Mullen, M. M.	Taddonio
Cassidy	Hayes, D. S.	Musto	Tenaglio
Cessar	Hayes, S. E.	Novak	Thomas
Cianciulli	Helfrick	Noye	Valicenti
Cimini	Hoeffel	O'Brien, B.	Vroon
Cohen	Hutchinson, A.	O'Brien, D.	Wansacz
Cole	Hutchinson, W.	O'Connell	Wargo
Cowell	Itkin	O'Donnell	Wenger
Davies	Johnson	Oliver	White
DeWeese	Jones	Pancoast	Wiggins
DiCarlo	Katz	Parker	Williams

Dininni	Kelly	Petrarca	Wilson
Dombrowski	Klingaman	Pievsky	Wise
Donatucci	Kolter	Polite	Wright, J. L.
Dorr	Kowalyszyn	Pratt	Zearfoss
Doyle	Kukovich	Prendergast	Zeller
Duffy	Laughlin	Pyles	Zitterman
Dumas	Lehr	Rappaport	Zwinkl
Englehart	Levin	Ravenstahl	
Fee	Lincoln	Reed	Irvis,
Fisher, D. M.	Logue	Rhodes	Speaker
Flaherty	Mackowski		

## NAYS—43

Abraham	Goebel	Piccola	Taylor, E.
Brown	Hasay	Pitts	Taylor, F.
Caltagirone	Haskell	Pott	Trello
DeMedio	Knepper	Renwick	Wagner
DeVerter	Letterman	Ruggiero	Wass
Dietz	Levi	Schmitt	Wilt
Fischer, R. R.	Livengood	Shuman	Wright, D.
Fryer	McClatchy	Sirianni	Yahner
Gamble	Miscevich	Smith, L.	Yohn
Garzia	O'Keefe	Spitz	Zord
George, C.	Peterson	Stairs	

## NOT VOTING—8

Gillette	Honaman	Kernick	Stapleton
Grieco	Hopkins	Lynch	Weidner

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 Lycoming, Mr. Grieco. Does the gentleman, Mr. Grieco, seek to correct the record?

Mr. GRIECO. Yes.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GRIECO. Mr. Speaker, on HB 1271, PN 1494, my switch was not working. I would like to be recorded as a "yes" vote.

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1277, printer's No. 1500**, entitled:

An Act making an appropriation to the Dickinson School of Law Carlisle Pennsylvania.

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 Westmoreland, Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, when I came here to this House

13 years ago and we came to our nonpreferred appropriations, I discussed with the leaders at that time what was the purpose in, among other things, giving \$25,000 to the School of Law at Dickinson. I was told at that time—and I do not know how truthful or correct or accurate it might be—that the way Dickinson got their \$25,000 appropriation at that time was because there were a half a dozen members of the House who had graduated from Dickinson Law School, and when you had a Christmas-tree vote several years before that, somebody hung a \$25,000 appropriation on that Christmas tree for the benefit of Dickinson. I was also told, Mr. Speaker, that this \$25,000 appropriation started out as a one-shot deal. But it turns out that after 13 years it is no longer a one-shot deal. It is a \$99,000 appropriation for a school that is very affluent and needs money like I need leprosy.

I think it is disgraceful that we appropriate money along these lines, and I simply give this to you as an example of other appropriations or the fat in some of the other appropriations that we have made.

We had the same deal with the University of Pittsburgh. When I first came here to this House, I was on the Education Committee. We traveled throughout the district and we talked to educators and we went to the various schools and we found that Pitt University needed \$5 million to help them out of a jam, and that was to be a one-shot deal. That one-shot deal, Mr. Speaker, now after 13 years is a \$64-million one-shot deal. Next year it will be even larger.

I hope that some of the people in this House notice that I voted against many of the cultures that we have appropriated money for, because I find that back in my hometown people can no longer afford culture because they cannot even afford bread in many instances.

I am just going to serve notice on all of these institutions that as soon as this mess is cleaned up and we get a chance to start anew, I am going to be a watchdog on every move that is being made by these guys in their ivory towers who do not know what the heck is going on on the level where people need money to buy bread and put food on their table.

Mr. Speaker, I oppose this bill, and I just hope that it will be defeated as a symbol of what is to happen to some of these other institutions.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Meluskey. Is the gentleman asking for recognition on final passage of the bill?

Mr. MELUSKEY. Only to add my complete endorsement of Mr. Schmitt's remarks, Mr. Speaker.

Thank you.

The SPEAKER. Anybody from Dickinson?

It is a small college, but there be those of us who love her. I remember those words from my history lessons, even though it did not apply to Dickinson.

The Chair recognizes the gentleman from Cumberland, Mr. Scheaffer.

Mr. SCHEAFFER. Mr. Speaker, I wholeheartedly agree with Mr. Schmitt in his statement that a long, hard look should be

taken at these appropriations. But the time to start taking a look at them is not today; it is when they first come up in the Appropriations Committee.

I can remember an appropriation a couple years ago for Philadelphia which was a pet project of our Speaker at that time called Inglis House, \$25,000. It was a new appropriation, and I voted against it.

I am not from Dickinson School of Law, but Dickinson is the oldest law school in the Commonwealth of Pennsylvania. Dickinson is in my legislative district. There are 53 counties of this Commonwealth that are represented at Dickinson School of Law. With all the money that goes in this appropriation, in-state tuition is reduced \$300 per student. I think that the last time we had appropriations for the universities, Mr. DiCarlo questioned how much money was going to in-state students compared to out-of-state students. This entire \$99,000 reduces the tuition of in-state students by \$300 a year. Their tuition has increased \$875 since 1974, but the tuition reduction to the in-state students is \$300 per student. They have 330 students in the Commonwealth of Pennsylvania.

The part that would not be beneficial would be that there would be some well-qualified and deserving students who would not be able to enter the profession and their places would be taken by wealthier applicants.

Another thing about Dickinson School of Law: Faculty and students from Dickinson School of Law are serving 23 state agencies as researchers, legislative assistants, and other means of legal opinion.

So I certainly would appreciate your "yes" vote on this appropriation to Dickinson School of Law. I am not saying increase it. It has been that way, Mr. Schmitt says, for 13 years. But I say the time to stop that is in the Appropriations Committee before you start new ones. Let us keep these well-deserving students in school.

Thank you.

The SPEAKER. For the information of the media, it was suggested that all the members of the House would recognize that the quote lifted out of context by the Speaker was a reference to a case which the great Senator Daniel Webster spoke, the Dartmouth College case. It had nothing to do with Dickinson. Certain members thought that the media ought to be alerted to that. They were not too sure that the media might recognize it. The Speaker is merely quoting some of his friends.

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

Mr. MISCEVICH. Mr. Speaker, the gentleman who just spoke has my heart bleeding because he spoke so eloquently on Dickinson School of Law.

Just last week we were trying to find out where we could raise money when we had to vote taxes. When people can stand up and say that they need a school like that in their district and they need to fund it, why in the heck did they not vote for the taxes to fund it?

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

Mr. TRELLO. Thank you, Mr. Speaker.

I would like to express some of the sentiments that Mr. Miscevic just spoke of, but I will not. What I would like to say is simply this: We are talking about a school like Dickinson Law School, which is considered a private school. I understand the tuition there is very high and only a certain caliber of family can afford to go there. But you know, what really upsets me the most is simply that the Supreme Court has ruled that giving money to our private and parochial schools is unconstitutional. I have private and parochial schools in my district that go without money and do a lot of things that the ordinary public schools or private colleges do not have to do to exist. It really upsets me that we have different strokes for different folks, one for places like Dickinson School of Law and another stroke for places like St. Joseph School in Coraopolis and other areas.

I agree with Mr. Schmitt that we have to draw the line somewhere, and I heard that remark many, many times during the budget debate and the tax debate, that we have to draw the line somewhere.

I have not voted for one nonpreferred and I will not vote for this one, and I urge everybody to make an example out of this one and vote it down.

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

Mr. RITTER. Mr. Speaker, I did not intend to rise, but Mr. Scheaffer made the comment that this is not the time to start. I want to reflect that in the last 13 years that is all I have heard every time somebody raised an objection to nonpreferred appropriations—this is not the time to do it; the time to do it is at the beginning of the budget year.

For 13 years I have seen an appropriation for Dickinson Law School, and every time it has been brought up, somebody says, this is not the time to do it. As one who has voted against almost all of the nonpreferred appropriations, I want to point out that if Mr. Scheaffer's figures are accurate and there are 330 Pennsylvania students at Dickinson Law School, I assume we graduate about 300 Pennsylvania residents every year from Dickinson. In the past 10 years that must be about 3,000. If each of those graduates, Mr. Speaker, would just give \$100 to Dickinson Law School, they would have three times what this appropriation calls for, and I think that is the way it ought to go.

I think we ought to call a halt to it now. We ought to defeat this appropriation as we should have defeated many of the other nonpreferred appropriations.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I was not going to speak on this bill, but there has been so much misinformation that has been coming out on the floor that I believe we ought to correct the situation, and I, frankly, want to speak and I am glad to speak in favor of this bill.

Unfortunately, one of our distinguished members who is a graduate of the Dickinson School of Law is not present—Robert Butera. But I am sure that if he were here, he would add his voice in support of this bill.

I would like to say in answer to Mr. Miscevic that I speak here today as one who voted for the budget, voted for all of the tax measures, and I suggest that you vote for this bill.

Contrary to what Mr. Trello said, Dickinson Law School is not a rich man's school. As a matter of fact, it is a poor man's school. It makes it possible for young men and women coming from families with limited income to pursue a career in the law. And we are the beneficiaries, as Mr. Scheaffer has pointed out—we who are a part of state government—to have many graduates contribute to what the state government of Pennsylvania does. I might add that the distinguished general counsel of the majority is also a graduate of the Dickinson Law School.

I want to point out one thing that is being overlooked, Mr. Speaker, and that is that the University of Pittsburgh has a law school and they receive a grant by virtue of the general grant to the University of Pittsburgh. The University of Pennsylvania has a law school and they benefit by the grant to the University of Pennsylvania. Temple University has a law school and they benefit from the grant that we appropriate for Temple University.

I, just in closing, would like to urge you to search your heart and to vote in favor of this appropriation to the poor man's law school, the oldest one in Pennsylvania, the Dickinson Law School.

Thank you.

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

Mr. RICHARDSON. Mr. Speaker, I rise to support HB 1277, and I do so, Mr. Speaker, because last year I rose to speak on this same bill and there was much opposition at that time. Many inquiries have been made concerning Dickinson Law School, and one that I had at that time was concerning the minority enrollment at the school and whether or not there was going to be an attempt made to deal with the problems relevant to young black and poor students getting into Dickinson Law School to finish their law career.

I hasten to say, Mr. Speaker, that many persons who work on this Capitol Hill who are going to school do in fact go to Dickinson Law School and have had an opportunity at the end of their workday or on the weekends to go to law school to try to finish and get a law degree.

I think that the lawyers in the House of Representatives certainly can understand the importance of law school. I am not a lawyer myself, although maybe close to two-thirds of this House may be lawyers. It would seem to me that in the best interests of all the other appropriations that are nonpreferred that have passed today—and we are down to the last two—I do not see why we are picking on Dickinson Law School at this time. It would seem to me that if we were to set an example, that example should have come at the very beginning and not at the very end, particularly when it relates to schools that are going to deal with persons having an opportunity to make it in law.

Finally, Mr. Speaker, I want to say that it just makes my heart bleed to know that when it comes down to those individual students who have an opportunity to make it, we seem to want to put the spear inside their heart; we want to make them

bleed. And I do not understand why we want to make students who have an opportunity to go to school suffer when in fact this in itself might give them an opportunity to further their education.

For those who have been proponents, particularly in the field and the area of concern of welfare, and those who say that it seems that it is very difficult and hard for us to understand why no one wants to go out and seek other jobs, seek education so that they may be able to get a good job, it would seem to me that opening up law school as Dickinson has in terms of its minority programs, enables them to go there, but to cut them off would certainly stifle that program. So I would ask the members of this House to vote in favor of HB 1277.

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

Mr. SALVATORE. Mr. Speaker, I rise to speak in support of this bill.

I just cannot understand the members of this House. Now we are talking about priorities, and we should have been talking about priorities a long time ago but we discount priorities. We appropriate \$17,700,000 to a rich man's school, the University of Pennsylvania, and now here comes \$99,000 for a school that serves all of Pennsylvania, gives a reduction to in-state students, serves the Commonwealth well, and here we are, after we have voted for all these nonpreferreds, saying let us not give Dickinson \$99,000.

If we are going to readjust our priorities, let us do it next year, but let us support this bill because I think that this school does accept everyone from every race, color, creed, and people with no means. And I hope that everyone else will support this school.

The SPEAKER. On final passage, the Chair recognizes for the second time the gentleman from Cumberland, Mr. Scheaffer.

Mr. SCHEAFFER. Mr. Speaker, I would like to correct or point out to Mr. Ritter that 330 students from Pennsylvania and 123 out-of-state students is the entire student body. In 1976 they graduated 137 students. With the alumni's help, they gave financial aid of over \$75,000 to 78 students and they provided full tuition and books for 6 minority students. So actually the school is doing its best under the circumstances.

Thank you, sir.

The SPEAKER. On final passage, the Chair recognizes for the second time the gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, maybe I acted in haste here because I really do not know that much about Dickinson Law School, but it is refreshing to know that there are some members here who are knowledgeable about Dickinson Law School.

I wonder if Mr. Kowalyszyn would consent to brief interrogation.

The SPEAKER. The gentleman, Mr. Kowalyszyn, indicates that he will indeed stand for interrogation. The gentleman, Mr. Trello, is in order and may proceed.

Mr. TRELLO. Mr. Speaker, can you tell me what the tuition is at Dickinson Law School for a law student?

Mr. KOWALYSHYN. I am sorry; I do not know the exact

tuition anymore. It has been a long while since I have had experience with it. I know that in comparison with the tuition in other law schools, it is on the low side.

Mr. TRELLO. Is it lower than our state-related universities such as Pitt and Penn State?

Mr. KOWALYSHYN. I believe so. I believe it is in line with what Pitt and Temple charge. I am sure it is in line with them, if not lower.

Mr. TRELLO. Do you know the number of students who attend the Dickinson Law School?

Mr. KOWALYSHYN. I believe Mr. Scheaffer had the figures, something like 450, 500 students.

Mr. TRELLO. Do you know the number of out-of-state students and the number of Pennsylvania students?

Mr. KOWALYSHYN. Yes. The ratio is about 3 to 1, Pennsylvania.

Mr. TRELLO. Thank you, Mr. Speaker.

I do not believe any of my questions were really answered by Mr. Kowalyszyn who came up and made the remarks about my remarks. He does not seem to know what the tuition is. And if it is lower than Pitt or Penn State, which are state-related universities, then why the heck are we giving the money to Pitt and Penn State? Why do we not give it all to Dickinson since they are showing preference for lower tuition and helping all the needy and the minorities and so forth?

You know, I still say that if we are going to draw the line like so many members on that other side said during the whole budget battle and during this tax battle, then let us draw the line and start tonight.

You know, President Kennedy once said that a journey of 1,000 miles begins with a single step. Let us take that first step tonight.

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

Mr. CAPUTO. Mr. Speaker, I hesitate to disagree with my colleagues from Allegheny County, but I have been on this Hill since 1952 and I have been a lawyer for at least 6 years longer than that. During that time I have had the opportunity, the pleasure, and sometimes the bad experience of being involved with graduates of the Dickinson School of Law.

Now I realize that some of us associate with the Dickinson School of Law with the Republican Party. I can understand that, because most of the students come from those counties that are dominated by the Republican Party, but they are still good students and excellent attorneys.

We are asking for \$99,000 for them. I might just point out that the graduates of the Dickinson School of Law have reached an economic level far superior to many, many other people within the Commonwealth. Since our Commonwealth is supported from the taxes of those people who earn money, I would suggest that the graduates of the Dickinson School of Law pay much more than \$99,000 over and above the taxes we might expect from such people.

I suggest we cut out the baloney and vote for this appropriation.

The SPEAKER. The Chair recognizes, for the second time on

the final passage, the gentleman from Allegheny, Mr. Misceovich.

Mr. MISCEVICH. Mr. Speaker, I am not here to speak against Dickinson Law School or any other college for that matter. What I am getting sick and tired of is when we came over here to vote for the budget, there were 102 votes up on that board. Now we are over there just like great white knights charging into the town; we are rescuing everybody and their brother.

Those guys over there did not put any votes up for any of the appropriation bills, for any of the taxes. They did not vote for the budget, and now they want to rescue their districts and their schools. That is really commendable in their districts, but why should we on this side of the aisle have to take the heat for all these people all the time?

I am not against guys who graduate from Dickinson or Pitt or any other school, but if you are willing to fund these schools, vote for the money to fund them. Vote for the taxes.

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

Mr. PICCOLA. Mr. Speaker, thank you.

