

Legislative Journal

WEDNESDAY, FEBRUARY 15, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 7

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Lord God, Father of the faithful, Thou didst lead Thy ancient people of old through the wilderness wanderings and didst bring them safely to the promised land. We humbly pray that Thou wilt guide Thy people in this assembly that they may faithfully wage the battle between good and evil within and without, so that the temptations, the deceits, and the empty promises may fall upon deaf ears and steadfast hearts. O God, our Father, keep us faithful to Thy Word, lift us when we fall, and direct us that we may walk through the wilderness of this world toward the glory of the world to come. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, February 14, 1978, will be postponed until printed.

MASTER ROLL CALL

The SPEAKER. The Speaker announces that the Speaker is about to take the master roll for today. All members within the sound of the Speaker's voice will report promptly to the floor of the House. The clerk will open the board for the master roll.

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—8

Berlin	Hamilton	Shelton	Williams
Gleeson	Mullen, M. M.	Spencer	Yohn

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

LEAVE OF ABSENCE GRANTED

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. HAMILTON for today's session.

The SPEAKER. Without objection, leave is granted.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Senate returned the following House bills with amend-

ments in which concurrence of the House is requested:
 HB 1336, PN 2466, and HB 1691, PN 2554.

**BILL REPORTED AND REREFERRED
 TO COMMITTEE**

HB 845, PN 2578 (Amended) By Mr. SCHMITT

An Act prohibiting restraints of trade and monopolistic practices; providing remedies and penalties therefor; imposing powers and duties on the Attorney General; and providing for an Antitrust Enforcement Fund.

Reported from Committee on Consumer Affairs.
 Rereferred to Committee on Appropriations.

HOUSE SCHEDULE

The SPEAKER. The Chair wants to make an announcement as to the timing of this session. The Chair proposes to run the active calendar until approximately 11:30 to 11:45 a.m., then break the session for the purposes of lunch and certain meetings which must take place from 12 noon until 2 o'clock, then reconvene the session from 2 o'clock and run until approximately 5:30 this afternoon.

We will not be in session tomorrow for those members who have inquired. We shall be in session again next Tuesday; not next Monday, which is a legal holiday, but we shall be in session next Tuesday.

CALENDAR BILLS ON SECOND CONSIDERATION

The House considered for the second time and agreed to the following bills, which were then ordered transcribed for third consideration: HB 1838, PN 2243; HB 1839, PN 2244; and HB 1783, PN 2512.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1395, PN 2409**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court changing certain provisions relating to confirmation and initial terms and further providing for the president judge of the Superior Court.

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—101

Barber	Geisler	Mackowski	Ritter
Bellomini	George, M.	Manderino	Ruggiero
Beloff	Giammarco	Manmiller	Ryan
Bennett	Gillette	McCall	Salvatore
Berson	Goodman	McClatchy	Scanlon
Bittinger	Gray	McIntyre	Shupnik
Borski	Greenfield	McLane	Smith, E.

Brunner	Greenleaf	Mebus	Spitz
Caputo	Harper	Milanovich	Stapleton
Cianciulli	Helfrick	Morris	Sweet
Cohen	Hoeffel	Mullen, M. P.	Taylor, E.
Cole	Hopkins	Musto	Tenaglio
DeMedio	Hutchinson, W.	O'Brien, B.	Vroon
DiCarlo	Itkin	O'Brien, D.	Wagner
Dombrowski	Johnson	O'Donnell	Wansacz
Donatucci	Jones	Oliver	Wargo
Doyle	Katz	Parker	White
Duffy	Kelly	Pievsky	Wiggins
Dumas	Kernick	Pitts	Wise
Englehart	Kowalshyn	Pott	Wright, D.
Fee	Kukovich	Pratt	Zearfoss
Freind	Laughlin	Prendergast	Zitterman
Gallagher	Levin	Pyles	
Gamble	Lincoln	Ravenstahl	Irvis,
Garzia	Logue	Reed	Speaker
Gatski	Lynch	Rieger	

NAYS—86

Abraham	Flaherty	Madigan	Shuman
Anderson	Foster, A.	Meluskey	Sirianni
Armstrong	Foster, W.	Miller	Smith, L.
Arthurs	Fryer	Milliron	Stairs
Bittle	Gallen	Miscevich	Stewart
Brandt	Geesey	Moehlmann	Stuban
Brown	George, C.	Mowery	Taddonio
Burd	Goebel	Mrkonic	Taylor, F.
Burns	Grieco	Novak	Thomas
Caltagirone	Halverson	Noye	Valicenti
Cassidy	Hasay	O'Connell	Wass
Cessar	Haskell	O'Keefe	Weidner
Cimini	Hayes, D. S.	Pancoast	Wenger
Cowell	Hayes, S. E.	Peterson	Wilson
Davies	Honaman	Petrarca	Wilt
DeVerter	Hutchinson, A.	Piccola	Wright, J. L.
DeWeese	Klingaman	Polite	Yahner
Dietz	Knepper	Renwick	Zeller
Dininni	Kolter	Scheaffer	Zord
Dorr	Lehr	Schmitt	Zwikl
Fischer, R. R.	Levi	Schweder	
Fisher, D. M.	Livengood	Seltzer	

NOT VOTING—15

Berlin	McGinnis	Richardson	Trello
Gleeson	Mullen, M. M.	Scirica	Williams
Hamilton	Rappaport	Shelton	Yohn
Letterman	Rhodes	Spencer	

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

The House proceeded to third consideration of **HB 1490, PN 1780**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the submission to the General Assembly of rules promulgated by the Supreme Court.

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—189

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

NAYS—0

NOT VOTING—13

Berlin	McClatchy	Rhodes	Shelton
Donatucci	McGinnis	Richardson	Spencer
Hamilton	Mullen, M. M.	Scanlon	Williams
Kelly			

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

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

The House proceeded to third consideration of **HB 1649, PN 1987**, entitled:

An Act amending "The Fourth to Eighth Class County

Assessment Law" approved May 21, 1943 (P. L. 571, No. 254), permitting class actions relating to assessments.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—185

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

NAYS—0

NOT VOTING—17

Barber	Hamilton	Pievsky	Shelton
Berlin	Kelly	Rhodes	Spencer
Donatucci	McGinnis	Richardson	Wagner
Dumas	Mullen, M. M.	Scanlon	Williams
Gleeson			

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

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

The House proceeded to third consideration of **HB 1743, PN 2511**, entitled:

An Act amending "The Borough Code" approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing boroughs to sell borough-owned land to nonprofit medical corporations and non-profit housing corporations.

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

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

The question is, Shall the bill pass finally?

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

YEAS—184

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

Gallen	Manmiller	Scheaffer	Irvis,
Garzia	McCall		Speaker

NAYS—2

Geesey	Knepper
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NOT VOTING—16

Barber	Dumas	Kelly	Scanlon
Berlin	Gamble	McGinnis	Shelton
Cole	Gleeson	Mullen, M. M.	Spencer
Donatucci	Hamilton	Rhodes	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.

The House proceeded to third consideration of **SB 847, PN 1500**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945" further providing for the membership of the board of a joint authority.

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—189

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

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

NAYS—0

NOT VOTING—13

Barber	Hamilton	Rappaport	Spencer
Berlin	McGinnis	Rhodes	White
Dumas	Mullen, M. M.	Shelton	Williams
Gleeson			

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

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

The House proceeded to third consideration of **HB 163, PN 176**, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the Legal Holiday Law providing that the fifteenth day of January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goebel. For what purpose does the gentleman rise, to debate the bill?

Mr. GOEBEL. Mr. Speaker, I would just like to interrogate Mr. Richardson on the subject, please.

The SPEAKER. Does the gentleman, Mr. Richardson, desire to be interrogated?

Mr. RICHARDSON. Yes, I will, Mr. Speaker.

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

Mr. GOEBEL. Mr. Speaker, I certainly am for this and I think that we should honor the late Dr. Martin Luther King in some manner or this manner, but I would like to know, is this going to be another state holiday that the workers are going to be off with pay?

Mr. RICHARDSON. Yes.

Mr. GOEBEL. Right now the state workers have 47 paid days off. They have 15 vacation days, 15 state holidays, 15 sick days, and 2 personal leave days. That is 106,000 employes who have 47 paid days off.

Could we possibly double this up on another day or eliminate

one of the other ones? Is there any possibility?

Mr. RICHARDSON. Yes. I understand that, Mr. Speaker. One of the reasons for introducing this bill is the fact that we are amending the law going back to 1893 and the fact that there has not been a state holiday in this Commonwealth dealing with a gentleman who was certainly a human rights activist, and certainly one of the reasons why we have pushed this bill for the past 3 sessions is to have him honored on a legal holiday in the Commonwealth of Pennsylvania.

Mr. GOEBEL. I still do not know if I caught the answer as to whether or not there is any way that we can, then, double up on another day and have a Washington-Martin Luther King Day, a joint celebration day? Is this not possible? I do not know if I got the answer of yes or no on that.

Mr. RICHARDSON. Washington's birthday is the 22nd. Lincoln's birthday is the 12th. Martin Luther King's birthday is January 15th.

Mr. GOEBEL. Okay. I got your point there and I am certainly not opposed to the object of the bill, believe me. I am opposed to any more paid holidays for state workers. Having 47 days paid off—and they use them all—I certainly cannot go with that. But if there is any way we can honor Dr. Martin Luther King in any way other than giving state employes a paid holiday, I will go along with it, but I would be opposed to another state holiday for the workers.

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

Mr. ZELLER. Thank you, Mr. Speaker.

That is one of the problems I have, Mr. Speaker. I think what we have done already is that the legislature has observed January 15 as the date of observance to the Honorable Martin Luther King. I do not see any problem with that. The problem we have is another paid holiday, and I do not say this to be facetious, whether it be for Martin Luther King or whether it be for whomever. The problem we have is that we are not getting enough work out of the gang now and to give them another day, we are going to have problems with services, and under Act 195 what we are doing, in effect, is negotiating for them to get another holiday.

I feel that under their present Act 195, the collective bargaining system they have, I believe we should let them negotiate for whatever they have to negotiate for. That is one of their problems. I do not feel we should do it here in the House, to do negotiating for them, and that is besides the point of whom we honor. With the problem we have today with the services, and I mean everybody is crying. I hear legislators calling departments after departments on the fact that they are not getting work out, and here we are going again to give another day off.

I also would like to ask at this time, since I cannot see it, why there is not a fiscal note attached, because this is going to cost taxpayers some money and I feel there should have been a fiscal note attached to this legislation.

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes, at this time, the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Thank you, Mr. Speaker.

I sort of agree with my colleague, Mr. Goebel, in regard to this particular resolution and I would like to support it, but I would like to know, too, what the fiscal impacts are before I make that decision. I do believe that it ought to go to the Appropriations Committee for consideration under rule 19 in the House. There is a fiscal impact and I think the members are entitled to know just what the cost of such legislation might be before they make a decision, so I would move this bill to the Appropriations Committee for a fiscal note.

The SPEAKER. The gentleman's motion is in order. The only debate would be on the motion itself. The gentleman, Mr. Richardson, is limited to debate on the motion.

It has been moved by the gentleman, Mr. O'Connell, that HB 163, PN 176, be referred to the Appropriations Committee for the purpose of a fiscal note. The debate must be limited to that motion.

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

Mr. RICHARDSON. Mr. Speaker, on this very important bill and the motion that is in front of us concerning a fiscal note, I would just like to say that the chairman of the State Government Committee, along with its members, at the time that this bill did come before the committee, did not, at that time, see the need for a fiscal note. I did, however, speak with the chairman of the Appropriations Committee this morning and he has some further information, I hope, that can be shared in relationship to HB 163.

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

Mr. PIEVSKY. Mr. Speaker, Mr. Richardson did contact me this morning. The staff is presently working on a fiscal note. If it is the will of the House, we could pass over the legislation until that fiscal note is distributed rather than sending it back to the committee.

PARLIAMENTARY INQUIRIES

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell. For what purpose does the gentleman rise?

Mr. O'CONNELL. I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNELL. Is it not the rule of the House that such legislation be referred to the Appropriations Committee for the purpose of affixing a fiscal note?

The SPEAKER. That is correct. Does the gentleman, Mr. O'Connell, insist on it as a motion?

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

Mr. RICHARDSON. I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, it is not also a fact that if the fiscal note is being prepared by the same committee that the gentleman wants the bill to be referred to, that until that

time the fiscal note comes out that it would not then have the same effect as other bills in the House have had in relationship to fiscal notes being passed out while a bill is being passed over?

The SPEAKER. The Chair is having great difficulty in understanding the gentleman partly because of the noise which surrounds him, but as the Chair understood, the gentleman's request is whether or not the same effect could not be achieved by allowing this bill to remain on the calendar and having a fiscal note distributed. The answer is yes, the same effect could be achieved, but that answer is too simplified.

The gentleman, Mr. O'Connell, has a right to make his motion. He has been asked if he will withdraw it. He has said he wishes to pursue it, and that is his right to pursue it. So the motion before the House now is a motion by the gentleman, Mr. O'Connell, to recommit, for the purpose of a fiscal note, HB 163, PN 176, to the Appropriations Committee.

On that motion, the Chair recognizes for the second time the gentleman, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I just rise to oppose the motion at this present time and ask that the members wait for the fiscal note to come out and at that time have an opportunity to debate on that particular fiscal note when it comes out of the committee.

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Connell.

Mr. O'CONNELL. Yes, Mr. Speaker, thank you. Just one comment: Mr. Speaker, I am not doing this with any intention of putting this bill to bed or to rest. That is an impossibility, but I am, from this day and forward, going to insist on this method of dealing with anything that is going to cost or have a cost attached to it in this Commonwealth. I would like the members of the House to know that I am going on record as of this minute that I am going to insist on fiscal notes on all of this legislation, and this is the course that I intend to follow because I think it would be enlightening to the membership and I think it is a good policy to establish. And beginning this day I am continuing to request it with any legislation, and it is not done with any intent. I will vote for this resolution as I have in the past.

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

Mr. GREENFIELD. Mr. Speaker, as I read rule 19, it says that a fiscal note shall be requested of the Appropriations Committee, not that the bill has to be referred to the Appropriations Committee. Am I correct? That is rule 19 (a), sir.

The SPEAKER. Let us see if we can get the parliamentary situation cleared up, and hopefully what I am about to say will clear it up and not obfuscate if further.

The rule does not require that the bill be returned to the Appropriations Committee, but it is, of course, the right of any member to require that on a vote. That is what the gentleman, Mr. O'Connell, is doing.

The rule simply states that a request for a fiscal note be made, but it does not state that only a request be made. So it is the right of Mr. O'Connell or any other member to make a mo-

tion on this floor that any bill be rereferred to any committee. In this case he has selected the Appropriations Committee and his reason is for a fiscal note, and he is in order to do so.

The same effect could be achieved if the bill were to remain on the calendar and the fiscal note reported by the Appropriations Committee on the request of any member. But the Chair previously explained that to the gentleman, Mr. O'Connell, and the gentleman has also re-explained that it is his intention, not only with this bill but with all such bills, to request a fiscal note and request that the bill be returned to the Appropriations Committee. So the gentleman is within his right to make such a request, and the only thing the House can do is to vote on the request itself.

Is the gentleman, Mr. Greenfield, satisfied with the answer?

Mr. GREENFIELD. Mr. Speaker, may I just reply, sir?

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

Mr. GREENFIELD. I was under the impression that Mr. O'Connell was trying to abide by the rules. It was his impression that all bills had to be referred back to the Appropriations Committee. As I explained, that is not necessarily so; a request can be made while the bill is lying on the calendar. Therefore I submit to Mr. O'Connell that if he will allow this bill to remain, we can, as we have in other bills, handle it in due course without its having to go back and be delayed through the workings of the Appropriations Committee.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Further parliamentary inquiry. Would you please explain or give me the definition or the interpretation of this: It says "... no bill so reported shall be given second consideration reading on the calendar until it has first been referred to the Appropriations Committee." You have to read further into that Rule 19 (a).

The SPEAKER. The gentleman is correct. Had that point been raised timely, it would have been well taken, but when no one raises that point of parliamentary procedure, the parliamentary rule is that there has been an implied waiver of the rule.

Mr. O'CONNELL. Are you suggesting that in the future any issue to be taken with a bill has to be taken before it reaches second reading?

The SPEAKER. That is correct.

Mr. O'CONNELL. Okay. Thank you, Mr. Speaker.

MOTION TO RECOMMIT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Thank you, Mr. Speaker. I really, then, will withdraw the motion and would suggest perhaps that it be placed upon the table until a fiscal note is in place.

HB 163 TABLED

The SPEAKER. Does the gentleman formally move to table House bill 163?

Mr. O'CONNELL. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. O'Connell, has now withdrawn his motion to recommit House bill 163 and moved that HB 163, PN 176, be placed upon the table. This motion is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—160

Abraham	Gamble	McGinnis	Scanlon
Anderson	Garzia	McIntyre	Scheaffer
Armstrong	Gatski	McLane	Schweder
Arthurs	Geesey	Mebus	Scirica
Barber	Geisler	Meluskey	Seltzer
Beloff	George, M.	Milliron	Shuman
Berson	Giammarco	Miscevich	Shupnik
Bittle	Gillette	Moehlmann	Sirianni
Borski	Goebel	Mowery	Smith, E.
Brown	Gray	Mrkonic	Smith, L.
Brunner	Greenfield	Mullen, M. P.	Spitz
Burd	Greenleaf	Musto	Stairs
Caltagirone	Grieco	Novak	Stapleton
Caputo	Halverson	Noye	Stewart
Cassidy	Harper	O'Brien, B.	Stuban
Cessar	Hasay	O'Brien, D.	Taddonio
Cianciulli	Haskell	O'Connell	Taylor, E.
Cimini	Hayes, D. S.	O'Donnell	Tenaglio
Cohen	Hayes, S. E.	O'Keefe	Thomas
Cole	Helfrick	Oliver	Trello
Cowell	Honaman	Pancoast	Valicenti
Davies	Hopkins	Parker	Vroon
DeMedio	Hutchinson, W.	Peterson	Wagner
DeVerter	Jones	Petrarca	Wansacz
Dietz	Kelly	Piccola	Wargo
Dininni	Kernick	Pitts	Wass
Donatucci	Klingaman	Polite	Weidner
Dorr	Knepper	Pott	Wenger
Doyle	Kowalshyn	Pratt	White
Duffy	Laughlin	Prendergast	Wiggins
Dumas	Lehr	Pyles	Wilt
Fee	Letterman	Ravenstahl	Wise
Fisher, D. M.	Levi	Reed	Wright, D.
Flaherty	Levin	Renwick	Yahner
Foster, A.	Logue	Richardson	Yohn
Foster, W.	Lynch	Rieger	Zearfoss
Freind	Mackowski	Ritter	Zeller
Fryer	Madigan	Ruggiero	Zitterman
Gallagher	Manmiller	Ryan	Zord
Gallen	McClatchy	Salvatore	Zwilk

NAYS—31

Bellomini	George, C.	Kukovich	Rappaport
Bennett	Goodman	Lincoln	Schmitt
Bittinger	Hoeffel	Livengood	Taylor, F.
Brandt	Hutchinson, A.	Manderino	Wilson
Burns	Itkin	McCall	Wright, J. L.
DeWeese	Johnson	Milanovich	
DiCarlo	Katz	Miller	Irvis,
Dombrowski	Kolter	Morris	Speaker
Fischer, R. R.			

NOT VOTING—11

Berlin	Hamilton	Rhodes	Sweet
Engelhart	Mullen, M. M.	Shelton	Williams
Gleeson	Pievsky	Spencer	

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

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Connell. For what purpose does the gentleman rise?

Mr. O'CONNELL. Well, I want to further pursue it, Mr. Speaker, for the purpose of clarification and then so that we can get on about the business of the House. We have had a mechanical problem with that consideration of a fiscal note on second reading. Frequently and oftentimes they come out of either the Rules Committee on a second-reading situation and they are on the calendar before we would have an opportune time or before we could make a timely inquiry about the fiscal impact.

The SPEAKER. Although a bill may be reported out as of second reading, the House has not approved of the bill on second reading until the Speaker reads the bill and asks the question, Does the House agree to the bill? or Is the bill called up? At that point in time, anyone who wishes to raise the question of a fiscal note should be prepared to raise that question.

Mr. O'CONNELL. Okay. Thank you, Mr. Speaker. Thank you very much.

The SPEAKER. The gentleman, Mr. Arthurs, has asked recognition. For what purpose does the gentleman rise?

Mr. ARTHURS. To pursue this just a little bit further, Mr. Speaker. Is it not the responsibility of the Rules Committee that when they have a bill in their possession that will require a fiscal note, is it not their responsibility to see that a fiscal note is attached before it is released from their committee for consideration?

The SPEAKER. It is the opinion of the Chair that it is the responsibility, not necessarily of the Rules Committee, but it is the responsibility of the substantive committee, which may or may not be the Rules Committee in any given event, to refer bills before sending them to the floor of the House if that committee feels that the bill requires a fiscal note. That is what should be done. When the Rules Committee has a substantive bill and there is control, then it should do the same. But if, for example, the Committee on Agriculture happened to have a bill which it believes requires a fiscal note, then it would be the Committee on Agriculture's responsibility to so refer that bill before sending it to the floor of the House.

