

Legislative Journal

WEDNESDAY, MARCH 15, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 11

HOUSE OF REPRESENTATIVES

The House convened at 9:30 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:

O God, our Father, we pray that the mention of Thy name may bring men to their knees, the indwelling of Thy presence may motivate and guide the lives of Thine own, and the outreach of Thy love may lift and inspire the hearts and minds of all men everywhere. Especially, we pray for the members of this House of Representatives, and place them in Thy loving care and tender keeping. Inspire them with the competency of Thy divine will, impart to them the relevancy of Thy strength and power, challenge them with the urgency of proclaiming Thy truth, and send them forth with the constancy to accomplish that which Thou dost desire. To Thee be honor, glory, and praise, world without end. Amen.

JOURNAL APPROVAL POSTPONED

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

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report promptly to the floor of the House. The Speaker is about to take the master roll for today.

The following roll call was recorded:

YEAS—199

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

| | | | |
|----------------|----------------|---------------|---------------|
| Burd | Halverson | Mowery | Stewart |
| Burns | Hamilton | Mrkonjic | Stuban |
| Caltagirone | Harper | Mullen, M. P. | Sweet |
| Caputo | Hasay | Musto | Taddonio |
| Cassidy | Haskell | Novak | Taylor, E. |
| Cessar | Hayes, D. S. | Noye | Taylor, F. |
| Cianciulli | Hayes, S. E. | O'Brien, B. | Tenaglio |
| Cimini | Helfrick | O'Brien, D. | Thomas |
| Cohen | Hoeffel | O'Connell | Trello |
| Cole | Honaman | O'Donnell | Valicenti |
| Cowell | Hopkins | O'Keefe | Vroon |
| Davies | Hutchinson, A. | Oliver | Wagner |
| DeMedio | Hutchinson, W. | Pancoast | Wansacz |
| DeVerter | Itkin | Parker | Wargo |
| DeWeese | Johnson | Peterson | Wass |
| DiCarlo | Jones | Petrarca | Weidner |
| Dietz | Katz | Piccola | Wenger |
| Dininni | Kelly | Pievsky | White |
| Dombrowski | Kernick | Pitts | Wiggins |
| Donatucci | Klingaman | Polite | Williams |
| Dorr | Knepper | Pott | Wilson |
| Doyle | Kolter | Pratt | Wilt |
| Duffy | Kowalshyn | Prendergast | Wise |
| Dumas | Kukovich | Pyles | Wright, D. |
| Englehart | Laughlin | Rappaport | Wright, J. L. |
| Fee | Lehr | Ravenstahl | Yahner |
| 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 | Zwilk |
| Freind | Logue | Ritter | |
| Fryer | Lynch | Ruggiero | Irvis, |
| Gallagher | Mackowski | Ryan | Speaker |
| Gallen | | | |

NAYS—0

NOT VOTING—2

Shelton Yohn

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

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

HB 1691, PN 2554

An Act amending the act of July 17, 1961 (P. L. 659, No. 339), entitled "Pennsylvania Bituminous Coal Mine Act" changing eligibility requirements for mine inspectors and electrical inspectors; allowing the employment of women; and prohibiting the employment of any person under eighteen years of age.

**HOUSE BILLS INTRODUCED AND
REFERRED TO COMMITTEES**

No. 2143 By Messrs. D. M. FISHER, RHODES,
GOEBEL, POTT and SWEET

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), imposing certain limitations on the purchase of foreign manufactured products by Commonwealth agencies.

Referred to Committee on Business and Commerce.

No. 2144 By Messrs. POTT and PICCOLA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that operators of vehicles, when parking on certain private property or in locations where the vehicle may be removed at the direction of police, give their consent to the removal of the vehicle.

Referred to Committee on Transportation.

No. 2145 By Messrs. MORRIS, YAHNER, FRYER,
ZELLER, SWEET, WENGER, Mrs.
GEORGE, Messrs. CALTAGIRONE, COLE,
STUBAN, WILT, STAIRS and MADIGAN

An Act authorizing the creation of agricultural districts.

Referred to Committee on Agriculture and Rural Affairs.

No. 2146 By Messrs. BERLIN, DIETZ, MANDERINO,
GALLAGHER, BITTINGER, COLE,
LETTERMAN, FREIND, GREENLEAF,
LOGUE, ZORD, COHEN, PETRARCA,
SALVATORE, DOYLE, PRATT, GALLEN,
WILSON, D. R. WRIGHT and McCALL

An Act providing for the regulation, inspection and issuance of permits for amusement rides; establishing a state board within the Department of Labor and Industry and prescribing its powers and duties; providing for insurance requirements and imposing penalties.

Referred to Committee on Consumer Affairs.

No. 2147 By Messrs. LIVENGOOD, GEORGE,
PETRARCA, D. R. WRIGHT, FEE,
LOGUE, DeMEDIO, YAHNER,
BITTINGER, STAIRS, CALTAGIRONE,
DiCARLO, MILANOVICH, BURD,
FREIND, LYNCH, MILLIRON and
PETERSON

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), providing for raised reflective markers on highways and making an appropriation.

Referred to Committee on Transportation.

No. 2148 By Messrs. RENWICK, GEORGE,
ABRAHAM, NOVAK, VALICENTI,
LETTERMAN, DeMEDIO and YAHNER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), extending the privileges of special permits to disabled persons to other qualified individuals.

Referred to Committee on Game and Fisheries.

No. 2149 By Messrs. VALICENTI, MUSTO, NOVAK,
ABRAHAM and TRELLO

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

Referred to Committee on Labor Relations.

No. 2150 By Messrs. CIMINI, RHODES, D. M.
FISHER, MADIGAN, REED, GRAY,
MOWERY AND SCIRICA

An Act amending the act of March 18, 1875 (P. L. 30, No. 34), entitled "An act to authorize changes of venue in criminal cases," authorizing the impaneling of a jury from another county in lieu of transferring the trial.

Referred to Committee on Judiciary.