I am voting in the negative on all these nonpreferred appropriations and will continue to do so for the reasons that Mr. Wright spelled out earlier, but I am starting to feel a little bit the way Philadelphia felt earlier this year coming from central Pennsylvania. These institutions earlier went through without a word of debate, and all of a sudden we have two institutions from central Pennsylvania and they are being picked apart, and I personally resent that, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

## YEAS—141

Anderson	Gallagher	Manderino	Ryan
Arthurs	Garzia	Manmiller	Salvatore
Barber	Gatski	McGinnis	Scanlon
Beloff	Geesey	McIntyre	Scheaffer
Berlin	Geisler	McLane	Schweder
Berson	George, M.	Mebus	Scirica
Bittinger	Gleeson	Milanovich	Seltzer
Bittle	Goodman	Miller	Shelton
Borski	Gray	Milliron	Shuman
Brandt	Greenfield	Moehlmann	Shupnik
Brunner	Greenleaf	Morris	Smith, E.
Burd	Grieco	Mowery	Smith, L.
Burns	Halverson	Mullen, M. P.	Spencer
Caputo	Hamilton	Mullen, M. M.	Spitz
Cassidy	Harper	Musto	Sweet
Cessar	Hayes, D. S.	Noye	Taddonio
Cianciulli	Hayes, S. E.	O'Brien, B.	Taylor, E.
Cimini	Helfrick	O'Brien, D.	Vroon
Cohen	Hopkins	O'Connell	Wagner
Cole	Hutchinson, A.	O'Donnell	Wansacz
Cowell	Hutchinson, W.	Oliver	Wargo
Davies	Itkin	Pancoast	Wenger
DeMedio	Johnson	Parker	White
DeWeese	Jones	Pievsky	Wiggins
Dietz	Katz	Pitts	Williams
Dininni	Kelly	Polite	Wilson
Donatucci	Klingaman	Pott	Wilt

Dorr	Knepper	Prendergast	Wise
Duffy	Kolter	Pyles	Wright, J. L.
Dumas	Kowalyszyn	Rappaport	Yohn
Englehart	Laughlin	Ravenstahl	Zearfoss
Fee	Lehr	Reed	Zitterman
Fisher, D. M.	Levin	Renwick	
Flaherty	Logue	Rhodes	Irvis,
Foster, W.	Mackowski	Richardson	Speaker
Freind	Madigan	Rieger	

## NAYS—51

Abraham	Gallen	Meluskey	Stewart
Armstrong	Gamble	Miscevich	Stuban
Bellomini	George, C.	Novak	Taylor, F.
Bennett	Goebel	O'Keefe	Tenaglio
Brown	Hasay	Peterson	Trello
Caltagirone	Hoeffel	Petrarca	Valicenti
DeVerter	Kukovich	Piccola	Wass
DiCarlo	Letterman	Pratt	Wright, D.
Dombrowski	Levi	Ritter	Yahner
Doyle	Lincoln	Ruggiero	Zeller
Fischer, R. R.	Livengood	Schmitt	Zord
Foster, A.	McCall	Stairs	Zwinkl
Fryer	McClatchy	Stapleton	

## NOT VOTING—11

Butera	Haskell	Lynch	Thomas
Giammarco	Honaman	Mrkonic	Weidner
Gillette	Kernick	Sirianni	

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 Snyder, Mr. Thomas. For what purpose does the gentleman rise?

Mr. THOMAS. Mr. Speaker, I wonder if I could have the record corrected. For some reason I failed to vote on HB 1277, PN 1500. I would like the record to show that I would have voted in the affirmative.

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

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PIEVSKY the House resumed consideration on final passage of **House bill No. 1278, printer's No. 1501**, entitled:

An Act making appropriations to the Philadelphia College of Art Philadelphia Pennsylvania.

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—137

Anderson	Garzia	McLane	Schweder
----------	--------	--------	----------

Arthurs	Gatski	Mebus	Scirica
Barber	Geisler	Milanovich	Seltzer
Bellomini	George, M.	Miller	Shelton
Beloff	Giammarco	Moehlmann	Shupnik
Bennett	Gleeson	Morris	Sirianni
Berlin	Goodman	Mowery	Smith, E.
Berson	Gray	Mullen, M. P.	Spencer
Bittinger	Greenfield	Mullen, M. M.	Spitz
Borski	Greenleaf	Musto	Stapleton
Brandt	Grieco	O'Brien, B.	Sweet
Brunner	Halverson	O'Brien, D.	Taddonio
Burd	Hamilton	O'Connell	Taylor, E.
Burns	Harper	O'Donnell	Tenaglio
Butera	Hayes, D. S.	O'Keefe	Thomas
Caputo	Helfrick	Oliver	Valicenti
Cianciulli	Hoeffel	Pancoast	Vroon
Cimini	Hutchinson, A.	Parker	Wagner
Cohen	Hutchinson, W.	Petrarca	Wansacz
Cole	Itkin	Pievsky	Wargo
DeMedio	Johnson	Polite	Wenger
DeWeese	Jones	Pott	White
DiCarlo	Katz	Prendergast	Wiggins
Dombrowski	Kelly	Pyles	Williams
Donatucci	Knepper	Rappaport	Wilson
Dorr	Kolter	Ravenstahl	Wilt
Doyle	Kowalyszyn	Reed	Wise
Duffy	Laughlin	Renwick	Wright, J. L.
Dumas	Levin	Rhodes	Yohn
Englehart	Lincoln	Richardson	Zearfoss
Fee	Madigan	Rieger	Zitterman
Fisher, D. M.	Manderino	Ryan	Irvis,
Foster, W.	McCall	Salvatore	Speaker
Freind	McGinnis	Scanlon	
Gallagher	McIntyre	Scheaffer	

## NAYS—58

Abraham	Fryer	Logue	Schmitt
Armstrong	Gallen	Mackowski	Shuman
Bittle	Gamble	Manmiller	Smith, L.
Brown	Geesey	McClatchy	Stairs
Caltagirone	George, C.	Meluskey	Stewart
Cassidy	Goebel	Milliron	Stuban
Cessar	Hasay	Miscevich	Taylor, F.
Cowell	Haskell	Novak	Trello
Davies	Hayes, S. E.	Noye	Wass
DeVerter	Klingaman	Peterson	Wright, D.
Dietz	Kukovich	Piccola	Yahner
Dininni	Lehr	Pitts	Zeller
Fischer, R. R.	Letterman	Ritter	Zord
Flaherty	Levi	Ruggiero	Zwikl
Foster, A.	Livengood		

## NOT VOTING—8

Gillette	Hopkins	Lynch	Pratt
Honaman	Kernick	Mrkonic	Weidner

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

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

## HB 1633 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1633, PN 2193, be removed from the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—185

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

## NAYS—5

Beloff	Mackowski	Mowery	Piccola
Hasay			

## NOT VOTING—13

Bellomini	Honaman	Letterman	Sirianni
Gillette	Hopkins	Lynch	Wagner
Gleeson	Kernick	Shelton	Weidner
Greenfield			

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

## REMARKS ON VOTE

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

Mr. BELLOMINI. Mr. Speaker, I was called to the telephone.

I would like to cast my vote in the affirmative on HB 1633, PN 2193.

The SPEAKER. On the motion to remove from the table?

Mr. BELLOMINI. Yes.

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

The House has not adjourned; it has not completed its business. For the information of the members, the Chair has been informed that the gentleman, Mr. Amos Hutchinson, has withdrawn his amendment. Is that correct?

The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, I did not withdraw it; I capitulated.

The SPEAKER. It is indeed a wise warrior who knows when to give up a battle in order to win a war.

Agreeable to order,

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

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

#### YEAS—190

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

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

#### NAYS—2

Shuman Taylor, F.

#### NOT VOTING—11

Bellomini	Honaman	Lynch	Wagner
Gillette	Hopkins	Miscevich	Weidner
Greenfield	Kernick	Pratt	

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.

### SUPPLEMENTAL CALENDAR

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE RESUMED

The clerk of the Senate returned **House bill No. 1274** with the information that the Senate has passed the same with the following amendment in which concurrence of the House of Representatives is requested:

Amend Section 1, page 1, line 10, by striking out after "of" the figure "\$1,000,000," and inserting in lieu thereof "\$1,500,000."

On the question recurring,

Will the House concur in the Senate amendment?

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

Mr. PIEVSKY. Mr. Speaker, I urge that we do concur in the Senate amendment to HB 1274.

The SPEAKER. Will the gentleman explain the amendment briefly?

Mr. PIEVSKY. Mr. Speaker, what the Senate has done is they brought the appropriation up to \$1,500,000. That is the same amount they got last year and the year before, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I had spoken originally before our



tax vote here in the House, and I mentioned at that time to the members of the House my concern for these matters. HB 1274, I think, illustrates the point I was trying to make.

We have a bill here which was introduced allocating \$1 million to the Thomas Jefferson University of Philadelphia. This has now been increased 50 percent to \$1,500,000. To those members who have read the bill, they will see there that for every student enrolled at the university, at the doctor-of-medicine program, the state is paying \$4,400 per student. Now I would remind the members of the House that this is an extremely costly item, and it also goes not only for the students who come from Pennsylvania but for all of the students, which naturally includes out-of-state students.

Now I would be the first to state that this institution is one of the finest in the country, and we are privileged to have it in this state. I would also, however, remind you of what the taxpayers are paying to continue this program.

Now I think we owe a lot to the field of medicine. We owe a lot to the doctors for what they have been able to do. However, with all of their fine training, they also have a very nice habit of being able to have a very lucrative living. Now the point I am making is that it seems to me that these people, the alumni, the graduates, could contribute more to the school that enables them to earn this high standard of living.

I know naturally this is going to pass not with my vote, but I am only asking this so that hopefully if we get to these matters in the future, we can start thinking about the money that we are collecting from sales tax for low-income people and which is going to support matters of this type. I ask you to think about it, because it is going to be back next year again bigger and better than ever.

Thank you very much, Mr. Speaker.

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

Mr. DiCARLO. Mr. Speaker, what I am interested in is I am wondering if perhaps Mr. Pievsky could inform this House why \$½ million more is needed for maintenance of that institution.

The SPEAKER. The gentleman, Mr. Rappaport, says that he will stand for the interrogation. The gentleman is in order and may proceed to answer the interrogation.

Mr. RAPPAPORT. Mr. Speaker, unfortunately, the story will take more than 30 seconds.

Thomas Jefferson University last year received \$1½ million and the year before and the year before that. Last year the Governor's office recommended \$1 million; we gave them \$1½ million because of the formula. This year the Governor's office recommended what they had recommended last year. This House passed \$1½ million originally, put an amendment in. Then when we passed all the nonpreferreds, somehow in the shuffle they got reduced to \$1 million. That \$½ million was put back in the Senate and is now back for our concurrence. We have already voted for \$1½ million for Jefferson here.

Mr. DiCARLO. Mr. Speaker, you are telling me that we need the extra \$½ million because of the per capita reimbursement that we grant to the institutions?

Mr. RAPPAPORT. No; I am not saying that to the gentleman.

Mr. DiCARLO. Oh, I am sorry.

Mr. RAPPAPORT. I would be happy to get into the details of the bill if the gentleman wants.

Mr. DiCARLO. Very much, because that is what you did indicate to the House, and I am under the impression that \$3,978,000 is the appropriation given to this medical school on the capitation basis.

Now the question that I am asking you and the question that I want answered is the House in its wisdom decided that \$1 million was enough to fund the maintenance of that institution. Now for some reason the Senate put another \$½ million in there. Can you answer that question? Why do they need \$500,000 more for maintenance of that institution?

Mr. RAPPAPORT. Okay. The appropriation is broken down into two parts. Section 1 of the bill appropriates \$3,978,000 for the doctor-of-medicine program. That is the capitation. That is one classification. We are not discussing that. That was neither increased nor decreased.

We are talking about section 1(b) where last year they got \$1.5 million. That is for the College of Allied Health Sciences. In addition to running a medical school, the Thomas Jefferson University runs a nursing school, a school for laboratory technicians, a school for X-ray technicians, and three or four other such programs. That is what that appropriation of \$1½ million is for.

I would remind the gentleman—and I am sure he is more aware of this than I am—that many of the nursing schools throughout the Commonwealth, the so-called diploma schools, the 2-year schools, are closing down. Therefore, those institutions that run the degree schools, the 4-year nursing schools, must take up the slack. That is what this money is paying for in addition to the other training programs for the various other allied health professions.

Mr. DiCARLO. All right. Mr. Speaker, if you will follow the bill with me, on line 13 it says, "... for the general maintenance of the Thomas Jefferson University including the College of Allied Health Sciences."

Can you give me a breakdown of how much is going to go for the maintenance and how much is—

Mr. RAPPAPORT. The appropriation must go to Thomas Jefferson University because the college is part of the university, Thomas Jefferson University.

Mr. DiCARLO. Is the whole \$1½ million going to the College of Allied Health Sciences?

Mr. RAPPAPORT. I am informed that it is.

Mr. DiCARLO. All right. Mr. Speaker, can you inform this House, did not this institution last year take the position to phase out that part of their educational facility because they felt that the end product, the resources involved, and everything else just was not worth getting involved in and they would have to phase it out unless the state did bail them out?

Mr. RAPPAPORT. Mr. Speaker, if they did, I am not aware of it, and I do not contradict the gentleman. I, frankly, did not hear that until this moment. I do not know whether they did or they did not.

I understand the University of Pennsylvania took such a position, and perhaps the gentleman's memory is not good, but I

cannot contradict the gentleman at all in truth. I do not know.

Mr. DiCARLO. Okay. One other thing: Can you enlighten this House as to what has changed since June 6 and what has changed now to cost the extra \$500,000? You are just saying a mix-up in the Governor's office?

Mr. RAPPAPORT. The original bill was \$1 million. This House amended it to be \$1.5 million. Then it was placed back on the table with all of the other nonpreferreds. The gentleman will notice that there have been several prior printer's numbers on this bill.

For some reason—and I had a leave of absence that day—when all the nonpreferreds were passed, I understand for some reason it was brought back down to \$1 million, although last year it was \$1½ million and we had voted for an amendment to make it \$1½ million. The Senate rectified that error and made it \$1½ million, which is what it was supposed to be all along, and has now sent it back to us for concurrence.

Mr. DiCARLO. Thank you, Mr. Speaker.

On the question,

Will the House concur in the Senate amendment?

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

#### YEAS—138

Anderson	Freind	McCall	Scheaffer
Barber	Gallagher	McGinnis	Schweder
Bellomini	Gatski	McIntyre	Scirica
Beloff	Geisler	McLane	Seltzer
Bennett	George, C.	Mebus	Shelton
Berlin	George, M.	Milanovich	Shupnik
Berson	Giammarco	Miller	Siranni
Bittinger	Gleeson	Moehlmann	Smith, E.
Bittle	Goodman	Morris	Spencer
Borski	Gray	Mowery	Stapleton
Brandt	Greenfield	Mullen, M. P.	Stewart
Brunner	Greenleaf	Mullen, M. M.	Sweet
Burd	Grieco	Musto	Taddonio
Burns	Hamilton	O'Brien, B.	Taylor, E.
Butera	Harper	O'Brien, D.	Tenaglio
Caputo	Hayes, D. S.	O'Connell	Thomas
Cessar	Helfrick	O'Donnell	Valicenti
Cianciulli	Hoeffel	Oliver	Vroon
Cimini	Hutchinson, A.	Pancoast	Wagner
Cohen	Hutchinson, W.	Parker	Wansacz
Cole	Itkin	Pievsky	Wargo
Davies	Johnson	Pitts	Wenger
DeMedio	Jones	Polite	White
DeWeese	Katz	Pott	Wiggins
DiCarlo	Kelly	Prendergast	Williams
Dininni	Knepper	Pyles	Wilson
Dombrowski	Kolter	Rappaport	Wilt
Donatucci	Kowalyszyn	Reed	Wise
Dorr	Laughlin	Renwick	Wright, J. L.
Duffy	Levin	Rhodes	Yahner
Dumas	Lincoln	Richardson	Yohn
Engelhart	Mackowski	Rieger	Zitterman
Fee	Madigan	Ryan	
Fisher, D. M.	Manderino	Salvatore	Irvis,
Foster, W.	Manmiller	Scanlon	Speaker

#### NAYS—58

Abraham	Gamble	McClatchy	Schmitt
Armstrong	Garzia	Meluskey	Shuman
Arthurs	Geesey	Milliron	Shuman, L.
Brown	Goebel	Miscevich	Spitz

Caltagirone	Halverson	Novak	Stairs
Cassidy	Hasay	Noye	Stuban
Cowell	Haskell	O'Keefe	Taylor, F.
DeVerter	Hayes, S. E.	Peterson	Trello
Dietz	Klingaman	Petrarca	Wass
Doyle	Kukovich	Piccola	Wright, D.
Fischer, R. R.	Lehr	Pratt	Zearfoss
Flaherty	Letterman	Ravenstahl	Zeller
Foster, A.	Levi	Ritter	Zord
Fryer	Livengood	Ruggiero	Zwinkl
Gallen	Logue		

#### NOT VOTING—7

Gillette	Hopkins	Lynch	Weidner
Honaman	Kernick	Mrkonic	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was 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. 1283**, 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 1, by striking out after "Making" the words "an appropriation" and inserting in lieu thereof "appropriations"

Amend Section 1, page 1, line 6, by inserting after "1." the letter "(a)"

Amend Section 1, page 1, by inserting after line 10 the following:

(b) The sum of \$104,000 is hereby specifically appropriated to the Downingtown Industrial and Agricultural School of Downingtown, Pennsylvania, for the fiscal period July 1, 1977 to June 30, 1978 for the express purpose of reducing accumulated debts for prior years.

On the question,

Will the House concur in the Senate amendments?

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

Mr. PIEVSKY. Mr. Speaker, I urge concurrence in HB 1283, PN 2096.

The SPEAKER. It is moved by the gentleman, Mr. Pievsky, that the House do concur in amendments inserted by the Senate to HB 1283, PN 2096.

On the motion, the Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I rise to ask for nonconcurrence in Senate amendments to this bill.

The Downingtown Industrial and Agricultural School is down in our part of the state in Chester County, and the Senate has added an additional \$104,000 over and above the \$544,000 to the appropriation.

When this bill first came before us, we received communications from members of the staff of this school that there was gross mismanagement and nepotism in the administration of this school. We have not received adequate explanation into

these charges. The institution has not been thoroughly investigated, and standing shoulder to shoulder to my commitment to fund education is the efficient and effective use of our tax dollar.

I suggest, Mr. Speaker, that we nonconcur to give the House and Senate more time to look into these allegations of gross mismanagement of this small institution which graduated only 12 students last year and we would appropriate over \$½ million.

Thank you, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, on all of these appropriations there very well may be some question about how our moneys are managed, and I do agree with Mr. Scheaffer that if any kind of examination of any of these matters or any of these schools is going to take place from the standpoint of finding out whether or not our tax dollars are being spent correctly, indeed that should be done at an appropriate time. Rather than to take a broad, bald, general allegation of gross mismanagement, whatever that means, it does seem to me that if there is any factual information that would cause us to act or pause on any of these matters, indeed that should be brought to the attention of the proper authorities at the proper time. It just sort of sits bad for us to pass almost \$5 million of the Christmas tree and come to an institution which at least I know has been funded and has existed for many, many years and usually takes children of backgrounds that are rather poor and disadvantaged. I am not saying there is no mismanagement or is mismanagement in any of these institutions that we are funding, but I do not think that it is a proper thing to do to state a general allegation which raises a suspicion that something is going wrong.