Mr. ARTHURS. Thank you, Mr. Speaker.

The SPEAKER. Let me add this: The Parliamentarian has pointed out in the rule which we have been discussing, rule 19 (a), we have enacted as follows: "No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision or which may entail a loss of revenues shall be reported from committee until the committee chairman or prime sponsor has requested a fiscal note from the Appropriations Committee." So it is, as the Speaker related, that the prime responsibility lies with the committee chairman holding the substantive bill, or with the prime sponsor of the committee chairman has not acted.

Mr. ARTHURS. Well, then as one further question, should we not then as a body have a right, any time before the final passage, to request or indicate that one of us feels that someone has been derelict in his responsibility, not just on the second reading but at any point before the final passage?

The SPEAKER. The answer to the gentleman's inquiry is

important and I hope certain members will pay some attention to it. The gentleman is correct, and the body does have that power, as that power was about to be exercised by the gentleman, Mr. O'Connell. As a matter of right, as a matter of procedure, it should be raised before the bill is agreed to on second reading, but, from a parliamentary point of view, any member may at any time rise and make the motion that the gentleman, Mr. O'Connell, made — to rerefer or to refer a bill to the Appropriations Committee for the purpose of a fiscal note. So the body does have that power.

Mr. ARTHURS. And at any point, even before final passage, and the reason I say that is because I feel it is the responsibility of the Appropriations Committee to do that in committee and vote upon it in committee rather than allowing it to lay on the table and then that committee does not have the opportunity to act upon it.

The SPEAKER. It would be the Speaker's opinion that the member would have the right to make that motion at any point before the final passage of the bill.

Mr. ARTHURS. To return it to committee?

The SPEAKER. Yes.

Mr. ARTHURS. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. O'Connell, yield? The gentleman, Mr. DiCarlo, has been seeking the floor. The Chair recognizes the gentleman, Mr. DiCarlo.

Will the gentleman yield for a second? The gentleman may now proceed.

Mr. DiCARLO. Mr. Speaker, along the same line of interrogation to the Chair, and hopefully you can clear up an additional point of confusion that I have, Rule 19 (a), section 2, says very specifically, "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." Now, I have two questions for the Chair. First of all, does that mandate that the Chair has to make that decision when the language says, "shall be given second consideration reading"?

The SPEAKER. Not in the opinion of the Chair. That is the same question which was raised here prior by the gentleman, Mr. O'Connell. Unless there has been a question raised on the floor, the Chair, whether it be the present Speaker or any Speaker, would have the power to maintain the orderly flow of business on the assumption that that particular rule had been waived. The only time the Chair would be wrong in making that assumption is if somebody actually raised the question on the floor.

Mr. DiCARLO. All right, Mr. Speaker, the question I have to follow up on that—

Mr. O'CONNELL. Would the gentleman yield just a minute? I think I have an important point at least to be made here.

The SPEAKER. Will the gentleman, Mr. DiCarlo, yield for a moment?

Mr. DiCARLO. I will, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, would it not be possible to reconsider the vote by which it reached the second stage and then request the fiscal note, if the House agreed on the reconsideration?

The SPEAKER. The answer is, yes, it would certainly be in order to do that, but a simpler method is to use the method which you used, Mr. O'Connell, simply making the motion at any timely interval prior to the final passage of the bill, but you could do it by your more cumbersome method.

Mr. O'CONNELL. Which is a safety valve, in effect.

The SPEAKER. Yes, there is a safety valve. You could always reconsider the vote by which the bill passed second consideration; surely.

Mr. O'CONNELL. Thank you.

The SPEAKER. The Chair now returns the floor to the gentleman, Mr. DiCarlo. The Chair will now hear the gentleman's second question.

Mr. DiCARLO. Thank you, Mr. Speaker.

I authored the language in rule 19 (a), section (2), because I had the fear from past experiences that this legislature was passing legislation and starting new programs simply without providing that funds were available to do that, and the purpose of that section was to have the Appropriations Committee so certify that moneys were available.

Now the question raised by the Speaker was that if it is not challenged in a timely fashion, the House indeed waives its right by simply not vocalizing that challenge. The concern that I have, Mr. Speaker, is that on many occasions, as in the beginning of this year, the Speaker did call token sessions of this House of Representatives for the purpose of moving bills up on the calendar from first consideration and from second consideration to third consideration. How do we deal with those problems as far as timely consideration or timely objection?

The SPEAKER. Anytime prior to the final passage of the bill, the gentleman or any member of this House could stand at the microphone and make the parliamentary inquiry as to whether or not a particular bill required a fiscal note. If satisfied with the answer by the Chair that it did not, then the gentleman would retire from the question. If the Chair said that in the opinion of the Chair it did require a fiscal note, then the proper motion by the gentleman or any other member would be to so refer the bill at that particular point in time.

There is a protection given to every member, and that is that before the final passage of any bill, a simple motion on the floor to rerefer the bill to the Appropriations Committee for a fiscal note would be in order.

Mr. DiCARLO. And, of course, that motion would be subject to vote of the membership.

The SPEAKER. That is correct. But any motion is subject to that vote. Even on second consideration it would be subject to the vote of the membership.

Mr. DiCARLO. All right. Thank you, Mr. Speaker.

Mr. O'CONNELL. Thank you, Mr. Speaker.

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

Mr. MEBUS. This is not a parliamentary inquiry. I would like

to make an observation about the bill, however. So I guess I am asking for unanimous consent to address the House very briefly.

The SPEAKER. On the bill itself?

Mr. MEBUS. On a proposed amendment to the bill, which I would offer for someone's thought.

The SPEAKER. Without objection, the Chair will recognize the gentleman, Mr. Mebus.

Mr. MEBUS. Mr. Speaker, it would seem to me that one of the things we could do to remove the financial implications entirely would be to amend the bill so that instead of creating an additional holiday, conceivably we could take one of the discretionary holidays and make it into Martin Luther King Day, the 15th of January. Then there are no financial implications at all.

The SPEAKER. The Chair suggests that the gentleman speak to the prime sponsor. The prime sponsor is on the floor, Mr. Richardson. The Chair suggests that the gentleman, Mr. Richardson, take that into consideration before the fiscal note has been reported and before the bill is removed from the table.

The Chair thanks the gentleman, Mr. Mebus, for his observation.

SPONSORS ADDED TO HB 1319

The SPEAKER. Page 6, HB 1319, PN 1549. Prior to placing the question on this bill, the Chair points out to the members of the House that this particular bill would name a state park for our late brother, John F. Laudadio.

The Chair assumes that each member here present would desire his or her name to be placed on this bill as a sponsor of this particular piece of legislation. The Chair therefore instructs the chief clerk, if there be no objection, to inscribe on this bill and to reprint this bill with the names of all the present members of the House of Representatives as sponsors of this particular piece of legislation.

Does the Chair hear any objection?

The Chair thanks the members.

The House proceeded to third consideration of **HB 1319, PN 1549**, entitled:

An Act designating the Keystone State Park as the John F. Laudadio State Park.

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—191

Abraham	Garzia	Manderino	Salvatore
Anderson	Gatski	Manmiller	Scanlon
Armstrong	Geesey	McCall	Scheaffer
Arthurs	Geisler	McClatchy	Schmitt

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

name appears in the affirmative column on the vote on HB 1319.

Were there any other members locked out on that vote? Were there any other members locked out on the vote on HB 1319? Mr. William Hutchinson. Anyone else? All right, only Mr. Hutchinson then. The chief clerk will see that Mr. William Hutchinson's name is inscribed in the affirmative column on HB 1319.

Is there any mechanical difficulty with doing that? If there is, we are going to take the vote over again. No mechanical difficulty? Very well, it is not necessary to take the vote over again, and the names of the gentlemen, Mr. Freind and Mr. William Hutchinson, will be inscribed in the affirmative on that vote.

The Chair recognizes the gentleman from Philadelphia, Mr. D. M. O'Brien. For what purpose does the gentleman rise?

Mr. D. M. O'BRIEN. Mr. Speaker, unfortunately I was not in my seat when the final vote was taken on HB 1319, PN 1549. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The chief clerk is instructed by the Chair to see that Mr. O'Brien's name is also inscribed in the affirmative list on the vote on HB 1319.

The House proceeded to third consideration of **HB 1808, PN 2513**, entitled:

An Act to require the country of origin to be displayed on every passenger car sold in the Commonwealth of Pennsylvania; and providing penalties.

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.

NAYS—0

NOT VOTING—11

Barber	Gleeson	O'Brien, D.	Vroon
Berlin	Hamilton	Shelton	Williams
Dumas	Mullen, M. M.	Spencer	

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 VOTES

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

Mr. FREIND. Mr. Speaker, on the last vote I was locked out. I would like to be recorded in the affirmative, please.

The SPEAKER. On HB 1319?

Mr. FREIND. Yes.

The SPEAKER. The John Laudadio Park bill?

Mr. FREIND. Yes. Thank you.

The SPEAKER. The chief clerk will see to it that Mr. Freind's

YEAS—195

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

Cowell	Hutchinson, A.	O'Keefe	Vroon
Davies	Hutchinson, W.	Oliver	Wagner
DeMedio	Itkin	Pancoast	Wansacz
DeVerter	Johnson	Parker	Wargo
DeWeese	Jones	Peterson	Wass
DiCarlo	Katz	Petrarca	Weidner
Dietz	Kelly	Piccola	Wenger
Dininni	Kernick	Pievsky	White
Dombrowski	Klingaman	Pitts	Wiggins
Donatucci	Knepper	Polite	Wilson
Dorr	Kolter	Pott	Wilt
Doyle	Kowalyszyn	Pratt	Wise
Duffy	Kukovich	Prendergast	Wright, D.
Dumas	Laughlin	Pyles	Wright, J. L.
Englehart	Lehr	Rappaport	Yahner
Fee	Letterman	Ravenstahl	Yohn
Fischer, R. R.	Levi	Reed	Zearfoss
Fisher, D. M.	Levin	Renwick	Zeller
Flaherty	Lincoln	Rhodes	Zitterman
Foster, A.	Livengood	Richardson	Zord
Foster, W.	Logue	Rieger	Zwinkl
Freind	Lynch	Ritter	
Fryer	Mackowski	Ruggiero	Irvis,
Gallagher	Madigan	Ryan	Speaker
Gallen			

NAYS—0

NOT VOTING—7

Berlin	Hamilton	Shelton	Williams
Gleeson	Mullen, M. M.	Spencer	

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

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

The SPEAKER. The gentleman, Mr. Hutchinson, is standing with a look of puzzlement on his face.

The bills are being passed over at the request of the Republican caucus for today.

The gentleman, Mr. Hutchinson, asked a question which puzzles the Chair. He said, would I be out of line if I made a statement? He is usually out of line, so I do not know how to answer that point, but the Chair will recognize the gentleman without answering his question.

Mr. A. K. HUTCHINSON. Mr. Speaker, these bills came out of the Task Force on the Election Code. All of them are from either judicial decisions or the Attorney General. I would like, if possible, not to have any amendments to them, because we are recodifying the rest of the code and every member will have a chance to have his day when that code comes. If they want to amend it, they can, but I would like to see those eight bills go through without amendments.

The SPEAKER. All right. The Chair thanks the gentleman and the Chair is sure that the other gentlemen will take recognition of his request.

The House proceeded to third consideration of **SB 1068, PN 1402**, entitled:

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all public bodies including the Commonwealth its political subdivisions and all authorities include in all contracts for construction reconstruction alteration repair improvement or maintenance

of improvements of a permanent or temporary nature a provision that if any steel products are to be used in the performance of the contract only steel products produced in the United States shall be used and imposing liability for violation of this 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 is, Shall the bill pass finally?

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

YEAS—195

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

NAYS—0

NOT VOTING—7

Berlin	Hamilton	Shelton	Williams
Gleeson	Mullen, M. M.	Spencer	

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

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

HB 993 PASSED OVER TEMPORARILY

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

Mr. S. E. HAYES. Mr. Dorr's amendments have not been sent down from the Legislative Reference Bureau, Mr. Speaker. They have been ordered. Could we pass over the bill temporarily?

The SPEAKER. I am sorry, I misread Mr. Dorr's gesture. You mean that you are not ready with the amendments but you do have amendments to offer? Is that correct?

Mr. S. E. HAYES. The amendments are on the way, Mr. Speaker. Could we pass over the bill temporarily, please?

The SPEAKER. Yes. The answer is, we shall. HB 993, PN 2504, will go over temporarily pending the arrival of amendments by the gentleman, Mr. Dorr.

The House proceeded to third consideration of HB 1805, PN 2436, entitled:

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

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

Table listing names of members who voted 'YEAS' (190 total). Includes Abraham, Anderson, Armstrong, etc.

Table listing names of members who voted 'NAYS' (2 total). Includes Cassidy, Cessar, Cianciulli, etc.

NAYS—2

Fryer Prendergast

NOT VOTING—10

Table listing names of members who did not vote (10 total). Includes Berlin, Gleeson, Hamilton, etc.

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 Northampton, Mr. Prendergast.

Mr. PRENDERGAST. Mr. Speaker, I wish to be recorded in the affirmative on HB 1805.

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

CALENDAR BILLS ON THIRD CONSIDERATION, CONT.

The House proceeded to third consideration of HB 1860, PN 2437, entitled:

An Act amending the "Volunteer Fire Company Ambulance Service and Rescue Squad Assistance Act" approved July 15, 1976 (P. L. 1036, No. 208), providing for the refinancing of certain debt incurred by volunteer fire companies for equipment and facilities between November 4, 1975 and April 1, 1977 inclusive.

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—194

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

NAYS—0

NOT VOTING—8

Berlin	Hamilton	Rhodes	Spencer
Gleeson	Mullen, M. M.	Shelton	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.

The House proceeded to third consideration of SB 699, PN 743, entitled:

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

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 in final passage.

The question is, Shall the bill pass finally?

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

YEAS—193

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

NAYS—0

NOT VOTING—9

Beloff	Gleeson	Mullen, M. M.	Spencer
Berlin	Hamilton	Shelton	Williams
Caputo			

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 House proceeded to third consideration of **SB 700, PN 744**, entitled:

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

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—191

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

Flaherty	Levin	Renwick	Zearfoss
Foster, A.	Lincoln	Rhodes	Zeller
Foster, W.	Livengood	Richardson	Zitterman
Freind	Logue	Rieger	Zord
Fryer	Lynch	Ritter	Zwinkl
Gallagher	Mackowski	Ruggiero	
Gallen	Madigan	Ryan	Irvis,
Gamble	Manderino	Salvatore	Speaker
Garzia			

NAYS—0

NOT VOTING—11

Barber	Dumas	Mullen, M. M.	Spencer
Berlin	Gleeson	Pievsky	Williams
Berson	Hamilton	Shelton	

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

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

The House proceeded to third consideration of **HB 103, PN 2496**, entitled:

An Act amending the "Inheritance and Estate Tax Act of 1961" approved June 15, 1961 (P. L. 373, No. 207), providing for preferential valuation of land in agricultural use or agricultural reserve.

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

HB 103 RECOMMENDED

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

Mr. MORRIS. Mr. Speaker, I move that HB 103, PN 2496, be recommitted to the Committee on Appropriations for the purpose of a fiscal note.

The **SPEAKER**. The motion of the gentleman, Mr. Morris, is that HB 103, PN 2496, be recommitted to the Committee on Appropriations for the purpose of a fiscal note.

Parenthetically, this is precisely the situation that the Chair was addressing itself to when the gentleman, Mr. O'Connell, the gentleman, Mr. Arthurs, and the gentleman, Mr. DiCarlo rose to a parliamentary inquiry. This is what any member may do at this or any other time prior to final passage.

Does the gentleman, Mr. Morris, wish to debate the motion?

Mr. MORRIS. No, Mr. Speaker. I just wish to thank the Speaker for taking the words out of my mouth.

The **SPEAKER**. The Chair having been a social companion of the gentleman, Mr. Morris, on several occasions would be very selective of the words he took from Mr. Morris' mouth. The Chair does not intend to amplify those remarks.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—8

Berlin	Goodman	Mullen, M. M.	Spencer
Gleeson	Hamilton	Shelton	Williams

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

The SPEAKER. The bill is so recommitted.

CALENDAR BILLS ON THIRD CONSIDERATION, CONT.

The House proceeded to third consideration of **HB 1493, PN 2505**, entitled:

An Act regulating the bidding procedures for motion pictures and prohibiting certain practices.

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 dif-

ferent 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—179

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

NAYS—13

Burns	Grieco	McGinnis	Pyles
DeVerter	Katz	Moehlmann	Wagner
Fisher, D. M.	McClatchy	O'Brien, D.	Zearfoss
Goebel			

NOT VOTING—10

Berlin	Gleeson	Mullen, M. M.	Spencer
Cassidy	Goodman	Shelton	Williams
Gallen	Hamilton		

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

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

The House proceeded to third consideration of **HB 1973, PN 2520**, entitled:

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.

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

MOTION TO TABLE

The **SPEAKER**. The Chair recognizes, on final passage of the bill, **Mr. Goebel**.

Mr. GOEBEL. Mr. Speaker, I think all the members received a lot of letters on this bill, and there seems to be a lot of controversy, a lot of conflicting opinions on this bill. I would like to have a little more time for people, interested parties, to speak to the Conservation Committee. I would move that this bill be tabled until such members of the Conservation Committee can hear all discussion.

The **SPEAKER**. It has been moved by the gentleman, **Mr. Goebel**, that **HB 1973, PN 2520**, be placed upon the table. The motion is not debatable.

PARLIAMENTARY INQUIRY

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

Mr. DOYLE. I rise to a parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. DOYLE. Without debate, may I ask the mover of the motion to withhold or postpone his motion until the prime sponsor of the bill is on the floor?

The **SPEAKER**. Is the prime sponsor not on the floor? He is on the floor.

For the information of the gentleman, **Mr. Goodman**, the gentleman, **Mr. Goebel**, has moved a nondebatable motion.

Mr. GOODMAN. I oppose the recommittal. What motion did he make?

The **SPEAKER**. You better wait until I tell you what the motion is. But you oppose it anyway. The motion was to table, and the gentleman, **Mr. Goodman**, amends his statement and he is opposed to the motion to table. Is that correct?

Mr. GOODMAN. I am opposed to the motion to table, yes.

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

The following roll call was recorded:

YEAS—6

Goebel	Kukovich	Rhodes	Taddonio
Katz	Pott		

NAYS—185

Abraham	Gallagher	Madigan	Scanlon
Anderson	Gallen	Manderino	Scheaffer
Armstrong	Gamble	Manmiller	Schmitt
Arthurs	Garzia	McCall	Schweder

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

NOT VOTING—11

Berlin	Hamilton	Pievsky	Williams
Berson	Mullen, M. M.	Shelton	Yohn
Gleeson	O'Connell	Spencer	

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

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

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

The question is, Shall the bill pass finally?

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

YEAS—184

Abraham	Garzia	Manmiller	Ryan
Anderson	Gatski	McCall	Salvatore
Armstrong	Geesey	McClatchy	Scanlon
Arthurs	Geisler	McGinnis	Scheaffer
Barber	George, C.	McIntyre	Schmitt
Bellomini	George, M.	McLane	Schweder
Beloff	Giammarco	Mebus	Seltzer
Bennett	Gillette	Meluskey	Shuman

Bittinger	Goodman	Milanovich	Shupnik
Bittle	Gray	Miller	Sirianni
Borski	Greenfield	Milliron	Smith, L.
Brandt	Greenleaf	Miscevich	Spitz
Brunner	Grieco	Moehlmann	Stairs
Burd	Halverson	Morris	Stapleton
Burns	Harper	Mowery	Stewart
Caltagirone	Hasay	Mrkonic	Stuban
Caputo	Hayes, D. S.	Mullen, M. P.	Sweet
Cassidy	Hayes, S. E.	Musto	Taddonio
Cessar	Helfrick	Novak	Taylor, E.
Cianciulli	Hoefel	Noye	Taylor, F.
Cimini	Honaman	O'Brien, B.	Tenaglio
Cohen	Hopkins	O'Brien, D.	Thomas
Cole	Hutchinson, A.	O'Connell	Trello
Cowell	Hutchinson, W.	O'Donnell	Valicenti
Davies	Itkin	O'Keefe	Vroon
DeMedio	Johnson	Oliver	Wagner
DeVerter	Jones	Pancoast	Wansacz
DeWeese	Katz	Parker	Wargo
DiCarlo	Kelly	Peterson	Wass
Dietz	Kernick	Petrarca	Weidner
Dininni	Klingaman	Piccola	Wenger
Dombrowski	Knepper	Pievskey	White
Donatucci	Kolter	Pitts	Wiggins
Dorr	Kowalshyn	Polite	Wilson
Doyle	Kukovich	Pott	Wilt
Duffy	Laughlin	Pratt	Wise
Dumas	Lehr	Prendergast	Wright, D.
Englehart	Letterman	Pyles	Wright, J. L.
Fee	Levi	Rappaport	Yahner
Fischer, R. R.	Levin	Ravenstahl	Zearfoss
Flaherty	Lincoln	Reed	Zeller
Foster, A.	Livengood	Renwick	Zitterman
Foster, W.	Logue	Richardson	Zwikl
Freind	Lynch	Rieger	
Gallagher	Mackowski	Ritter	Irvis,
Gallen	Madigan	Ruggiero	Speaker
Gamble	Manderino		

NAYS—8

Brown	Fryer	Haskell	Smith, E.
Fisher, D. M.	Goebel	Rhodes	Zord

NOT VOTING—10

Berlin	Hamilton	Shelton	Williams
Berson	Mullen, M. M.	Spencer	Yohn
Gleeson	Scirica		

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.