No. 2151 By Mr. CIMINI

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), providing defenses to certain utility billings.

Referred to Committee on Consumer Affairs.

No. 2152 By Messrs. McCLATCHY, SPITZ, Mrs.
TAYLOR and Mr. PYLES

An Act amending the act of August 5, 1932 (Sp. Sess. P. L. 45, No. 45), referred to as the Sterling Act, providing certain credits for wage taxes.

Referred to Committee on Urban Affairs.

No. 2153 By Messrs. GIAMMARCO, VALICENTI,
MUSTO, BURD, MILLER, BRANDT,
NOVAK, GRAY, POLITE, McINTYRE,
STAIRS and JONES

An Act authorizing certain lay individuals to represent parties before workmen's compensation referees and the Workmen's Compensation Appeal Board, providing for registration procedures, providing penalties and making repeals.

Referred to Committee on Labor Relations.

No. 2154 By Messrs. GOODMAN, B. F. O'BRIEN,
GATSKI, McCALL, STAIRS, ABRAHAM
and SWEET

An Act providing for the determination of the need for and approval of the siting of defined electric generating facilities including additional powers of eminent domain for electric public utilities, granting the Public Utility Commission, Environmental Quality Board and the Department of Environmental Resources additional duties and providing penalties.

Referred to Committee on Mines and Energy Management.

No. 2155 By Messrs. BERSON, FREIND, O'DONNELL,
WHITE, KUKOVICH and BROWN

An Act implementing the provision of section 4.1 and related sections of Article IV of the Constitution of Pennsylvania as added or amended to provide for the election of the Attorney General; ***

Referred to Committee on Judiciary.

No. 2156 By Messrs. FREIND, NOYE, POLITE, WILSON, KNEPPER, WILT, Mrs. TAYLOR, Messrs. STAIRS, BROWN, LYNCH, BURD and DAVIES

An Act creating the State Transportation Commission, providing for its powers and duties, abolishing the Department of Transportation and the Pennsylvania Turnpike Commission, and making certain repeals.

Referred to Committee on Transportation.

No. 2157 By Messrs. FREIND, NOYE, POLITE, WILSON, KNEPPER, WILT, Mrs. TAYLOR, Messrs. STAIRS, BROWN, LYNCH, BURD and DAVIES

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), transferring powers and duties from the Department of Transportation and the Turnpike Commission to the State Transportation Commission, making related editorial changes and making certain repeals.

Referred to Committee on Transportation.

No. 2158 By Messrs. FREIND, NOYE, POLITE, WILSON, KNEPPER, WILT, Mrs. TAYLOR, Messrs. STAIRS, BROWN, LYNCH, BURD and DAVIES

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for the inclusion into the classified service of certain positions and requiring tests for certain employes within the State Transportation Commission.

Referred to Committee on Transportation.

No. 2159 By Messrs. REED, KOWALYSHYN, ZITTMAN, CIMINI, BORSKI and LAUGHLIN

An Act requiring the filing by school districts of certain items of public record with the Department of Education and providing for the powers and duties of the Department of Education.

Referred to Committee on Education.

No. 2160 By Messrs. BRUNNER and MEBUS

An Act amending the "Tax Reform Code," approved March 4, 1971 (P. L. 6, No. 2), further providing for filing of documents and payment of taxes with respect to taxes imposed for education, personal income taxes and corporate net income taxes.

Referred to Committee on Finance.

No. 2161 By Messrs. BERSON, SCIRICA, RAPPAPORT, LEVIN and STAPLETON

An Act creating an Office of Administrative Hearings, providing for a director and establishing his powers and duties and the employment and supervision of hearing officers and official reporters, providing for certain transitional procedures, and making certain repeals.

Referred to Committee on State Government.

No. 2162 By Messrs. BERSON, SCIRICA, O'DONNELL, RHODES, YOHN and HASKELL

An Act amending Title 20 (Decedents, Estates and Fiduci-

aries) of the Pennsylvania Consolidated Statutes, further defining incompetent and adding and changing provisions relating to guardians of incompetents.

Referred to Committee on Judiciary.

No. 2163 By Messrs. SCIRICA, BERSON, YOHN, RHODES and GREENLEAF

An Act to provide for the civil enforcement of certain rights and responsibilities of members of the family, including the rights of children born out of wedlock; to provide for the enforcement of support, including attachment of property and earnings; to set forth the duties of the court in matters pertaining to the family and the support of its members and to provide procedures therefor; to provide for the determining of support for the family; to determine paternity of children born out of wedlock; to provide for the recovery of public moneys expended for care and assistance from the property and estates of certain persons; repealing and saving from repeal certain acts.

Referred to Committee on Judiciary.

No. 2164 By Messrs. D. M. FISHER and ZORD

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the imposition of certain penalties.

Referred to Committee on Finance.

No. 2165 By Mr. D. M. FISHER

An Act amending the act of June 16, 1836 (P. L. 715, No. 186), referred to as the Reference and Arbitration Law, further providing for appeals from arbitrators awards.

Referred to Committee on Labor Relations.

No. 2166 By Mr. J. L. WRIGHT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of traffic control devices in school zones.

Referred to Committee on Transportation.

No. 2167 By Mr. J. L. WRIGHT

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further defining employment.

Referred to Committee on Labor Relations.

No. 2168 By Mr. GARZIA.

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), further providing for changes in valuation.

Referred to Committee on Local Government.

No. 2169 By Mr. GARZIA

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), requiring notices of appeal hearings to be sent to taxing districts.

Referred to Committee on Local Government.

No. 2170 By Mr. GARZIA

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for changes in valuation.

Referred to Committee on Local Government.

No. 2171 By Mr. GARZIA

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for commissioners to declare the position of commissioner vacant for failure to vote.

Referred to Committee on Local Government.

No. 2172 By Mr. GARZIA

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), providing for supervisors to declare the position of supervisor vacant for failure to vote.

Referred to Committee on Local Government.