If in fact there is something wrong that causes us to hesitate, people ought to put that down specifically and in black and white, especially on an institution that we have funded for many, many years and an institution which, as I said, serves children of that particular background. I believe that if there is anything going on, Mr. Speaker, in that institution or Pitt or Penn State or anywhere, those matters should properly be investigated.

I must share with you, just before I sit down, that I have had some opportunity to observe many, many of the institutions we have funded, colleges and otherwise. And because of the style of living of some of us—some of us live in a different style—I could very well think that our taxpayers would think that a lot of the money that we spend on entertainment in institutions and athletic scholarships and so forth and so on and the fringes that go with that is a sheer waste of money. But that is a question of evaluation.

I just want to stress, Mr. Speaker, that I think the gentleman's remarks, the way he put it, are not sufficient reason and are untimely, and I think in the spirit of getting this thing moving, we ought to fund Downingtown as we have in the past, an institution that most of us know serves the constituency that it serves. And if indeed there is any substance to Mr. Pitts' suspicions, I think very properly they ought to be investigated by whatever authorities of this House or any other body that

ought to do it. But I do not think at this particular moment in this hour that this school should be singled out on the sheer basis of a general suspicion of some mismanagement, and I would urge the House to vote for the appropriation.

On the question recurring,

Will the House concur in the Senate amendments?

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

## YEAS—71

Barber	Garzia	Levin	Scanlon
Bellomini	Gatski	Manderino	Scheaffer
Beloff	Geisler	McIntyre	Shelton
Berlin	George, C.	Milanovich	Shupnik
Berson	Giammarco	Miller	Smith, E.
Borski	Gleeson	Moehlmann	Sweet
Brandt	Goodman	Mullen, M. P.	Valicenti
Brunner	Gray	Mullen, M. M.	Wansacz
Caputo	Greenfield	Musto	Wargo
Cianciulli	Harper	O'Brien, B.	White
Cohen	Hutchinson, A.	O'Donnell	Wiggins
DeMedio	Itkin	Oliver	Williams
DeWeese	Johnson	Pievsky	Wise
Dombrowski	Jones	Prendergast	Yahner
Donatucci	Kelly	Rappaport	Zitterman
Duffy	Kolter	Renwick	
Dumas	Kukovich	Richardson	Irvis,
Fee	Laughlin	Rieger	Speaker
Gallagher			

## NAYS—121

Abraham	Gamble	McLane	Scirica
Anderson	George, M.	Mebus	Seltzer
Armstrong	Goebel	Meluskey	Shuman
Arthurs	Greenleaf	Milliron	Sirianni
Bennett	Grieco	Miscevich	Smith, L.
Bittinger	Halverson	Morris	Spencer
Bittle	Hamilton	Mowery	Spitz
Brown	Hasay	Novak	Stairs
Burd	Haskell	Noye	Stapleton
Burns	Hayes, D. S.	O'Brien, D.	Stewart
Caltagirone	Hayes, S. E.	O'Connell	Stuban
Cassidy	Helfrick	O'Keefe	Taddonio
Cessar	Hoeffel	Pancoast	Taylor, E.
Cimini	Hutchinson, W.	Parker	Taylor, F.
Cole	Katz	Peterson	Tenaglio
Cowell	Klingaman	Petrarca	Thomas
Davies	Knepper	Piccola	Trello
DeVerter	Kowalyszyn	Pitts	Vroon
DiCarlo	Lehr	Polite	Wagner
Dietz	Letterman	Pott	Wass
Dininni	Levi	Pratt	Wenger
Dorr	Lincoln	Pyles	Wilson
Doyle	Livengood	Ravenstahl	Wilt
Fischer, R. R.	Logue	Reed	Wright, D.
Fisher, D. M.	Mackowski	Ritter	Wright, J. L.
Flaherty	Madigan	Ruggiero	Yohn
Foster, A.	Manmiller	Ryan	Zearfoss
Foster, W.	McCall	Salvatore	Zeller
Freind	McClatchy	Schmitt	Zord
Fryer	McGinnis	Schweder	Zwilk
Gallen			

## NOT VOTING—11

Butera	Gillette	Kernick	Rhodes
Englehart	Honaman	Lynch	Weidner
Geesey	Hopkins	Mrkonjic	

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.*

The SPEAKER. For the information of the members, we have not yet adjourned. You would be wise to stay where you are until you know what the plans of the majority leader are.

### PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Rieger, has asked that the Chair announce that he is calling a very important meeting of the Professional Licensure Committee for tomorrow, Wednesday, December 14, 1977, at 9 a.m. in room 115-A.

### BILL REPORTED FROM COMMITTEE AND TABLED

**HB 104, PN 2446** (Amended) by Mr. MORRIS

An Act creating the Agricultural Development Authority as a governmental instrumentality and as a body corporate and politic; prescribing the rights, powers and duties of such authority; authorizing such authority to acquire by gift or purchase.\*\*\*

Agriculture and Rural Affairs.

### RECONSIDERATION MOTION FILED

The SPEAKER. The Chair announces that the gentleman, Mr. Greenfield, and the gentleman, Mr. Richardson, have filed a reconsideration motion on HB 1283, PN 2096. That motion will not be taken up today, but the reconsideration motion will be filed today.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to announce again that it is absolutely necessary, if amendments are to be considered to SB 1187, which will be taken up later in today's session, that we have an accurate list of those members who are offering amendments.

The Chair will read the list so far prepared: Rhodes, Letterman, Bennett, McLane, Fisher, Mowery, DeVerter, Meluskey, Itkin, DiCarlo, Helfrick, Pitts, Sweet, David Hayes, Laughlin, DeMedio, Renwick, Englehart, Reed, and White. Are there any other amendments to be offered? The gentleman, Mr. Milliron; the gentleman, Mr. Johnson; the gentleman, Mr. Williams. Are there any other amendments to be offered?

These amendments must be prepared, and they must be ordered and sent to the Legislative Reference Bureau now. The House is going to recess until 8:30 tonight. At 8:30 tonight we will take up the amendments to SB 1187.

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

Mr. ITKIN. Mr. Speaker, would a motion to adjourn until tomorrow morning be in order at this time?

The SPEAKER. I am sorry; the Chair did not hear the gentleman.

Mr. ITKIN. Would a motion to adjourn until tomorrow at

9:30 be in order at this time?

The SPEAKER. A motion to adjourn—

Mr. ITKIN. Until 9:30 tomorrow morning.

The SPEAKER. —is always in order and is not debatable.

The members will return to their seats. For those members who have left the floor, there will apparently be a motion to adjourn until 9 a.m. tomorrow. Those members must return to their seats on this vote.

Mr. ITKIN. Mr. Speaker, I asked; that was a question of the Chair. Mr. Speaker, I have not placed that motion before the House.

The SPEAKER. The Chair knows that you have not.

### MOTION TO ADJOURN

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

Mr. ITKIN. Mr. Speaker, SB 1187 is a very important piece of legislation. It is one that the majority leader promised many of us that after we would vote the tax bill, adequate consideration would be given for this piece of legislation. It seems to me that with the number of amendments that have been offered, it would be unfair to the makers of those amendments to get fair consideration tonight.

I deeply regret that this may be an inconvenience to the majority leader, but I have to point out that the majority leader has inconvenienced the entire House for the last 5 months. I would suggest that 1 additional day to deliberate on this particular bill is not an unreasonable request. I would hope that the majority leader would recede from his position about returning the House tonight and take up the bill tomorrow morning.

Mr. Speaker, I make the motion now to adjourn until 9:30 tomorrow morning.

The SPEAKER. The motion has been made by the gentleman, Mr. Itkin, that this House do now adjourn until 9:30, Wednesday, December 14, 1977.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the inconvenience is likewise to the majority leader to have to return here in 2 hours to continue, but there are some 30 amendments already scheduled. I would like to begin the process at 8:30.

I apologize to the gentleman, Mr. Itkin, for the inconvenience that he has suffered. There would have been no inconvenience had we followed the plan that was outlined early in the summer. We eventually came to such a decision. It just took a long time, Mr. Speaker.

I am more inconvenienced, frankly, personally, by returning this evening at 8:30 than I would be inconvenienced by coming back tomorrow morning. But I must ask, respectfully, that the members vote against the motion for adjournment and return here at 8:30 so that we can continue with SB 1187 and hopefully complete it this evening. I am not sure that we can. I would hope that we can.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—29

Bittle	Halverson	Pitts	Stairs
Davies	Itkin	Polite	Vroon
DiCarlo	Kowalyszyn	Renwick	Wass
Dininni	McGinnis	Ruggiero	Wilson
Duffy	Meluskey	Ryan	Zearfoss
Dumas	Pancoast	Seltzer	Zeller
Gamble	Piccola	Spitz	Zord
Goebel			

## NAYS—165

Abraham	Fryer	Mackowski	Scanlon
Anderson	Gallagher	Madigan	Scheaffer
Armstrong	Gallen	Manderino	Schmitt
Arthurs	Garzia	Manmiller	Schweder
Barber	Gatski	McCall	Scirica
Bellomini	Geesey	McIntyre	Shelton
Beloff	Geisler	McLane	Shuman
Bennett	George, C.	Mebus	Shupnik
Berlin	George, M.	Milanovich	Sirianni
Berson	Giammarco	Miller	Smith, E.
Bittinger	Gleeson	Milliron	Smith, L.
Borski	Goodman	Miscevich	Spencer
Brandt	Gray	Moehlmann	Stapleton
Brown	Greenfield	Morris	Stewart
Brunner	Greenleaf	Mowery	Stuban
Burd	Grieco	Mrkoncic	Sweet
Burns	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	Wagner
Cole	Hutchinson, A.	O'Donnell	Wansacz
Cowell	Hutchinson, W.	O'Keefe	Wargo
DeMedio	Johnson	Oliver	Wenger
DeVerter	Jones	Parker	White
DeWeese	Katz	Peterson	Wiggins
Dietz	Kelly	Petrarca	Williams
Dombrowski	Klingaman	Pievsky	Wilt
Donatucci	Knepper	Pott	Wise
Dorr	Kolter	Pratt	Wright, D.
Doyle	Kukovich	Prendergast	Wright, J. L.
Englehart	Laughlin	Pyles	Yahner
Fee	Lehr	Rappaport	Yohn
Fischer, R. R.	Letterman	Ravenstahl	Zitterman
Fisher, D. M.	Levi	Reed	Zwilk
Flaherty	Levin	Richardson	
Foster, A.	Lincoln	Rieger	Irvis,
Foster, W.	Livengood	Ritter	Speaker
Freind	Logue	Salvatore	

## NOT VOTING—9

Butera	Hopkins	Lynch	Rhodes
Gillette	Kernick	McClatchy	Weidner
Honaman			

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

## RECESS

The SPEAKER. This House stands in recess until 8:30 p.m. today.

## AFTER RECESS

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

Mr. MANDERINO. Can we call this up on final passage quickly?

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

Mr. POLITE. Mr. Speaker, the big hand is on the 12 and the little hand is on the 9.

The SPEAKER. I am trying to puzzle it out, but I think it means 9 o'clock.

The Chair would draw to the attention of the gentleman, Mr. Rhodes, that he has the first amendment to SB 1187.

On the supplemental House calendar, appropriation bill on third consideration, SB 1187, PN 1530. The House will please turn to page 9 of the tabled bill calendar where SB 1187, PN 1530, appears.

## SB 1187 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1187, PN 1530, be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

## SUPPLEMENTAL CALENDAR

## APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1187, printer's No. 1530, entitled:

An Act amending the act of August 20, 1977 (No. 11-A), entitled "General Appropriation Act of 1977" changing certain appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. RHODES offered the following amendment:

Amend Sec. 1 (Sec. 2), page 14, lines 22 through 25, by striking out all of said lines and inserting

A student who is 18 or older enrolled full-time in a college or university and is properly claimed or could be properly claimed as a dependent for Federal income tax purposes by a parent or guardian, which parent or guardian is not eligible for assistance, shall not be eligible for general assistance.

On the question,

Will the House agree to the amendment?

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

Mr. RHODES. Mr. Speaker, I rise this evening to offer two amendments at the outset of this process of amending SB 1187. My first amendment speaks to the language in SB 1187 on page 14 where the Senate, in its wisdom, attempted to deal with a problem about which all of us in the House are concerned, which is welfare recipients who attend college in the Commonwealth.

Nobody in the Commonwealth believes that anybody who is an able-bodied person and who should not be on welfare should be able to somehow get around our Welfare Code or our welfare restrictions and rules and go to college and receive welfare at the same time. However, the Senate, in drafting their prohibition, acted hastily, and the language is broader than what was really meant.

My amendment narrows the language on page 14 so it only applies to prohibition against someone going to college and being on welfare, only applies to those who really ought not to be going to college and receiving welfare, but does not prohibit those on cash assistance who are genuinely and correctly on cash assistance, who signed up for job search, who are out performing their proper responsibilities under the Welfare Code and at the same time are, say, attending an associate arts program in a college trying to better themselves and get a degree and get a job and get off the roles. This amendment allows them to do that.

It would be obviously counterproductive for us to have passed the Senate language which in effect would force people who are legitimate welfare recipients to choose between receiving the welfare payments or going to college when they had the possibility of going to college and getting off welfare.

So my amendment narrows the Senate language down so we focus in on those people who are chiseling the Commonwealth, who really should not be welfare recipients, whose parents or guardians can really afford to put them through college. There is obviously no reason why they should be receiving welfare and going to college, and my amendment prohibits them from so receiving welfare.

I ask the support of the House. Our Appropriations Committee staff supports this amendment. It is a correct amendment.

Thank you, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendment?  
(Members proceeded to vote.)

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

Mr. D. R. WRIGHT. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman does not wish really to suggest that.

Mr. D. R. WRIGHT. I do not?

The SPEAKER. No; you do not. But if the gentleman wants us to strike the vote, we will be glad to strike the vote and the Chair will explain to the gentleman parliamentarily what he meant and what would happen if he suggested the absence of a quorum.

Mr. D. R. WRIGHT. I would not want to miss this opportunity for a little education, Mr. Speaker. I ask you to strike the vote.

The SPEAKER. The clerk will strike the vote.

The absence of a quorum, if formally suggested on the floor, Mr. Wright, means that the doors of the House must immediately be locked; no one who is outside may enter and no one

who is inside may leave until a quorum is established, no matter how many hours that may take; the State Police are then empowered to go out and bring back, by arrest if necessary, absentee members, but the members already inside the hall of the House remain locked inside the hall of the House until a quorum has been established. Do you see what I mean by saying that you really do not want to suggest that tonight?

Mr. FREIND. Mr. Speaker, is that not what we had all summer?

The SPEAKER. According to Mr. Itkin, it is anyway.

All members within hearing of the Speaker's voice are urged to report promptly to the floor. The question has been placed on the agreement to an amendment suggested by the gentleman, Mr. Rhodes.

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

Mr. DORR. Mr. Speaker, would the gentleman read the number at the top of the amendment again once more, please?

The SPEAKER. The number of the amendment is A3298.

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

Mr. REED. To eventually make some comments about the proposed amendment on which we are going to be eventually voting.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Reed.

Mr. REED. Mr. Speaker, when I first read the amendment, it on the surface appeared okay and I was voting for it. Now I have a copy of the bill, and I notice that the bill says that "... no part of this appropriation"—that is, for public assistance payments—"shall be used to pay general assistance to any full-time student at a college or university." The amendment before us, offered by Mr. Rhodes, deletes that language and makes it possible for a full-time college student to collect welfare under some circumstances, and those circumstances are spelled out in the amendment.

I would draw the attention of the House members to the fact that as SB 1187 presently reads, it pertains to the general assistance category. That is entirely state funded and is the second largest public assistance category in Pennsylvania. Aid to dependent children is by far the largest, and that is 78 percent funded by Federal moneys.

I personally am going to vote against the Rhodes amendment because I do not feel that a student who is emancipated, or who is otherwise attending college or a university full-time and is not being claimed as a dependent by a parent or a guardian, should be permitted the luxury of receiving tax dollars for the payment of basic subsistence. There are a variety of other programs in existence that provide scholarship aid, grants as well as loans, involving both tax moneys as well as private moneys, and there is, of course, the provision for part-time employment at many of our campuses by the campus as well as in the communities.

I think generally speaking the Rhodes amendment, if you just read that, on the face of it appears okay, but when you consider that it is striking a total prohibition of public assistance bene-

fits to full-time students that is in the present bill, I think it is a bad amendment, and I urge the members to vote against it and to make sure, so that you understand exactly what I am saying, that you read both the bill and the amendment. Then you will realize that the amendment is a liberalization of what the bill presently provides.

Thank you.

The SPEAKER. The Chair wants to interrupt the debate to make a proposal which, if it is acceptable, will require a motion on the part of a member on the floor to carry it forth.

The Chair has been advised and believes it to be factual that we have before us approximately 73 recorded amendments to this bill, some members having as many as 10 or 12 individual amendments to offer.

The Chair is suggesting at this time that the House consider a temporary rule which would state that no member, with the exception of the majority leader and the minority leader, shall speak more than one time on any issue concerning SB 1187, which would include any amendment, and then may speak for a total of only 2 minutes. If that is acceptable to the members of the House, it will require 102 votes, the same as the installation of any other rule, but it should be stated on the floor that it is a temporary rule to exist only so long as the House is debating SB 1187 and the amendments thereto.

The Chair will entertain any comments on this suggestion.

#### MOTION FOR TEMPORARY RULE

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

Mr. ZELLER. Mr. Speaker, as you stated, I move.

The SPEAKER. It has been moved by the gentleman, Mr. Zeller, that during the period of time that the House is debating SB 1187 and any amendments thereto or any procedural steps attached thereto, debate shall be limited to one appearance by a member and that appearance shall be for no more than 2 minutes, the sole exceptions being the minority leader and the majority leader. As far as the minority leader is concerned, the Chair would recognize the minority whip as acting as the minority leader, or if it is Mr. Hayes, then the Republican Party would advise the Chair which one is going to have that privilege.