VOTING SCHEDULE

The SPEAKER. That will conclude the voting for this morning's session, but for the information of the gentleman and ladies of the House, the following bills are marked for action this afternoon:

We will pass over HB 1673, which is the rattlesnake bill by Mr. Renwick.

No, we are not going over them formally. I am instructing the House members so they may mark their calendar in anticipation of this afternoon's session.

We will pass over HB 1446. We will call up for a vote HB 1429 on page 15. SB 94 will be passed over. SB 320 will be passed over, but the members should mark on their calendar that Mr. Milliron is going to offer amendments. Those amendments are not yet prepared.

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

Mr. ZEARFOSS. I have an amendment to SB 320 that I have just given to the amendment clerk.

The SPEAKER. The members will add to the amendment list on SB 320 the gentleman's name, Mr. Zearfoss.

The Chair has been instructed by the majority leader that a decision has been made to pass over HB 1429. That is the one the Chair just read as being called up this afternoon on page 15. It will not be called up.

On page 16, HB 552 will go over; HB 1063 will go over; and HB 1676 will go over. On page 17, HB 1832 will go over, but there will be a vote on HB 76; there will be a vote on SB 1038. The gentleman, Mr. Schweder, is going to offer, the Chair has been instructed, four amendments. Will the amendment clerk inform the Chair if the Schweder amendments are ready? They are ready and they have been distributed or they will be distributed by this afternoon? Fine. Then we will be able to proceed with that.

The Chair would advise the members that it anticipates there may be lively and extensive debate on the Schweder amendments, and that is the reason why the Chair is not calling that bill this late in the morning.

On page 18, we shall call up for concurrence HB 401; we will pass over HB 1107, pass over HB 825. On page 19, we will pass over HR 161 and HR 164. On page 20, HR 166 will be called for a vote; HR 176 will be called for a vote; and HR 181 may be called for a vote, but the gentleman, Mr. Trello, was not in caucus yesterday and, therefore, we delayed action on that. The Chair will talk to the gentleman, Mr. Trello, and see what his wishes are. The gentleman indicates that he wishes to have us call up HR 181 on page 20, so we shall call up HR 181 on page 20. The discharge resolution will not be called up.

The Chair recognizes the gentleman from Lehigh, Mr. Ritter. Mr. RITTER. Mr. Speaker, did you say you were not going to call HR 161 and HR 164? They were both caucused on yesterday.

The SPEAKER. The Republican caucus requested a hold on those two resolutions for this day, and the Chair is honoring that request inasmuch as these bills have been on the calendar only 5 days. That is the reason.

Mr. RITTER. Thank you, Mr. Speaker.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. For purposes of an announcement, the Chair recognizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr. Speaker, the chairman of the Local Government Committee has asked me to announce a meeting immediately following the declaration of the recess, in the majority caucus room.

Thank you.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. For purposes of an announcement, the Chair recognizes the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. There will be a brief meeting of the Urban Affairs Committee right around the piano as soon as we break.

CRIME AND CORRECTIONS SUBCOMMITTEE MEETING

The SPEAKER. For purposes of an announcement, the Chair recognizes the gentleman from Allegheny, Mr. Rhodes.

Mr. RHODES. There will be an extremely important meeting of the Subcommittee on Crime and Corrections immediately upon the declaration of the recess, in room 115-A.

SB 597 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. Manderino, who addresses the question of the removal of a bill from the tabled-bill calendar. It is SB 597, and it is on page 10 of the tabled calendar.

Mr. MANDERINO. I move that SB 597, PN 1532, be removed from the tabled calendar and placed on the active calendar.

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

RECESS

The SPEAKER. This House now stands in recess until 2 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 2052 By Messrs. MEBUS and PYLES

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), extending the right to make purchases to certain nonprofit agencies providing services to the Commonwealth as a result of grants or contracts.

Referred to Committee on State Government.

No. 2053 By Mr. GREENLEAF

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing that the compensation of election officials provided for in section 2 of the act of December 2, 1976 (P. L. 1221, No. 269), be paid immediately to all persons who were officers as of January 1, 1977 and further providing that henceforth such elections of officials shall be paid within two weeks after the election.

Referred to Committee on State Government.

No. 2054 By Mr. GREENLEAF

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing an exemption from taxation of residential real property of persons seventy-two years of age or older and for reimbursement by the Commonwealth through the Department of Revenue for loss of revenues occasioned by such exemption.

Referred to Committee on Finance.

No. 2055 By Mr. GREENLEAF

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing an exemption from taxation of residential real property of persons seventy-two years of age or older and for reimbursement by the Commonwealth through the Department of Revenue for loss of revenues occasioned by such exemptions.

Referred to Committee on Finance.

No. 2056 By Mr. GREENLEAF

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing an additional exemption from sales and use tax for insulating materials.

Referred to Committee on Finance.

No. 2057 By Mr. DiCARLO

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, changing a route in Millcreek Township, Erie County.

Referred to Committee on Local Government.

No. 2058 By Messrs. STUBAN, BROWN, SHUMAN,
GRIECO and REED

An Act providing for the location of electric power plants, creating the Power Plant Siting Commission, and making appropriations.

Referred to Committee on Appropriations.

No. 2059 By Messrs. BELLOMINI, ARTHURS,
DeVERTER, GEESEY, KOLTER,
MILLIRON and O'CONNELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration and authorizing special hauling permits for construction contractors' trailers.

Referred to Committee on Transportation.

No. 2060 By Mr. SHUPNIK

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), reducing the commission rate allowed cigarette stamping agencies.

Referred to Committee on Finance.

No. 2061 By Messrs. MANDERINO, GEORGE,
PETRARCA, A. K. HUTCHINSON,
KOLTER and MILANOVICH

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, transferring certain powers and duties from the Department of Commerce to the Department of Community Affairs.

Referred to Committee on State Government.

No. 2062 By Messrs. A. K. HUTCHINSON,
PETRARCA, GEORGE, YAHNER and
KOLTER

An Act repealing the act of July 9, 1976 (P. L. 855, No. 152),

entitled "An act establishing the doctrine of comparative negligence in actions for damages for injuries due to negligence, and providing for recovery against and contribution among joint defendants."

Referred to Committee on Judiciary.

No. 2063 By Messrs. GEORGE, A. K. HUTCHINSON, GALLAGHER, YAHNER and KOLTER

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), permitting governmental employes to be election officers.

Referred to Committee on State Government.

No. 2064 By Messrs. HASAY, DININNI, MACKOWSKI, A. K. HUTCHINSON, WEIDNER, SHUPNIK, MUSTO and O'CONNELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a county designation on registration plate.

Referred to Committee on Transportation.

No. 2065 By Messrs. MACKOWSKI, LEVI, PETERSON, BRANDT, RENWICK and Mrs. GEORGE

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), eliminating the requirement for physician's affidavit in certain instances.

Referred to Committee on State Government.

No. 2066 By Messrs. MACKOWSKI, RENWICK, BRANDT, LEVI and Mrs. GEORGE

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), eliminating separate forms for requests for absentee ballot applications.

Referred to Committee on State Government.

No. 2067 By Messrs. DUFFY, GAMBLE, COWELL, RAVENSTAHL, MRKONIC, GEISLER and LOGUE

An Act amending the "Peer Review Protection Act," approved July 20, 1974 (P. L. 564, No. 193), extending the protection given by the act to review committees of associations of health care facility operators.

Referred to Committee on Health and Welfare.

No. 2068 By Messrs. LAUGHLIN, GALLAGHER, PANCOAST, KOLTER, McCALL, MILANOVICH, LIVENGOOD, FEE, PRATT, STUBAN, PARKER and REED

An Act amending the "General Appropriations Act of 1977," approved August 20, 1977 (No. 11A), requiring distribution to school districts of the entire basic instructional and vocational education appropriation.

Referred to Committee on Appropriations.

No. 2069 By Messrs. LAUGHLIN, MILANOVICH, POLITE, ZITTERMAN, STUBAN, REED and RICHARDSON

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), prohibiting school administrators from changing the grade of proficiency given to any pupil unless such change is approved by the teacher giving such grade.

Referred to Committee on Education.

No. 2070 By Messrs. SALVATORE, KATZ, D. M. O'BRIEN, GIAMMARCO, Mrs. HARPER, Messrs. LOGUE, BURD, GOEBEL, HOPKINS, MACKOWSKI, PICCOLA, POLITE, TADDONIO and ZORD

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), creating a Department of Mental Health and Mental Retardation, defining its powers and duties, transferring State mental institutions and their boards of trustees into the department, ***, and making appropriations.

Referred to Committee on Appropriations.

No. 2071 By Messrs. HASAY and MADIGAN

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing an exemption for antique and classic motor vehicles.

Referred to Committee on Transportation.

No. 2072 By Messrs. WILSON, J. L. WRIGHT, HOPKINS, LETTERMAN, DeWEESE, BROWN, KOLTER, D. S. HAYES, POLITE, NOYE, LINCOLN, GEESEY, SCIRICA, Mrs. KERNICK, Messrs. O'KEEFE and SALVATORE

An Act providing for the public disclosure of income by all public officials and candidates for elective office and employees; defining certain terms; regulating the time and manner of filing such disclosures; imposing certain powers and duties on certain public administrative officers; and providing penalties.

Referred to Committee on Local Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SENATE BILL No. 736

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; . . ." relating to the cancellation of automobile insurance policies.

Referred to Committee on Insurance.

SENATE BILL No. 1105

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act" further providing for Mental Health Review Officers for the use of statistical data for immunity and for involuntary treatment excluding Sundays from the computation of time and providing for a return to inpatient status for a stay of proceedings of a person charged with a crime and for voluntary treatment of a person charged with a crime or serving a sentence.

Referred to Committee on Health and Welfare.

HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. STUBAN, LETTERMAN, SHUMAN, ZELLER, MILANOVICH, RENWICK, FRYER, GEORGE, ENGLEHART, HASAY, BITTINGER, STEWART, WENGER, ARMSTRONG, STAIRS, TAYLOR, NOYE and WAGNER

HOUSE RESOLUTION No. 185

The House of Representatives of the Commonwealth of Pennsylvania hereby goes on record as being in complete support of the position of the National Rifle Association on the subject of gun control legislation.

Referred to Committee on Rules.

GAVEL TURNED OVER TO MR. FRYER

The SPEAKER. The Chair at this time is turning the gavel over to the Speaker pro tempore, the gentleman from Berks County, Mr. Fryer.

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

CALENDAR BILLS ON THIRD CONSIDERATION, CONT.

The House proceeded to third consideration of HB 76, PN 2556, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949, (P. L. 30, No. 14), providing for alternative methods of equaling tax levies among certain school districts.

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—175

Table listing names of members who voted 'YEAS' (175 total). Includes Abraham, Anderson, Armstrong, etc.

Table listing names of members who voted 'NAYS' (0 total). Includes Cole, Cowell, Davies, etc.

NAYS—0

NOT VOTING—27

Table listing names of members who did not vote (27 total). Includes Berlin, Bittle, Brown, etc.

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 pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I was out of my seat on that last vote. I would like to be voted in the affirmative on the final passage of HB 76, PN 2556.

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

Mr. GOEBEL. Thank you.

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

Mr. BROWN. Mr. Speaker, I would like the record to show that I was meeting with some constituents on HB 76, but if I would have been present, I would have voted in the affirmative.

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

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

Mr. POTT. Mr. Speaker, on HB 76, PN 2556, had I been in my seat at the time the vote was taken, I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, when the vote was taken on HB 76, I was absent from my seat. Could I be recorded as a "yes" vote on the record?

The SPEAKER. The gentleman's remarks will be spread upon the record for HB 76.

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

Mr. FREIND. Mr. Speaker, I would like to be recorded in the affirmative on HB 76.

The SPEAKER. The gentleman's remarks will be spread upon the record that he desires to be recorded in the affirmative on the vote which was taken on HB 76.

FILMING PERMISSION GRANTED

The SPEAKER pro tempore. The Chair has received a request from WBRE-TV, Channel 28, for permission for silent filming. Permission is granted for a period of 10 minutes beginning now.

REQUEST FOR RECONSIDERATION

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

Mr. ZELLER. Mr. Speaker, I am very sorry, but while the vote was being taken on the last bill, HB 76, I was trying to find out some information as to the effect it would have on the assessment under the "Clean and Green" law. Not that I am asking for a recall, but if I could get someone to answer that question, in my mind I would determine if I would vote "yes" or "no."

I feel we have a problem there and maybe we do not, but could I ask a question of the sponsor, if it is all right with you?

The SPEAKER pro tempore. I do not notice the presence of Mr. Garzia. I believe the gentleman has gone to answer the telephone.

Mr. ZELLER. Okay.

The SPEAKER pro tempore. I would suggest that the gentleman take up the matter with the gentleman upon his return.

Mr. ZELLER. Thank you.

By the way, will that bill go over to the Senate immediately or will we have time for a recall this afternoon yet if we find that it is what I think it is?

The SPEAKER pro tempore. The gentleman from Lehigh, Mr. Zeller, may offer a reconsideration motion.

Mr. ZELLER. I will do so. If the Chair will not send the bill over, I will ask for a reconsideration motion and get the proper signatures to you right away. Thank you.

BILLS REPORTED FROM COMMITTEES AND TABLED

HB 1589, PN 1913

By Mr. CAPUTO

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for the bond furnished by successful bidders on certain contracts.

Urban Affairs.

HB 2045, PN 2566

By Mr. MORRIS

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, providing for courses of study and training of part-time police officers and providing that regulations pertaining to such training be sent to the Chairmen of the Local Government Committee of both the Senate and the House of Representatives.

Local Government.

CALENDAR BILLS ON THIRD CONSIDERATION, CONT.

The House proceeded to third consideration of SB 1038, PN 1218, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. SCHWEDER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "districts" and inserting and the number of days in the school year.

Amend Bill, page 2, by inserting between lines 28 and 29

Section 2. Section 1501 of the act, amended September 21, 1959 (P. L. 925, No. 373), is amended to read:

Section 1501. Minimum Number of Days; School Month.—All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

Whenever a work stoppage or strike prevents the fulfillment of the one hundred eighty (180) day school year within the time limits of the officially adopted school calendar, the annual compensation of such person who participates in such stoppage or strike shall be reduced by one-one hundred and eightieth (1/180) for each such day of participation; and the subsidy to which the school district is entitled shall be reduced by an amount equal to the amount of the reduction in the annual compensation payable by such school district.

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

On the question,

Will the House agree to the amendments?

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

Mr. SCHWEDER. Thank you, Mr. Speaker.

The first amendment that I am going to offer is numbered A3637, and in those that were handed out by the clerk it is listed as "Schweder No. 1."

What I seek to do with these amendments is to correct a unique situation that exists in collective bargaining, a unique situation that exists with school strikes as they are compared with situations for other public employes whether they be on

the municipal or state level, and that is the situation where a strike exists, of which there have been quite a few this year and an increasing number every year since this bill was passed. In fact, there are basically no economic penalties placed on either school directors as a school district or by teachers because of this situation where they are allowed to, after a strike has been settled, make up the days in which they were on strike at a new salary. The school district is provided with their full subsidy based on the full teaching year even though that has affected the schedules and the lives of the students and their parents. They are the ones who have really become victimized in this situation.

So the first amendment that I offer states that whenever there is a work stoppage because of a strike, that those individuals who are involved in the strike will lose 1/180th of their pay for every day they are on strike and the school district will lose a like amount as those wages lost from the subsidy money that is provided to them by the Commonwealth.

The SPEAKER pro tempore. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. I wonder if the gentleman, Mr. Schweder, would consent to interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Ryan, is in order and may proceed.

Mr. RYAN. Mr. Speaker, has the gentleman taken into consideration in the preparation of these amendments, the situation where the various school districts are reimbursed unevenly? In other words, it is my understanding that a community—and I have no research on this, incidentally—such as Lower Merion or Radnor Township, where there is a very low aid ratio, conceivably could be penalized to an extent greater than that which they receive from the state. Is that accurate?

Mr. SCHWEDER. What I attempted to do, Mr. Speaker, with this, as I had originally drawn it in bill form, was to take 1/180th of pay for each employe and then 1/180th of their subsidy, and unless you have the perfect situation where it is equal distribution across the state, one side or another would be at an advantage because you are only taking a percentage of the subsidy. So what I am attempting to do is—and what you are saying is correct—that the amount of money that would be lost in salaries would also be removed from the school district's subsidy, and in some instances where school districts receive a smaller amount than others, they certainly would lose a larger percentage of their subsidy than the school districts that received 70-percent or 80-percent reimbursement.

Mr. RYAN. Mr. Speaker, may I have attention, please? Mr. Speaker, I am only suggesting that I have attention because I think this affects many of you people probably to a greater extent than you realize and you better be careful of this amendment. I am, incidentally, opposed to it.

One of the purposes, I am sure, of this amendment is to discourage strikes. Is that not correct?

Mr. SCHWEDER. Yes.

Mr. RYAN. Let us take a school district that has a high aid ratio, and I am arbitrarily saying Philadelphia. If this same thing happens in Philadelphia, would it not be true that it would pay them almost to take this penalty and allow that

strike to continue, on a dollar-to-dollar basis, when you add to the salaries when the schools are closed and the money they are saving for their maintenance, for their heat, for all their other overhead items? Would this not, in a sense, encourage the bargaining unit for the school district to maybe sit back a while and make money on the deal, because all they are being penalized would be to the extent of the salaries that would not be reimbursed?

Mr. SCHWEDER. I think that the contrary is true, Mr. Speaker. The example is here and was pointed out by one of the Representatives from Delaware County in our caucus yesterday that that situation exists now where the percentage is so low and with what their reimbursement is, it is to their advantage to waive that and to not make up the days. So what this is doing, instead of that, is trying to equalize this so that the penalty involved with any district—although if you look at it in a technical sense, what they are reimbursed may be a higher percentage—is certainly more equitable than what exists now.

Mr. RYAN. Mr. Speaker, could you advise me—and I am not saying this facetiously because I honestly do not know the answer and I know I should know the answer—under the present law, it is my understanding—and I am not sure of myself here—that unless the school district does make available the whole 180 days to the students, it jeopardizes their entire subsidy, does it not?

Mr. SCHWEDER. If we waive that—

Mr. RYAN. Not waiving it. Under the law as it reads today, a school district that fails to provide 180 days' education jeopardizes, not 2 days over 180 times subsidy but rather jeopardizes the entire subsidy. Is that accurate?

Mr. SCHWEDER. Under present law that would be accurate. That is what I seek to correct.

Mr. RYAN. All right. So that would be accurate?

Mr. SCHWEDER. As present law, yes, it is.

Mr. RYAN. Now with what you are suggesting, as I read it, it seems to me there would be no real incentive for the school districts to make the 180 days available to the students. Forget the school district and forget the teachers. I am talking about the 180 days that a student is required to get for what we have arbitrarily set as a full educational year. There is nothing here that would encourage the full 180-day schedule to be provided, in my judgment. Do you agree or disagree?

Mr. SCHWEDER. I would agree, but then you would get into the philosophical question of who arbitrarily decided that 180 days provides a full and efficient education, and if you check the records across this country and how other states deal with it, you would find out that although there are any number—and perhaps a majority have 180—that is not uniform across this country, and many others allow the areas to decide those.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, may I make a few remarks?

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

Mr. RYAN. Mr. Speaker, I oppose this amendment, not because, not because it is designed to prevent strikes. I am in favor of that. I want that clearly understood. I am in favor of attempting to discourage strikes but not by any manner and

means that is available to us through the legislative process.

I think here in our quest to stop the strikes, we are penalizing the very ones we should be attempting to help, and that is the school children. The gentleman who is proposing this amendment admits that in a sense this would do nothing to encourage the school district to make up the 180 days. If that is the case, the students suffer. I agree that the 180 days was arbitrarily set, but evidently it was set after a good deal of consideration by those people who are responsible for deciding the term of a school year.

I think the other thing that should concern all of the members of the House is that on this reimbursement or penalty basis of the school teachers' salary penalty, it is unequal and it is probably only in a very, very few isolated cases that the 1/180th times the salary equals 1/180th of the school subsidy. So it is completely unequal except in, I would guess, the accidental case where the lines cross.

The idea of attempting to discourage strikes is good. The method that is being attempted here today, I suggest, is bad, works an inequity on our school districts, but, more importantly, works a tremendous inequity and disservice to the students of the Commonwealth. And for that reason—not the reason that I am against dissuading the school strikes, but for that reason—I would oppose the amendment and I would ask at least a majority of the people here to agree with me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, would the gentleman, Mr. Schweder, submit to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Schweder, consent to interrogation?

Mr. SCHWEDER. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Schweder, indicates that he will stand for interrogation. The gentleman, Mr. Freind, is in order and may proceed.