No. 2173 By Messrs. A. K. HUTCHINSON, ZELLER, MUSTO, LOGUE, RAVENSTAHL, PETRARCA, LINCOLN, DeMEDIO, GEORGE, E. H. SMITH, FRYER, ZWIKL, STUBAN, ARMSTRONG, STEWART, YAHNER, SALVATORE, SHUPNIK, MANDERINO, KOLTER, McCALL, LETTERMAN, McLANE, WANSACZ, MORRIS, Mrs. KERNICK, Messrs. NOVAK, ABRAHAM, VALICENTI, CIMINI, GARZIA, COLE, COWELL, Mrs. GILLETTE, Messrs. DUFFY, MISCEVICH, TRELLO, DORR, TADDONIO, KNEPPER, STAIRS, CESSAR, ZORD, D. M. FISHER, GOEBEL, POTT, SCHMITT, DeWEESE, MILANOVICH, CASSIDY and PETERSON

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," providing for direct payment by the Commonwealth of death benefits.

Referred to Committee on Local Government.

No. 2174 By Messrs. STUBAN, ARMSTRONG, THOMAS, HELFRICK and WAGNER

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), authorizing certain political subdivisions to choose between different lists of occupations and valuations.

Referred to Committee on Local Government.

No. 2175 By Messrs. STUBAN, ARMSTRONG, THOMAS, HELFRICK and WAGNER

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for occupational assessment lists to be used by political subdivisions lying in more than one county.

Referred to Committee on Local Government.

No. 2176 By Messrs. MRKONIC, DUFFY, ITKIN, D. M. FISHER, GAMBLE, ZORD, ZELLER, CIMINI, BURNS, SCHMITT, ABRAHAM, CAPUTO, GIAMMARCO, VALICENTI,

MISCEVICH, NOVAK, TRELLO, RUGGIERO, POTT, SALVATORE, M. P. MULLEN, Mrs. KELLY, Messrs. DiCARLO, PRENDERGAST, LOGUE, NOYE, TADDONIO, CESSAR, SWEET, RAPPAPORT, McLANE, GEISLER, TAYLOR, DeWEESE, BROWN, KOWALYSHYN, MELUSKEY, LINCOLN, Mrs. GILLETTE, Mrs. KERNICK, Messrs. COWELL, A. K. HUTCHINSON, PYLES and GOEBEL

An Act amending the act of July 22, 1913 (P. L. 912, No. 437), entitled, "An act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, * * *, et cetera," requiring that escaped prisoners when recaptured be charged with and be responsible for the payment of certain expenses.

Referred to Committee on Judiciary.

No. 2177 By Messrs. GRAY, IRVIS, HOEFFEL, MANDERINO, MOWERY, GIAMMARCO, BROWN, Mrs. HARPER, Mrs. HONAMAN, Messrs. MOEHLMANN, BORSKI, REED, ZITTERMAN, JONES, DeWEESE, WHITE, DiCARLO, GREENFIELD, RHODES, CALTAGIRONE, GARZIA, Mrs. KERNICK, Mr. COWELL, Mrs. GILLETTE, Mrs. WISE, Messrs. ZWIKL, SWEET, Mrs. KELLY, Messrs. OLIVER and D. R. WRIGHT

An Act amending the act of July 19, 1974 (P. L. 486, No. 175), entitled, "An act requiring public agencies to hold certain meetings and hearings open to the public and providing penalties," further providing for open meetings of public agencies.

Referred to Committee on State Government.

No. 2178 By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act establishing a uniform mileage fee for all officials, officers and employees of the Commonwealth, its political subdivisions, intermediate units, and authorities.

Referred to Committee on Local Government.

No. 2179 By Messrs. GRAY, GIAMMARCO, Mrs. WISE, Messrs. GARZIA, TENAGLIO, ZITTERMAN, BORSKI, SHUMAN, SALVATORE, LETTERMAN, STUBAN, BROWN, SHUPNIK, ZELLER, CASSIDY, CIANCIULLI, JONES, STEWART, Mrs. KELLY, Messrs. D. M. O'BRIEN, REED, RUGGIERO, Mrs. KERNICK, Messrs. SCHEAFFER, COWELL, MISCEVICH, Mrs. GILLETTE, Messrs. ABRAHAM, W. W. FOSTER, DUFFY, GAMBLE, RAVENSTAHL, LOGUE, TRELLO, NOVAK, CALTAGIRONE, COLE, CIMINI, KOWALYSHYN, O'KEEFE, DONATUCCI, VROON, KLINGAMAN, O'DONNELL, McINTYRE, Mrs. SCANLON, Mrs.

HARPER, Mrs. HONAMAN, Messrs. VALICENTI, MADIGAN, MOWERY, GRIECO, PYLES, GOEBEL, CESSAR, ZORD, J. L. WRIGHT, NOYE, R. R. FISCHER, Mrs. TAYLOR, Messrs. PICCOLA, MANMILLER, WAGNER, LEVI and STAIRS

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

Referred to Committee on Judiciary.

No. 2180 By Messrs. KOWALYSHYN, REED, BERSON, SCIRICA and MEBUS

An Act amending the "Mechanics' Lien Law of 1963," approved August 24, 1963 (P. L. 1175, No. 497), increasing the amount of the minimum claim, requiring the filing of a payment bond when the right to a claim is waived and setting forth the terms of the bond.

Referred to Committee on Judiciary.

No. 2181 By Messrs. FREIND, SHUPNIK, LYNCH, ZEARFOSS, SPITZ, STAIRS, CALTAGIRONE, LIVENGOOD, MILANOVICH, BURD, MILLIRON, DAVIES, W. D. HUTCHINSON, MACKOWSKI, DeVERTER, GARZIA, RYAN, Mrs. TAYLOR and Mr. McCLATCHY

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "An act creating the Pennsylvania Higher Education Assistance Agency; defining its powers and duties; conferring powers and imposing duties on the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, Superintendent of Public Instruction and the Department of Auditor General; and making appropriations," further providing for the repayment of guaranteed loans by Commonwealth employes.