On that motion, the Chair recognizes the gentleman, Mr. Hayes.

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

I understand the hour is growing late and there are a lot of amendments to be offered. I wonder if we could ask the membership to be restrained in the offering of their amendments and offering debate so that we do not have to adopt this type of rule. If this fails as the evening goes on, let us reconsider what you are suggesting, sir, if I could make that respectful suggestion.

The SPEAKER. The gentleman, Mr. Zeller, has offered the motion. If the gentleman wishes to withdraw the motion at this time in order to see if we can get voluntary compliance, the Chair is amenable to that.

The Chair is not trying to enforce a gag rule. It is up to the

members on the floor of the House to decide for themselves how they shall proceed.

Mr. S. E. HAYES. Let me say then to the Republican Representatives, I would respectfully ask that we try to operate under the present rules of the House. If the evening grows late and the debate is protracted, maybe we could reconsider the gentleman's motion, but at this time I would ask for a negative vote, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I can understand the reasons for the Speaker's suggestion and for the motion by Mr. Zeller, but I would urge that possibly we could adopt a more liberal approach, possibly with the idea of going along on the lines that Mr. Hayes has suggested, and then if it does get into that problem, then we can consider the matter.

I think that this House is supposedly a deliberate body. I think we have important issues to address ourselves to, and if any member of this House at this time feels he does not have the time, does not have the patience, I would merely ask him or her to go back to when they ran for the office, when they went before the people and stated what they were going to do.

This my feeling and I think that this is what should be done, and to pursue any other course to me seems that this would not be the deliberate body that it was meant to be.

Thank you, Mr. Speaker.

The SPEAKER. Obviously there is going to be dissent even over this suggestion, and we may waste more time on the suggestion than the suggestion might save. The Chair would ask the gentleman, Mr. Zeller, to withdraw his motion, and if the Chair sees that there is a dangerous encroachment on the time of the individual members, the Chair will again make the suggestion and perhaps it may be more happily received.

#### MOTION WITHDRAWN

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

Mr. ZELLER. Mr. Speaker, with all respect to Mr. Fryer—and I do not intend to go back to where I came from—I will say this: I have a little experience here—I think about as much as he has, with all respect—and I know what is going to happen tonight. So I will withdraw it if that makes him happy and my good friend, Mr. Hayes, too.

So let us get on with the business. I will withdraw the motion if it makes them happy.

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

Mr. RHODES. Mr. Speaker, I recognize that I am speaking secondly on the amendment. I just want to clarify an implication my distinguished colleague and friend from Dauphin County may have raised when he very gentlemanly mentioned that he first wanted to vote for the amendment, then read it and read the bill and thought the bill was better.

As I began my comment on the amendment, I pointed out that the Senate had passed broad language on the question of college students who are welfare recipients and that one aspect

of college students who are welfare recipients we all can agree on, which is that those people who really should not be welfare recipients, who really are not poor, who really are not dependent on the Commonwealth, should not be able to work a ruse and receive welfare payments and also go to college at the same time. My amendment is drawn narrowly to speak to that group, and we can all agree that that group should not be receiving welfare while they go to college.

Unfortunately, the Senate in its wisdom passed a broad amendment which sounds maybe good on paper. It says anybody going to college cannot receive welfare, but that is patently stupid. While we are trying to get people off the welfare rolls — people who are legitimate welfare recipients under cash assistance who have gone down to the welfare office and applied for jobs and done everything they are supposed to do, and at the same time have enrolled at a local community college to get involved in some job program so they can get off the welfare rolls — we are going to be saying to them, either get out of school so you cannot get a job or receive welfare. That just does not make any sense at all. The amendment, as it reads from the Senate, does exactly that, and we do not want to do that. Those students or those people who think they are so sneaky and shrewd that they can get around our law and get money and also go to college and really do not deserve it should not be on the roll, and my amendment says they cannot be on the roll under cash assistance.

That is why I offered it. I did not try to deceive you in any way, Mr. Speaker. I explained this when I began my amendment. Let us not, in our haste to pass SB 1187, do an injustice to the people we want to get to work.

Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I believe we have to get people off welfare rolls and onto payrolls. We have to break the cycle of welfare dependency from generation to generation. The overwhelming majority of welfare recipients attending colleges are mothers with children who need college to get a job. Once they work, their children will have a good role model and will be less likely to be on welfare themselves.

The Rhodes amendment will save this Commonwealth tens of millions of dollars over the next decade and the next generation, and I urge its support.

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

Mr. DOYLE. Mr. Speaker, I just cannot sit here and let that go and by silence acknowledge that that fact is so, that persons who are on welfare and go through college are more apt to get a job and therefore get off the welfare rolls and therefore we should support them while they go to college is a truism that we should accept. We are trying to get people jobs, period.

The numbers of young people coming out of our colleges now who are not on welfare cannot get jobs. If there were jobs available in the construction trade for bricklayers and carpenters and so forth and we could get them trained so that they could go to work, that the jobs were available for them, all right, but

there are not jobs available for them. How many teachers are we putting out who cannot get jobs? How many accountants? I have people coming to me asking me to try and help them to get jobs. In government and also in private industry we cannot get jobs for them.

I am thinking about a \$15,000-a-year man who has to put his kids through school himself. They are not on welfare and their children are not entitled to welfare because they are going to college. It is about time we started thinking about that strata of our society, the people with income between \$10,000 and \$25,000.

I vote against the amendment, Mr. Speaker.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, we just got finished spending about \$5 million or so for the Philadelphia Museum of Art, the Academy of Fine Arts, Dickinson, the Capitol of Harrisburg, the Philadelphia Musical Academy, \$100,000 for the Carnegie Museum, the Philadelphia Civic Center, and the rest — about \$5 million, all of which is granted to institutions or agencies which have in some way their own revenue out of recognition that those institutions add something to the overall stability and growth of this Commonwealth. Indeed, when Mr. Kowalyszyn talked about Dickinson Law School and spoke of the young men and women who happen to be poorer, who had some chance to be productive and therefore pay taxes in this Commonwealth, it sort of brought it in even more emphasis. Aside from that we give the private institution of the University of Pennsylvania, where I went to law school and had some benefit of that, almost \$20 million. There is Temple; there is Penn State; there is Pitt and the rest.

All of those moneys—I do not know the amount but somewhere in the neighborhood of \$200 million or so—are in recognition that we need to add in some way to individuals, to individuals who in some way we hope to be in the stable stream of productivity in this Commonwealth. Aside from that there are privileges and allowances in terms of money granted to every special interest group in this Commonwealth and indeed to us as legislators in doing our jobs.

The amendment that Mr. Rhodes proposes merely and simply tries to separate, in a difficult time, some people who otherwise could not do the thing that even most of us, as Mr. Doyle spoke about, do sometimes with difficulty with our own finances with our own children. These happen to be people who have always been in the classification of poor, but yet there are young people who have an extra quality whereas they want to do better.

It seems to me that the choice is ours. Do we sit here 5 years from now and struggle with how much we are going to give the prison system, how much we are going to give the unemployment system, how much we are going to give directly to welfare because some of these persons may indeed, with very, very great difficulty, not get within that mainstream of no jobs that Mr. Doyle spoke about?

We always underscore this proposition by saying people need training; people need education; people need preparedness. It seems to be that if a child or a young adult has enough inside of



## YEAS—29

Bittle	Halverson	Pitts	Stairs
Davies	Itkin	Polite	Vroon
DiCarlo	Kowalyszyn	Renwick	Wass
Dininni	McGinnis	Ruggiero	Wilson
Duffy	Meluskey	Ryan	Zearfoss
Dumas	Pancoast	Seltzer	Zeller
Gamble	Piccola	Spitz	Zord
Goebel			

## NAYS—165

Abraham	Fryer	Mackowski	Scanlon
Anderson	Gallagher	Madigan	Scheaffer
Armstrong	Gallen	Manderino	Schmitt
Arthurs	Garzia	Manmiller	Schweder
Barber	Gatski	McCall	Scirica
Bellomini	Geesey	McIntyre	Shelton
Beloff	Geisler	McLane	Shuman
Bennett	George, C.	Mebus	Shupnik
Berlin	George, M.	Milanovich	Sirianni
Berson	Giammarco	Miller	Smith, E.
Bittinger	Gleeson	Milliron	Smith, L.
Borski	Goodman	Miscevich	Spencer
Brandt	Gray	Moehlmann	Stapleton
Brown	Greenfield	Morris	Stewart
Brunner	Greenleaf	Mowery	Stuban
Burd	Grieco	Mrkonic	Sweet
Burns	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	Wagner
Cole	Hutchinson, A.	O'Donnell	Wansacz
Cowell	Hutchinson, W.	O'Keefe	Wargo
DeMedio	Johnson	Oliver	Wenger
DeVerter	Jones	Parker	White
DeWeese	Katz	Peterson	Wiggins
Dietz	Kelly	Petrarca	Williams
Dombrowski	Klingaman	Pievsky	Wilt
Donatucci	Knepper	Pott	Wise
Dorr	Kolter	Pratt	Wright, D.
Doyle	Kukovich	Prendergast	Wright, J. L.
Englehart	Laughlin	Pyles	Yahner
Fee	Lehr	Rappaport	Yohn
Fischer, R. R.	Letterman	Ravenstahl	Zitterman
Fisher, D. M.	Levi	Reed	Zwinkl
Flaherty	Levin	Richardson	
Foster, A.	Lincoln	Rieger	Irvis,
Foster, W.	Livengood	Ritter	Speaker
Freind	Logue	Salvatore	

## NOT VOTING—9

Butera	Hopkins	Lynch	Rhodes
Gillette	Kernick	McClatchy	Weidner
Honaman			

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

## RECESS

The SPEAKER. This House stands in recess until 8:30 p.m. today.

## AFTER RECESS

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

Mr. MANDERINO. Can we call this up on final passage quickly?

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

Mr. POLITE. Mr. Speaker, the big hand is on the 12 and the little hand is on the 9.

The SPEAKER. I am trying to puzzle it out, but I think it means 9 o'clock.

The Chair would draw to the attention of the gentleman, Mr. Rhodes, that he has the first amendment to SB 1187.

On the supplemental House calendar, appropriation bill on third consideration, SB 1187, PN 1530. The House will please turn to page 9 of the tabled bill calendar where SB 1187, PN 1530, appears.

## SB 1187 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1187, PN 1530, be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

## SUPPLEMENTAL CALENDAR

## APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1187, printer's No. 1530**, entitled:

An Act amending the act of August 20, 1977 (No. 11-A), entitled "General Appropriation Act of 1977" changing certain appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. RHODES offered the following amendment:

Amend Sec. 1 (Sec. 2), page 14, lines 22 through 25, by striking out all of said lines and inserting

A student who is 18 or older enrolled full-time in a college or university and is properly claimed or could be properly claimed as a dependent for Federal income tax purposes by a parent or guardian, which parent or guardian is not eligible for assistance, shall not be eligible for general assistance.

On the question,

Will the House agree to the amendment?

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

Mr. RHODES. Mr. Speaker, I rise this evening to offer two amendments at the outset of this process of amending SB 1187. My first amendment speaks to the language in SB 1187 on page 14 where the Senate, in its wisdom, attempted to deal with a problem about which all of us in the House are concerned, which is welfare recipients who attend college in the Commonwealth.

Nobody in the Commonwealth believes that anybody who is an able-bodied person and who should not be on welfare should be able to somehow get around our Welfare Code or our welfare restrictions and rules and go to college and receive welfare at the same time. However, the Senate, in drafting their prohibition, acted hastily, and the language is broader than what was really meant.

My amendment narrows the language on page 14 so it only applies to prohibition against someone going to college and being on welfare, only applies to those who really ought not to be going to college and receiving welfare, but does not prohibit those on cash assistance who are genuinely and correctly on cash assistance, who signed up for job search, who are out performing their proper responsibilities under the Welfare Code and at the same time are, say, attending an associate arts program in a college trying to better themselves and get a degree and get a job and get off the roles. This amendment allows them to do that.

It would be obviously counterproductive for us to have passed the Senate language which in effect would force people who are legitimate welfare recipients to choose between receiving the welfare payments or going to college when they had the possibility of going to college and getting off welfare.

So my amendment narrows the Senate language down so we focus in on those people who are chiseling the Commonwealth, who really should not be welfare recipients, whose parents or guardians can really afford to put them through college. There is obviously no reason why they should be receiving welfare and going to college, and my amendment prohibits them from so receiving welfare.

I ask the support of the House. Our Appropriations Committee staff supports this amendment. It is a correct amendment.

Thank you, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendment?  
(Members proceeded to vote.)

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

Mr. D. R. WRIGHT. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman does not wish really to suggest that.

Mr. D. R. WRIGHT. I do not?

The SPEAKER. No; you do not. But if the gentleman wants us to strike the vote, we will be glad to strike the vote and the Chair will explain to the gentleman parliamentarily what he meant and what would happen if he suggested the absence of a quorum.

Mr. D. R. WRIGHT. I would not want to miss this opportunity for a little education, Mr. Speaker. I ask you to strike the vote.

The SPEAKER. The clerk will strike the vote.

The absence of a quorum, if formally suggested on the floor, Mr. Wright, means that the doors of the House must immediately be locked; no one who is outside may enter and no one

who is inside may leave until a quorum is established, no matter how many hours that may take; the State Police are then empowered to go out and bring back, by arrest if necessary, absentee members, but the members already inside the hall of the House remain locked inside the hall of the House until a quorum has been established. Do you see what I mean by saying that you really do not want to suggest that tonight?

Mr. FREIND. Mr. Speaker, is that not what we had all summer?

The SPEAKER. According to Mr. Itkin, it is anyway.

All members within hearing of the Speaker's voice are urged to report promptly to the floor. The question has been placed on the agreement to an amendment suggested by the gentleman, Mr. Rhodes.

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

Mr. DORR. Mr. Speaker, would the gentleman read the number at the top of the amendment again once more, please?

The SPEAKER. The number of the amendment is A3298.

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

Mr. REED. To eventually make some comments about the proposed amendment on which we are going to be eventually voting.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Reed.

Mr. REED. Mr. Speaker, when I first read the amendment, it on the surface appeared okay and I was voting for it. Now I have a copy of the bill, and I notice that the bill says that "... no part of this appropriation"—that is, for public assistance payments—"shall be used to pay general assistance to any full-time student at a college or university." The amendment before us, offered by Mr. Rhodes, deletes that language and makes it possible for a full-time college student to collect welfare under some circumstances, and those circumstances are spelled out in the amendment.

I would draw the attention of the House members to the fact that as SB 1187 presently reads, it pertains to the general assistance category. That is entirely state funded and is the second largest public assistance category in Pennsylvania. Aid to dependent children is by far the largest, and that is 78 percent funded by Federal moneys.

I personally am going to vote against the Rhodes amendment because I do not feel that a student who is emancipated, or who is otherwise attending college or a university full-time and is not being claimed as a dependent by a parent or a guardian, should be permitted the luxury of receiving tax dollars for the payment of basic subsistence. There are a variety of other programs in existence that provide scholarship aid, grants as well as loans, involving both tax moneys as well as private moneys, and there is, of course, the provision for part-time employment at many of our campuses by the campus as well as in the communities.

I think generally speaking the Rhodes amendment, if you just read that, on the face of it appears okay, but when you consider that it is striking a total prohibition of public assistance bene-

fits to full-time students that is in the present bill, I think it is a bad amendment, and I urge the members to vote against it and to make sure, so that you understand exactly what I am saying, that you read both the bill and the amendment. Then you will realize that the amendment is a liberalization of what the bill presently provides.

Thank you.

The SPEAKER. The Chair wants to interrupt the debate to make a proposal which, if it is acceptable, will require a motion on the part of a member on the floor to carry it forth.

The Chair has been advised and believes it to be factual that we have before us approximately 73 recorded amendments to this bill, some members having as many as 10 or 12 individual amendments to offer.

The Chair is suggesting at this time that the House consider a temporary rule which would state that no member, with the exception of the majority leader and the minority leader, shall speak more than one time on any issue concerning SB 1187, which would include any amendment, and then may speak for a total of only 2 minutes. If that is acceptable to the members of the House, it will require 102 votes, the same as the installation of any other rule, but it should be stated on the floor that it is a temporary rule to exist only so long as the House is debating SB 1187 and the amendments thereto.

The Chair will entertain any comments on this suggestion.

#### MOTION FOR TEMPORARY RULE

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

Mr. ZELLER. Mr. Speaker, as you stated, I move.

The SPEAKER. It has been moved by the gentleman, Mr. Zeller, that during the period of time that the House is debating SB 1187 and any amendments thereto or any procedural steps attached thereto, debate shall be limited to one appearance by a member and that appearance shall be for no more than 2 minutes, the sole exceptions being the minority leader and the majority leader. As far as the minority leader is concerned, the Chair would recognize the minority whip as acting as the minority leader, or if it is Mr. Hayes, then the Republican Party would advise the Chair which one is going to have that privilege.

On that motion, the Chair recognizes the gentleman, Mr. Hayes.

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

I understand the hour is growing late and there are a lot of amendments to be offered. I wonder if we could ask the membership to be restrained in the offering of their amendments and offering debate so that we do not have to adopt this type of rule. If this fails as the evening goes on, let us reconsider what you are suggesting, sir, if I could make that respectful suggestion.

The SPEAKER. The gentleman, Mr. Zeller, has offered the motion. If the gentleman wishes to withdraw the motion at this time in order to see if we can get voluntary compliance, the Chair is amenable to that.

The Chair is not trying to enforce a gag rule. It is up to the

members on the floor of the House to decide for themselves how they shall proceed.

Mr. S. E. HAYES. Let me say then to the Republican Representatives, I would respectfully ask that we try to operate under the present rules of the House. If the evening grows late and the debate is protracted, maybe we could reconsider the gentleman's motion, but at this time I would ask for a negative vote, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I can understand the reasons for the Speaker's suggestion and for the motion by Mr. Zeller, but I would urge that possibly we could adopt a more liberal approach, possibly with the idea of going along on the lines that Mr. Hayes has suggested, and then if it does get into that problem, then we can consider the matter.