Mr. FREIND. Mr. Speaker, I favor this amendment but I do have one question: With respect to the docking of teachers' pay, have you considered whether or not you are using the right denominator? In other words, what you are using is 1 over 180. In most school districts the teachers contract for X number of days, which is almost always over 180. For example, in my district it is 186. Do you not think it would be more equitable for both sides if, in the event of a strike—let us say you contract for 186 days and 7 days are missed—you would be docking the percentage of not 7 over 180 but 7 over 186?

Mr. SCHWEDER. I did that, Mr. Speaker, because basically if you are faced with a situation of a strike and there is time taken off and it is not compensated for, probably if the strike lasted the duration of 5 days or more, it is going to end up being that they are only going to get to 180 days to begin with, since we are not going to allow them to make up the full schedule if it had been set at 186 or 187, and so that is why I used the 180 days for that.

Mr. FREIND. Thank you, Mr. Speaker.

Mr. Speaker, may I make a brief statement?

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

Mr. FREIND. Mr. Speaker, I support this amendment given the situation that we have now. My personal opinion is, what this legislature has to do in the near future, I hope, is undo what I consider to be the worst thing the legislature ever did, and that is giving public employes the right to strike. But in the absence of that, I think Mr. Schweder's amendment goes a long way to help redress the problems that we are having in school districts throughout the state. I support it and I hope a majority of the members here will also support it. Thank you, Mr. Speaker.

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

Mr. PANCOAST. Mr. Speaker, I rise to oppose this amendment. I cannot agree with the gentleman from Delaware, Mr. Ryan, because I believe that public employes should have the right to strike. I do not think we should eliminate the right to strike. I do not think that public employes should be second-rate citizens. But this amendment is particularly concerned with the 180-day school year. This school year is a school year for students.

Most of the contracts that have been negotiated do provide, as the gentleman from Delaware, Mr. Freind, has pointed out, for 186 days or perhaps as much as 190 days in the school year. These additional days beyond those when the students are present are for purposes of orientation and for in-service training. If the denominator is going to be 180, then the school districts are being penalized and the teachers are being penalized for a greater amount of salaries than they are actually receiving for their contractual year with that school district. For this reason, Mr. Speaker, I therefore oppose this amendment.

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

Mr. ZELLER. Mr. Speaker, I agree with Mr. Schweder. For years I have been trying to get one through to eliminate the *strike clause from Act 195, only to find it buried in committee.*

I find now we have something we can live with, and contrary to what our good friend, Dr. Pancoast, said, we have a different situation here when you are dealing with the private sector versus the public sector.

One of the problems in your private sector and one of the problems in the public sector is, and the difference is the fact that the taxpayer does not have anything to say except at election time, and by that time the damage is done, whereas in the private sector it is strictly between the union members who negotiate eyeball to eyeball with the employer, which I have dealt with for many years.

In the public sector now, again the taxpayer who is out there just hanging on a thread, worried about the tremendous amount of input that this particular organization can have in a state and therefore have people, with all respect to legislators—in other words, and I do not think I have to remind anybody down here how it operates, that the taxpayers then—become pawns under this terrific political pressure.

Here is a case now where we can settle them down a little bit; it is a foot in the door. Think it over. When you talk about the right to strike, they are not second-class citizens. That is only,

again I say, a good taste in frosting on a rotten-tasting cake. That is all it is. It is not the facts. So I say it is at least a foot in the door, and I congratulate Mr. Schweder, who happened to be a member of that teaching profession who had the guts to come in here and to do a job to at least try to correct something that is terribly wrong. I admire the young man and I think we should support him.

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

Mr. LEVIN. I rise to join Mr. Ryan in opposition to this amendment and the package of amendments. I ask those of you who were not paying attention to look very carefully at the entire package.

Basically, this is an improper solution to a very difficult problem. All of us are aware that long-term strikes have occurred in school districts all over the state. If these bills are passed, the very people we are trying to help, the children, will be denied an education for the period of time that the strike lasts.

The second amendment which is not yet before you makes each day of a work stoppage or strike a day taught. It would mandate, in effect, that if there was a 2-month strike, that there would be no possibility of those children receiving the education for 2 months. Now that is an impossible solution to a problem. We should address the problem through another bill and another method.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, in this suppose we had 170 days of school and contractually you actually had signed a contract for 200 days but, because of these series of amendments, there was only 170 days of school. Now to be docked, the rate of docking would be 1/180th and yet on a contractual contract you are in school, let us say, the 180 days plus 20 more. You lost 10 days so that you went 190 days. What in your estimation is the idea or the purpose of docking somebody 1/180th when in actuality he only should be losing in salary or the penalty should be for the actual days lost, which would only be 1/190th. If you are successful with all four of your amendments, I would question the legality, in fact even the garnishment, of someone's income at an unfair rate. This is completely unfair in that it does not address the number of days that the person had to spend contractually to meet the rest of the obligations of a contract.

I do not understand why you would overpenalize a person just to discourage strikes. And as I read the piece of legislation, essentially that is what you are doing. Is that not correct?

Mr. SCHWEDER. No, it is not, Mr. Speaker. I think if I can follow what your question was, first of all, you have no contractual agreement on how many days you are going to teach if you do not have a contract signed and you are on strike. Anyone who would be beyond that number of days and knew they could not make it up, who could sign a contract to

guarantee 200 days when they know they could not make it up, probably should not be serving on the school board.

Mr. DAVIES. In other words, because there is no existing contract and the contract is in negotiation or in the stage of not being finalized, this, of course, is a matter that the penalty, regardless, will be 1/180th even though they could sign a contract for the amount of, let us say, 200 days, actually serve 180, and yet the penalties would be still fixed at 1/180th. That would be the potential of it.

In other words, if they would go to the number of in-service days that are required for, let us say, in-service education and the like, you would remove this potential from it as well in the fiscal penalties that you are placing both against the district and the individual who is employed by the district. You would remove that potential completely either for the continuing education of the educator, that potential as well, and restrict it in that number of days. These would all have to then be eliminated in that contract if they were to stay within the framework of your time that you are setting down here as gospel, the 180 days.

Mr. SCHWEDER. Did you ask me a question, Mr. Speaker?

Mr. DAVIES. Yes, Mr. Speaker, that is a question. What would happen to all of those other peripheral things that are taken care of on a contractual basis? They would have to be eliminated, as I see it, or there would be extreme penalties placed upon the individual because of your fast 1/180th that you, yourself, say is not a fast and hard rule as far as nationwide policy differential from state to state. That is the way I understand it. I do not know how you would make the provision, reading your four amendments. I do not know how you would make provision for those things in any contractual relationship.

Mr. SCHWEDER. Basically, as I intend it, Mr. Speaker, what this does is that you have a starting day for school and, when that day comes and there is not a contract settled, that school is closed, a penalty goes into effect from that day on and is deducted on that basis for every day until the settlement is reached.

Mr. DAVIES. Then, Mr. Speaker, if we adopt the rest of the amendment, the one that fixes that would be the matter of the school calendar. That school calendar could well be adopted before this contract is ever consummated and, therefore, you are going to have that inequity. You cannot avoid that inequity if you consummated a school calendar in July, have a strike in September, that that school calendar is going to be that determining factor.

In other words, you are saying that they are going to say, 180 days by June 5 and that is going to be the law of the Commonwealth. What you are doing is usurping the entire state law and you are also usurping the entire concept of what you can put into the remaining contract.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I rise in support of the Schweder amendment. We heard a few minutes ago about these long-lasting strikes that there have been, but I cannot recall any

strike that we have had in the school system where they were not able to go back and at least get in their 180 days, unless it was in those schools last year that the Governor gave relief to and we, in the Legislature, gave relief because of the weather situation.

So it has not affected anybody's pocketbook to this time. I think that there is only one way that strikes are settled, and that is by hurting both the striker and either the company or the institution, and in this case the school board or the school district is being hurt by not receiving funds. I think this is the first step that must be taken to get Act 195 straightened back into the right perspective.

We heard that we are worried about our children and, of course, this is what is being told to all of us legislators now, that we are hurting the children if we ask for this. Well, let me say this: I think it is a very poor teacher, I think it is a very poor school administrator, and I think it is a very poor school district that cannot take and accelerate its program and pick up a few days of education and get it worked in within a limited number of days, a fewer less days than the 180 days. I think that is being used as an excuse rather than a reason.

We do not seem to worry about whether we get the right teaching to the children when today we see that there are substitutes just used day after day and week after week, a day at a time. And do not let anybody tell me or do not let them tell you that this does not interfere with a child's education when this is happening.

I really believe that we are looking for excuses rather than reasons. We have seen this Act 195 in effect now for about 6 or 7 years. We know that there are inequities and that there are changes that have to be made. I think, by this amendment, it is a step in the right direction of getting some progressive changes made.

One other point: Knowing the parents—and you and I hear from the parents in our school districts—whenever they feel that their children are lacking education by not being in school the 180 days, I am sure that our parents are going to bring pressures upon both our school teachers and our school boards for a more hasty settlement than we have today.

I really feel that we are worried more about whether mom and dad are going to make a vacation in the spring, whether that school teacher is going to be available to get his second job in the summertime for sure than we are about the children. Let us not blame the children. Let us say that it is greed on our own part that these things are happening.

I think the Schweder amendment is a step in the right direction and I would ask everyone to look at this very seriously, really deep down in your heart, and do what you think is necessary to get this straightened out. I ask for support of the amendment.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, I think Mr. Arthurs said it about as beautifully as I could, with the exception of what I want to add to it, but has laid it right where it belongs.

It bothers me, and with all respect to Mr. Levin, you know,

we talk about the welfare children and during the recent budget battle, we heard the roar about more money that we need for education. But during their recent strike in Philadelphia, I did not hear one legislator get on this floor from that city and worry about the children. I did not hear one person and I mentioned it on the floor during that time. So I would like to know where the concern is. Is it a concern for votes? Because children do not vote, you know, but their parents do and, as Mr. Arthurs said, their parents are becoming disturbed. I believe they are going to remind us very shortly as to their concern and they are going to get rid of some people.

Now right in this very chamber it was reported to us in the 1973-74 session as to the quality of education coming out of our schools. I must remind you, Mr. Speaker, they were talking about the big cities. Thirty-seven percent cannot read or write coming out or graduating from high school.

Now the big worry then is, if you are so concerned about the children, it seems to me like an organization which is pushing the defeat of this is more worried about pocketbooks than they are for the concern of the children. This is one of our problems. And the children are being used as in a term I used some time back for some people, but I say this now, the children are being used as a yo-yo. This is the problem.

I say if we are going to continue this trend of constantly fighting for votes and not fighting for children, then defeat this bill. But if you are worried about children, if you are really concerned about them, then you are going to let those people in there who are negotiating, one time, 5 days for the teachers; the next time, 5 days for the school board, back and forth, back and forth. You are going to stop this nonsense.

Once I found this as a mayor of a community when we fined the parents. When they had problems we fined them and took money out of their pocketbooks rather than to send the children to Camp Hill or somewhere. Fine the parents. Once they got money taken out of their pockets, then they started to have concern for their children. This is natural psychology. They think more of the money, in most cases people do, than their own children, and that is why we have some of the problems we have, and that is why I say, let us start hitting them in the pocketbooks. If you hit them in the pocketbooks you will have them negotiating darn quickly and they are going to get back there in the classrooms and teach their children.

I am very happy that you got on this floor, Mr. Speaker, but I would like to help you in Philadelphia, and I think that your children are going to get the better end of this stick by telling those teachers, you had better get back in there and help those poor children and those poor children need help. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, would the gentleman, Mr. Levin, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Levin, consent to interrogation?

Mr. LEVIN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will, and the gentleman, Mr. McLane, is in order and may proceed.

Mr. McLANE. Mr. Speaker, in your statement concerning this amendment, I believe that you used the phrase that the children would lose the 2 months of school in the event of a 2-month strike. Am I correct?

Mr. LEVIN. That is correct.

Mr. McLANE. What happens to them now?

Mr. LEVIN. Under the present funding, the school district gives them the entire 180 days. That is what has been happening and is what this bill is trying to stop, because that works to the benefit of the teachers.

Mr. McLANE. In what way does the school district give the children the entire 180 days when there is a mandatory requirement that June 30 schools must close?

Mr. LEVIN. They have, up until now, been able to shorten their vacations and work to the end. We have not had to ask for relief for that, but we could if necessary. We could ask for that waiver if necessary.

Mr. McLANE. Exactly. Just as the waiver was asked for last year in the event of the emergency day?

Mr. LEVIN. Yes, but you are denying them money to make that possible, under this amendment.

Mr. McLANE. If there were a 2-month strike, hypothetically that would involve 40 days of school. If the school calendar is established in September and dismissal for the summer months occur, let us say, June 12 or 13, there is absolutely no way to get those 40 days in before the 30th of June under the current situation.

Mr. LEVIN. You have forgotten the extensive vacation periods that they can shorten and have shortened in the past. To give you an example, during last winter's fuel crisis, when schools closed, they shortened the Easter vacation. That did not happen all over the state but it happened in my child's school.

Mr. McLANE. The extent of the Easter vacation with the school districts I am familiar with, are, at most, 7 school days. That is including Holy Thursday, Good Friday and Easter Monday, and possibly that whole week, but, at most, 7 days for Easter. For Christmas, I believe at most it would be 7 days also. So all you are talking there is 14 days. If you take the 13th of June to the 30th of June, the most you are talking about is, say, 10 days.

Mr. LEVIN. I do not see your point. The point of your question, I assumed was, what would happen in any event?

In any event, what has been happening is that the children have been receiving 180 days of schooling. Now this bill would make it economically impossible for a school district to do that, and the goal is to penalize the teachers. Well, it is penalizing the teachers and the students with it.

Mr. McLANE. Well, hypothetically, Mr. Speaker, the schools are open 180 days.

Mr. LEVIN. Only if you have funds to fund them.

Mr. McLANE. Hypothetically. The situation that I am familiar with, at least the one that comes to mind, was a situation where the school year was extended for a period of 2 weeks. Practically speaking, the following occurred: Parents kept their children home; their children did not want to go to school; graduations occurred on time. We can say for the record and on paper that those schools were open through June and operational and they were, on paper, but, in reality, the chil-

dren were not there; the parents were not requiring them to go because they felt it was a hardship on the kids; and the teachers were there.

Maybe this amendment is not the divine answer, but it is a beginning. I think that this legislature has an obligation to start looking for changes in Act 195, and if this is the way to do it, that is fine. You suggested that you felt there was another way to do it. Well, I am sorry to say that that other way has been introduced on numerous occasions and failed to get out of committee. Since I have been here, for 3 years, reforms in that act sit and sit and sit in committee, and each one of us has to answer this year. We have to answer to the general public for the things we have done in the past year during this session, and I think it is our opportunity now to begin. This is not writing this thing in granite. This is not saying that this will be the law. This thing will be looked at again, but it is a beginning, and sooner or later we are going to have to take that step, and I think that each one of us sitting in each of these chairs has to begin today to look at that and to make those necessary changes. Thank you, Mr. Speaker.

Mr. LEVIN. Mr. Speaker, may I respond?

The SPEAKER pro tempore. The gentleman will be recognized for the second time.

Mr. LEVIN. One point that I did not know during the interrogation is, during the last school strike the Philadelphia school day was increased and the number of hours per day was increased, but that is not the major point.

I did not speak to the Philadelphia School District. I do not believe that this bill is addressed to the Philadelphia School District. I spoke to all the school districts in the Commonwealth of Pennsylvania because the problem is uniform across the state. The concern is very obvious, and I think the concern, as we can see, is on both sides of the aisle. It is not a partisan issue in that sense of Republican versus Democrat. When Mr. Ryan and I can speak on the same subject to the same effect, it is very obvious that it is not an R versus D situation.

The problem is, this is a bad piece of legislation. It is inflexible. It does not allow individual school districts to use their own good judgment in their own area. It penalizes certain people unjustly, and it aims that penalty at the school children. It denies those schools that can do it the flexibility needed. Look at it carefully, and I think you will realize that it is a bad solution to a difficult problem.

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

Mr. GARZIA. Mr. Speaker, may I interrogate the prime sponsor of this amendment, please?

The SPEAKER pro tempore. The gentleman, Mr. Schweder, indicates he will stand for a period of interrogation. The gentleman from Delaware, Mr. Garzia, is in order and may proceed.

Mr. GARZIA. Mr. Speaker, does this amendment actually take away some powers from a local school board?

Mr. SCHWEDER. No; it does not.

Mr. GARZIA. Mr. Speaker, in my opinion, I think it does. The school board has the power now not to pay the teachers if there is a strike. All they have to do is just do not try to make up the days, and they lose the subsidy money and the teachers do not

get paid. Teachers get paid when they try to make up the days in order to get the subsidy money, and what you are doing with this amendment is, you are stripping more power away from the school director. You are going to have it so that a school board that is elected by the people be nothing but a group of people who are just empowered to raise taxes. That is all you are going to do. You are taking more power away from them. They have that power now to penalize the teachers if they go on strike. It is being done in my own county, one school district. They are not going to make up the days they are out on strike, so sure as heck those teachers are not going to get paid for the number of days they are out on strike.

I oppose this amendment. I think it is a bad amendment. If you want to change Act 195, you do not go about it this way. There should be another way.

Thank you, sir.

GERMANENESS OF AMENDMENTS QUESTIONED

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, in light of all the conversation that has gone on here, I have a serious question in my mind as to the viability of this amendment as presented by the gentleman, Mr. Schweder.

I would like it to be known that I represent a couple of school districts up in central Pennsylvania, one of which has had a significant number of strikes—four in 6 years, to be exact—and I, too, would like to see that ceased. I do, however, question whether or not this is the direction to go. I not only question the direction this amendment takes, but we have heard so much about negotiations here and how it affects subsidies and how it affects the contracts between the teachers and the districts that I would like to raise the question of germaneness, sir, of this amendment and have the House resolve that first.

The SPEAKER pro tempore. The question raised by the gentleman, Mr. DeVerter, is, is the amendment germane to SB 1038? Under rule 27 of the House, questions involving whether an amendment is germane to the subject shall be decided by the House. Does the gentleman make the motion?

Mr. DeVERTER. I do, sir.

The SPEAKER pro tempore. The question is on the motion. The motion by Mr. DeVerter is that the amendment offered by the gentleman is not germane to SB 1038.

The Chair recognizes the gentleman, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, on the question of germaneness, when I drafted HB 1777 that does this exact same thing, I sat down with a number of attorneys in the Reference Bureau and I said, to what piece of legislation would this be germane? Would it be to Act 195 or to the School Code? They all agreed that it is germane to the School Code because the School Code establishes what minimum salaries are; it establishes the number of days that there shall be in a calendar year, and this is exactly what this does.

I say right now that this issue ought to be faced right now, and those people who are opposed to this ought to have enough guts to vote "yes" or "no" on this piece of legislation and not use

parliamentary maneuvering to avoid the issue for their constituents back home.

I will accept the decision of this House whether they vote "yes" or "no" on this piece of legislation, but to cop out on germaneness is to cop out on your constituency.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, the question of germaneness is not a cop-out, and I believe, in response to part of Mr. Schweder's remarks about the hired help, that the upper echelon of this building does not determine whether or not this body decides whether or not something is germane, but in fact the 203 members of this House of Representatives decides that.

Beyond that, I would like to say that there are many times on the floor of this House—and I have been the victim of it many times myself—when germaneness has been raised, and I raise it because I have very serious doubts that when you are dealing with contractual situations, such as we are in the amendment offered by Mr. Schweder, that it directs itself to the negotiating process. If it were to Act 195, I would have no qualms about it, but as it directs itself to the Public School Code and what we will and will not do in that negotiating process, I just do not feel that it is correct.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state the position: Those who believe that the amendment proposed by Mr. Schweder is germane will vote in the affirmative. Those who do not believe that it is germane will vote in the negative.

The members will proceed to vote.

On the question,

Will the House agree to the germaneness of the amendments?

The following roll call was recorded:

YEAS—81

Abraham	Fryer	McClatchy	Richardson
Anderson	Gamble	McIntyre	Ritter
Arthurs	George, C.	McLane	Ruggiero
Barber	Gillette	Meluskey	Schweder
Bellomini	Goodman	Milanovich	Shuman
Bennett	Hasay	Miller	Spitz
Berson	Haskell	Miscevich	Stapleton
Bittinger	Hoeffel	Morris	Stewart
Borski	Hopkins	Mowery	Stuban
Burd	Hutchinson, A.	Mrkonic	Tenaglio
Caltagirone	Itkin	Novak	Trello
Cole	Johnson	O'Connell	Valicenti
Cowell	Jones	O'Donnell	Wagner
DeWeese	Kernick	O'Keefe	Wansacz
DiCarlo	Kowalyszyn	Pancoast	Wargo
Dombrowski	Kukovich	Piccola	Wright, D.
Doyle	Laughlin	Pitts	Zearfoss
Dumas	Levi	Pratt	Zeller
Fee	Levin	Prendergast	Zitterman
Fisher, D. M.	Lynch	Rappaport	Zwikl
Freind			

NAYS—108

Armstrong	Gallen	Logue	Scanlon
Beloff	Garzia	Mackowski	Scheaffer
Bittle	Gatski	Madigan	Schmitt
Brandt	Geesey	Manmiller	Scirica

Brown	Geisler	McCall	Seltzer
Brunner	George, M.	McGinnis	Shupnik
Burns	Giammarco	Mebus	Sirianni
Caputo	Goebel	Milliron	Smith, E.
Cassidy	Gray	Moehlmann	Smith, L.
Cessar	Greenfield	Mullen, M. P.	Stairs
Cianciulli	Greenleaf	Musto	Sweet
Cimini	Grieco	Noye	Taddonio
Cohen	Halverson	O'Brien, B.	Taylor, E.
Davies	Harper	O'Brien, D.	Taylor, F.
DeMedio	Hayes, D. S.	Oliver	Thomas
DeVerter	Hayes, S. E.	Parker	Vroon
Dietz	Helfrick	Peterson	Wass
Dininni	Honaman	Petrarca	Weidner
Donatucci	Hutchinson, W.	Polite	Wenger
Dorr	Katz	Pott	White
Duffy	Kelly	Pyles	Wiggins
Englehart	Klingaman	Ravenstahl	Wilt
Fischer, R. R.	Knepper	Reed	Wise
Flaherty	Lehr	Renwick	Wright, J. L.
Foster, A.	Letterman	Rieger	Yahner
Foster, W.	Lincoln	Ryan	Yohn
Gallagher	Livengood	Salvatore	Zord

NOT VOTING—13

Berlin	Manderino	Shelton	Irvis,
Gleeson	Mullen, M. M.	Spencer	Speaker
Hamilton	Pievsky	Williams	
Kolter	Rhodes	Wilson	

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I am recorded in the affirmative on the germaneness of the Schweder amendment numbered A3637 to SB 1038. I would like to be recorded in the negative.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. SCHWEDER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "districts" and inserting and for the number of days in the school year.