Referred to Committee on Education.

No. 2182 By Messrs. LOGUE, CAPUTO, RAVENSTAHL, TRELLO, VALICENTI, NOVAK, MISCEVICH, ABRAHAM, DUFFY, GAMBLE, GIAMMARCO and MRKONIC

An Act authorizing the dumping of snow into rivers by the Commonwealth and other governmental bodies.

Referred to Committee on State Government.

No. 2183 By Messrs. GLEESON, PIEVSKY and BORSKI

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further limiting the rights and duties of the board to recover certain sums of money erroneously paid to an annuitant's surviving spouse.

Referred to Committee on State Government.

No. 2184 By Messrs. NOYE, RHODES, MILLER, BURNS and J. L. WRIGHT

An Act amending the act of July 27, 1967 (P. L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, *** and providing procedure for recovery," increasing the liability of parents for acts of children who are absent without permission from youth development camps.

Referred to Committee on Judiciary.

No. 2185 By Messrs. COHEN, BITTINGER, DeWEESE, STUBAN, COLE, MELUSKEY, RITTER, ZWIKL, KOWALYSHYN, GRAY, HAMILTON, GIAMMARCO, Mrs. KELLY, Messrs. WHITE, JOHNSON, LEVIN, DUMAS, GREENFIELD, OLIVER, FRYER, FEE, PRATT, MILANOVICH, RIEGER, COWELL, NOVAK, ABRAHAM, PRENDERGAST, STEWART, O'DONNELL, DOMBROWSKI, Mrs. GEORGE, Messrs. RICHARDSON, BROWN, Mrs. HARPER, Messrs. KUKOVICH, HOFFFEL, O'KEEFE, DOYLE and GLEESON

An Act providing for the observance of May 27 of each year as Hubert H. Humphrey, Jr. Day.

Referred to Committee on State Government.

No. 2186 By Messrs. TADDONIO, STAIRS, SCHMITT, KNEPPER, D. M. FISHER and A. K. HUTCHINSON

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), prohibiting the rescission of residential preferential rates.

Referred to Committee on Consumer Affairs.

No. 2187 By Messrs. D. M. FISHER, STEWART, GRIECO, ZORD and GARZIA

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for powers of the mayor.

Referred to Committee on Local Government.

No. 2188 By Messrs. D. M. FISHER, STEWART, GRIECO, ZORD and GARZIA

An Act amending "The Borough Code," approved February 1, 1966 (1965 P.L. 1656, No. 581), further providing for the voting power of the mayor.

Referred to Committee on Local Government.

No. 2189 By Messrs. D. M. FISHER, STEWART, GRIECO, ZORD and GARZIA

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), providing for the signing of certain written contracts and agreements by the president of the borough council and the mayor.

Referred to Committee on Local Government.

No. 2190 By Messrs. CALTAGIRONE, LIVENGOOD, STAIRS, STUBAN, ARMSTRONG and GATSKI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating an implied lien for the purpose of the removal and detention of certain vehicles illegally parked on private property.

Referred to Committee on Transportation.

No. 2191 By Messrs. BELLOMINI, DININNI, A. K. HUTCHINSON, FRYER, DOMBROWSKI, PETRARCA, B. F. O'BRIEN, ITKIN, ZITTERMAN and MEBUS

An Act amending the act of December 22, 1977 (No. 102), entitled "An act providing for the capital budget for the fiscal year 1977-1978," further providing for the public improvement projects.

Referred to Committee on Appropriations.

No. 2192 By Messrs. BELLOMINI, DININNI, A. K. HUTCHINSON, FRYER, DOMBROWSKI, PETRARCA, B. F. O'BRIEN, ITKIN, ZITTERMAN and MEBUS

A Supplement to the act of December 22, 1977 (No. 102), entitled, "An act providing for the capital budget for the fiscal year 1977-1978," itemizing public improvement projects to be acquired or constructed by the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be acquired by the Department of Transportation, stating the estimated useful life of the projects, and making an appropriation.

Referred to Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 1212, PN 1668

Referred to Committee on Judiciary.

SB 1319, PN 1669

Referred to Committee on Judiciary.

SB 1320, PN 1670

Referred to Committee on Judiciary.

SB 1323, PN 1652

Referred to Committee on Judiciary.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 196 By Messrs. PYLES, SALVATORE, PIEVSKY, (Concurrent) BERSON, GREENFIELD, KATZ, RAPPAPORT, COHEN, JONES, McCLATCHY, LEVIN, HAMILTON, KNEPPER, ITKIN, TRELLO, VALICENTI, ABRAHAM, GREENLEAF, NOVAK, MEBUS, BURNS, J. L. WRIGHT, ZEARFOSS, FREIND, SCIRICA, POLITE, VROON, E. H. SMITH and Mrs. TAYLOR

The General Assembly of the Commonwealth of Pennsylvania calls upon the Olympic Committee of the United States of America to make an immediate and public commitment to halting the exclusion of Israel from the 1980 Olympic Games.

Referred to Committee on Federal-State Relations.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Senate returned the following House bills with amendments in which concurrence of the House is requested:

HB 235, PN 2695 and

HB 642, PN 2696

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

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

Mr. S. E. HAYES. I have no requests for leaves of absence.

BILL REPORTED FROM COMMITTEE AND TABLED

SB 1304, PN 1615

By Mr. PIEVSKY

A Supplement to the act of December 22, 1977 (No 102) entitled "An act providing for the capital budget for the fiscal year 1977-1978" itemizing public improvement projects to be constructed by the Department of General Services together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of General Services stating the estimated useful life of the projects and making an appropriation.

Appropriations.

MOTION TO TAKE HB 500 FROM TABLE

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

Mr. DiCARLO. Mr. Speaker, I would like to make a motion to remove HB 500, PN 2734, from the table, please.

The SPEAKER. What page is it on the calendar?

Mr. DiCARLO. It is on page 2 of the tabled bill calendar, Mr. Speaker.