I think that this House is supposedly a deliberate body. I think we have important issues to address ourselves to, and if any member of this House at this time feels he does not have the time, does not have the patience, I would merely ask him or her to go back to when they ran for the office, when they went before the people and stated what they were going to do.

This my feeling and I think that this is what should be done, and to pursue any other course to me seems that this would not be the deliberate body that it was meant to be.

Thank you, Mr. Speaker.

The SPEAKER. Obviously there is going to be dissent even over this suggestion, and we may waste more time on the suggestion than the suggestion might save. The Chair would ask the gentleman, Mr. Zeller, to withdraw his motion, and if the Chair sees that there is a dangerous encroachment on the time of the individual members, the Chair will again make the suggestion and perhaps it may be more happily received.

#### MOTION WITHDRAWN

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

Mr. ZELLER. Mr. Speaker, with all respect to Mr. Fryer—and I do not intend to go back to where I came from—I will say this: I have a little experience here—I think about as much as he has, with all respect—and I know what is going to happen tonight. So I will withdraw it if that makes him happy and my good friend, Mr. Hayes, too.

So let us get on with the business. I will withdraw the motion if it makes them happy.

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

Mr. RHODES. Mr. Speaker, I recognize that I am speaking secondly on the amendment. I just want to clarify an implication my distinguished colleague and friend from Dauphin County may have raised when he very gentlemanly mentioned that he first wanted to vote for the amendment, then read it and read the bill and thought the bill was better.

As I began my comment on the amendment, I pointed out that the Senate had passed broad language on the question of college students who are welfare recipients and that one aspect

of college students who are welfare recipients we all can agree on, which is that those people who really should not be welfare recipients, who really are not poor, who really are not dependent on the Commonwealth, should not be able to work a ruse and receive welfare payments and also go to college at the same time. My amendment is drawn narrowly to speak to that group, and we can all agree that that group should not be receiving welfare while they go to college.

Unfortunately, the Senate in its wisdom passed a broad amendment which sounds maybe good on paper. It says anybody going to college cannot receive welfare, but that is patently stupid. While we are trying to get people off the welfare rolls — people who are legitimate welfare recipients under cash assistance who have gone down to the welfare office and applied for jobs and done everything they are supposed to do, and at the same time have enrolled at a local community college to get involved in some job program so they can get off the welfare rolls — we are going to be saying to them, either get out of school so you cannot get a job or receive welfare. That just does not make any sense at all. The amendment, as it reads from the Senate, does exactly that, and we do not want to do that. Those students or those people who think they are so sneaky and shrewd that they can get around our law and get money and also go to college and really do not deserve it should not be on the roll, and my amendment says they cannot be on the roll under cash assistance.

That is why I offered it. I did not try to deceive you in any way, Mr. Speaker. I explained this when I began my amendment. Let us not, in our haste to pass SB 1187, do an injustice to the people we want to get to work.

Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I believe we have to get people off welfare rolls and onto payrolls. We have to break the cycle of welfare dependency from generation to generation. The overwhelming majority of welfare recipients attending colleges are mothers with children who need college to get a job. Once they work, their children will have a good role model and will be less likely to be on welfare themselves.

The Rhodes amendment will save this Commonwealth tens of millions of dollars over the next decade and the next generation, and I urge its support.

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

Mr. DOYLE. Mr. Speaker, I just cannot sit here and let that go and by silence acknowledge that that fact is so, that persons who are on welfare and go through college are more apt to get a job and therefore get off the welfare rolls and therefore we should support them while they go to college is a truism that we should accept. We are trying to get people jobs, period.

The numbers of young people coming out of our colleges now who are not on welfare cannot get jobs. If there were jobs available in the construction trade for bricklayers and carpenters and so forth and we could get them trained so that they could go to work, that the jobs were available for them, all right, but

there are not jobs available for them. How many teachers are we putting out who cannot get jobs? How many accountants? I have people coming to me asking me to try and help them to get jobs. In government and also in private industry we cannot get jobs for them.

I am thinking about a \$15,000-a-year man who has to put his kids through school himself. They are not on welfare and their children are not entitled to welfare because they are going to college. It is about time we started thinking about that strata of our society, the people with income between \$10,000 and \$25,000.

I vote against the amendment, Mr. Speaker.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, we just got finished spending about \$5 million or so for the Philadelphia Museum of Art, the Academy of Fine Arts, Dickinson, the Capitol of Harrisburg, the Philadelphia Musical Academy, \$100,000 for the Carnegie Museum, the Philadelphia Civic Center, and the rest — about \$5 million, all of which is granted to institutions or agencies which have in some way their own revenue out of recognition that those institutions add something to the overall stability and growth of this Commonwealth. Indeed, when Mr. Kowalyshyn talked about Dickinson Law School and spoke of the young men and women who happen to be poorer, who had some chance to be productive and therefore pay taxes in this Commonwealth, it sort of brought it in even more emphasis. Aside from that we give the private institution of the University of Pennsylvania, where I went to law school and had some benefit of that, almost \$20 million. There is Temple; there is Penn State; there is Pitt and the rest.

All of those moneys—I do not know the amount but somewhere in the neighborhood of \$200 million or so—are in recognition that we need to add in some way to individuals, to individuals who in some way we hope to be in the stable stream of productivity in this Commonwealth. Aside from that there are privileges and allowances in terms of money granted to every special interest group in this Commonwealth and indeed to us as legislators in doing our jobs.

The amendment that Mr. Rhodes proposes merely and simply tries to separate, in a difficult time, some people who otherwise could not do the thing that even most of us, as Mr. Doyle spoke about, do sometimes with difficulty with our own finances with our own children. These happen to be people who have always been in the classification of poor, but yet there are young people who have an extra quality whereas they want to do better.

It seems to me that the choice is ours. Do we sit here 5 years from now and struggle with how much we are going to give the prison system, how much we are going to give the unemployment system, how much we are going to give directly to welfare because some of these persons may indeed, with very, very great difficulty, not get within that mainstream of no jobs that Mr. Doyle spoke about?

We always underscore this proposition by saying people need training; people need education; people need preparedness. It seems to be that if a child or a young adult has enough inside of

him or her to say I want to do better in this society, who says I want to get trained in this society, who says I want to do something productive and pay taxes in this society, that whether you are conservative or liberal, Republican or Democrat, it is just plain common sense that our policy ought to be in a very selective way to promote that, not just for the human dignity of the person but the productivity they are going to have in this Commonwealth.

I have already stated the precedents that we already follow in the moneys that we give here and there to institutions. Why is it that the University of Pennsylvania could get almost \$20 million? I do not know how much Pitt gets; I do not remember. In the general way they want to specify that, and we cannot identify a classification of known poor who happen to have the traditional American custom of saying I want to work and I want to be trained and I will go through those courses and the tests that this society provides to train myself.

It just seems to me that Mr. Rhodes' amendment seeks to separate those categories of persons who want to produce from those who might be in some other category which we cannot identify. I think it is a very reasonable amendment which in essence agrees with all the things that we talk about all the time, and he identifies that.

Mr. Speaker, I would urge that if we vote down Mr. Rhodes' amendment, what we are doing actually is spending more tax dollars for human misery, more tax dollars for further dependents, more tax dollars for incarceration. I say to you that it has always been the American custom to help those of us who are less fortunate to help ourselves so that we can help the rest of us. There are many of us here in this House, maybe not too many, but there are some of us here in this House now who happen to have been in the working class, some on welfare and some almost on welfare who know what it is like to work hard and push ahead just so we can get to a point where we can also pay taxes and we can educate people and we can add to the quality of life in this Commonwealth. The very thoughtful amendment of Representative Rhodes seeks to do just that, a bare minimum, and I would urge those of you who are considering this amendment to reflect and to really realize what is behind the thrust of it and hope that you would support Mr. Rhodes' amendment.

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

Mr. ZELLER. Mr. Speaker, I would like to remind the members that I timed each one of these individuals. We have a total of 16 minutes so far. It totals over 800 minutes if we have 50 amendments, just 50, not counting 73, which would take close to 11 hours. So figure it out for yourself. I think we had a good idea.

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

The following roll call was recorded:

#### YEAS—52

Abraham      Gatski      Milanovich      Richardson

Barber  
Bellomini  
Beloff  
Berlin  
Berson  
Caputo  
Cohen  
Cowell  
DiCarlo  
Duffy  
Dumas  
Flaherty  
Gallagher

Geisler  
Greenfield  
Harper  
Itkin  
Johnson  
Jones  
Knepper  
Kukovich  
Laughlin  
Lincoln  
Logue  
Manderino  
McLane

Miscevich  
Mrkoncic  
Mullen, M. P.  
Mullen, M. M.  
Novak  
Oliver  
Parker  
Pievsky  
Prendergast  
Rappaport  
Ravenstahl  
Rhodes

Scirica  
Shelton  
Trello  
Valentic  
Wargo  
White  
Wiggins  
Williams  
Zearfoss  
  
Irvis,  
Speaker

#### NAYS—135

Anderson  
Armstrong  
Arthurs  
Bennett  
Bittinger  
Bittle  
Borski  
Brandt  
Brown  
Brunner  
Burd  
Burns  
Caltagirone  
Cassidy  
Cessar  
Cianciulli  
Cimini  
Cole  
Davies  
DeMedio  
DeVerter  
DeWeese  
Dietz  
Dininni  
Donatucci  
Dorr  
Doyle  
Englehart  
Fee  
Fischer, R. R.  
Fisher, D. M.  
Foster, A.  
Foster, W.  
Freind

Fryer  
Gallen  
Gamble  
Garzia  
Geesey  
George, C.  
George, M.  
Giammarco  
Goebel  
Goodman  
Gray  
Greenleaf  
Grieco  
Halverson  
Hasay  
Haskell  
Hayes, D. S.  
Hayes, S. E.  
Helfrick  
Hoeffel  
Hutchinson, W.  
Katz  
Kelly  
Klingaman  
Kolter  
Kowalyshyn  
Lehr  
Letterman  
Levi  
Levin  
Livengood  
Mackowski  
Madigan  
Manmiller

McCall  
McClatchy  
McGinnis  
McIntyre  
Mebus  
Meluskey  
Miller  
Milliron  
Moehlmann  
Morris  
Mowery  
Musto  
Noye  
O'Brien, B.  
O'Connell  
O'Keefe  
Pancoast  
Peterson  
Petrarca  
Piccola  
Pitts  
Polite  
Pott  
Pratt  
Pyles  
Reed  
Renwick  
Ritter  
Ryan  
Salvatore  
Scanlon  
Scheaffer  
Schmitt  
Schweder

Seltzer  
Shuman  
Shupnik  
Siriani  
Smith, E.  
Smith, L.  
Spencer  
Spitz  
Stairs  
Stapleton  
Stewart  
Stuban  
Sweet  
Taylor, E.  
Taylor, F.  
Tenaglio  
Thomas  
Vroon  
Wagner  
Wansacz  
Wass  
Wenger  
Wilson  
Wilt  
Wise  
Wright, D.  
Wright, J. L.  
Yahner  
Yohn  
Zeller  
Zitterman  
Zord  
Zwikl

#### NOT VOTING—16

Butera  
Dombrowski  
Gillette  
Gleeson

Hamilton  
Honaman  
Hopkins  
Hutchinson, A.

Kernick  
Lynch  
O'Brien, D.  
O'Donnell

Rieger  
Ruggiero  
Taddonio  
Weidner

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

#### REMARKS ON VOTE

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

Mr. BELOFF. On SB 1187, Mr. Rhodes' first amendment, I inadvertently voted "yes" when I meant to vote in the negative.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. RHODES offered the following amendments:

Amend Sec. 1 (Sec. 2), page 12, line 25, by striking out all of said line and inserting 234,000

Amend Sec. 1 (Sec. 2), page 13, line 3, by striking out all of said line and inserting 2,100,000

Amend Sec. 1 (Sec. 2), page 13, line 26, by striking out all of said line and inserting 9,789,000

Amend Sec. 1 (Sec. 2), page 14, by inserting between lines 6 and 7

\* \* \*

For the provision of security programs and facilities for youth offenders [including] not to exceed two hundred security beds . . . . .

[4,498,000]  
4,323,000

On the question,

Will the House agree to the amendments?

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

Mr. RHODES. Mr. Speaker, on this final amendment that I would like to offer to the House, briefly let me explain what the intent of it is.

The staffs of the Subcommittee on Crime and Corrections and the Judiciary Committee reviewed the budget-cutting bill as it was reported from the Appropriations Committee for any areas where we felt it was a serious challenge to peace and security in the Commonwealth in terms of the criminal justice system. We found three subject areas where there were serious questions raised about security in criminal justice, and we offer an amendment which will not cost any money because we take funds from a section of the budget where we have been assured by the Department of Welfare that it is an appropriate budget reduction.

The three areas where we believe there ought to be a restoration of part of the cut—in other words, a reduction in the cut that was imposed by the Appropriations Committee and Senate—would be, first, in the area of the Juvenile Court Judges' Commission to restore \$25,000. The bill currently cuts \$40,000 from the Juvenile Court Judges' Commission. Now that would basically mean that if we left it the way it is, the Juvenile Court Judges' Commission would be forced to terminate important programs in the Commonwealth that benefit the juvenile court bench and benefit the program for juveniles in this state. Part of that program includes the collection of vital statistics but more importantly the training of juvenile probation officers around the Commonwealth. At present there are only two counties, Allegheny and Philadelphia, which have ongoing internal training programs for probation officers. The other 65 counties rely exclusively on the Juvenile Court Judges' Commission for this training.

This reduction could be significant in addition because the money is used for Federal augmentation match. So the effect of the cut is magnified by that match proposal.

Secondly, we would like to restore \$50,000 to the community service center program of the Bureau of Correction. This is important because we have had some problems with staffing in

some of the community treatment centers in the Bureau of Correction's community service programs, and we need to beef up, primarily, security staff in a few of the centers around the Commonwealth. We have had some bad records in a couple of centers, and we cannot have this cut that would be required by the current bill in security staffing these facilities. We do not want to have people involved in these programs lacking sufficient supervision. These are ex-offenders or actually offenders who are in community programs run by this Commonwealth, and we all will bear the brunt of the effect if we do not have adequate staffing in these community centers.

Finally, we would like to restore \$100,000 to the Board of Probation and Parole. The bill cuts \$150,000 from the Board of Probation and Parole. As you know, the board has already sustained a significant cut because we chose not to match or to pick up a number of Federal grants which the board had and which were terminated by the Federal Government. They had to cut personnel already this year by 30 positions, and their caseload went from 55 to 63. As you know, the caseloads for parole officers are very, very important. If these caseloads get too high, there is no way parole officers can effectively supervise these people whom we are trying to keep away from a life of crime and to help lead productive lives and not return to the prison system which, as you well know, besides being bad in terms of our constituents, costs us a great deal of money to hold these people in prison.

If we do not restore this cut to the point of \$100,000, we may have caseloads in this Commonwealth of 70 or more in the Probation and Parole Board. That would be a very serious situation in this state. We have labored for 10 years to get our caseloads down to where they are, and with the cuts we have already imposed on the Board of Probation and Parole, it could be very serious.

Finally, we are making up this \$175,000 of restorations to these three programs by taking it from the Department of Welfare's budget for security beds, which was estimated for the fiscal year at 200 beds around the Commonwealth. The Department of Welfare has made 180 beds available, and the Juvenile Court Judges' Commission accepts this as adequate for this fiscal year. The cut is accepted by the Department of Welfare. Therefore, this amendment will not cost you anything in terms of this bill. It does restore some funds to some very crucial security areas in our criminal justice system, and I urge support for the amendment.

Thank you, Mr. Speaker.

### MOTION TO DIVIDE

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

Mr. CAPUTO. Mr. Speaker, I would like to move to divide the amendment and ask the Chair if the amendment can be divided.

The SPEAKER. Where would the gentleman, Mr. Caputo, suggest the division be made?

Mr. CAPUTO. Well, I think it should be divided into four parts. The first part — "Amend Sec. 1 (Sec. 2), page 12, line 25, by striking out all of said line and inserting: 234,000" — would be the first division.

The SPEAKER. The Chair is of the opinion that such a division is possible without doing harm to the rest of the amendment, yes.

Mr. CAPUTO. I would move then to divide the amendment into four separate parts.

The SPEAKER. The gentleman will state for the edification of the Chair where the other divisions should be placed, in his opinion.

Mr. CAPUTO. The second would be "Amend Sec. 1 (Sec. 2), page 13, line 3, by striking out all of said line and inserting: 2,100,000".

The SPEAKER. The Chair is of the opinion that that amendment may be divided in that manner.

Mr. CAPUTO. The third would be "Amend Sec. 1 (Sec. 2), page 13, line 26, by striking out all of said line and inserting: 9,789,000".

The SPEAKER. The amendment may be divided in that manner in that position, yes.

Mr. CAPUTO. And the fourth section would be "Amend Sec. 1 (Sec. 2), page 14, by inserting between lines 6 and 7 . . ." and the balance of the amendment as it is printed.

The SPEAKER. That amendment could be divided out.

Mr. CAPUTO. I would move, therefore, that we debate four separate amendments, Mr. Speaker.

The SPEAKER. The Chair will place the motion to include all of the divisions so that the vote on the floor will be for all of the divisions.

It is moved by the gentleman, Mr. Caputo, that the Rhodes amendment be divided so that the Rhodes amendment would appear in four separate sections. Section 1 would be "Amend Sec. 1 (Sec. 2), page 12, line 25, by striking out all of said line and inserting: 234,000".

The next amendment, if the motion is adopted, would begin with "Amend Sec. 1" and would end with the figure "2,100,000".

The next amendment, if the motion be adopted, would begin with "Amend Sec. 1 (Sec. 2)" and end with the figure "9,789,000".

The fourth amendment will begin with "Amend Sec. 1 (Sec. 2)" and end with the figure "4,323,000".

The question is on the motion. Those agreeing with the division of the question as asked by the gentleman, Mr. Caputo, will vote "aye" on the motion; those disagreeing, or opposed, will vote "no."

The Chair recognizes the gentleman from Delaware, Mr. Doyle, on the motion of division.