Amend Bill, page 2, by inserting between lines 28 and 29 Section 2. Section 1501 of the act, amended September 21, 1959 (P. L. 925, No. 373), as amended to read:

Section 1501. Minimum Number of Days; School Month.—All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month. Public kindergarten, elementary and secondary schools may, for the purpose of complying with the requirement of one hundred eighty (180) days of instruction, count each day which they are closed as a result of a work stoppage or strike as a day taught.

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

On the question,

Will the House agree to the amendments?

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

Mr. SCHWEDER. Thank you, Mr. Speaker.

I selected of the remaining three, this one, because I am sure even Mr. DeVerter would agree with me that this one is germane since it deals specifically with only the 180-day rule which is specifically set out in the School Code as it was originally passed in 1949, which says that "Public kindergarten, elementary and secondary schools may, for the purpose of complying with the requirement of one hundred eighty (180) days of instruction, count each day which they are closed as a result of a work stoppage or strike as a day taught."

This in effect would accomplish the same thing which I intended to do, and that is, to perhaps place a deterrent on the number of strikes that have come about in this Commonwealth. It seems that the only way to do that is to place economic penalties on both sides in the issue, because as it stands now they are well aware that as long as they are allowed to make up 180 days and school strikes do not count in that makeup, that a strike can be for 9 days or 11 days, all those days will be made up and there will be no economic loss to teachers and there will be no economic loss to the school districts through their subsidies.

If I could, I would like to point out, since I may not have an opportunity to do this again, and I would like to refer to a few things that have been said here in defense of this amendment and what has been handed out as opposition to this by the Pennsylvania State Education Association, an association that I am a former member of.

This is dated February 10, which, of course, is very interesting to me, because the amendments that I present to you today were not delivered to me until February 14, 1978. But in here it states point by point that no rational approach to solving labor problems should be established on a presumption that employees are wrong and should be punished.

None of the four amendments that I have offered—and this one in particular—presupposed that employees are guilty of this and that the fault does not rest with both sides in the argument. That is what I am attempting to change.

It says that, secondly, under Act 195, teachers are not paid for the days that they are on strike; they are only paid for the days of which they actually work, which are made up. Of course they are, because the same days that they struck that were part of their calendar are later on made up during the school year. So there is no loss. And they are making that up at the new salary that has been negotiated in the current contract or the new contract.

I heard a number of people who have said here today that they are concerned about the children and that this solution to the problem is detrimental to the children. Well, I suggest that teachers' associations and school boards, right now, are not concerned about students who go out for football the 20th of August or soccer on that date and practice twice a day to get in

preparation for their season, and about students who are members of a band who come there and have their season disrupted and shortened because of a school strike. We also find out that when we have this situation, when the days are made up, that seniors do not graduate on time. Their marking periods are not the same because they are pushed back further and their grades consequently end up at colleges later than other students who are in school districts that have not been on strike.

Students, as it stands now, when it is pushed into the summer, many of them who, because of economic needs of their families, need to work during the summer or need to work before going on to college after they are graduated, are excluded from the job market, because their school year is extending to June 30, while others are getting out in the second week in June.

Again, with the other one that Mr. McLane brought out, we have it right now. In any extended strike, we have the situation right now where they do not make up lost time.

In this legislature last year, if everyone is so concerned about the 180 days, I do not know why we waived the 180-day requirement last year, 1977, and put it back to 177 days. That was passed both by the House and the Senate and signed by the Governor, and guaranteed salaries for three days that were not taught and subsidies for three days when the schools were not opened. They were provided that money.

On top of that, we have the situation in Mr. Garzia's school district that these amendments would help rather than hinder. And I can assure you that within the next month or two, this legislature will again be asked to waive the 180-day rule, because my school districts and my teachers have talked to me already about asking me to waive that now so that they do not have to make up the snow days because they have had more snow days.

So if you are concerned about students not getting 180 days, you cannot talk out of both sides of your mouth. You cannot turn around and say that it is all right to lose those when we arbitrarily decided it in one piece of legislation because of emergencies or snow and on the other hand we cannot do that during a situation that exists with the strike that those children and their parents have no control over.

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

Mr. O'DONNELL. Will the speaker submit to a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. I would like to give you a hypothetical and I would like you to answer me in terms of the passage of this amendment only. In other words, if amendment 3639 is successful, here is the problem that I am faced with: In the fall of the next school year, there is a very good chance that we are going to have an extended strike in Philadelphia. Now let us say that the strike lasts for 2 months. Under your amendment, is it not possible that the Philadelphia School District would

receive their entire subsidy, the school teachers would receive their entire salary, and that the only ones who would get short-changed, if this amendment and only this amendment passes, are the children who would wind up short 2 months of school?

Mr. SCHWEDER. Of and by itself, Mr. Speaker, you are probably right.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Mr. Speaker, may I be recognized on the amendment?

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

Mr. O'DONNELL. I think I understand the thrust of the Schweder amendment. But if this amendment is passed and this amendment only, it is going to have exactly the opposite effect than the sponsor intends, because the only people who will not be penalized for the non-work will be the children. They will be the only ones penalized. The ones who will escape clean will be the teachers and the school districts. So I think that I will have to urge a negative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, may I interrogate the sponsor?

The SPEAKER pro tempore. The gentleman indicates that he will stand for a period of interrogation. The gentleman is in order and may proceed.

Mr. RYAN. Mr. Speaker, as I look at amendment 3639, I notice in section 1501 the following words appear: "No days on which the schools are closed shall be counted as days taught, . . ." Now that is in the unamended portion of the bill, section 1501. Yet the amended portion of the bill is contradictory and says that when they are closed because of work stoppage or a strike, they shall be counted as days taught.

It seems to me that it is poor draftsmanship, and I guess it is something that the sponsor relied on the Reference Bureau for and perhaps did not catch. But in any event, I am against the amendment for the same reasons that Mr. O'Donnell is against the amendment.

In addition, I have a question rather than the statement that I have made to date. Let us assume, Mr. Speaker, that of the 180 days that are scheduled to be taught, there is a 10-day strike. Under your proposed amendment as I read it, the school district would still get credit for the full 180 days as if they have not been closed for the 10 days of the strike. Is that accurate?

Mr. SCHWEDER. Yes, it is.

Mr. RYAN. Now let us assume further that in the school directors' feelings of responsibility to the school children, they decide that these school children should in fact have 180 days of instruction and they ask—not ask, but demand whatever their rights are under the contract—that the school teachers come in and teach those additional 10 days. Would the school district employes and teachers be entitled to 10 days additional pay?

Mr. SCHWEDER. In looking at it, Mr. Speaker, that is why I wanted to make this statement that I am prepared to do now: Looking at the bill, at this amendment, of and by itself, that is correct.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, I realize now, with pulling this out, that basically this amendment, as I had it drafted, was contingent upon the passage of the first amendment that I offered. What I was attempting to do in offering this again was attempting to get around what I believe was a bogus issue, germaneness, which escaped the real question that had to be answered here. This amendment, I realize in offering it, is deficient of and by itself and could only be worked in conjunction with the first amendment that I have offered. So I would like to withdraw the amendment.

Mr. RYAN. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GOEBEL offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "districts" and inserting , and further providing for terms of office for certain school directors.

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. Subsection (a) of section 303, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," amended August 8, 1963 (P. L. 564, No. 299), is amended to read:

Section 303. Number and Election in Districts of the Second, Third and Fourth Classes; Terms of Office.—(a) In each school district of the second class, and on and after July 1, 1966, or if there is advance establishment July 1, 1964, or July 1, 1965, as the case may be, in each school district of the second, third and fourth class, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large for terms of [six (6)] four (4) years. [The terms of three of the members shall expire on the first Monday of December of each odd numbered year, as now provided by law. At each municipal election, three school directors, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election.] At the municipal election in 1979, two school directors shall be elected for terms of four (4) years and one for a term of two (2) years. At the municipal election in 1981 and every four (4) years thereafter, four (4) directors shall be elected for terms of four (4) years. At the municipal election in 1983 and every four (4) years thereafter, five (5) directors shall be elected for terms of four (4) years. Such school directors shall be elected at large or by regions as provided in subsection (b). In every nine (9) region district, and in every three (3) region district except those in which all the directors whose terms expire in 1979 represent a single region, the board of school directors shall, prior to the first day in which petitions for the 1979 primary election may be circulated, determine by drawing lots which region shall elect a school director for a term of two (2) years. In all cases where directors are elected at large in 1979, or in three (3) region districts in which all the directors whose terms expire in 1979 represent a single region, the director receiving the least amount of votes shall serve for a term of two (2) years.

* * *

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 9 and 10, by striking out ", act of

March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," and inserting of the act,

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

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I would just like to comment briefly.

This amendment is the same amendment that was proposed for HB 593. The membership did accept it at that time and it passed and was sent to the Senate and was cut out in the Senate.

This reduces the school directors' terms from 6 years to 4 years. It affects the second, third and fourth class school districts. It does not affect Philadelphia at all. That is about it.

If anybody has any questions, I would try to answer them.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—131

Armstrong	Gatski	Mackowski	Rappaport
Bellomini	Geesey	Madigan	Ravenstahl
Bennett	Geisler	Manderino	Reed
Berson	George, C.	Manmiller	Rieger
Bittle	George, M.	McClatchy	Ritter
Brandt	Giammarco	McGinnis	Salvatore
Brown	Gillette	McIntyre	Scanlon
Burd	Goebel	McLane	Scheaffer
Burns	Goodman	Miller	Schweder
Caltagirone	Gray	Milliron	Seltzer
Caputo	Greenfield	Moehlmann	Sirianni
Cassidy	Greenleaf	Morris	Smith, L.
Cessar	Grieco	Mowery	Spitz
Cimini	Hasay	Mrkonic	Stapleton
Cohen	Hayes, D. S.	Mullen, M. P.	Stuban
Cole	Hayes, S. E.	Musto	Sweet
Cowell	Helfrick	Novak	Taddonio
Davies	Hoeffel	Noye	Taylor, F.
DeWeese	Honaman	O'Brien, D.	Tenaglio
DiCarlo	Hopkins	O'Connell	Valicenti
Dininni	Itkin	O'Donnell	Wagner
Dombrowski	Johnson	O'Keefe	Wansacz
Dorr	Jones	Oliver	Wass
Doyle	Katz	Pancoast	Wenger
Duffy	Kelly	Petrarca	Wilson
Fischer, R. R.	Kernick	Piccola	Wilt
Fisher, D. M.	Klingaman	Pievsky	Wright, D.
Flaherty	Kolter	Pitts	Wright, J. L.
Foster, W.	Kukovich	Polite	Zearfoss
Freind	Laughlin	Pott	Zeller
Gallagher	Levi	Pratt	Zitterman
Gamble	Logue	Prendergast	Zwinkl
Garzia	Lynch	Pyles	

NAYS—52

Abraham	Fryer	McCall	Shupnik
Anderson	Gallen	Mebus	Smith, E.
Arthurs	Halverson	Meluskey	Stairs
Beloff	Harper	Milanovich	Stewart
Bittinger	Hutchinson, A.	O'Brien, B.	Thomas
Borski	Hutchinson, W.	Parker	Trello
Brunner	Knepper	Peterson	Vroon

DeMedio	Kowalyszyn	Renwick	Wargo
DeVerter	Lehr	Richardson	Weidner
Dietz	Letterman	Ruggiero	Wise
Englehart	Levin	Ryan	Yahner
Fee	Lincoln	Schmitt	Yohn
Foster, A.	Livengood	Scirica	Zord

NOT VOTING—19

Barber	Hamilton	Shelton	Wiggins
Berlin	Haskell	Shuman	Williams
Cianciulli	Miscevich	Spencer	
Donatucci	Mullen, M. M.	Taylor, E.	Irvis,
Dumas	Rhodes	White	Speaker
Gleeson			

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. MANMILLER. Thank you, Mr. Speaker.

Having spent 24 years in public education, I rise to oppose SB 1038. This piece of legislation serves no real purpose, and I can envision this type legislation encouraging an over-zealous schoolman to seek and to use the office of school director to promote his own ambitions.

Let us not allow an elected school director to place himself in that position where he can manipulate himself into the position of the chief school administrator. I do not believe we should change a good law because an individual was misinformed. I strongly urge the defeat of SB 1038.

Thank you, Mr. Speaker.

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

Mr. MELUSKEY. I also rise to join Mr. Manmiller in seeking opposition to SB 1038, particularly in light of the addition of the amendment offered by Mr. Goebel.

I am not only opposed to the reduction in terms of school directors in terms of from 6 to 4 years, particularly because this will, in my opinion, weaken the effectiveness of local boards of school directors and, in effect, weaken the local control of public schools. But I am also opposed more forcefully to the proposal contained in the body of SB 1038. I think it does in many ways open up the door toward abuse. I think, at the same time, under the current provisions school directors are elected to represent the community at large. Hopefully, in most cases, school directors do represent those communities in local school districts.

This bill, in my opinion, would serve no useful purpose other than to encourage some transition between the ranks of school board memberships and school administrators in a way that would not on the whole be advantageous to public education.

For that reason, I would urge opposition to SB 1038 and would hope that the members of the House would realize the serious implications contained in this bill and vote "no" accordingly.

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—53

Bellomini	Gallagher	McClatchy	Shuman
Bennett	Gamble	McGinnis	Smith, L.
Berson	Geisler	Milliron	Stapleton
Bittle	Goebel	Mowery	Sweet
Burd	Greenfield	Pancoast	Taddonio
Burns	Greenleaf	Parker	Wagner
Caputo	Hasay	Pievsky	Weidner
Cassidy	Haskell	Pyles	Wilson
Cowell	Hayes, S. E.	Ravenstahl	Wise
DeVerter	Hoeffel	Ritter	Wright, J. L.
Dietz	Hopkins	Ryan	Zearfoss
Doyle	Knepper	Salvatore	Zwilk
Flaherty	Kukovich	Seltzer	
Freind	Manderino		

NAYS—139

Abraham	Gatski	Madigan	Rieger
Anderson	Geesey	Manmiller	Ruggiero
Armstrong	George, C.	McCall	Scanlon
Arthurs	George, M.	McIntyre	Scheaffer
Barber	Giammarco	McLane	Schmitt
Beloff	Gillette	Mebus	Schweder
Bittinger	Goodman	Meluskey	Scirica
Borski	Gray	Milanovich	Shupnik
Brandt	Grieco	Miller	Sirianni
Brown	Halverson	Miscevich	Smith, E.
Brunner	Harper	Moehlmann	Spitz
Caltagirone	Hayes, D. S.	Morris	Stairs
Cessar	Helfrick	Mrkonic	Stewart
Cimini	Honaman	Mullen, M. P.	Stuban
Cohen	Hutchinson, A.	Musto	Taylor, E.
Cole	Hutchinson, W.	Novak	Taylor, F.
Davies	Itkin	Noye	Tenaglio
DeMedio	Johnson	O'Brien, B.	Thomas
DeWeese	Jones	O'Brien, D.	Trello
DiCarlo	Katz	O'Connell	Valicenti
Dininni	Kelly	O'Donnell	Vroon
Dombrowski	Kernick	O'Keefe	Wansacz
Donatucci	Klingaman	Peterson	Wargo
Dorr	Kolter	Petrarca	Wass
Duffy	Kowalyszyn	Piccola	Wenger
Dumas	Laughlin	Pitts	White
Englehart	Lehr	Polite	Wiggins
Fee	Letterman	Pott	Wilt
Fischer, R. R.	Levi	Pratt	Wright, D.
Fisher, D. M.	Levin	Prendergast	Yahner
Foster, A.	Lincoln	Rappaport	Yohn
Foster, W.	Livengood	Reed	Zeller
Fryer	Logue	Renwick	Zitterman
Gallen	Lynch	Rhodes	Zord
Garzia	Mackowski	Richardson	

NOT VOTING—10

Berlin	Hamilton	Shelton	Irvis,
Cianciulli	Mullen, M. M.	Spencer	Speaker
Gleeson	Oliver	Williams	

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

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. The Chair at this time returns the gavel to the Speaker, Mr. Irvis.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

THE CHAIR THANKS MR. FRYER

The SPEAKER. The Chair thanks the gentleman from Berks for taking over in the long and involved debate.

REMARKS ON VOTE

The SPEAKER. The clerk will please note for the record that the Speaker, had he been present, would have voted in the affirmative on SB 1038, PN 1218.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate returned HOUSE BILL NO. 401, 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 9, by removing the period after "construction" and inserting "under certain conditions." Amend Bill, page 2, lines 2 through 4, by striking out all of said lines and by inserting immediately thereafter the following:

Section 2. Whenever the governor proclaims a state of extreme emergency pursuant to the Act of July 6, 1961 (P. L. 515, No. 265), the provisions of Clause (2) of Section 4 of the Act of June 1, 1956 (1955 P. L. 1944, No. 655), are waived for the area proclaimed to be in a condition of extreme emergency for the entire fiscal year in which the proclamation is made.

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

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

Mr. FRYER. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate.

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

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

YEAS—194

Table listing names of members who voted 'YEAS' (194 total): Abraham, Anderson, Armstrong, Arthurs, Barber, Bellomini, Beloff, Bennett, Berson, Gallen, Gamble, Garzia, Gatski, Geesey, Geisler, George, C., George, M., Giammarco, Madigan, Manderino, Manmiller, McCall, McClatchy, McGinnis, McIntyre, McLane, Mebus, Ryan, Salvatore, Scanlon, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shuman.

Table listing names of members who voted 'NAYS' (0 total) and 'NOT VOTING' (8 total): Bittinger, Bittle, Borski, Brandt, Brown, Brunner, Burd, Burns, Caltagirone, Caputo, Cassidy, Cessar, Cianciulli, Cimini, Cohen, Cole, Cowell, Davies, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Doyle, Duffy, Dumas, Englehart, Fee, Fischer, R. R., Fisher, D. M., Flaherty, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gillette, Goebel, Goodman, Gray, Greenfield, Greenleaf, Grieco, Halverson, Harper, Hasay, Haskell, Hayes, D. S., Hayes, S. E., Helfrick, Hoeffel, Honaman, Hopkins, Hutchinson, A., Hutchinson, W., Itkin, Johnson, Jones, Katz, Kelly, Kernick, Klingaman, Knepper, Kolter, Kowalshyn, Kukovich, Laughlin, Lehr, Letterman, Levi, Levin, Lincoln, Livengood, Logue, Lynch, Mackowski, Meluskey, Milanovich, Miller, Milliron, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Mullen, M. P., Musto, Novak, Noye, O'Brien, B., O'Brien, D., O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, Peterson, Petrarca, Piccola, Pievsky, Pitts, Polite, Pott, Pratt, Prendergast, Pyles, Rappaport, Ravenstahl, Reed, Renwick, Rhodes, Richardson, Rieger, Ritter, Ruggiero, Shupnik, Sirianni, Smith, E., Smith, L., Spitz, Stairs, Stapleton, Stewart, Stuban, Sweet, Taddonio, Taylor, E., Taylor, F., Tenaglio, Thomas, Trello, Vroon, Wagner, Wansacz, Wargo, Wass, Weidner, Wenger, White, Wiggins, Wilson, Wilt, Wise, Wright, D., Wright, J. L., Yahner, Yohn, Zearfoss, Zeller, Zitterman, Zord, Zwilk, Irvis, Speaker.

NAYS—0

NOT VOTING—8

Table listing names of members who did not vote: Berlin, Gleason, Hamilton, Mullen, M. M., Shelton, Spencer, Valicenti, Williams.

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS ADOPTED

Mr. BITTINGER called up HOUSE RESOLUTION NO. 166, entitled:

House memorialize Congress direct Department of Housing and Urban Development rectify eligibility for funds during disaster situations.

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

Mr. A. K. HUTCHINSON called up HOUSE CONCURRENT RESOLUTION NO. 176, entitled:

General Assembly directs Joint State Government Commission Task Force make an in-depth study of "The Administrative Code of 1929."