The SPEAKER. On page 2 of the tabled bill calendar, HB 500, PN 2734, the gentleman, Mr. DiCarlo, moves that this bill be taken from the tabled bill calendar and placed on the active calendar. Those in favor of the motion will say "aye." The House will be at ease.

Mr. MANDERINO. Mr. Speaker, I have had a report from the Appropriations Committee today that the process by which individual members take bills from the table and place them on the active calendar without consultation with the leaders is causing a problem with rule 19A, because that bill somehow gets to third reading before it has a fiscal note and there is a

ruling by the Chair that it no longer must be referred. So I would ask you to defer that motion until we have been able to look at that bill to see whether or not it should come off the table or be sent to Appropriations Committee before it comes out.

The SPEAKER. Does the gentleman, Mr. DiCarlo, understand the objection of the majority leader?

Mr. DiCARLO. Yes, I do, Mr. Speaker, but I would like to ask the Chair for its indulgence if I can speak with the majority leader about it.

The SPEAKER. Certainly. The motion of the gentleman, Mr. DiCarlo, will be deferred.

While the majority leader is discussing the motion of the gentleman, Mr. DiCarlo, we will take up the active calendar and mark it.

HB 500 TAKEN FROM TABLE AND REREFERRED

The SPEAKER. The gentleman, Mr. DiCarlo, temporarily withdraws his motion from the floor?

The Chair recognizes the gentleman, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I would like to amend the motion. I would like to remove HB 500, PN 2347, from the table and have it referred to the House Committee on Appropriations for the purposes of a fiscal note.

The SPEAKER. It is now moved by the gentleman from Erie, Mr. DiCarlo, that HB 500 be removed from the calendar of tabled bills and immediately rereferred to the Committee on Appropriations for the purpose of ascertaining a fiscal note. Those in favor of that motion will say "aye"; those opposed "no."

On the question,

Will the House agree to the motion?

Motion was agreed to.

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 145, PN 158; HB 604, PN 2681; HB 975, PN 1124; HB 648, PN 716; HB 805, PN 909; HB 1823, PN 2514; SB 650, PN 692; SB 663, PN 705; SB 844, PN 1491; HB 1153, PN 1360; HB 1936, PN 2386; HB 1977, PN 2452; HB 1714, PN 2075; HB 1949, PN 2411; HB 1659, PN 2508; SB 68, PN 1563; HB 1401, PN 1667; HB 1614, PN 1940 and HB 2046, PN 2571.

HB 872 TO BE CALLED UP

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

Mr. DOYLE. Mr. Speaker, on page 8, HB 872, you said was passed over for the day. It was my understanding that that was going to be called up. It is on its 14th day of reading.

The SPEAKER. The gentleman is correct about the 14th day, but no one informed the Speaker that it was to be called up.

Mr. DOYLE. It was being held for amendments.

The SPEAKER. If the gentleman, Mr. Doyle, wishes to have it called up, it will be called up.

Mr. DOYLE. Yes, Mr. Speaker, I would like to have it called up.

The SPEAKER. The Chair rescinds its decision that HB 872 is not called for the day. The bill will be called up. Mark it over temporarily, that is, HB 872 on page 8. It is to be marked over temporarily. We will not take the vote immediately on that, but the bill will be called later today.

The Chair thanks the gentleman, Mr. Doyle. I did not have the calendar so marked.

HOUSE BILL No. 1853 PASSED OVER TEMPORARILY

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

Mr. MORRIS. Mr. Speaker, before you actually get to call this bill up and Mr. Freind offers his amendments, I would appreciate an opportunity to talk to him about the amendments when he gets here.

The SPEAKER. Very well, Mark HB 1853 over temporarily.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1851, PN 2259**, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487, No. 155), providing for the registration of certain electors confined in penal institutions and mental institutions.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'CONNELL offered the following amendments:

Amend Title, page 1, line 22, by inserting after "penalties," "authorizing change of registration by mail and

Amend Sec. 1, page 2, line 2, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 3 and 4 Section 17.2. Change of Registration by Mail.—(a) Any registered elector may change his registration in the same manner as section 17.1 provides for registration by mail.

(b) The Secretary of the Commonwealth shall cause to be prepared and printed at the expense of the Commonwealth forms upon which a registered elector may change his registration by mail in a similar fashion as provided for in section 17.1.

On the question,

Will the House agree to the amendments?

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

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

This amendment provides for the change of registration by mail. The existing law allows them to change their addresses and it provides for new registration. However, it does not provide for the change of registration by mail, and what this would do is extend that privilege to amend the law granting that right. I would ask an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, I agree to that amendment.

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

The following roll call was recorded:

YEAS—180

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

NAYS—10

| | | | |
|-----------|----------|-------------|----------|
| Gleeson | Levi | O'Brien, D. | Pott |
| Hamilton | McGinnis | Piccola | Sirianni |
| Klingaman | Noye | | |

NOT VOTING—11

| | | | |
|--------|--------|-----------|----------|
| Barber | Freind | Rappaport | Williams |
| Berlin | Gray | Shelton | Yohn |
| Dumas | Lynch | Tenaglio | |

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 yeas and nays will now be taken.

YEAS—184

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

NAYS—10

| | | | |
|----------|-------------|---------|-----------|
| DeVerter | Klingaman | Piccola | Salvatore |
| Dietz | Manmiller | Pott | Sirianni |
| Hamilton | O'Brien, D. | | |

NOT VOTING—7

| | | | |
|--------|-----------|----------|------|
| Beloff | Rappaport | Tenaglio | Yohn |
| Lynch | 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 **HB 1856, PN 2264**, entitled:

An Act amending "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" approved April 29, 1937 (P. L. 487, No. 115), providing for the composition of registration commissions in home rule counties.

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 yeas and nays will now be taken.