Mr. DOYLE. Mr. Speaker, I do not know if the gentleman from Allegheny realizes—perhaps he does; I do not know—but what he has done is the amendment proposed by Representative Rhodes shifts around \$175,000. If you divide it, then it is not a quid pro quo; it is not equal. You are going to vote to increase the budget on one hand and to decrease it on the other. Each one would have to be taken in its separate time.

I wonder if the other gentleman from Allegheny, Mr. Rhodes, would agree to that division, because the amendment as it is here makes sense but without it I would oppose the division be-

cause it does not make sense, and I would like to ask the gentleman, Mr. Rhodes, if he agrees to the division.

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

Mr. RHODES. Mr. Speaker, on the substance of the question, if the House chooses to divide the amendments I frankly do not have a strong position one way or the other, other than the fact that it will take longer to go through it. If you adopt all three of the restorations, then you could pass the cut that I suggest and it would be all right. It would be the same thing as adopting the entire amendment.

If you adopt certain portions and not others, I would have to withdraw the last part and have redrafted another amendment in terms of the cut because it would be less of a cut than the cut that is included in this amendment.

Does that answer your question, Mr. Speaker?

Mr. DOYLE. Yes, it does, and it is also apparent that what you might get is the cut of \$175,000 but not the restorations. You are liable to come out \$175,000 behind. It is possible. I say for that reason alone, oppose Mr. Caputo's motion to divide the question.

#### MOTION WITHDRAWN

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

Mr. CAPUTO. Mr. Speaker, I made my motion for division because I favor all of the amendments, but Mr. Doyle makes sense. Under the circumstances, I will withdraw my motion to divide the question.

#### MOTION TO DIVIDE

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

Mr. RITTER. Mr. Speaker, if Mr. Caputo withdrew his motion, I would like to make that same motion. I am in favor of the cut but not necessarily the restorations, Mr. Speaker, and I would ask that the amendment be divided.

The SPEAKER. The gentleman, Mr. Ritter, has moved that the Rhodes amendment be divided as read by the Chair a few minutes ago. The question is on that division.

The chair recognizes the gentleman from Northumberland, Mr. Helfrick.

Mr. HELFRICK. Thank you, Mr. Speaker.

I think this is an excellent amendment that Mr. Rhodes has introduced, and I would ask everyone to oppose the division of this amendment.

Thank you.

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

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

I oppose division of the amendment. Thank you.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—15

Beloff	Meluskey	Reed	Vroon
DeWeese	Milanovich	Ritter	Wargo
Foster, A.	Novak	Schweder	Wright, D.
Kowalyschyn	Prendergast	Valicenti	

## NAYS—176

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

## NOT VOTING—12

Butera	Hamilton	Kernick	Rieger
Geesey	Honaman	Lynch	Ruggiero
Gillette	Hopkins	O'Brien, D.	Weidner

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

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

The following roll call was recorded:

## YEAS—156

Abraham	Freind	McIntyre	Schmitt
Anderson	Gallagher	McLane	Schweder

Armstrong	Gallen	Mebus	Scirica
Arthurs	Gamble	Meluskey	Seltzer
Barber	Gatski	Miller	Shelton
Bellomini	Geesey	Milliron	Shupnik
Bennett	Geisler	Moehlmann	Sirianni
Berlin	George, C.	Morris	Smith, E.
Berson	George, M.	Mowery	Smith, L.
Bittinger	Giammarco	Mrkonc	Spencer
Bittle	Goodman	Mullen, M. P.	Spitz
Borski	Gray	Mullen, M. M.	Stairs
Brandt	Greenfield	Musto	Stapleton
Brown	Greenleaf	Novak	Stewart
Burd	Grieco	Noye	Stuban
Burns	Halverson	O'Brien, B.	Sweet
Caltagirone	Harper	O'Connell	Taddonio
Caputo	Hasay	O'Donnell	Taylor, E.
Cassidy	Hayes, D. S.	O'Keefe	Tenaglio
Cianciulli	Hayes, S. E.	Oliver	Thomas
Cimini	Helfrick	Parker	Trello
Cohen	Hoeffel	Peterson	Valicenti
Cole	Hutchinson, A.	Petrarca	Wagner
Cowell	Itkin	Pievsky	Wargo
DeMedio	Katz	Pitts	Wenger
DeVerter	Kelly	Pott	White
DiCarlo	Klingaman	Pyles	Wiggins
Dombrowski	Knepper	Rappaport	Williams
Donatucci	Kolter	Ravenstahl	Wilson
Dorr	Kowalyschyn	Reed	Wilt
Doyle	Kukovich	Renwick	Wise
Duffy	Laughlin	Rhodes	Wright, J. L.
Dumas	Lehr	Richardson	Yahner
Englehart	Levi	Rieger	Yohn
Fee	Levin	Ritter	Zearfoss
Fischer, R. R.	Lincoln	Ruggiero	Zitterman
Fisher, D. M.	Livengood	Ryan	
Flaherty	Logue	Salvatore	Irvis,
Foster, A.	Madigan	Scanlon	Speaker
Foster, W.	Manderino	Scheaffer	

## NAYS—35

Beloff	Haskell	Milanovich	Taylor, F.
Brunner	Johnson	Miscevich	Vroon
Cessar	Jones	Pancoast	Wansacz
DeWeese	Letterman	Piccola	Wass
Dietz	Mackowski	Polite	Wright, D.
Dininni	Manmiller	Pratt	Zeller
Fryer	McCall	Prendergast	Zord
Garzia	McClatchy	Ritter	Zwinkl
Goebel	McGinnis	Shuman	

## NOT VOTING—12

Butera	Gleeson	Hopkins	Lynch
Davies	Hamilton	Hutchinson, W.	O'Brien, D.
Gillette	Honaman	Kernick	Weidner

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

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

Mr. LETTERMAN. Mr. Speaker, my two amendments should be considered together. Could I turn them both in at the same time?

The SPEAKER. It is impossible for the House to consider more than one amendment at a time, but the Chair will give leeway to the gentleman. If he files one amendment, he may explain both amendments in that one explanation.

Mr. LETTERMAN. Thank you.



On the question,

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

Mr. LETTERMAN offered the following amendments:

Amend Sec. 1 (Sec. 2), page 9, line 28, by striking out all of said line and inserting 10,100,000

Amend Sec. 1 (Sec. 2), page 9, line 29, by inserting a bracket before "For"

Amend Sec. 1 (Sec. 2), page 9, line 29, by striking out the bracket before "500,000"

Amend Sec. 1 (Sec. 2), page 9, line 30, by striking out all of said line

Amend Sec. 1 (Sec. 2), page 10, line 3, by striking out all of said line and inserting 19,194,000

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes. Does the gentleman wish to be recognized?

Mr. S. E. HAYES. Yes, Mr. Speaker.

There are some members who questioned whether the Letterman amendment has been distributed. It has been distributed; it was distributed with that packet of amendments which begins with Mr. Itkin's amendment numbered A3318. It is in a packet, and it is the last amendment in that packet. The amendment has been distributed.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, on the amendment. The members will please pay attention. The gentleman is going to explain the amendment offered and a companion amendment which he will offer following this one.

Mr. LETTERMAN. Mr. Speaker, first I would like to make a statement to explain the two amendments. Mr. Speaker, my remarks are directed toward the provisions of SB 1187 which pertain to the Department of Environmental Resources appropriation. Line-item cuts in the bill amount to \$2,593,000. They are outlined on page 9 and the top of page 10.

In terms of people and programs, a summarization of the cuts imposed by SB 1187, PN 1530, will mean the following to DER: 165 vacancies, including top-, middle-, and lower-level management positions, will go unfilled; 10 furloughs will be required; hundreds of thousands of dollars will be pared from supplies and equipment. And these are only the most highly visible ramifications.

Coupled with the cuts in DER's budget already imposed by HB 1349, passed earlier in the session, the department's ability to implement the laws for the protection of Pennsylvania's natural resources is now at a disastrously low ebb. More than 400 vacancies no longer exist in that department, resulting from budget restrictions over the last 3 years. Cuts of that magnitude to a department which receives less than 1.5 percent of the General Fund are disastrous to say the least. Yet we have allowed it to happen.

Unfortunately, Mr. Speaker, DER has become a whipping boy. This legislature is saying and has been saying for several years that programs requiring discipline and sacrifice for the protection of Pennsylvania's air, water, and land resources are not worth our best efforts. If the trend is not reversed soon,

Mr. Speaker, I believe all Pennsylvanians will pay dearly in the years ahead.

I reject the defeatist attitude we have taken, Mr. Speaker, and I suspect there are many more on the floor of this House who believe as I do. Conservation has historically been a bipartisan issue in Pennsylvania, and I hope that posture will remain steadfast. Legislators from both sides of the aisle have been at the forefront when the chips were down and support had to be generated and votes cast for the Clean Streams Act, the All-Surface Mining Act, the Air Pollution Control Act, and a host of others. They are monuments to this legislature's foresight and wisdom. That is one of the reasons why I find it so terribly difficult to understand why we now are in danger of abandoning our commitment to these programs. In effect, what we are saying is we may not be able or willing to change the laws, but we will starve them by exercising the power of the purse strings.

There is nothing new, Mr. Speaker, in this approach, but I believe we in the legislature would be well advised to rethink the matter in light of the public's commitment to conservation. It is my firm belief that the vast majority of Pennsylvanians support our air- and water-pollution control programs. Indeed, my impressions are supported by public opinion polls completed by Louis Harris and Market Opinion Research Corporation. As recently as September 1977, when Pennsylvanians were sampled by Market Opinion Research, the results showed clearly that our citizens were unwilling to sacrifice environmental protection programs in spite of a shaky state economy and a steel industry on its knees. Pennsylvanians are clearly saying that we must and we can have both a healthy economy and a habitable environment. They are not mutually exclusive concepts. In fact, they are complimentary, and it is self-defeating to play one against the other. Yet, Mr. Speaker, that is precisely what we seem bent on doing repeatedly.

Now I know there are those who will contend that DER is too bureaucratic, arbitrary, and a host of other accusations. These complaints are sometimes true. Indeed, I, too, have been frustrated and victimized by DER in actions in the past, and I expect that such will happen again. Nevertheless, when I objectively try to compare DER's management and efficiency with other state agencies, they get high marks. Compared with some of the monstrous bureaucracies we rather blindly fund year in and year out, DER stands head and shoulders above the crowd. They are more closely scrutinized than most other state agencies. Witness the number of line-item budget categories in their budget if you have any doubt about that statement.

What I am trying to say, Mr. Speaker, is that in spite of their mistakes—and they have made their share—and bureaucratic fumbling which occurs from time to time over there, they are well managed and efficient by comparison to other bureaucracies. Moreover, there are too few state agencies which can claim that their programs are working after years of existence. Think about that for a moment. How many of these state agencies can truthfully maintain that the problems they were mandated to solve or ease are doing the job? Tragically, few can say yes. On balance, however, those programs which DER administers are showing results. The waters of the Common-

wealth are cleaner today than they were 10, 5, or even 3 years ago. Any serious fisherman can bear witness to this fact. Air quality is improving in spite of the great concentrations of people we have in some of our air bases. The list could go on and on. The point, Mr. Speaker, is that these natural resource protection programs in the Commonwealth are working. Unfortunately, we too often tend to punish this department for doing its job instead of appreciating and supporting those efforts.

I therefore submit, Mr. Speaker, that in any priority scheme—and we have the power and responsibility in this House to set those priorities—the proper management of Pennsylvania's natural resources must rank very high. We are talking about the maintenance of life-supporting systems. To allow the web of life to weaken and deteriorate is to commit our children and grandchildren to a life of little value even if they have a pocketful of change to spend. Mr. Speaker, we should not stand in defense of such shortsightedness.

The amendments which I am offering do not change the total of \$2,593,000 in cuts made to the Department of Environmental Resources budget. I firmly believe those cuts should be restored in total, but I am realistic enough to know that this is neither the time nor the place to expect that those wishes will be fulfilled. My first amendment merely transfers the \$350,000 for rat control and the \$100,000 for the Appalachian Trail to deep-mine safety, surface-mine reclamation, and community environmental control. With increased emphasis on coal production in the Commonwealth, these funds are more urgently needed in those areas. Moreover, a pure water supply for communities must take higher priority. There is enough money available from Federal funding to continue acquisition of the Appalachian Trail through the remainder of the fiscal year.

My second amendment, Mr. Speaker, transfers the \$400,000 line item for gypsy moth spraying operations to state parks and forestry. This will help soften the disastrous impact of the budget on state parks and forestry operations throughout the state. Again, Federal funds can pick up some of the slack for gypsy moth control.

Mr. Speaker, these amendments have no fiscal impact with respect to this bill. They only transfer funds to reflect higher natural resource priorities which were okayed by the Department of Environmental Resources. I ask for the support of the House.

Mr. TRELLO. This is a recording.

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

Mr. MISCEVICH. Mr. Speaker, I do not have that amendment before me. I wonder if Mr. Letterman could explain it again.

The SPEAKER. The gentleman, Mr. Misceovich, has made a serious request. The gentleman, Mr. Letterman, is recognized.

Mr. LETTERMAN. You know, I very seldom ever speak here—very long.

The SPEAKER. He added the qualifying phrase “very long.”

Mr. LETTERMAN. But I want to tell you that I have voted for three budgets with the promise that money would be restored to DER from the leadership of this House, and it has

never happened to me yet and I am going to see to it that it does one of these days.

The SPEAKER. Would the gentleman like to explain it again for the benefit of Mr. Misceovich?

Mr. LETTERMAN. I could give a lot more explanation. I have it all in front of me. I did my homework.

### REQUEST TO DIVIDE

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

Mr. HELFRICK. Mr. Speaker, is this amendment divisible? I just want to divide the first line—

The SPEAKER. Mr. Helfrick, the Chair has the uncanny belief that if we keep this up, somebody down there is soon going to say the Chair was right on that 2-minute business.

If the gentleman's request is a serious request, the Chair will look at it. The gentleman, Mr. Helfrick, will advise the Chair where he would suggest that the amendment be divided.

Mr. HELFRICK. Mr. Speaker, I would like to divide the first line from the rest of the amendment. I think it is very important that we speak on the first line alone.

Mr. LETTERMAN. Which one is he talking about? A3313?

The SPEAKER. Amendment A3313.

Mr. LETTERMAN. Fine.

The SPEAKER. And the gentleman, Mr. Helfrick, has made an inquiry as to whether or not in the Chair's opinion the amendment could be divided so that these words would stand alone: “Amend Sec. 1 (Sec. 2), page 9, line 28, by striking out all of said line and inserting: 10,100,000”.

In the opinion of the Chair, the question could be so divided. Does the gentleman, Mr. Helfrick, wish to make the motion to divide it in that manner? In the opinion of the Chair, the question could be so divided.

### MOTION TO DIVIDE

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

Mr. HELFRICK. Mr. Speaker, I would like to have this amendment divided, because actually the first line is my amendment. It is connected with deep-mine safety, and I think it is an extremely important issue in this particular case.

Mr. LETTERMAN. Where is he going to get the money, Mr. Speaker?

The SPEAKER. The motion placed before the House is the motion of the gentleman, Mr. Helfrick, that the Letterman amendment A3313 be divided so that these words would constitute a separate amendment: “Amend Sec. 1 (Sec. 2), page 9, line 28, by striking out all of said line and inserting: 10,100,000”. That is the question before the House.

Why does the gentleman, Mr. DeVerter, rise? On the motion?

Mr. DeVERTER. For a point of clarification, if nothing more, sir.

The SPEAKER. The Chair recognizes the gentleman.

Mr. DeVERTER. I believe the gentleman wishes to address himself to A3312, and I think you indicated we were on A3313.

The SPEAKER. That is correct.

Mr. DeVERTER. We are on A3313?

The SPEAKER. We are on A3313; we have been.

Mr. DeVERTER. And the first line of that amendment deals with the state forestry operations, not the amendment that Mr. Helfrick is concerned with, sir.

The SPEAKER. The gentleman, Mr. DeVerter, is accurate. Apparently the gentleman, Mr. Helfrick, is seeking to divide the wrong amendment.

Is the gentleman, Mr. Helfrick, convinced that his motion is ill-placed on this amendment?

#### MOTION WITHDRAWN

Mr. HELFRICK. When A3312 comes up, I will speak again on it, Mr. Speaker.

The SPEAKER. The gentleman withdraws his motion to divide. Is that correct?

Mr. HELFRICK. Yes.

The SPEAKER. The House returns to consideration of the Letterman amendment A3313, and the Chair would suggest that this is illustrative of what may happen on the floor of the House in this flurry of amendments. You will have to take very good care that you are dealing with the accurate amendment, the pertinent amendment.

We are on A3313. The question is on the adoption of that amendment.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Letterman, consent to brief interrogation?

Mr. LETTERMAN. Yes; I will, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, on your amendment, page 9, line 29, if you insert a bracket before the word "For"—and this is now in regard to the gypsy moth spraying operations—and then you remove the bracket before "500,000"—and, Mr. Speaker, I would hope that you would follow this, because I think that Mr. Letterman is making some kind of error—my question is: If you do that, then in effect, Mr. Speaker, are you not striking out the total \$500,000 for the gypsy moth program?

Mr. LETTERMAN. That is right.

Mr. RITTER. And that was your intention?

Mr. LETTERMAN. Yes, sir, because that would let it revert back to HB 1349, which would restore it to the amount that was in HB 1349.

#### PARLIAMENTARY INQUIRY

Mr. RITTER. Mr. Speaker, a parliamentary inquiry then.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RITTER. HB 1349, as I understand it, the general appropriation bill, carried an appropriation of \$500,000 for gypsy moth spraying operations. Now if we in fact in this bill—which is an amendment, in effect, to HB 1349—put a bracket before the word "For" and leave the bracket after the "500,000" for

the gypsy moth spraying operations, are we not in effect removing from the general appropriation bill the \$500,000 appropriation for gypsy moth spraying operations?

The SPEAKER. In the opinion of the Chair, if the House were to adopt that part of the Letterman amendment questioned by the gentleman, it would have the effect of striking out the entire appropriation for the gypsy moth spraying operation and not replacing it with any additional funds.