On the question,

Will the House adopt the resolution?

Resolution was adopted.

Ordered, That the clerk inform the Senate accordingly.

Mr. TRELLO called up **HOUSE RESOLUTION NO. 181**, entitled:

Speaker appoint a select committee investigate use of funds appropriated to state-related and state-aided colleges and universities.

On the question,

Will the House adopt the resolution?

Resolution was adopted.

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

Mr. JOHNSON. On this HR 181, does this give the Speaker the authority to appoint a special committee to investigate state-related and state-owned universities?

The SPEAKER. The gentleman is correct.

Mr. JOHNSON. Well, Mr. Speaker—

The SPEAKER. The House has passed the resolution.

Mr. JOHNSON. But I want to speak on this resolution.

The SPEAKER. The gentleman is too late. The Chair regrets to inform the gentleman that his opportunity to speak came when the Chair placed the question before the House, and the House has already adopted the resolution.

Mr. JOHNSON. Well, I have a point of information, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of information?

Mr. JOHNSON. I was told by the leadership of this House that any resolution that is put on the floor will be submitted back to the committee that is operating in this House. I have put several resolutions on this floor to investigate something that is dear and near to me, and every one of my resolutions has gone to committees. Now we have another resolution on this floor that is going to authorize the appointment of a special committee. I would like to know, Mr. Speaker, how are we operating this House? Are we operating on privileged characters around here or are we operating this House on rules and regulations?

The SPEAKER. If the gentleman were not so serious about his question, the Speaker could give several answers to that question.

Mr. JOHNSON. I would like to hear one.

The SPEAKER. Well, the Chair will try to be serious in answering.

The Speaker, when he served in a different position, laid down a rule that no resolution should be brought to the floor of the House if it duplicated in effect the granted powers of an already-existing committee. It is the Speaker's belief that that still should obtain, but the fact of the matter is, each member has a right to introduce any resolution he or she sees fit, and this resolution was introduced by the gentleman, Mr. Trello, in proper form and in proper order. It went before the Rules Committee in proper form and proper order; the Rules Committee voted it out on the floor of the House in proper form and proper

order; it has been placed before the House, and the House has voted in favor of the resolution. So regardless of whatever the Speaker believes about resolutions and existing committees, the House always has the right to adopt or reject a resolution, and today the House has adopted a resolution.

Mr. JOHNSON. Mr. Speaker, could I ask for the reconsideration of that resolution?

The SPEAKER. If the gentleman is going to move to reconsider the vote by which the resolution was passed, then the gentleman must file two papers with the Chair, signed by the gentleman and another member, and then we can take up the motion to reconsider. If that motion passes, then the resolution is once again before the House for its final vote. But the gentleman must do that. Does that answer the gentleman's inquiry?

Mr. JOHNSON. Thank you, Mr. Speaker.

CALENDAR BILLS ON THIRD CONSIDERATION, CONT.

The House proceeded to third consideration of **HB 1825, PN 2227**, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206, No. 331), further providing for the accepting of bids and the awarding of contracts (Messrs. DeMedio, Fryer, Ritter, Mebus and Weidner)—Local Government, February 1, 1978.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments:

Amend Sec. 1 (Sec. 1802), page 2, line 14, by inserting a bracket before "At"

Amend Sec. 1 (Sec. 1802), page 2, line 14, by removing the brackets before and after "subsequent"

Amend Sec. 1 (Sec. 1802), page 2, line 15, by removing the bracket after "commissioners"

Amend Sec. 1 (Sec. 1802), page 2, line 15, by removing the bracket after "bids,"

Amend Sec. 1 (Sec. 1802), page 2, lines 16 through 19, by striking out all of lines 16 through 18, and "for receiving bids are adjourned for lack of a quorum," in line 19

Amend Sec. 1 (Sec. 1802), page 2, line 20, by inserting a bracket after "awarded."

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, this amendment merely is a corrective amendment and it merely removes language which is not required and which is merely repetitious in the bill. I would urge its adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

Abraham	Garzia	Mackowski	Ruggiero
Anderson	Gatski	Madigan	Ryan
Armstrong	Geesey	Manderino	Salvatore
Arthurs	Geisler	Manmiller	Scanlon

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

NAYS—0

NOT VOTING—19

Bennett	Gleeson	Rhodes	White
Berlin	Hamilton	Shelton	Williams
Brunner	McIntyre	Spencer	Yahner
Cianciulli	Mullen, M. M.	Trello	Zearfoss
DeMedio	Oliver	Valicenti	

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

REMARKS ON VOTE

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

Mr. DeMEDIO. Mr. Speaker, will the record please show that I failed to vote on this last amendment to HB 1825? Had I voted, I would have voted in the affirmative.

Thank you, Mr. Speaker.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

The Chair recognizes, on final passage, the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Thank you, Mr. Speaker.

Just briefly, I want to rise to oppose this bill, because I think by giving local officials the right to award contracts on the same nights they are opened, you are taking away the citizen's right to inspect the contracts before they are awarded.

Thank you.

The SPEAKER. On final passage of the bill, the Chair now recognizes the gentleman, Mr. Fryer.

Mr. FRYER. Mr. Speaker, under the Borough Code, all the boroughs may go through their bidding process and award their contracts on the same evening or day of the meeting. The township commissioners feel very strongly that they should have this same right. They point out that many times time is of the essence and that they have fulfilled all the requirements by going through the bidding process, so that there can be no reasonable objection to this proposal that has been made by the commissioners, and it places it in accordance with the code. There is ample provision there for the taxpayers' interests, and I would urge the support and passage of this proposal.

The SPEAKER. On final passage of the bill, the Chair recognizes the gentleman from Montgomery, Mr. Mebus.

Mr. MEBUS. Mr. Speaker, I am not accustomed to addressing the House from this side of the aisle, but I just kind of found myself over here at this moment. The point is that I would reinforce the comments made by Mr. Fryer in this respect, that the bill in question is a "may" bill. Under normal circumstances I doubt that the commissioners are going to hastily approve any contract and agree to award it on a given night, but there are occasions when this is necessary. There is no commandment here that they shall do it, but they may do it if there are exigencies that demand it, and on that basis I would support the bill and ask that others do the same.

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

Mr. ZELLER. Mr. Speaker, that was a true statement by Mr. Mebus. The problem we have also is this: In most cases when these bids come in, they are turned over to a committee for review, because in many cases, especially with trucks and equipment, there are many addenda to them, and they have to assess them. But what the problem is and the reason why they want to be able to act before the 30 days are up, or immediately, is because today, with the problem of price, they change from month to month. As a rule, when these contracts come in, they say, 30 days, null and void, and this is the problem — you run into another price bracket. That is the reason why they have to be a little more expedient. So it is a good move.

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

Mr. RITTER. Mr. Speaker, I just wanted to tell my good

friend, Mr. Mebus, that it took him almost 14 years but he finally found the right side of the aisle.

On the question recurring,
Shall the bill pass finally?

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

YEAS—183

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

NAYS—6

Halverson	Itkin	Yohn	Zord
Haskell	Kernick		

NOT VOTING—13

Bennett	Hamilton	Pievsky	Spencer
Berlin	Mullen, M. M.	Rhodes	White
Cianciulli	Oliver	Shelton	Williams
Gleeson			

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

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

The House proceeded to third consideration of **HB 993, PN 2504**, entitled:

An Act amending the "Chiropractic Registration Act of 1951" approved August 10, 1951 (P. L. 1182, No. 264), further providing for preliminary educational requirements.

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

Amend Sec. 1 (Sec. 7), page 2, line 4, by striking out "now"
Amend Sec. 1 (Sec. 7), page 2, line 6, by inserting after "years" including not less than one year of college credits in physics, chemistry and biology, as determined by the Department of Public Instruction.

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

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

Mr. DORR. Mr. Speaker, my concern with the amendment was that we needed some specific requirements of particular courses which seemed to me to have some applicability to the profession involved. I think it would be inappropriate for someone to take courses totally unrelated to the profession of chiropractic and then, because they happen to go to college in some other field for 2 years, be admitted to college.

So I would like to retain the current law as respects those particular courses in addition to that which is being added by the bill.

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

The following roll call was recorded:

YEAS—188

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

DeVertter	Itkin	Pancoast	Wagner
DeWeese	Johnson	Parker	Wansacz
DiCarlo	Jones	Peterson	Wargo
Dietz	Katz	Petrarca	Weidner
Dininni	Kelly	Piccola	Wenger
Dombrowski	Kernick	Pitts	Wiggins
Donatucci	Klingaman	Polite	Wilson
Dorr	Knepper	Pott	Wilt
Doyle	Kolter	Pratt	Wise
Duffy	Kowalyszyn	Prendergast	Wright, D.
Dumas	Kukovich	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaherty	Levin	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	Zwinkl
Freind	Logue	Ritter	
Fryer	Lynch	Ruggiero	Irvis,
Gallagher	Mackowski	Ryan	Speaker
Gallen	Madigan		

NAYS—1

Helfrick

NOT VOTING—13

Bennett	Hamilton	Pievsky	Wass
Berlin	Mullen, M. M.	Shelton	White
Cianciulli	Oliver	Spencer	Williams
Gleeson			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—189

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

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

NAYS—0

NOT VOTING—13

Bennett	Gleeson	Oliver	Spencer
Berlin	Hamilton	Pievsky	White
Cianciulli	Mullen, M. M.	Shelton	Williams
Doyle			

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

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

RECONSIDERATION OF VOTE ON HB 1395

Mr. WHITE moved that the vote by which HB 1395, PN 2409, was defeated on final passage on this day be reconsidered.

Mr. GREENFIELD seconded the motion.

On the question,

Will the House agree to the motion?

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

That does not conclude the voting for today.

Mr. ZELLER. Oh, okay. Thank you.

There will be a reconsideration of HB 76 then? I had sent it up there, Mr. Speaker.

The SPEAKER. Yes, we have that in front of us. That is the next piece of business, the reconsideration motions.

RECONSIDERATION OF VOTE ON HB 1395

The SPEAKER. There are two reconsideration motions to be placed before the House. Mr. White and Mr. Greenfield have moved that the vote by which HB 1395, PN 2409, was defeated be reconsidered. It is on page 3 of the active calendar.

The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson. For what purpose does the gentleman rise?

Mr. A. K. HUTCHINSON. Was not this bill defeated twice? It was defeated twice.

The SPEAKER. HB 1395 was defeated twice?

Mr. A. K. HUTCHINSON. It was defeated twice. It was defeated in December.

The SPEAKER. The Chair has been informed that the gentleman is incorrect. This bill was defeated just once. It was tabled on first consideration in December. It was given second consideration in February, third consideration of course today and defeated today. So the bill was defeated just one time.

The motion to reconsider is in order.

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

The following roll call was recorded:

YEAS—157

Abraham	Freind	Lynch	Ruggiero
Anderson	Fryer	Mackowski	Ryan
Armstrong	Gallagher	Madigan	Salvatore
Arthurs	Gamble	Manderino	Scanlon
Bellomini	Garzia	Manmiller	Schmitt
Beloff	Gatski	McCall	Schweder
Berson	Geesey	McClatchy	Scirica
Bittinger	Geisler	McGinnis	Seltzer
Bittle	George, C.	McIntyre	Shuman
Borski	George, M.	McLane	Shupnik
Brandt	Giammarco	Mebus	Smith, L.
Brown	Goodman	Miller	Spitz
Brunner	Gray	Milliron	Stairs
Burd	Greenfield	Morris	Stapleton
Burns	Greenleaf	Mrkonic	Stewart
Caitagirone	Grieco	Mullen, M. P.	Sweet
Caputo	Halverson	Musto	Taddonio
Cassidy	Harper	Novak	Taylor, F.
Cessar	Haskell	Noye	Thomas
Cianciulli	Hayes, S. E.	O'Brien, B.	Trello
Cimini	Helfrick	O'Brien, D.	Valicenti
Cohen	Hoeffel	O'Connell	Wagner
Cole	Honaman	O'Donnell	Wansacz
Cowell	Hopkins	O'Keefe	Wargo
Davies	Hutchinson, W.	Oliver	Wass
DeMedio	Itkin	Pancoast	Wiggins
DeVerter	Johnson	Parker	Wilson
DiCarlo	Jones	Petrarca	Wilt
Dininni	Katz	Pievsky	Wise
Dombrowski	Kelly	Polite	Wright, D.
Donatucci	Kernick	Pott	Wright, J. L.
Dorr	Knepper	Pratt	Yahner
Doyle	Kolter	Prendergast	Yohn
Duffy	Kowalyshyn	Pyles	Zearfoss
Englehart	Kukovich	Rappaport	Zitterman
Fee	Laughlin	Ravenstahl	Zwinkl
Fischer, R. R.	Lehr	Reed	
Fisher, D. M.	Levin	Rhodes	Irvis,
Flaherty	Lincoln	Richardson	Speaker
Foster, A.	Logue	Ritter	

NAYS—30

DeWeese	Letterman	Peterson	Stuban
Dietz	Levi	Piccola	Taylor, E.
Foster, W.	Livengood	Pitts	Vroon
Gallen	Meluskey	Renwick	Weidner
Goebel	Milanovich	Scheaffer	Wenger
Hasay	Miscevich	Sirianni	Zeller
Hayes, D. S.	Moehlmann	Smith, E.	Zord
Klingaman	Mowery		

NOT VOTING—15

Barber	Gillette	Mullen, M. M.	Tenaglio
Bennett	Gleeson	Rieger	White
Berlin	Hamilton	Shelton	Williams
Dumas	Hutchinson, A.	Spencer	

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

HB 1395 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. WHITE. Mr. Speaker, I move that HB 1395, PN 2409, be placed on the final passage postponed calendar.

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

RECONSIDERATION OF VOTE ON HB 76

Mr. ZELLER moved that the vote by which HB 76, PN 2556, was passed finally on this day be reconsidered.

Mr. MORRIS seconded the motion.

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

The SPEAKER. That bill is on page 17 of the active calendar.

The Chair recognizes the gentleman from Delaware, Mr. Garzia. You wish to debate the motion?

Mr. GARZIA. Well, I would like to oppose the motion, Mr. Speaker. The thing passed 175 to nothing.

The SPEAKER. All right. The gentleman's remarks have been noted.

The gentleman, Mr. Zeller, is, of course, in favor of the motion which he has filed.

The SPEAKER. For the information of the gentleman, Mr. Garzia—and this is not said to necessarily influence the direction of his vote—it is normally the common courtesy granted to any member on this floor to reconsider a vote at least one time.

Now if the gentleman wishes to vote "no," he is of course privileged to do so as any other lady or gentleman is. But that has been the common courtesy of the floor.

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

The following roll call was recorded:

YEAS—171

Abraham	Gallagher	Mackowski	Ruggiero
Anderson	Gallen	Madigan	Ryan
Armstrong	Gamble	Manderino	Salvatore
Arthurs	Gatski	Manmiller	Scanlon
Barber	Geesey	McCall	Scheaffer
Bellomini	George, C.	McClatchy	Schmitt
Beloff	George, M.	McGinnis	Schweder
Berson	Giammarco	McIntyre	Scirica
Bittinger	Goebel	McLane	Seltzer
Bittle	Goodman	Mebus	Shuman
Borski	Gray	Meluskey	Shupnik
Brandt	Greenfield	Miller	Sirianni

Brown	Greenleaf	Milliron	Smith, E.
Brunner	Grieco	Miscevich	Smith, L.
Burd	Halverson	Moehlmann	Spitz
Burns	Harper	Morris	Stairs
Caltagirone	Hasay	Mowery	Stapleton
Caputo	Haskell	Mrkonic	Stewart
Cassidy	Hayes, S. E.	Mullen, M. P.	Stuban
Cessar	Helfrick	Musto	Sweet
Cianciulli	Hoefel	Novak	Taddonio
Cimini	Honaman	O'Brien, B.	Taylor, F.
Cole	Hopkins	O'Connell	Thomas
Cowell	Hutchinson, A.	O'Donnell	Trello
Davies	Hutchinson, W.	O'Keefe	Valicenti
DeMedio	Johnson	Oliver	Vroon
DeVerter	Jones	Pancoast	Wagner
DeWeese	Katz	Parker	Wansacz
DiCarlo	Kelly	Peterson	Wargo
Dininni	Kernick	Petrarca	Wenger
Dombrowski	Klingaman	Pitts	Wilson
Donatucci	Knepper	Polite	Wise
Dorr	Kolter	Pott	Wright, D.
Doyle	Kowalyszyn	Pratt	Yahner
Duffy	Kukovich	Prendergast	Yohn
Dumas	Laughlin	Pyles	Zearfoss
Englehart	Lehr	Rappaport	Zeller
Fee	Letterman	Ravenstahl	Zitterman
Fisher, D. M.	Levi	Reed	Zord
Flaherty	Levin	Rhodes	Zwinkl
Foster, A.	Lincoln	Richardson	
Foster, W.	Logue	Rieger	Irvis,
Freind	Lynch	Ritter	Speaker
Fryer			

NAYS—16

Cohen	Geisler	Milanovich	Taylor, E.
Dietz	Hayes, D. S.	Noye	Weidner
Fischer, R. R.	Itkin	Piccola	Wilt
Garzia	Livengood	Renwick	Wright, J. L.

NOT VOTING—15

Bennett	Hamilton	Shelton	White
Berlin	Mullen, M. M.	Spencer	Wiggins
Gillette	O'Brien, D.	Tenaglio	Williams
Gleeson	Pievsky	Wass	

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

On the question recurring,

Will the House agree to the bill on third consideration?

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

Mr. ZELLER. Mr. Speaker, I appreciate this chance not to torpedo Mr. Garzia's bill. No one has that intent. What I am trying to do is find out something. At the time, I was busy and did not even recognize that the vote was being taken at the time. I would like to know what effect this is going to have on an area which would be, say, a borough next to a township in the same school district with only a line going through, and one happens to be in one county and one is in the other. What effect is this going to have on the Clean and Green Act 319 in regard to assessments where the farmer has been given a break? I have a case like that in northern Lehigh, only there is not a separation of counties but it could be whereas the school district has lost some \$600,000 in revenue because of the Clean and Green Act.

This would be a means in an area to recapture that, and I felt

that the farmer would not be treated fairly. That was my only problem. If someone can clear that up, I have no problem with it. As a matter of fact, I really at all times was in favor of Mr. Garzia's bill. My only problem is that I just wanted to see the farmer under the Clean and Green Act continue to get a fair shake. That is all. So if someone can clear that up for me, we have no problem.

MOTION TO PLACE ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. GEESEY. Mr. Speaker, would the Chair consider placing this bill on the final passage postponed calendar? A question has just arisen concerning the possibility of lack of uniformity provision in the bill. And this is something that I would like to get cleared up before we vote it again.

The SPEAKER. The gentleman so moves and, of course, the motion is in order.

Mr. GEESEY. Thank you.

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

Mr. GARZIA. Mr. Speaker, this bill has been on the calendar now for about a whole year. Today, this is the second time we have voted on it. The last time it was put back into committee, and it came out of committee. We voted on it 175 to nothing today. All of a sudden there is some objection to it.

I would like to know where the legislators have been in the last year when this bill was on the calendar. I do not mean to make any remarks against the gentleman, but this is a bill that has to be passed in a certain amount of time because a lot of the school districts across this state, 80 of them in fact, who will take advantage of this, want to get this done before July 1.

Mr. GEESEY. Are you addressing your remarks to me?

Mr. GARZIA. Well, if you care to answer it, if I said anything. I do not remember asking a question, but go ahead say something.

The SPEAKER. Just a moment. You had better include me in that.

Mr. GARZIA. You, too, Mr. Speaker.

The SPEAKER. All right, thank you.

Does the gentleman, Mr. Geesey, wish to address himself to the point which was not raised?

Mr. GEESEY. With a certain amount of decorum, if you please, Mr. Speaker.

I happen to live in a district that does cross county lines. We did examine the bill with a great deal of diligence. Initially, we found no problem with it. I just checked with the Legislative Reference Bureau again and found that a question has just arisen this afternoon relative to the problem of uniformity or possibly lack thereof.

All I am asking for is one legislative day. I am not asking for undue delay. I am not asking to bury the bill; just one legislative day as a simple common courtesy. I see no reason why it should not be extended.

Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I walked away from the mike because I assumed Mr. Garzia was in agreement with Mr. Geesey. Can I ask the Speaker: Is Mr. Garzia in agreement with Mr. Geesey?

The SPEAKER. Will the gentleman, Mr. Garzia, stand for interrogation?

Mr. GARZIA. Yes, Mr. Speaker.

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

Mr. GALLAGHER. Do you, Mr. Speaker, agree with Mr. Geesey to put it aside on the postponed calendar for at least one legislative day?

Mr. GARZIA. Well, under common courtesy in the House, I will, much to my regret.

Mr. GALLAGHER. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HB 76 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. HB 76, PN 2556, as moved by the gentleman, Mr. Geesey, and seconded by the gentleman, Mr. Garzia, with great reluctance, will be placed upon the final passage postponed calendar.