YEAS—183

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gamble | Mackowski | Ryan |
| Anderson | Garzia | Madigan | Salvatore |
| Armstrong | Gatski | Manderino | Scheaffer |
| Arthurs | Geesey | Manmiller | Schmitt |
| Barber | Geisler | McCall | Schweder |
| Bellomini | George, C. | McClatchy | Scirica |
| Beloff | George, M. | McGinnis | Seltzer |
| Bennett | Giammarco | McIntyre | Shuman |
| Berlin | Gillette | McLane | Shupnik |
| Berson | Gleeson | Mebus | Sirianni |
| Bittinger | Goebel | Meluskey | Smith, E. |
| Bittle | Goodman | Milanovich | Smith, L. |
| Borski | Gray | Miller | Spencer |
| 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. |
| Cianciulli | Helfrick | Noye | Thomas |
| Cimini | Honaman | O'Brien, B. | Trello |
| Cohen | Hopkins | O'Connell | Valicenti |
| Cole | Hutchinson, A. | O'Donnell | Vroon |
| Cowell | Hutchinson, W. | Oliver | Wansacz |
| Davies | Itkin | Pancoast | Wargo |
| DeMedio | Johnson | Parker | Wass |
| DeVerter | Jones | Peterson | Weidner |
| DiCarlo | Katz | Petrarca | Wenger |
| Dietz | Kelly | Piccola | White |
| Dininni | Kernick | Pitts | Wiggins |
| Dombrowski | Klingaman | Polite | Wilson |
| Dorr | Knepper | Pott | Wilt |
| Doyle | Kolter | Pratt | Wise |
| Duffy | Kowalshyn | Prendergast | Wright, D. |
| Englehart | Kukovich | Pyles | Wright, J. L. |
| Fee | Laughlin | Ravenstahl | Yahner |
| Fischer, R. R. | Lehr | Reed | Zeller |
| Fisher, D. M. | Letterman | Renwick | Zitterman |
| Flaherty | Levi | Rhodes | Zord |
| Foster, A. | Levin | Richardson | Zwilk |
| Foster, W. | Lincoln | Rieger | |
| Freind | Livengood | Ritter | Irvis, |
| Fryer | Logue | Ruggiero | Speaker |
| Gallagher | | | |

NAYS—2

Hamilton O'Brien, D.

NOT VOTING—16

| | | | |
|-----------|---------|-----------|----------|
| DeWeese | Hoefel | Rappaport | Wagner |
| Donatucci | Lynch | Scanlon | Williams |
| Dumas | O'Keefe | Shelton | Yohn |
| Gallen | Pievsky | Tenaglio | Zearfoss |

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 Montgomery, Mr. Hoefel. For what purpose does the gentleman rise?

Mr. HOEFFEL. Mr. Speaker, I was not recorded on the vote on final passage of HB 1856. I would like to be recorded in the affirmative, please.

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

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

Mr. O'KEEFE. Mr. Speaker, I was out of my seat on the vote on final passage of HB 1856. I would like to be recorded in the affirmative.

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

The House proceeded to third consideration of **HB 1857, PN 2516**, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333, No. 320), changing times for filing papers by political bodies shortening the time for withdrawal of candidates and substituted nominations; ***

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

Amend Title, page 1, lines 18 and 19, by striking out all of line 18 and "absentee electors;" in line 19

Amend Bill, page 1, lines 22 through 26; page 2, lines 1 through 13, by striking out all of said lines

Amend Sec. 2, page 2, line 14, by striking out "2." and inserting 1.

Amend Sec. 2, page 2, line 14, by striking out "of the act" and inserting , act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code,

Amend Sec. 3, page 2, line 28, by striking out "3." and inserting 2.

Amend Sec. 4, page 3, line 27, by striking out "4." and inserting 3.

Amend Sec. 5, page 4, line 16, by striking out "5." and inserting 4.

Amend Sec. 6, page 9, line 6, by striking out "6." and inserting 5.

Amend Sec. 7, page 11, line 6, by striking out "7." and inserting 6.

Amend Sec. 8, page 11, line 12, by striking out "8." and inserting 7.

Amend Sec. 9, page 12, line 13, by striking out "9." and inserting 8.

Amend Sec. 9, page 12, lines 13 to 15, by striking out "The last paragraph of section 1301 of the" in line 13, all of line 14 and "sections are added" in line 15 and inserting

The act is amended by adding a section

Amend Bill, page 12, lines 16 through 30; page 13, lines 1 through 27, by striking out all of said lines

Amend Sec. 10, page 15, line 24, by striking out "10." and inserting 9.

Amend Sec. 11, page 18, line 18, by striking out "11." and inserting 10.

On the question,

Will the House agree to the amendments?

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

Mr. GOEBEL. Mr. Speaker, I would just like to very briefly explain the amendment.

HB 1857, as I read it there, would permit people who are in penal institutions and who are convicted of a misdemeanor to be able to vote. If they are convicted of a felony, they would not be able to vote.

My amendment would then amend the bill so that if you are in a penal institution, you would not be able to vote, period. And I think that is the way it should be. I think that whenever you are convicted of a crime and sent to prison, you have to lose certain rights and basic privileges. I think the right to vote is one of them.

I have been informed, though, that the courts have ruled differently in this case and that the courts presently are permitting people who are convicted of misdemeanors to vote. This bill would merely bring the law in compliance with the general practice today.

I do not like the courts telling us what to do. I do not like the courts leading us by the nose. I think we should make the laws. I think we should tell the courts the way the people want the laws to be. I think if we want the people in penal institutions not to vote, then that is what we should say, and if the courts rule otherwise, then we will fight that battle later on.

I think that if you are in prison, you should lose basic rights, and the right to vote is one of them, whether you are convicted of a misdemeanor or a felony.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, the Supreme Court of the United States says that the ones in jail under a misdemeanor can vote. If we put this amendment into this bill, this will mean that the Supreme Court will have another decision to make.

I believe the courts have overstepped their bounds. But if we want some lawyers to make some more money by taking it into court further, then let us vote on the amendment. But I would like to say—

The SPEAKER. Does the gentleman, Mr. Hutchinson, mean that the lawyers will make more money if we accept this amendment?