Mr. RITTER. I thank you, Mr. Speaker. That is because we did not strike it out in this amendment but we in fact inserted brackets around it, which has the effect of removing it from the existing general appropriation.

The SPEAKER. That is correct.

Mr. RITTER. Mr. Speaker, may I now interrogate Mr. Letterman once again?

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

For what purpose does the gentleman, Mr. Bennett, rise?

Mr. BENNETT. I beg the indulgence of the Chair, because I believe there is an error. The first Letterman amendment—and I again beg the indulgence of the Chair—does not address itself to gypsy moth control.

The SPEAKER. What amendment are you reading, sir?

Mr. BENNETT. I believe it is A3312.

The SPEAKER. No. We are on A3313. The Chair has said that now five times.

Mr. BENNETT. The gentleman from Mercer, Mr. Bennett, did not understand the Chair five times and apologizes.

The SPEAKER. The Chair will say it six times. The Chair is a former schoolteacher and understands.

Mr. BENNETT. The pupil understands the teacher.

The SPEAKER. The Chair is delighted that the pupil understands.

Now that we are back on A3313, we are having some grave difficulties in holding onto that particular one.

On this particular amendment, the gentleman, Mr. Ritter, has asked if he may interrogate the gentleman, Mr. Letterman. The gentleman, Mr. Letterman, is still under interrogation. The gentleman, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, you had indicated when I asked the first question that you did not intend to wipe out the appropriation for the gypsy moth spraying operations; you simply wanted it to be the same as it was in the general appropriation bill. After listening to the parliamentary inquiry to the Chair, which indicates that your amendment would in effect wipe out the \$500,000 appropriation for the gypsy moth spraying operations, I ask you again: Was that or is that your intention?

Mr. LETTERMAN. Mr. Speaker, I was as confused as you and everybody else, I think, on this amendment when it was drawn, and I went up and I had it explained to me like this: By inserting the bracket before "For", I eliminated the words "For gypsy moth spraying operations". Then by striking out the bracket before "500,000", that left the \$500,000 there for me to transfer to the other categories.

The SPEAKER. No; that is incorrect. If the gentleman succeeds in what he is asking the House to do, the insertion of a bracket on line 29 before the word "For" and the retention of

the bracket at the end of the figure "500,000" would effectively strike out the words "For gypsy moth spraying operations . . . . 500,000". That will be stricken. Then the next line of the gentleman's amendment says to strike out all of said line 30, and the only thing on line 30 is "400,000".

Mr. LETTERMAN. That is what returns it to the original bill then.

The SPEAKER. Perhaps now we can get this straightened out. For the members who are still interested, the Chair is going to reiterate his answer to the gentleman, Mr. Ritter.

If the amendment offered by the gentleman, Mr. Letterman, were to be adopted, its effect would be to strike out the entire gypsy moth spraying operations insofar as state moneys are concerned. The Chair has been informed by the gentleman it would not eliminate the gypsy moth spraying program, which also gets Federal moneys. It is the intention of the gentleman to divert the money currently allocated in SB 1187 to the gypsy moth spraying program to other programs and other purposes.

For the further information of the members, if the amendment were adopted, it would not mean the loss of the \$500,000 to DER. It would simply mean that DER had \$500,000 no longer allocated as state moneys to the gypsy moth spraying program. But the \$500,000 is still available for other use, and that is the intention of the gentleman, Mr. Letterman.

Now the Chair hopes that we have not further confused everybody on the amendment, but I think that is an adequate and an accurate description of the gentleman's intentions.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Letterman, then consent to interrogation?

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

Mr. RITTER. Mr. Speaker, just so we understand each other, what the gentleman is saying in effect is he wants to take away all of the state money for the gypsy moth spraying program which, under the original general appropriation budget, was \$500,000. Now he wants to redistribute that money, but unless my mathematics is wrong, he is removing \$500,000 and adding back \$400,000. Would the gentleman indicate what he intends to do with that extra \$100,000?

Mr. LETTERMAN. Yes, Mr. Speaker. There is a place there that it goes in my amendment. If you will look under state forestry operations, I add \$100,000 under state forestry operations.

Mr. RITTER. Yes, Mr. Speaker.

Mr. LETTERMAN. Do you see that on the—

Mr. RITTER. Yes, Mr. Speaker.

Mr. LETTERMAN. Now that comes off at the top of that amendment. Do you see that one?

Mr. RITTER. Yes, Mr. Speaker.

Mr. LETTERMAN. Okay. Then from there I put in \$156,000. I insert that into deep-mine safety, which brings it up to the \$2,300,000 that was originally in HB 1349.

Mr. RITTER. Mr. Speaker, in amendment A3313 where are lines 11 and 12?

Mr. LETTERMAN. I am sorry; I am sorry, Mr. Speaker.

If you look at page 10 now, okay? At the top of page 10 for state parks.

Mr. RITTER. Yes, Mr. Speaker.

Mr. LETTERMAN. I put \$100,000 in for forestry, and I put \$300,000 in for the state parks. That is your \$400,000.

Mr. RITTER. Yes, Mr. Speaker.

Mr. LETTERMAN. Okay. Now that takes care of that amendment on A3313.

Mr. RITTER. But, Mr. Speaker, you are removing \$500,000.

Mr. LETTERMAN. No I am not. That was already removed.

Mr. RITTER. Mr. Speaker, I thought we had it established that if you accept Mr. Letterman's amendment, you are in effect removing \$500,000 which was the appropriation in the general appropriations bill.

Mr. LETTERMAN. The only reason you removed that was to remove the entire wording of that line. Then the next line of my amendment removes line 30, which reverts it back then to giving me the \$400,000.

Mr. RITTER. Mr. Speaker, let me say this: I am going to vote in the negative on the amendment, and I know that when we get up tomorrow, those who voted "yes" are going to find out that they shortchanged DER a heck of a lot more than they wanted to.

I would urge you to vote "no" on this amendment because you are going to cost them. On this amendment alone you are going to take away \$100,000 that they now have, and when you get to the other amendment, it will be a couple hundred thousand.

You do what you want to do, but I really think you ought to vote "no" on this amendment because I think you are going to take away \$100,000 you do not want to do.

Mr. LETTERMAN. Mr. Speaker, may I report to that?

The SPEAKER. The gentleman really has spoken more than twice already on this. If the gentleman will take the advice of the Chair, the Chair thinks there are other members who will defend the gentleman's position. If he feels it has not been defended adequately, then the Chair will return to him.

The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Thank you, Mr. Speaker.

On the first Letterman amendment—

The SPEAKER. On A3313.

Mr. BENNETT. On A3313, in conversation with some very astute people today, it is my understanding that the gypsy moth spraying operations in the amount of \$500,000 was amended by our Appropriations Committee—that is, the House of Representatives Appropriations Committee—to \$400,000. Three hundred thousand dollars of that amount would go to state parks, and \$100,000 of that appropriation would go to state forestry operations, which would restore some of the 46 persons who will be cut from that department if we do not adopt this amendment.

I am repeating, Mr. Speaker, as I understand it, the money for gypsy moth control is Federal money that is available and will be spent for gypsy moth control. What Representative Letterman is attempting to do is to take \$300,000 of that appropriation and put it into the state parks and put \$100,000

into state forestry operations, restoring some part of the 46 persons who would be cut.

I understand the concerns of Representative Ritter. I believe sincerely that he is ill-advised, and I would apologize to him if I am wrong. But my understanding of it is that Representative Letterman's amendment is in order, and I would ask that every member of this House support that amendment.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

I do not wish to protract this, but I have the same fear that Mr. Ritter does. I would, in my amendments, attempt to reach the same conclusion, except for the gypsy moth program, as the gentleman, Mr. Letterman, does. I, too, wanted to restore the levels of state parks and forestry back to their prior levels and had still hoped to offer those amendments if in fact these amendments are defeated.

I am fearful, however, that the amendment of striking the gypsy moth program will have a devastating effect, especially here in the eastern part of the state. Even though there are Federal dollars if we do in fact strike this and it is Mr. Letterman's intent to remove that \$400,000 that remains or that is at least in the House version of SB 1187, we are going to be without a gypsy moth spraying program this coming year, and I think that none of us here in Pennsylvania can afford to have that occur.

I am reluctant to vote against his amendment, but I am afraid, because of that language with regard to the gypsy moth, I will have to do so. I would think the other members would do likewise, and we will get back to that issue at such time as my amendments come up.

Thank you, sir.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Yohn.

Mr. YOHN. Mr. Speaker, I also rise to oppose the amendment.

The amendment will increase the appropriation for state forestry operations by approximately 1 percent. It will increase the appropriation for state parks by a little less than 2 percent. But at the same time it reduces the state funds for the gypsy moth program by 100 percent.

I think that is the problem and the thing that we are all concerned about. It completely eliminates state funding for that program, and I would oppose it for that reason.

Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, my question is: How much money will we receive from the Federal program for the gypsy moth spraying? Can anybody tell me how much we will receive?

The SPEAKER. The gentleman, Mr. Ritter, indicates that he has that information.

Mr. RITTER. Mr. Speaker, we will receive \$429,000 from the Federal Government.

Mr. GRIECO. Four hundred and twenty-nine thousand?

Mr. RITTER. Yes, Mr. Speaker.

Mr. GRIECO. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, for the second time on the amendment.

Mr. RITTER. Except, Mr. Speaker, I would like to add a little clarifying language to that. That \$429,000, the Federal augmentation amount, is hereby specifically appropriated to supplement the sum of \$10,955,000 appropriated from Commonwealth revenues for forestry operations. So while we are going to get \$429,000 from the Federal Government, at least there is a question as to whether or not we will get it if we completely wipe out the state appropriation for the gypsy moth spraying operation.

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

Mr. LETTERMAN. Mr. Speaker, I would like to say that I worked last night with five other people and Dr. Goddard preparing these amendments. These amendments have been checked over thoroughly to be sure that no Federal money would be lost through them.

Mr. Yohn had a problem with—how many percentages, Mr. Yohn? I would not like to tell you that what they have done to the forestry operations will cost us a cancellation of 46 vacancies and no new equipment. It will cost the state parks a cancellation of 48 vacancies, reduced equipment, reduced supplies, drastically reduced wage force. Now you can take your percentages and you can figure it out the way you want to, but I will tell you what it is doing: It is keeping people at work.

We have already had one argument about educating people in high school and in college to give them a job. Right now you are eliminating people who have the education and already have the job. That is what you are doing by not going along with these amendments.

These amendments have all been figured out to the best of the ability of every head of those departments over there, and I ask for a "yes" vote, and I wish that all the fears could be wiped out so we could get on with the vote on this bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—96

Abraham	Gamble	Manderino	Scanlon
Arthurs	Garzia	McCall	Schmitt
Bellomini	Gatski	McIntyre	Shupnik
Beloff	Geisler	McLane	Stairs
Bennett	George, C.	Milanovich	Stapleton
Berlin	Giammarco	Milliron	Stewart
Berson	Goodman	Miscevich	Stuban
Bittinger	Gray	Morris	Sweet
Borski	Greenfield	Mrkoncic	Taddonio
Brunner	Halverson	Mullen, M. P.	Taylor, F.
Caputo	Harper	Mullen, M. M.	Tenaglio
Cianciulli	Helfrick	Novak	Trello
Cole	Hoeffel	O'Brien, B.	Valicenti
Cowell	Hutchinson, A.	Oliver	Wagner
DeMedio	Itkin	Parker	Wansacz
DeWeese	Johnson	Petrarca	Wargo
DiCarlo	Jones	Pievsky	Wilt

Dombrowski	Kelly	Pratt	Wise
Doyle	Knepper	Rappaport	Wright, D.
Duffy	Kolter	Ravenstahl	Yahner
Englehart	Letterman	Renwick	Zitterman
Fee	Levin	Rhodes	
Flaherty	Lincoln	Rieger	Iris,
Fryer	Livengood	Ryan	Speaker
Gallagher	Logue		

## NAYS—90

Anderson	Gallen	Meluskey	Scirica
Armstrong	George, M.	Miller	Seltzer
Barber	Goebel	Moehlmann	Shuman
Bittle	Greenleaf	Mowery	Sirianni
Brandt	Grieco	Musto	Smith, E.
Brown	Hasay	Noye	Smith, L.
Burd	Haskell	O'Connell	Spencer
Burns	Hayes, D. S.	O'Donnell	Spitz
Caltagirone	Hayes, S. E.	Pancoast	Taylor, E.
Cessar	Hutchinson, W.	Peterson	Thomas
Cimini	Katz	Piccola	Vroon
Cohen	Klingaman	Pitts	Wass
Davies	Kowalyszyn	Polite	Wenger
DeVerter	Kukovich	Pott	White
Dietz	Laughlin	Prendergast	Williams
Dininni	Lehr	Pyles	Wilson
Dorr	Levi	Reed	Wright, J. L.
Dumas	Mackowski	Richardson	Yohn
Fischer, R. R.	Madigan	Ritter	Zearfoss
Fisher, D. M.	Manmiller	Salvatore	Zeller
Foster, A.	McClatchy	Scheaffer	Zord
Foster, W.	McGinnis	Schweder	Zwinkl
Freind	Mebus		

## NOT VOTING—17

Butera	Gleeson	Kernick	Ruggiero
Cassidy	Hamilton	Lynch	Shelton
Donatucci	Honaman	O'Brien, D.	Weidner
Geesey	Hopkins	O'Keefe	Wiggins
Gillette			

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

## REMARKS ON VOTE

The SPEAKER. Is the gentleman, Mr. Cassidy, trying to instruct the new pupil as to how many votes are required on an amendment? It is a little difficult; he gets a little excited.

Mr. CASSIDY. Mr. Speaker, in the excitement I neglected to vote myself. I wish to be recorded in the negative on the Letterman amendment number A3313 to SB 1187, PN 1530.

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

On the question recurring,

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

Mr. LETTERMAN offered the following amendments:

Amend Sec. 1 (Sec. 2), page 9, lines 11 and 12, by striking out both of said lines

Amend Sec. 1 (Sec. 2), page 9, lines 15 and 16, by striking out both of said lines

Amend Sec. 1 (Sec. 2), page 9, line 23, by striking out all of said line and inserting 5,949,000

Amend Sec. 1 (Sec. 2), page 10, line 5, by inserting a bracket before "TO"

Amend Sec. 1 (Sec. 2), page 10, line 11, by striking out the bracket before "500,000"

Amend Sec. 1 (Sec. 2), page 10, line 12, by striking out all of said line

Amend Sec. 1 (Sec. 2), page 10, line 13, by inserting a bracket before "FOR"

Amend Sec. 1 (Sec. 2), page 10, line 13, by striking out the bracket before "500,000"

Amend Sec. 1 (Sec. 2), page 10, line 14, by striking out all of said line

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, this amendment deletes and strikes out on page 9 all of lines 11 and 12, and that then reverts back to lines 15 and 16 and strikes those lines out, and on line 23 strikes out all of said line and inserts "5,949,000".

What we are doing is adding \$114,000 for community environmental control. And by striking out lines 15 and 16, you revert back to the total amount by putting \$180,000 back into it, to the \$2,180,000 that was originally in it. And you revert back, under mine safety on lines 11 and 12, to the \$2,300,000 which was original.

In that amendment what we are doing and why we were asked to do it is that there was a cancellation in deep-mine safety inspectors of 24 vacancies. There have just been allocated 10 new openings for deep-mine safety inspectors, and because of the cut of the \$156,000, they would have lost 24 vacancies. And this is at a time when everybody is telling us they want more inspectors; they want to mine more coal; they need it for everything that they have going right now. They say that coal is the big king again, and that is where they decided to cut everybody.

Then we went down to surface-mine reclamation. That one gets \$180,000 back, and that saves a cancellation of four vacancies and 10 new positions that we just put in.

Does anybody have any questions on that one?

## MOTION TO DIVIDE

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

Mr. HELFRICK. Mr. Speaker, I have no argument with Mr. Letterman's amendment except that this time I am not certain how the amendment will be voted on. I think the first line of this amendment should be subdivided because of the importance of the first line, and I would like to ask to have it be divided.

The SPEAKER. It is the request of the gentleman, Mr. Helfrick, that amendment A3312 be divided, and the Chair is of the opinion that it may be so divided by drawing a line under the words "Amend Sec. 1 (Sec. 1), page 9, lines 11 and 12, by striking out both of said lines" and by considering that part of the amendment as a separate amendment.

The question is on the gentleman's motion.

Mr. LETTERMAN. Mr. Speaker, I would like to ask Mr. Helfrick a question, please.

The SPEAKER. The gentleman has placed a motion. The gen-

tleman, Mr. Letterman, may speak on the motion or may interrogate on the motion.

Mr. LETTERMAN. I would like to interrogate, please.

The SPEAKER. The gentleman, Mr. Helfrick, agrees to stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, would you please explain to me what the effect of your taking this amendment apart would be?

Mr. HELFRICK. I would hope that it would guarantee passage of the first line.

Mr. LETTERMAN. Where would you get your money if you do that without taking the rest of my amendment into consideration? We need it for three different categories that do almost exactly the same thing. You have mine reclamation inspectors and you have your deep-mine safety inspectors.

Mr. HELFRICK. This will revert back to what it was originally. In other words, this will merely put \$156,000 back in where it was in the first place.

Mr. LETTERMAN. Mine does that exactly now in the amendment.

Mr. HELFRICK. I understand your does that. It is just that I am concerned that this amendment could possibly be voted down, and I would hate to see the first line of it voted down if it would be voted down.

Mr. LETTERMAN. Mr. Speaker, the only thing I do not understand is how you can come up with this in my amendment if you do not accept the rest, because the money all comes out of the same place.

Mr. HELFRICK. At this point I did not say that I would not accept it. I would certainly be in favor of these amendments for DER. It is just that, as I said before, this is of such importance that I am concerned that there is a possibility that if the amendment would go down, this line would also go down with it.

Mr. LETTERMAN. Well, it is no good without the money, and that is all I can say about it.

The SPEAKER. The question is on the motion of the gentleman, Mr. Helfrick, to divide the question as the Chair has instructed. On that question and on that question alone, the Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I would like to interrogate Mr. Helfrick.