HB 163 TAKEN FROM TABLE AND RECONSIDERED

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

Mr. RICHARDSON. Mr. Speaker, I move that we take from the table HB 163, PN 176, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the Legal Holiday Law providing that the fifteenth day of January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday (Messrs. Richardson, White, Williams, Barber, Mrs. Harper, Messrs. Irvis and Johnson)—State Government, February 6, 1978.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Mr. RICHARDSON. Mr. Speaker, I understand that the Appropriations Committee chairman has a few remarks to make on this particular bill. I would like at this time that he make them because there is an amendment to this bill.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky. Then the Chair will recognize the gentleman, Mr. Goebel.

Mr. PIEVSKY. Mr. Speaker, it has been brought to my attention by the budget analyst of the Appropriations Com-

mittee that HB 163, PN 176, would not need a fiscal note.

For the simple reason, if there was a day off for a legal holiday, it would have to be negotiated through a contract with labor. We were told by the Governor's Office that by having a legal holiday, if the offices wanted to be closed, they could be closed, but it would have to be negotiated with the labor contract with union.

The SPEAKER. So it is the contention of the Appropriations Committee chairman that this bill does not require, under the rules, a fiscal note? Is that correct?

Mr. PIEVSKY. That is correct, Mr. Speaker.

The SPEAKER. The Chair now recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I have an amendment.

The SPEAKER. Let us see if we can settle the matter of the fiscal note first and then—

The Chair recognizes the gentleman from Berks, Mr. Gallen, on the fiscal-note matter.

Mr. GALLEN. Mr. Speaker, with regard to your comments, you said that the holiday would have to be negotiated. Would not the holiday be automatic? In other words, not every person who is employed by the Commonwealth, including you and I, is under any kind of a labor contract.

Mr. PIEVSKY. If they were going to get a day off, it would have to be negotiated with a labor contract if they were going to get paid for the day. It could not be a legal holiday. If the state wants to close their offices, I imagine they can do so.

Mr. GALLEN. A legal holiday would either be automatic as a result of the enactment of this legislation or by decree of the Governor, would it not?

Mr. PIEVSKY. There is nothing in that legislation from what I see that says so, Mr. Speaker.

It pertains to banks, if you read the bill, but it does not say anything about the state.

Mr. GALLEN. There were legal holidays prior to the time there were any unions involved, though, with the employes. State liquor stores were always closed on holidays. Does not a holiday have an effect on the revenues gleaned from the state liquor stores?

Mr. PIEVSKY. True.

Mr. GALLEN. I think, Mr. Speaker, that the Appropriations Committee chairman should seek more advise with regard to the necessity of a fiscal note on this bill.

Mr. PIEVSKY. You bring up state liquor stores. They are also part of the contract, if they are closed.

Mr. GALLEN. It has nothing to do with a contract. Before there were such things as contracts, the state liquor stores were closed on holidays before there was ever anything like a labor contract with state employes.

It is your contention that the enactment of this bill would not create a day off, a holiday for state workers, contract or no contract.

Mr. PIEVSKY. Well, you could have a day off if it is in the contract or if the state wants to pay the employes.

Mr. GALLEN. In the absence of any contract, Mr. Speaker, there is no contract. Do you feel that the enactment of this bill

would not create a holiday for state employees?

Mr. PIEVSKY. That is correct.

Mr. GALLEN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, on the question of the fiscal note.

Mr. DAVIES. Mr. Speaker, would the Appropriations Committee chairman stand for another question of interrogation?

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

Mr. DAVIES. Mr. Speaker, in the wisdom of the Chair, what would happen in the private sector, sir, if we had the holiday, because corporate tax is based upon productivity and sales tax is based upon retail sales? The entire revenue of the state in some way or other is related to productivity in the private sector as well as in the public sector. If we, of course, have another added holiday and in any way reduce that productivity, we essentially would then be reducing the amount of revenues or flow of revenues coming into the Commonwealth in some sort of manner, shape or form. I am not saying by "X" number of dollars or anything like that, but with the research on it, I think we should be assured that, of course, we know where we are at exactly as far as what it would do to that revenue. That essentially is my question.

Mr. PIEVSKY. Mr. Speaker, theoretically, the gentleman is right, but this legislation is not binding to those institutions.

Mr. DAVIES. Well, the only thing I would say then is: What has been the past history when this body has seen fit to pass legal holidays? What has usually happened with negotiations that follow in both the private sector and the public sector?

I would suggest that if you follow the record, sir, they usually do become holidays and they are negotiated in contracts, and, of course, what would happen is that we would be faced with less revenue than we would normally take in now.

The SPEAKER. The Chair recognizes the minority leader.

Mr. SELTZER. Thank you, Mr. Speaker.

I am not quite sure whom to ask this question of, so I will throw out the question and then anyone who wants to respond, I will be happy to receive their response.

The last section of the bill on page 4 repeals the act of December 30, 1974, an act entitled "An act providing for the observance of January 15 of each year as Martin Luther King Day." Now, we are repealing that act with this one. What is the difference between the act that is honoring Martin Luther King as of 1974 and this proposed act which is before us today, if it is not to give the Commonwealth employees another holiday?

POINT OF ORDER

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick. For what purpose does the lady rise?

Mrs. KERNICK. I rise to a point of order.

The SPEAKER. The lady will state it.

Mrs. KERNICK. I thought we were discussing the fiscal note but I notice Mr. Seltzer is discussing the bill.

The SPEAKER. The lady's point of order is well taken.

The gentleman, Mr. Seltzer, will be advised that we are trying to limit the current part of the debate to the fiscal note.

Mr. SELTZER. Mr. Speaker, if I may again pose the question, I would hope the lady would listen more closely because the question I was attempting to develop speaks strictly to the financial costs of this bill.

My question—

The SPEAKER. Will the gentleman yield?

Apparently, Mrs. Kernick, the gentleman, Mr. Seltzer, is merely laying the groundwork for a conclusionary statement and wishes to ascertain certain information from the chairman of the Appropriations Committee.

Mrs. KERNICK. If I was wrong, I apologize, but I was under the impression he was discussing the merits of the bill.

The SPEAKER. I believe that you were not wrong in raising the question. But he is trying apparently to lay the groundwork for a debate on the fiscal question.

Now, did the gentleman, Mr. Pievsky, understand the question before him?

Mr. PIEVSKY. No, I do not, Mr. Speaker.

Mr. SELTZER. Mr. Speaker, I will rephrase the question. The gentleman from Philadelphia, Mr. Pievsky, has indicated that from the information he had received, the enactment of this proposed bill would not have a fiscal impact on the Commonwealth. Is that correct?

And so, Mr. Speaker, in argument, I pose this question to him: If that statement is correct, then what is the difference between this bill before us or the law which is now on the books, because we currently have a law on the books honoring Dr. Martin Luther King, which has no fiscal impact? And the only difference I see between the current law and the proposed act is the fiscal impact.

Mr. PIEVSKY. Perhaps, Mr. Speaker, Mr. Richardson, the prime sponsor, might be able to answer that question. I will yield to the prime sponsor.

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

Mr. RICHARDSON. Mr. Speaker, HB 163, PN 176, merely just indicates that the day that Mr. Seltzer speaks of at the time that this bill was drawn up in 1974 was merely a commemoration day, saying that they would commemorate Dr. Martin Luther King on that day as an observance.

Today, what we are doing is amending the act going back to 1893 and specifically making Dr. Martin Luther King Day January 15, a legal holiday in the Commonwealth of Pennsylvania.

Mr. SELTZER. Mr. Speaker, as I recall, I was one of many in this House who voted to honor Dr. Martin Luther King, and it has not caused a fiscal impact in this Commonwealth because it was not declared a legal holiday and, therefore, had no fiscal impact.

I would be very happy to further honor Dr. Martin Luther King by supporting this type of legislation, but my hang-up, apparently as well as many other members of this House, is that we feel that by the passage of this bill as now written, it would impose a fiscal hardship on this Commonwealth, because it is our understanding that there is no other legal holiday enacted

into law which is not observed by a day of rest by the employes of this Commonwealth.

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

Mr. PIEVSKY. If I may, Mr. Speaker, can I ask Mr. Richardson one question?

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

Mr. PIEVSKY. Mr. Speaker, in your legislation, it is your opinion that the state workers would not get paid for this holiday?

Mr. RICHARDSON. Would you repeat the question?

Mr. PIEVSKY. In your legislation, is it your opinion that the state workers would not get paid for this holiday?

Mr. RICHARDSON. This has nothing to do, Mr. Speaker, with employes getting paid or not getting paid. It is my understanding that all of these matters must go to either the Governor or to the unions in question as to whether or not they will honor the holiday in the Commonwealth of Pennsylvania.

Mr. PIEVSKY. In other words, you are just having a commemorative holiday. Is that it?

Mr. RICHARDSON. No, it is a legal holiday commemorating Dr. Martin Luther King. It just allows Pennsylvania to go on record making it clear that they will recognize Dr. Martin Luther King's birthday as a legal holiday. Any other matters relevant to resolving whether people get paid on that day should be up to the decision of those parties involved — contracts, unions, et cetera. But according to the Legislative Reference Bureau, that says that any dollar amount would change the fiscal impact in this Commonwealth one way or the other.

Mr. PIEVSKY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Goebel. For what purpose does the gentleman rise?

Mr. GOEBEL. To speak on the fiscal impact.

The SPEAKER. Very well. We will put the gentleman following the lady, Mrs. Kernick, who has been waiting patiently at the microphone. We will recognize the gentleman, Mr. Goebel, after that.

Mr. GOEBEL. Thank you.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

I would like to interrogate Mr. Pievsky, please.

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

Mrs. KERNICK. Mr. Speaker, you are saying that as of this moment there is no fiscal impact if this bill is passed by the House?

Mr. PIEVSKY. That is correct.

Mrs. KERNICK. But you are also saying it may entail a loss of revenue in the future if the contracts are negotiated to declare this a paid holiday?

Mr. PIEVSKY. It is a possibility with a negotiated contract, yes, but it is not in the legislation the way it is written.

Mrs. KERNICK. But it may entail a loss of revenue?

Mr. PIEVSKY. Yes.

Mrs. KERNICK. Mr. Speaker, do you know, because I do not, how do the state contracts read? Do they read that all legal holidays are paid holidays, or are they specific in naming the days within that contract?

Mr. PIEVSKY. Well, I believe that Good Friday is a legal holiday, and the state is not closed; they do not get paid.

Mrs. KERNICK. I did not ask you that. Do you have any idea what the wording is in the contract between the employes and the state? Does it say they shall be paid for all legal holidays or does it specify within the contract each holiday?

Mr. PIEVSKY. I would think it is specified, Mr. Speaker.

Mrs. KERNICK. But you are not sure?

Mr. PIEVSKY. It is specified.

Mrs. KERNICK. Thank you.

Mr. Speaker, may I make a brief statement?

The SPEAKER. The lady is in order.

PARLIAMENTARY INQUIRY

Mrs. KERNICK. Better, let me address a parliamentary inquire on rule 19 (a).

The SPEAKER. The lady will state it.

Mrs. KERNICK. Rule 19 (a) reads: "No bill . . ."—and then I will skip a little bit here—"which may"—and I repeat, may—"entail a loss of revenues shall be reported from committee. . . ." et cetera. Mr. Pievsky has just submitted that it may entail a loss of revenue, whether it is this minute or in the future, and I suggest that we table this bill or send it back to committee so that we are not bound by a loss of revenues in the millions of dollars in the coming year.

MOTION TO RECOMMIT HB 163

The SPEAKER. The lady is not really making a parliamentary inquiry. The lady is making a motion to table.

Mrs. KERNICK. Let us answer the question. Since the rule reads that where it may entail a loss of revenue, it must have a fiscal note, and we do not have a fiscal note, I would like to move that it be sent to the Appropriations Committee so that we may have a fiscal note.

The SPEAKER. It has been moved by the lady from Allegheny County that HB 163, PN 176, be referred to the Committee on Appropriations for purposes of ascertaining whether or not the bill needs a fiscal note and, if in fact it does, for purposes of securing such fiscal note. Does the lady wish to correct the—

MOTION TO RECOMMIT WITHDRAWN

Mrs. KERNICK. I would like to, Mr. Speaker. Rather than tie the bill up in the Appropriations Committee, it has been suggested to me, and I agree, that it remain on the calendar while a fiscal note is prepared.

MOTION TO TABLE HB 163

The SPEAKER. The lady withdraws the motion. Then the lady is renewing the motion to table. That would be the only way that it could remain on the calendar.

The lady from Allegheny County renews the motion to table

HB 163, PN 176, the purpose of the motion to table being to give the Committee on Appropriations an opportunity to prepare a fiscal note. A motion to table is not debatable.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, would not the proper thing be to first waive the rules which will allow us to leave it on the table to have a fiscal note prepared? It seems to me that the rules say that if you lay the bill on the table, that is one thing, but to prepare a fiscal note, it must be referred to the Appropriations Committee.

The SPEAKER. The rules do not so state. We checked that out earlier today.

Mr. RITTER. Mr. Speaker, along with the parliamentary inquiry, it says “. . . and no bill so reported shall be given second consideration reading on the calendar. . . .”

The SPEAKER. The gentleman may have missed the debate which took place at some length earlier today, but that point has been raised, and raised two or three times, and the Chair has answered it two or three times.

In the absence of anyone raising that point on second reading, the rules are considered to have been waived. The way to correct an error in this is to move to refer the bill to the Appropriations Committee or to request on motion a fiscal note, which is precisely what the lady from Allegheny County is doing. Does the gentleman, Mr. Ritter, understand the explanation of the Chair?

Mr. RITTER. To a degree, Mr. Speaker.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. I think the motion made by the lady is out of order in view of the fact that we already have a report from the Appropriations Committee on the fiscal note. There is no fiscal note necessary on this bill.

The SPEAKER. The lady's motion is not out of order. The lady may renew the motion at any time and any number of times to table the bill. The recourse of the gentleman is to vote in the negative on the motion, or anyone who disagrees with the lady.

Mr. CAPUTO. I urge a negative vote so that we can get on with the debate on the bill.

The SPEAKER. The question is on the motion to table. Those in favor of tabling the bill will vote “aye”; those opposed to tabling will vote “no.”

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

The following roll call was recorded:

YEAS—76

Anderson	Greenleaf	Mebus	Shuman
Armstrong	Halverson	Meluskey	Sirianni
Arthurs	Hasay	Moehlmann	Smith, E.
Bennett	Haskell	Mowery	Smith, L.
Bittle	Hayes, S. E.	Noye	Spitz
Cessar	Helfrick	O'Connell	Stairs
Davies	Honaman	Pancoast	Taddonio
DeVerter	Hopkins	Parker	Taylor, E.
Dietz	Hutchinson, W.	Peterson	Thomas
Dininni	Kernick	Piccola	Vroon
Dorr	Klingaman	Pitts	Wansacz
Fisher, D. M.	Knepper	Polite	Wass
Foster, A.	Lehr	Pott	Weidner
Foster, W.	Levi	Pyles	Wenger
Freind	Lynch	Ritter	Yohn
Gallen	Mackowski	Ryan	Zearfoss
Gatski	Madigan	Scheaffer	Zeller
George, M.	Manmiller	Scirica	Zord
Gillette	McGinnis	Seltzer	Zwikl

NAYS—110

Abraham	Englehart	Letterman	Renwick
Barber	Fee	Levin	Rhodes
Bellomini	Fischer, R. R.	Lincoln	Richardson
Beloff	Flaherty	Livengood	Rieger
Berson	Fryer	Logue	Ruggiero
Bittinger	Gamble	McCall	Salvatore
Borski	Garzia	McIntyre	Scanlon
Brandt	Geisler	McLane	Schmitt
Brown	George, C.	Milanovich	Schweder
Brunner	Giammarco	Miller	Stapleton
Burd	Goebel	Milliron	Stewart
Burns	Goodman	Miscevich	Stuban
Caltagirone	Gray	Morris	Sweet
Caputo	Greenfield	Mrkonic	Taylor, F.
Cassidy	Grieco	Mullen, M. P.	Trello
Cianciulli	Harper	Musto	Valicenti
Cimini	Hayes, D. S.	O'Brien, B.	White
Cohen	Hoeffel	O'Brien, D.	Wiggins
Cole	Hutchinson, A.	O'Donnell	Williams
Cowell	Itkin	O'Keefe	Wilson
DeMedio	Johnson	Oliver	Wilt
DeWeese	Jones	Petrarca	Wise
DiCarlo	Katz	Pievsy	Wright, D.
Dombrowski	Kelly	Pratt	Yahner
Donatucci	Kolter	Prendergast	Zitterman
Doyle	Kowalyszyn	Rappaport	
Duffy	Kukovich	Ravenstahl	Irvis,
Dumas	Laughlin	Reed	Speaker

NOT VOTING—16

Berlin	Hamilton	Novak	Tenaglio
Gallagher	Manderino	Shelton	Wagner
Geesey	McClatchy	Shupnik	Wargo
Gleeson	Mullen, M. M.	Spencer	Wright, J. L.

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

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

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

The question is, Shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I would like to offer an amendment.

The SPEAKER. The Chair would have to advise the gentleman, Mr. Goebel, that he is now out of order. We are on final passage of the bill. If the gentleman wishes to offer an amendment, then he must first move to reconsider the vote by which the bill passed third reading. This, if he succeeds, as I am assuming he will, will place the bill back as on third reading and therefore available for an amendment. Does the gentleman so move?

Mr. GOEBEL. I think it would be the consensus of the House to do so and I would so move.

RECONSIDERATION OF VOTE ON HB 163

Mr. GOEBEL moved that the vote by which HB 163, PN 176, was agreed to on third consideration be reconsidered.

Mr. ARTHURS seconded the motion.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion to reconsider the vote, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Perhaps, Mr. Speaker—and I do not know if the motion to reconsider is debatable—a lot of us could make up our minds about whether to vote “aye” or “nay” if we had some idea of what the gentleman, Mr. Goebel, proposes to do in his amendment, as I have not seen a copy of the amendment. I do not know if my colleagues have or not.

The SPEAKER. The gentleman’s amendment may not have been distributed. If it is not distributed, then it cannot be considered today at all. Has it been distributed? Will someone give a copy of the amendment to the gentleman, Mr. Rappaport, so he can see what amendment is proposed?

Mr. RAPPAPORT. Mr. Speaker, the gentleman from Berks County has been kind enough to give me a copy of it.

The SPEAKER. Fine.

The question recurs on the motion of the gentleman, Mr. Goebel. Those in favor of reconsidering the vote by which HB 163 passed third reading will vote “aye”; those opposed will vote “no.”

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—137

Abraham	Geesey	McGinnis	Seltzer
Anderson	Geisler	McLane	Shuman
Armstrong	George, C.	Mebus	Sirianni
Arthurs	George, M.	Meluskey	Smith, E.
Bennett	Gillette	Miller	Smith, L.
Bittinger	Goebel	Miscevich	Spitz
Bittle	Greenleaf	Moehlmann	Stairs
Brandt	Grieco	Morris	Stewart
Brown	Halverson	Mowery	Stuban
Brunner	Hasay	Novak	Sweet
Burd	Haskell	Noye	Taddonio
Burns	Hayes, D. S.	O'Brien, B.	Taylor, E.
Caltagirone	Hayes, S. E.	O'Brien, D.	Taylor, F.

Cassidy	Helfrick	O'Connell	Thomas
Cessar	Honaman	Pancoast	Trello
Cimini	Hopkins	Parker	Valicenti
Cole	Hutchinson, A.	Peterson	Vroon
Cowell	Hutchinson, W.	Petrarca	Wagner
Davies	Itkin	Piccola	Wansacz
DeMedio	Katz	Pitts	Wass
DeVerter	Kernick	Polite	Weidner
Dininni	Klingaman	Pott	Wenger
Dorr	Knepper	Pratt	Wilson
Fee	Kolter	Prendergast	Wilt
Fischer, R. R.	Kukovich	Pyles	Wise
Fisher, D. M.	Lehr	Ravenstahl	Wright, D.
Flaherty	Levi	Renwick	Wright, J. L.
Foster, A.	Lincoln	Ritter	Yahner
Foster, W.	Logue	Ryan	Yohn
Freind	Lynch	Salvatore	Zearfoss
Fryer	Mackowski	Scheaffer	Zeller
Gallen	Madigan	Schmitt	Zitterman
Gamble	Manmiller	Schweder	Zord
Garzia	McClatchy	Scirica	Zwikl
Gatski			

NAYS—54

Barber	Englehart	Levin	Rappaport
Bellomini	Gallagher	Livengood	Reed
Beloff	Giammarco	Manderino	Rhodes
Berson	Goodman	McCall	Richardson
Borski	Gray	McIntyre	Rieger
Caputo	Greenfield	Milanovich	Ruggiero
Cianciulli	Harper	Milliron	Scanlon
Cohen	Hoeffel	Mrkonic	Stapleton
DeWeese	Johnson	Mullen, M. P.	White
DiCarlo	Jones	Musto	Wiggins
Dombrowski	Kelly	O'Donnell	Williams
Donatucci	Kowalshyn	O'Keefe	
Doyle	Laughlin	Oliver	Irvis,
Dumas	Letterman	Pievsky	Speaker

NOT VOTING—11

Berlin	Gleeson	Shelton	Tenaglio
Dietz	Hamilton	Shupnik	Wargo
Duffy	Mullen, M. M.	Spencer	

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GOEBEL offered the following amendments:

Amend Title, page 1, lines 5 and 6, by striking out “fifteenth” in line 5 and “day” in line 6 and inserting second Sunday
 Amend Sec. 1 (Sec. 1), page 1, line 18, by striking out “fifteenth day” and inserting second Sunday

Amend Bill, page 4, by inserting between lines 23 and 24 Section 3. The observance of Dr. Martin Luther King, Jr. Day as a paid holiday on any day other than the day herein designated shall not be a negotiable labor subject for public employees.