Mr. A. K. HUTCHINSON. Oh, yea, the more we screw up these things, the more money lawyers make.

The SPEAKER. I think you have said enough. You have just defeated the amendment, Amos. I mean that is—

Mr. A. K. HUTCHINSON. I would like a negative vote on this amendment.

The SPEAKER. Watch them vote against the lawyers, Amos.

For the information of the members of this House, the founding fathers of this Commonwealth had some real doubts about lawyers, and at one time they considered passing a law to forbid the practice of law in the Colony. I may even sponsor that myself.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—95

| | | | |
|----------------|----------------|-------------|---------------|
| Anderson | Gamble | Madigan | Scheaffer |
| Armstrong | Garzia | Manmiller | Scirica |
| Bittle | Geesey | McCall | Seltzer |
| Brandt | George, C. | McClatchy | Shuman |
| Brunner | Goebel | McGinnis | Sirianni |
| Burd | Greenleaf | Mebus | Smith, L. |
| Burns | Grieco | Miller | Spencer |
| Cessar | Halverson | Moehlmann | Spitz |
| Cimini | Hamilton | Morris | Stairs |
| Davies | Hasay | Mowery | Taddonio |
| DeMedio | Haskell | Noye | Taylor, E. |
| DeVerter | Hayes, D. S. | O'Brien, D. | Taylor, F. |
| DeWeese | Hayes, S. E. | O'Connell | Thomas |
| Dietz | Helfrick | O'Keefe | Vroom |
| Dininni | Honaman | Pancoast | Wagner |
| Dorr | Hopkins | Peterson | Wass |
| Doyle | Hutchinson, W. | Piccola | Weidner |
| Englehart | Katz | Pitts | Wenger |
| Fischer, R. R. | Klingaman | Polite | Wilson |
| Fisher, D. M. | Kolter | Pott | Wilt |
| Foster, A. | Lehr | Pyles | Wright, J. L. |
| Foster, W. | Letterman | Renwick | Zearfoss |
| Freind | Levi | Ryan | Zord |
| Gallen | Lynch | Salvatore | |

NAYS—94

| | | | |
|-------------|----------------|---------------|------------|
| Abraham | George, M. | Manderino | Ritter |
| Bellomini | Giammarco | McIntyre | Ruggiero |
| Bennett | Gillette | McLane | Schmitt |
| Berlin | Gleeson | Meluskey | Schweder |
| Berson | Goodman | Milanovich | Shupnik |
| Bittinger | Gray | Milliron | Smith, E. |
| Borski | Greenfield | Miscevich | Stapleton |
| Brown | Harper | Mrkonic | Stewart |
| Caltagirone | Hoeffel | Mullen, M. P. | Stuban |
| Caputo | Hutchinson, A. | Musto | Sweet |
| Cassidy | Itkin | Novak | Trello |
| Cianciulli | Johnson | O'Brien, B. | Valicenti |
| Cohen | Jones | O'Donnell | Wansacz |
| Cole | Kelly | Oliver | Wargo |
| Cowell | Kernick | Parker | White |
| DiCarlo | Knepper | Petrarca | Wiggins |
| Dombrowski | Kowalyshyn | Pievsky | Wise |
| Duffy | Kukovich | Pratt | Wright, D. |
| Fee | Laughlin | Prendergast | Zeller |
| Flaherty | Levin | Ravenstahl | Zitterman |
| Fryer | Lincoln | Reed | Zwilk |
| Gallagher | Livengood | Rhodes | |
| Gatski | Logue | Richardson | Irvis, |
| Geisler | Mackowski | Rieger | Speaker |

NOT VOTING—12

| | | | |
|---------|-----------|---------|----------|
| Arthurs | Donatucci | Scanlon | Williams |
|---------|-----------|---------|----------|

Barber Dumas Shelton Yahner
Beloff Rappaport Tenaglio Yohn

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?

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

Mr. SHUPNIK. Mr. Speaker, it is my understanding that these Election Code bills that came out as a package were agreed on; that they would come in here and they would agree on these bills, but they would come back later with another package that would be agreed on, and then, if there were any differences, present them at that time. Is that my understanding, Mr. Speaker? Is that the understanding of the whole committee? I mean, now you are presenting bills, and they agreed on these as a group, and then when they come down here, everybody goes haywire. Now if we are coming back with another package, what are we going to agree on then? Is that, all this time, just a wasted effort or what?

The SPEAKER. If the gentleman is addressing his question to the Chair, the Chair cannot answer it except from personal experience, that agreements—

Mr. SHUPNIK. Will Mr. Hutchinson explain to me what this committee did, this task force?

The SPEAKER. The gentleman, Mr. Shupnik, has now directed his question to the gentleman, Mr. Hutchinson. The question from Mr. Shupnik is, would you explain to him what the task force did? Amos has indicated by gesture that he has already done that.

Mr. A. K. HUTCHINSON. I have already done that four times.

The SPEAKER. The Chair recognizes the gentleman, Mr. Zearfoss, who offers the following amendment, which the clerk will read. You mean Zearfoss is missing again?

Mr. MORRIS. Mr. Speaker, Mr. Zearfoss not being here, could I make a statement?

The SPEAKER. Not in the middle of the voting. Wait until we take care of the amendments. Then I will recognize you, Mr. Morris.

On the question recurring,

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?

There is one person in charge of this place, and you are looking at him.

The question occurs, Shall the bill pass finally? On that question, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you very much, Mr. Speaker. I am glad to look at you, too.

Mr. Speaker, what I wanted to talk about with Mr. Freind was the possibility of having his amendment attached to this bill rather than to HB 1853, and I would respectfully ask for the bill to be held over until we have a chance to discuss that.

HB 1857 AND AMENDMENT TABLED

The SPEAKER. The Chair refers that request to the gentleman, Mr. Hutchinson, who has been trying to shepherd this group of bills through. Does the gentleman, Mr. Hutchinson, desire to delay the vote? The Chair has called for the vote on final passage, but the Chair will accede to the gentleman, Mr. Morris' request if that is agreeable to the gentleman, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Well, I want to hold the bill up because I want another vote on that last amendment.