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

Mr. BENNETT. Mr. Speaker, does the gentleman understand that the intent of Representative Letterman is to take the funds totaling \$450,000 from line 12 and line 14 on page 10 of the bill and put those particular lines into various parts of the act on page 9? And to elaborate on that, Mr. Speaker, I would say that it is my understanding that the intent of Representative Letterman is to take those funds from vector control and Appalachian Trail preservation and put them into, among other things, lines 11 and 12 on page 9. Is the gentleman aware of that?

Mr. HELFRICK. Mr. Speaker, I am aware of that, but that still does not satisfy my concern that should the amendment go

down, line 1 would go down along with it.

Mr. BENNETT. Mr. Speaker, in addition to what I have said already relative to deep-mine safety that the gentleman, Mr. Helfrick, is concerned about and rightly so, Mr. Letterman's amendment would also add \$180,000 to line 16 for surface-mine reclamation on page 9 and, also on page 9, \$114,000 for community environmental control. Is the gentleman aware of that, Mr. Speaker?

Mr. HELFRICK. I am aware of that, and I have no argument whatsoever with the amendment except that I still must insist that I would like to see the first line voted separately.

The SPEAKER. The gentleman, Mr. Bennett, has the floor and may proceed.

Mr. BENNETT. Mr. Speaker, the gentleman would yield to Representative DeVerter.

The SPEAKER. The gentleman, Mr. Bennett, yields to the gentleman, Mr. DeVerter. The gentleman, Mr. DeVerter, may proceed.

Mr. DeVERTER. Let me see if I can shed a little more confusion, Mr. Speaker. As I was discussing this amendment with Mr. Helfrick earlier, perhaps I can shed some light, and this is directed particularly to the drafter of the amendment, Mr. Letterman.

Mr. Helfrick's concern is that deep-mine safety money is restored. In an earlier discussion at the desk, it was decided that in a situation where you have the first line that Mr. Helfrick wants to remove from your amendment and vote separately, it will address itself not to reallocating money but rather make this bill moot, and it will revert back to the amount that was in HB 1349 or Act 11-A. Do you follow me?

Mr. LETTERMAN. Yes, but where do you get the money?

Mr. DeVERTER. The money is already there and allocated in HB 1349.

Mr. LETTERMAN. No way. That is what the shortfall is.

The SPEAKER. Does the gentleman, Mr. DeVerter, want to try again? Do you want to try and elucidate again?

Mr. DeVERTER. Mr. Speaker, as we had discussed at the Chair earlier, if in fact SB 1187 does not speak to a point of Act 11-A, then that act takes preference over anything that we do here.

The SPEAKER. That is absolutely correct.

Mr. DeVERTER. In this case we will have the deep-mine safety money at the level it was when you passed HB 1349, and that is Mr. Helfrick's concern. All he is saying is that he would like to strike that out completely, but he does not want to take the chance that if the whole amendment goes down, that that goes with it.

The SPEAKER. The Chair reverts the floor to the gentleman, Mr. Bennett, who yielded it temporarily to the gentleman, Mr. DeVerter.

Mr. BENNETT. Thank you, Mr. Speaker.

Again, it is my understanding that if the Letterman amendment is adopted, we would restore the amount of \$156,000 for deep-mine safety and would restore 14 persons, more or less, to the subject of deep-mine safety.

I can understand Representative Helfrick's concern, but I cannot for the life of me understand why he wants to divide the

amendment when we are not only, in Mr. Letterman's amendment, restoring the deep-mine safety program but also restoring the surface-mine reclamation and community environmental control.

Mr. Speaker, I would respectfully oppose the dividing of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, on the motion to divide.

Mr. ITKIN. Mr. Speaker, the hour is growing late, and I really think that this is not the appropriate arena to discuss these complex amendments. What I have discovered in these amendments, I would like to inform the House, is that they do in fact transfer \$500,000 from the vector control program and strip that line item completely.

Now I want to point out that both Philadelphia County and Allegheny County receive substantial support for vector control programs in their counties. Allegheny County, if this amendment were to pass in total, would lose \$41,000 it has received in the vector control or rat control program.

I would support the motion to divide and urge the House members, if they wish to see this part of these amendments succeed, to vote to divide. I do not think the members really realize what the contents of some of these amendments do. In this case it is going to mean a loss of \$41,000 to Allegheny County for vector control, and I would assume probably a greater amount to Philadelphia and a lot of other urban areas that have rat extermination problems, probably a significant amount. It is \$500,000 in total for rat control, so I would support division of the amendments.

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

Mr. ENGLEHART. Mr. Speaker, I wish to oppose the gentleman's motion to divide for the reasons Mr. Itkin just gave. It is a trick to make sure that only half the job gets done.

Mr. Letterman carefully put together a package with the approval of Secretary Goddard to restore mine inspections, to restore personnel at state parks without hurting rat control, without hurting vector control, without hurting gypsy moth control. If you pick one out by itself and single it out and say yes, the whole package is going to fall. The simple way is to vote it all together with Mr. Letterman. If it fails, then I myself have an amendment to pick up mine safety later.

I say, oppose the motion to divide; vote "yes" on the Letterman amendment, and the whole question is over and we can go to the next one.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, I rise in support of separating the amendment for the purpose of consideration of this issue on a separate basis.

The SPEAKER. Does the gentleman, Mr. Itkin, wish to be recognized for the second time on the motion?

Mr. ITKIN. Yes, Mr. Speaker. I would just like to correct Representative Englehart's concept on the division of the question. If you allow the amendment to be adopted in total, what

you do is strike \$500,000, the total state appropriation for rat control. In our areas in Pittsburgh and Allegheny County and in Philadelphia, it is a major problem for us. In fact, you are not restoring programs to DER; you are striking the grants to the cities and the counties at the expense of state-run programs.

I would seriously request a vote to divide the question.

The SPEAKER. On the motion to divide the question, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. I would like to inform Mr. Itkin that I carefully reviewed that program, and there are several hundred thousand dollars in the vector control program that have not been requested by the communities prior to this amount of money that we now have. That is why it does not hurt it. There is still money there that the communities have not requested the use of.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—92

Abraham	Freind	Mackowski	Salvatore
Anderson	Gallen	Madigan	Scheaffer
Armstrong	Gamble	Manmiller	Scirica
Bittle	Geesey	McClatchy	Seltzer
Brandt	Geisler	McGinnis	Sirianni
Burd	Goebel	Mebus	Smith, E.
Burns	Greenleaf	Moehlmann	Smith, L.
Caputo	Grieco	Mowery	Spencer
Cessar	Hamilton	Mrkonc	Spitz
Cimini	Hasay	Mullen, M. M.	Stairs
Cohen	Haskell	Novak	Taddonio
Davies	Hayes, D. S.	Noye	Taylor, E.
DeVerter	Hayes, S. E.	O'Brien, D.	Thomas
Dietz	Helfrick	O'Connell	Trello
Dininni	Hutchinson, A.	Parker	Valicenti
Dorr	Hutchinson, W.	Peterson	Vroon
Doyle	Itkin	Piccola	Wagner
Duffy	Katz	Pitts	Wass
Fischer, R. R.	Klingaman	Pott	Wenger
Fisher, D. M.	Knepper	Pyles	Wilson
Flaherty	Lehr	Ravenstahl	Wright, J. L.
Foster, A.	Levi	Rhodes	Yohn
Foster, W.	Logue	Ryan	Zearfoss

#### NAYS—102

Arthurs	Garzia	Meluskey	Schweder
Barber	Gatski	Milanovich	Shelton
Bellomini	George, C.	Miller	Shuman
Beloff	George, M.	Milliron	Shupnik
Bennett	Giammarco	Miscevich	Stapleton
Berlin	Goodman	Morris	Stewart
Berson	Gray	Mullen, M. P.	Stuban
Bittinger	Greenfield	Musto	Sweet
Borski	Halverson	O'Brien, B.	Taylor, F.
Brown	Harper	O'Donnell	Tenaglio
Brunner	Hoeffel	O'Keefe	Wansacz
Caltagirone	Johnson	Oliver	Wargo
Cassidy	Jones	Pancoast	White
Cianciulli	Kelly	Petrarca	Wiggins
Cole	Kolter	Pievsky	Williams
Cowell	Kowalshyn	Polite	Wilt
DeMedio	Kukovich	Pratt	Wise
DeWeese	Laughlin	Prendergast	Wright, D.
DiCarlo	Letterman	Rappaport	Yahner
Dombrowski	Levin	Reed	Zeller



Donatucci	Lincoln	Renwick	Zitterman
Dumas	Livengood	Richardson	Zord
Englehart	Manderino	Rieger	Zwilk
Fee	McCall	Ritter	
Fryer	McIntyre	Scanlon	Irvis,
Gallagher	McLane	Schmitt	Speaker

## NOT VOTING—9

Butera	Kernick	Hopkins	Ruggiero
Gillette	Honaman	Lynch	Weidner
Gleeson			

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

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

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

Mr. HELFRICK. I would like to speak to the amendment, Mr. Speaker, particularly to the first line of the amendment. The first line of the amendment restores \$156,000 to the department for deep-mine safety. Deep mining is a very hazardous occupation at best, and certainly we cannot jeopardize the lives of these men for a few thousand dollars. Right now the department is short 14 mine inspectors because of the freeze on hiring replacements. If this money is deleted from the appropriation bill, these positions will be eliminated and the lives of these men will be in jeopardy. We as elected officials have a duty to protect the lives of our hard-working miners.

I urge you to adopt this mine-safety amendment. If you supported your family by deep mining, would you and your family be concerned by the fact that there was no mine inspector to insure your safety? The life of only one miner is worth more than \$156,000 to each one of us. If next week, next month, or next year miners' deaths result from limited or no mine inspections, these deaths will be partly the responsibility of this Assembly. A savings of \$156,000 is not worth that risk to me, and I would not think it is to you. This is the time to vote good judgment.

Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I will try to be very brief. I intend to oppose the amendment for the following reasons:

First, Mr. Itkin was correct. The Letterman amendment completely wipes out the vector control program from the general appropriation bill, and that is a total of \$500,000. The Letterman amendment completely wipes out of the general appropriation bill \$500,000 for the Appalachian Trail preservation. That is \$1 million you are cutting from the department and you are adding back \$450,000, which means that you are really taking away from the department. When you add in the \$100,000 on the other amendment and \$550,000 on this amendment, you are really taking away \$650,000 from the Department of Environmental Resources.

In addition, there is no Federal money for the vector control program, and there is only \$250,000 for the Appalachian Trail program.

Third, if the department has money for the vector control program that they could not allocate, then I wish somebody would explain to my city officials why they were rejected when they sent the application out because DER told them they had no more money for the vector control program.

We are making a serious mistake if we accept this amendment, because the two amendments together will mean a reduction to the Department of Environmental Resources of \$650,000. I urge the defeat of the amendment, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I would just very briefly like to address the same point as Mr. Ritter did. Allegheny County used to receive \$90,000 in vector control. We were reduced to \$41,000 this year. That services 70 to 80 municipalities in the county, so you can understand that it is only about \$500 per municipality. You cannot run an effective program; you are cutting it to zero; you are only going to hurt us immensely.

Vote "no" on this amendment.

The SPEAKER. On the entire amendment, the Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I would indulge the House only to inform the members that information that has been given to us is that under the terms of United States Senate bill 2066 and House of Representatives bill 8803, the Federal land acquisition ceiling for the Appalachian Trail, which the members of this House are rightfully concerned about, is increased to \$89 million and \$90 million respectively. And we are told by Secretary Goddard that the vector control program is now some \$700,000 in the black. There is plenty of money for vector control for Allegheny County and the other counties of the Commonwealth.

Mr. Speaker, I would respectfully ask that the members support totally the Letterman amendment.

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

The following roll call was recorded:

## YEAS—89

Arthurs	Fryer	Letterman	Schmitt
Bellomini	Gallagher	Levin	Shelton
Beloff	Garzia	Lincoln	Shupnik
Bennett	Gatski	Livengood	Stairs
Berlin	George, C.	Manderino	Stewart
Berson	Giammarco	McCall	Stuban
Bittinger	Gleeson	McIntyre	Sweet
Borski	Goodman	McLane	Taylor, F.
Brunner	Gray	Milanovich	Wansacz
Burns	Greenfield	Milliron	Wargo
Cassidy	Grieco	Morris	Wass
Cianciulli	Halverson	Mullen, M. P.	Wiggins
Cole	Harper	Musto	Wilt
Davies	Helfrick	O'Brien, B.	Wise
DeMedio	Hutchinson, A.	Oliver	Wright, D.
DeWeese	Hutchinson, W.	Petrarca	Wright, J. L.
DiCarlo	Johnson	Pievsky	Yahner
Dombrowski	Jones	Pratt	Yohn
Donatucci	Kelly	Rappaport	Zitterman
Doyle	Klingaman	Renwick	
Englehart	Kolter	Rieger	

Fee	Kukovich	Ryan	Irvis,
Fischer, R. R.	Laughlin	Scanlon	Speaker

## NAYS—107

Abraham	Geesey	Moehlmann	Schweder
Anderson	Geisler	Mowery	Scirica
Armstrong	George, M.	Mrkonic	Seltzer
Barber	Goebel	Mullen, M. M.	Shuman
Bittle	Greenleaf	Novak	Sirianni
Brandt	Hamilton	Noye	Smith, E.
Brown	Hasay	O'Brien, D.	Smith, L.
Burd	Haskell	O'Connell	Spencer
Caltagirone	Hayes, D. S.	O'Donnell	Spitz
Caputo	Hayes, S. E.	O'Keefe	Stapleton
Cessar	Hoeffel	Pancoast	Taddonio
Cimini	Itkin	Parker	Taylor, E.
Cohen	Katz	Peterson	Tenaglio
Cowell	Knepper	Piccola	Thomas
DeVerter	Kowalyshyn	Pitts	Trello
Dietz	Lehr	Polite	Valicenti
Dininni	Levi	Pott	Vroon
Dorr	Logue	Prendergast	Wagner
Duffy	Mackowski	Pyles	Wenger
Dumas	Madigan	Ravenstahl	White
Fisher, D. M.	Manmiller	Reed	Williams
Flaherty	McClatchy	Rhodes	Wilson
Foster, A.	McGinnis	Richardson	Zearfoss
Foster, W.	Mebus	Ritter	Zeller
Freind	Meluskey	Ruggiero	Zord
Gallen	Miller	Salvatore	Zwinkl
Gamble	Miscevich	Scheaffer	

## NOT VOTING—7

Butera	Honaman	Kernick	Weidner
Gillette	Hopkins	Lynch	

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

## CONFERENCE COMMITTEE MEETING

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

Mr. BERSON. Mr. Speaker, I want to announce that there will be a meeting at 10 a.m. tomorrow in room 401 of the conference committee on HB 825.

The SPEAKER. The hour of 11 o'clock having arrived and passed, the House may not continue beyond the 11-o'clock deadline. It is the intention of the majority leader to call for an adjournment until 11 o'clock tomorrow.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Does the gentleman, Mr. O'Donnell, require recognition?

Mr. O'DONNELL. Mr. Speaker, the purpose of seeking recognition was to offer a motion to amend the rules to limit each member to 2 minutes and one time at the mike on all matters touching on this bill. Is that motion still in order?

The SPEAKER. The Chair would suggest that it would be wiser to offer that motion tomorrow if it seems to be necessary rather than to inflict the debate upon the House at 11:05 tonight when it is not necessary to do that.

Mr. O'DONNELL. Thank you.

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

Mr. BENNETT. Mr. Speaker, I would desire to inform the Chair that it would be my intention to offer a reconsideration motion on the Letterman amendment.

The SPEAKER. The gentleman is in order to offer that tomorrow, and certainly the Chair will entertain that motion for reconsideration.

Mr. BENNETT. Thank you, Mr. Speaker.

The SPEAKER. The Chair would urge the members tomorrow to do two things: We were at least one-half hour late this evening getting this evening's session started. We wasted, therefore, 30 minutes of time which we could have been utilizing in debate. We furthermore waste a great deal of time in being called to order.

The Chair would suggest that we are very close to an adjournment for 1977, but we have important work to do. It is the request of the majority leader, the minority leader, and the Speaker that the members be present on time at 11 o'clock tomorrow morning so that we may begin promptly the taking up of the additional amendments. Please do not force us to wait until your arrival and thus delay the processes another half hour.

The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, what you ought to do is hire an efficiency expert, and you may be able to save some time.

The SPEAKER. An efficiency expert to run the House of Representatives?

Mr. A. K. HUTCHINSON. No; just as your helper to cut time.

The SPEAKER. The only efficiency expert I know is a friend of mine, and I would not choose to drive him insane by offering him the job.

## WELCOMES

The SPEAKER. The Chair at this time welcomes to the hall of the House two visitors, Mr. Phil Sandler and Miss Julie Rutter, who are the friends of Representative Scanlon from Philadelphia and who are here as her guests.

And here as the guests of Representative John White and Representative Joe Hoeffel are six students from the Meadowbrook School of Abington, Pennsylvania, and they are here with their teachers, Mr. Anderson and Mrs. Whitehead. One of the students happens to be a nephew of Representative John White, and that student is Ricky White. We welcome Ricky, his five fellow students, and their teachers to the hall of the House.

The Chair is delighted to welcome to the hall of the House a young man from Pittsburgh. His name is Douglas Zibrat, and he is a cousin of Representative Ron Goebel.

The Chair is also pleased to welcome to the hall of the House, as the guest of Representative Paul Wass, the Evergreen Queen from Indiana County—and I am told that Indiana County considers itself the Christmas tree capital of the world; at least it does not say of the universe—Miss Barbara Larsen. Miss Larsen is here with her parents, Mr. and Mrs. Larsen; her aunt, Mrs. Symonds; and her cousin Sherry. I would say that is probably as pretty a Christmas tree as any of the rest of you are ever going to see.

The Chair at this time welcomes to the hall of the House Mr. Fred Pica, who is a former mayor and Democratic chairman of Carnegie. He is the guest of Representative Trello and Representative Knepper.

### ADJOURNMENT

Mr. STUBAN moved that this House do now adjourn until

Wednesday, December 14, 1977, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 11:13 p.m., e.s.t.) the House adjourned.