Amend Sec. 3, page 4, line 24, by striking out “3” and inserting 4

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Goebel, on the amendment.

Mr. GOEBEL. Mr. Speaker, just to very briefly speak about the amendment, this will still give Martin Luther King a legal holiday. It will place it on the second Sunday, instead of the ac-

tual date of the birth. Then also it says that this day or any other day would not be a negotiable item for the labor employes, like nowadays if a holiday is on Sunday, they celebrate it on a Monday. So this one would not be able to be negotiated to be celebrated on Monday. It would be strictly on a Sunday and would not cost the state anything. A little bit of arithmetic will show you that 120,000 employes at an average of \$60 a day would cost \$7,200,000.

I have nothing against this particular bill. I would do it for any other legal holidays. I do not think the state can afford any more. We are going to have to start doubling up or putting them on Sundays.

That is the gist of the amendment. If anyone has any questions, I will try to answer them.

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

Mr. COHEN. I yield to Mr. Richardson.

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the amendment offered by the gentleman, Mr. Goebel. I do so, Mr. Speaker, because in essence it kills Dr. Martin Luther King's birthday as being a legal holiday in the Commonwealth of Pennsylvania. What in fact it does, Mr. Speaker, is it indicates that Martin Luther King was born on January 15, and it changes that to say that we should observe the holiday on a Sunday.

I think that it is quite clear that there is an attempt being made in the House to try to down Dr. Martin Luther King's birthday as a holiday for the Commonwealth of Pennsylvania. We have had this bill in since last year, February of 1977. We also introduced this bill back in 1973 when we first came into session. Finally in 1974 we got an observance day, but I think that it is quite clear, Mr. Speaker, that this amendment is an attempt to take out the guts of the bill to make Martin Luther King's birthday, which is honored on January 15, a legal holiday.

I must say that if the gentleman is also concerned with other legal holidays in this Commonwealth of Pennsylvania, he should also do the same for those other holidays that are now also recognized. We believe very strongly that Dr. Martin Luther King gave his life to this Nation for the betterment and the advancement of all people, for the eradication of hunger, poverty, disease, and anything else crippling to the human spirit, and we would certainly hope that the spirit of this House would understand and recognize that Dr. Martin Luther King was a black man but that in the Commonwealth of Pennsylvania, even though it is very clear that other holidays have not been recognized by nationality, we are fighting very hard to get this on the record so that when the State of Pennsylvania goes on record along with several other states, we will be able to move later on to make this a national holiday across the whole Nation. I would ask that the members please vote against this amendment of Mr. Goebel's.

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

Mr. COHEN. Mr. Speaker, if we were writing a bill providing for holidays at this time instead of amending an 1893 act, I think we would be very logical and provide very clearly what a holiday is and provide clearly what happens on a holiday. Well back in 1893 no such decision was made. There is no real definition in this Act of 1893 as to what happens on a holiday. Now earlier we were told that on a holiday, everybody gets off, all business stops. That is not true. If we look at the Act of 1893, and we read it and we see the holidays, we see Washington's Birthday, Good Friday, Memorial Day, the Fourth of July, Labor Day, Columbus Day, days on which everybody gets off; and then we see Election Day, a day on which hardly anybody gets off and when all business is transacted as usual; and then we go on to Veterans Day, Thanksgiving Day, Christmas Day, days which everybody gets off. With the inclusion of Election Day in this act, which is a day on which, for better or for worse, people work, nothing stops, indicates very clearly that calling Martin Luther King's birthday a legal holiday does not mean that business is going to stop. Unless further action is taken, it is going to be just like Election Day. Therefore Mr. Goebel's amendment is not necessary, and I urge its defeat.

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

Mr. Ritter. Mr. Speaker, I think that the Goebel amendment, if adopted, would in fact cost this Commonwealth all that money, because if you look at his amendment, section 3 reads: "The observance of Dr. Martin Luther King, Jr. Day as a paid holiday on any day other than the day herein designated shall not be a negotiable labor subject for public employes." Well, it seems to me it indicates, Mr. Speaker, that in fact that Sunday would be a paid holiday whether you worked or whether you did not work. At least that is my reading of the language of the amendment.

I am concerned also, Mr. Speaker, that there are local labor contracts with public employes, and I am not at all sure that some of them do not read, "and any other holiday so designated by the State Government or by the Commonwealth of Pennsylvania." I think that the amendment, it seems to me, points out very clearly that it shall be a paid holiday. I find that objectionable as far as I am concerned and even more objectionable than the bill itself and I intend to vote against the amendment for that reason.

The SPEAKER. That is a very interesting observation, and the Chair would suggest that the members read that language very carefully. Although the language is not Mr. Goebel's language, it is prepared by the Legislative Reference Bureau.

The Chair recognizes Mr. Arthurs, unless he wishes to yield to the gentleman, Mr. Goebel.

Mr. ARTHURS. I will yield, Mr. Speaker.

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

Mr. GOEBEL. Thank you, Mr. Arthurs.

The intent is not to have it a paid holiday, but it does not say so in this amendment, and I do not think it will be interpreted by anyone else to mean so. It just means that you cannot celebrate it as a holiday any other day. Let us honor Dr. Martin

Luther King by shifting it to a Sunday and making it mandatory that it will not be shifted. We have Lincoln, whose birthday was actually the 12th and it was celebrated on the 13th. We have Washington's birthday, which is actually the 22nd, but it was celebrated on the 20th. I do not think we less honor them this way, and it definitely does not say that it is a paid holiday; it just says that they cannot negotiate it to be any other day than that Sunday as a legal holiday, and there would be no doubt in my mind that this would be a legal holiday. Also, you know, any legal holiday, whether the employees negotiate a day off or not, the state banks would be closed on this holiday, so it would have a definite fiscal impact right there.

So I definitely urge a "yes" on this amendment. I think that we would still be honoring Dr. Martin Luther King and I would take this position on any holiday that would be proposed by any member. I do not think we can have any more holidays. Do not forget we have 47 paid holidays, or they end up that way, with 15 vacation days, 15 sick days, 15 holidays, two personal days, and most of the people take them all. They are cumulative to 200 days of sick leave. This comes to a 213-day work year. Who in private industry works that way, with 213 cumulative days? It is getting pretty good. As a matter of fact, I will be introducing legislation later on that the state will not be able to negotiate a contract with any less than, say, 234 days. I think we have to do something about this, and this is where we start, right here.

Thank you for your attention.

The SPEAKER. Is the lady Miss Sirianni, standing to be recognized?

Miss SIRIANNI. Yes, Mr. Speaker.

The SPEAKER. We will put the lady on the list.

The Chair now recognizes the gentleman, Mr. Arthurs.

Mr. ARTHURS. Thank you, Mr. Speaker.

I would assume that the most important thing that Mr. Richardson would like to do through this amendment is to show recognition to Dr. Martin Luther King. I think that most of us showed in our actions previously that we all feel that way.

Now, I do not really believe that a particular date is so important, because, going back through history, I am sure that there are not too many people that we do remember what day they were born. Because of Dr. Martin Luther King's involvement with the church, with the Christian man that he was, and the Christian beliefs that he tried to instill in all of us, I personally would feel that he would feel honored if his birthday were celebrated on a Sunday, on a day that at least the Christian churches would have more chance of celebrating in recognizing his birthday than if it would come on a Tuesday, Wednesday, Thursday, Friday. I really believe if he had a choice that he would just as soon see it on Sunday. I do not think that any of us would show him any less recognition or honor, and, probably, over the entire nation, or, in this case, over the entire state, if the holiday would fall on a Sunday, I would really believe that he would get more recognition.

I would like to have Mr. Richardson reconsider his thinking and I would also like to ask for support of this particular amendment. Getting into the financial end of it, I do not think that we can afford another \$7 million to give people off a day.

Once again, I think if Martin Luther King had his choice, he would rather see this money go into other kinds of programs than someone getting a day's work off, because it is a day's work off and they do not give a hoot about Martin Luther King. I think he would rather see money being spent in a wiser manner than we are trying to do by presumably giving people another day off. I am just trying to reflect something that I feel that Dr. Martin Luther King would feel in his own heart. I would ask for support of this particular amendment.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

I would like to ask the Chair if this amendment is divisible by deleting the phrase under section 3: "as a paid holiday on any other day than the day herein designated." Then section 3 would read: "The observance of Dr. Martin Luther King, Jr. Day shall not be a negotiable labor subject for public employees."

The SPEAKER. In the opinion of the Chair, it is not so divisible. The Chair would be delighted to say it is because it might solve a problem of language which the Chair has seen, but for a question to be divisible, each part of the question must be able to stand on its own. If we were to divide it in the way the lady has suggested, the House would be called upon to decide on this language: "as a paid holiday on any day other than the day herein designated", and that would not make any sense and it could not stand on its own. For that reason, the Chair would have to save that it is not so divisible.

Mrs. KERNICK. Mr. Speaker, could I move that this be held over until the next legislative day so that Mr. Goebel would have time to redraft his amendment?

The SPEAKER. The lady could move, and it would be in order, that HB 163, together with the amendment offered thereto, be passed over. And that would place the bill in exactly the same position as it is now, which is on third reading under the motion adopted by the House. And that would mean that the bill would not come up until the next legislative day for consideration.

If the lady wishes to so move, the Chair would recognize the lady for that purpose.

Mrs. KERNICK. Yes, I do, Mr. Speaker.

MOTION TO PASS OVER BILL AND AMENDMENT

The SPEAKER. It is moved by the lady from Allegheny County, Mrs. Kernick, that HB 163, PN 176, together with the amendment offered by the gentleman, Mr. Goebel, be passed over for the day.

On the motion, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the motion. I think that it is quite clear there is an attempt to try to kill Dr. Martin Luther King's bill. I want to make it crystal clear that it would seem to me that a bill that we have been working on for many years in this House has finally come to a head and I would like to have the final debate on it today. I would ask that the members move on that motion to vote against the motion to

pass over at this time.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, we have been debating this bill for over an hour now. It would appear to me to be a rather long debate on what we thought was a rather routine bill. If it is the sentiment of members of this House that we should rethink all of the legal holidays in this Commonwealth, well and good. I suggest that they draft a bill to do so and we will look at it on its merits. It may very well be that there are too many paid holidays in the state calendar, but it seems to me somewhat peculiar that the debate comes up on this particular bill. I have tremendous difficulties with that, much as I dislike to have any evil thoughts about anyone in this House, and I conscientiously refrain from such thoughts at all times.

I would suggest that we pass this bill today, that we defeat any motions to put over or to amend at this point, and then let us look at the whole problem of holidays, and if it be that we should designate some holidays as holidays but not as bank holidays and not as holidays for state employes, well and good. I think when we designate something a holiday, we could merely intend that suitable public observances be held. Let us do that and let us talk about the entire holiday schedule, but let us pass this bill.

Thank you, Mr. Speaker.

The SPEAKER. On the motion of the lady from Allegheny, the Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I want to say this: I am getting a bit weary of having my intentions and my motives questioned simply because I am more concerned about the fiscal aspects than I am about whether or not we are going to designate a certain day. As I said, I am getting a bit weary of that and, if it happens again, I intend to try to do something about it.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. GOEBEL. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GOEBEL. The remarks by the gentleman, Mr. Rappaport, I think were aimed at me because I am offering this amendment. It seems that it was in the tone that I am some sort of racist, or was I not hearing correctly? I do not know if I heard correctly—

The SPEAKER. Will the gentleman yield?

Mr. GOEBEL. Certainly.

The SPEAKER. The Chair was listening very carefully, as was the gentleman, Mr. Seltzer, to see if the gentleman, Mr. Rappaport, was going to transgress, and he stopped, in the opinion of the Chair, short of that transgression.

What the gentleman said was that he did not like to have evil thoughts about anything in this House. He did not specify a member or a position. Had he done so, the Chair would have interrupted him immediately and required an apology and re-

quired that the remarks be stricken from the record. But I think the gentleman, Mr. Goebel, was not injured in the particular encounter and I do not think it requires that the gentleman, Mr. Rappaport, explain any further, and the Chair would suggest that he not do so.

Mr. GOEBEL. Thank you, Mr. Speaker. I would be greatly offended by anything—

The SPEAKER. The Chair recognizes that the gentleman was threatening the transgression, but the Chair was listening to make sure he did not transgress.

Mr. GOEBEL. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of the motion of the lady, Mrs. Kernick, and I would like to just briefly state why.

I would not want to see this bill delayed any long period of time. I think that Dr. Martin Luther King was one of the greatest Americans that we have had in this century and I think he should be duly honored. I think that the concern that is being expressed in this debate could have been easily handled if we did have some idea of the fiscal impact, and there seems to be a lot of confusion on that. I am impelled to support the motion because of the growing problem that we have with this kind of thing.

Recently I learned that in the PennDOT budget—and we are going to be faced with a gasoline tax problem shortly—of 1975-76, out of a payroll of \$193 million, there was a \$35-million added cost for a fringe benefit that was designated “leaves of absence.” That is the kind of thing that is driving the cost of government up and up and up, and I think that is what concerns some of us here. I believe this problem can be easily and properly handled, and to quiet the problems that the members have expressed, I would urge that you simply support Mrs. Kernick’s motion with the understanding that this bill will be called on the next legislative day so that we can handle it properly. I think it should be handled and I think we should honor Dr. Martin Luther King in a full and fitting way.

Thank you.

The SPEAKER. The question is on the motion that HB 163, PN 176, together with the amendments thereto, be passed over for today. Those in favor of the motion will vote “aye”; those opposed to the motion will vote “no.”

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—113

Anderson	Greenleaf	Miscevich	Shuman
Armstrong	Grieco	Moehlmann	Sirianni
Arthurs	Halverson	Mowery	Smith, E.
Bittle	Hasay	Musto	Smith, L.
Brown	Haskell	Novak	Spitz
Burd	Hayes, S. E.	Noye	Stairs
Caltagirone	Helfrick	O'Brien, B.	Stuban
Cassidy	Honaman	O'Brien, D.	Taddonio
Cessar	Hutchinson, A.	O'Connell	Taylor, E.

Cimini	Hutchinson, W.	Pancoast	Taylor, F.
Cole	Katz	Peterson	Thomas
Davies	Kernick	Petrarca	Valicenti
DeVertter	Klingaman	Piccola	Vroon
Dietz	Kowalshyn	Pitts	Wagner
Dininni	Lehr	Polite	Wansacz
Dorr	Letterman	Pott	Wass
Englehart	Levi	Pratt	Weidner
Fisher, D. M.	Lynch	Prendergast	Wenger
Foster, A.	Mackowski	Pyles	Wilson
Foster, W.	Madigan	Ritter	Wilt
Freind	Manmiller	Ruggiero	Wright, D.
Fryer	McClatchy	Ryan	Wright, J. L.
Gallen	McGinnis	Salvatore	Yohn
Garzia	McLane	Scheaffer	Zearfoss
Gatski	Mebus	Schmitt	Zeller
Geesey	Meluskey	Schweder	Zitterman
George, M.	Milanovich	Scirica	Zord
Gillette	Miller	Seltzer	Zwilk
Goebel			

NAYS—80

Abraham	Dumas	Kukovich	Renwick
Barber	Fee	Laughlin	Rhodes
Bellomini	Fischer, R. R.	Levin	Richardson
Beloff	Flaherty	Livengood	Rieger
Berson	Gallagher	Logue	Scanlon
Bittinger	Gamble	Manderino	Shupnik
Borski	Geisler	McCall	Stapleton
Brandt	George, C.	McIntyre	Stewart
Brunner	Giammarco	Milliron	Sweet
Burns	Goodman	Morris	Tenaglio
Caputo	Gray	Mrkonic	Trello
Cianciulli	Greenfield	Mullen, M. P.	Wargo
Cohen	Harper	O'Donnell	White
Cowell	Hayes, D. S.	O'Keefe	Wiggins
DeMedio	Hoeffel	Oliver	Williams
DeWeese	Itkin	Parker	Wise
DiCarlo	Johnson	Pievsky	Yahner
Dombrowski	Jones	Rappaport	
Donatucci	Kelly	Ravenstahl	Irvis,
Doyle	Knepper	Reed	Speaker
Duffy	Kolter		

NOT VOTING—9

Bennett	Hamilton	Lincoln	Shelton
Berlin	Hopkins	Mullen, M. M.	Spencer
Gleeson			

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

HB 1186 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, I move that HB 1186, PN 2568, be removed from the calendar of tabled bills.

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

HB 1186 RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, I move that HB 1186, PN 2568, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?
Motion was agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Grieco. For what purpose does the gentleman rise?
Mr. GRIECO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRIECO. Mr. Speaker, we voted today on HB 76. Now I understand the bill has been tabled for voting later on next week. Is the vote taken the first time scratched from the record?

The SPEAKER. That is correct.

Mr. GRIECO. Thank you.

The SPEAKER. Wait a minute. I have been corrected. It is actually not stricken from the record, but it is nonoperative as a vote. It is not the operative vote. The operative vote will be the one taken on, hopefully, Tuesday of next week.

BILLS AND RESOLUTIONS PASSED OVER

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

WELCOMES

The SPEAKER. The Chair at this time is pleased to welcome to the hall of the House Mayor Carlo Collevecchio of Summit Hill who is here as the guest of Representative Thomas McCall.

The Chair is also pleased to welcome to the hall of the House, Mr. John Allen, who is a member of the Southwest Regional Planning Board, and he is here as a guest of the gentleman from Butler County, Mr. Burd.

The Chair welcomes to the hall of the House 25 seventh-grade students from the Allen Middle School, West Shore School District, Cumberland County, Pennsylvania. They are here with their teacher, Miss Barbara Davey, and they are the guests of the gentleman from Cumberland, Mr. Mowery.

The Chair also welcomes to the hall of the House the son of Representative Paul Yahner and the wife of Representative Paul Yahner, and they are in the balcony.

ADJOURNMENT

Mr. GRAY moved that this House of Representatives do now adjourn until Tuesday, February 21, 1978, at 1 p.m. e.s.t.

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

The following roll call was recorded:

YEAS—136

Anderson	Gatski	McCall	Shuman
Armstrong	Geesey	McClatchy	Shupnik
Bellomini	George, C.	McLane	Sirianni
Beloff	George, M.	Mebus	Smith, E.
Bittinger	Goebel	Milanovich	Spitz
Bittle	Gray	Miller	Stairs
Borski	Greenleaf	Milliron	Stapleton

Brandt	Grieco	Moehlmann	Stewart
Brunner	Halverson	Morris	Sweet
Burd	Harper	Mowery	Taddonio
Burns	Hasay	Musto	Taylor, E.
Caltagirone	Hayes, D. S.	Noye	Tenaglio
Cassidy	Hayes, S. E.	O'Brien, B.	Thomas
Cessar	Helfrick	O'Connell	Wagner
Cimini	Hoeffel	O'Donnell	Wansacz
Cole	Honaman	Pancoast	Wass
Cowell	Hutchinson, A.	Parker	Weidner
Davies	Hutchinson, W.	Peterson	Wenger
DeMedio	Itkin	Petrarca	Wiggins
DeVertter	Katz	Piccola	Wilson
DeWeese	Kernick	Polite	Wilt
DiCarlo	Klingaman	Pott	Wise
Dietz	Knepper	Prendergast	Wright, D.
Dininni	Kolter	Pyles	Wright, J. L.
Dombrowski	Kowalshyn	Reed	Yahner
Dorr	Kukovich	Renwick	Yohn
Doyle	Laughlin	Ruggiero	Zearfoss
Englehart	Lehr	Ryan	Zeller
Fisher, D. M.	Letterman	Salvatore	Zitterman
Foster, A.	Levi	Scheaffer	Zord
Foster, W.	Levin	Schmitt	Zwinkl
Freind	Lincoln	Schweder	
Fryer	Mackowski	Scirica	Irvis,
Gallen	Madigan	Seltzer	Speaker
Garzia	Manmiller		

NAYS—4

Brown	Fischer, R. R.	Livengood	Meluskey
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NOT VOTING—62

Abraham	Geisler	McIntyre	Richardson
Arthurs	Giammarco	Miscevich	Rieger
Barber	Gillette	Mrkonic	Ritter
Bennett	Gleeson	Mullen, M. P.	Scanlon
Berlin	Goodman	Mullen, M. M.	Shelton
Berson	Greenfield	Novak	Smith, L.
Caputo	Hamilton	O'Brien, D.	Spencer
Cianciulli	Haskell	O'Keefe	Stuban
Cohen	Hopkins	Oliver	Taylor, F.
Donatucci	Johnson	Pievsky	Trello
Duffy	Jones	Pitts	Valicenti
Dumas	Kelly	Pratt	Vroon
Fee	Logue	Rappaport	Wargo
Flaherty	Lynch	Ravenstahl	White
Gallagher	Manderino	Rhodes	Williams
Gamble	McGinnis		

The question was determined in the affirmative, and the motion was agreed to, and at 4:45 p.m., e.s.t., the House adjourned.