The SPEAKER. Then the gentleman, Mr. Hutchinson, should move to table the bill so that the bill is postponed. The gentleman so moves. The gentleman, Mr. Hutchinson, moves that HB 1857, together with the amendment adopted, be placed upon the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—152

| | | | |
|-------------|----------------|---------------|------------|
| Abraham | George, C. | McGinnis | Scanlon |
| Anderson | George, M. | McLane | Scheaffer |
| Arthurs | Giammarco | Meluskey | Schmitt |
| Bellomini | Gillette | Milanovich | Schweder |
| Bennett | Gleeson | Miller | Scirica |
| Berlin | Goodman | Milliron | Shuman |
| Berson | Gray | Miscevich | Shupnik |
| Bittinger | Greenfield | Moehlmann | Sirianni |
| Bittle | Greenleaf | Morris | Smith, E. |
| Brandt | Grieco | Mowery | Smith, L. |
| Brown | Halverson | Mrkonic | Spencer |
| Brunner | Hamilton | Mullen, M. P. | Spitz |
| Burd | Harper | Musto | Stairs |
| Caltagirone | Hasay | Novak | Stapleton |
| Cassidy | Haskell | Noye | Stewart |
| Cianciulli | Helfrick | O'Brien, B. | Stuban |
| Cimini | Hoefel | O'Brien, D. | Sweet |
| Cohen | Hutchinson, A. | O'Donnell | Taddonio |
| Cole | Hutchinson, W. | O'Keefe | Taylor, E. |
| Cowell | Itkin | Oliver | Taylor, F. |
| DeMedio | Johnson | Pancoast | Thomas |
| DeWeese | Jones | Parker | Trello |
| DiCarlo | Katz | Peterson | Valicenti |
| Dombrowski | Kelly | Petrarca | Wansacz |
| Donatucci | Kernick | Piccola | Wargo |
| Dorr | Knepper | Pievsky | Weidner |
| Doyle | Kolter | Polite | White |
| Duffy | Kowalyszyn | Pratt | Wiggins |
| Fee | Kukovich | Prendergast | Wilt |
| Flaherty | Laughlin | Pyles | Wise |
| Foster, A. | Lincoln | Ravenstahl | Wright, D. |
| Freind | Livengood | Reed | Yahner |
| Fryer | Logue | Renwick | Zeller |
| Gallagher | Mackowski | Rhodes | Zitterman |
| Gallen | Madigan | Rieger | Zwilk |
| Gamble | Manderino | Ritter | |
| Garzia | Manmiller | Ruggiero | Irvis, |
| Gatski | McCall | Salvatore | Speaker |

Geisler McClatchy

NAYS—34

| | | | |
|----------------|---------------|------------|---------------|
| Armstrong | Fisher, D. M. | Lehr | Ryan |
| Borski | Foster, W. | Levi | Seltzer |
| Burns | Geesey | Levin | Vroon |
| Cessar | Goebel | Lynch | Wass |
| Davies | Hayes, D. S. | Mebus | Wenger |
| DeVerter | Hayes, S. E. | Pitts | Wilson |
| Dietz | Honaman | Pott | Wright, J. L. |
| Dininni | Hopkins | Richardson | Zord |
| Fischer, R. R. | Klingaman | | |

NOT VOTING—15

| | | | |
|--------|-----------|-----------|----------|
| Barber | Englehart | Rappaport | Williams |
| Beloff | Letterman | Shelton | Yohn |
| Caputo | McIntyre | Tenaglio | Zearfoss |
| Dumas | O'Connell | Wagner | |

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

The House proceeded to third consideration of **HB 1528, PN 2667**, entitled:

An Act enumerating certain fees and charges to be imposed for activities regulated by the Bureau of Professional and Occupational Affairs of the Department of State creating the Professional Licensure Augmentation Account and providing for its administration and making certain repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. BENNETT offered the following amendment:

Amend Sec. 302, page 23, line 10, by inserting after "YEAR." The commissioner shall submit for each board of the bureau, in addition to any information requested or prescribed by the Secretary of the Budget, Secretary of the Commonwealth, the Chairman of the House Appropriations Committee and the Chairman of the Senate Appropriations Committee, the following information, for the most recent fiscal year:

- (1) number of applications for licenses received;
- (2) number of new and renewal licenses issued;
- (3) number of applicants failing to qualify for licenses;
- (4) number of inspections completed;
- (5) number of violations cited;
- (6) number of violations corrected;
- (7) licensees prosecuted;
- (8) amount of expenditures incurred, classified in terms of administration, enforcement and investigation;
- (9) the amount of fee revenue by type of license issued;
- (10) personnel complement filled and vacant; and
- (11) number of applications not processed by June 30 of the previous fiscal year.

On the question,

Will the House agree to the amendment?

HB 1528 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes, on the amendment, the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I must first apologize to this House for not having these amendments circulated, and if it is the wish of this House, I will hold this bill until they are or I will be more than pleased to speak to the amendments and explain exactly what they do. If I am in order, Mr. Speaker, I would proceed.

The SPEAKER. The gentleman is in order and may go ahead.

Mr. BENNETT. Mr. Speaker, HB 1528, which we are being asked to vote on today, is a bill that has been a long time in coming. It is a bill that has been addressed by many persons. The chairman of Professional Licensure—

The SPEAKER. Will the gentleman yield? The Speaker pro tempore has just reminded me that the amendment has not been circulated, and the Speaker did not hear you say that and the Speaker apologizes to you. Can the amendment clerk advise the Speaker whether or not that amendment is available for circulation? The amendment clerk indicates that the amendment was just received by her and therefore it is not available for circulation. The Chair rescinds its statement that the gentleman is in order. It would be better that the bill be postponed until the amendment is available for all members.

Mr. BENNETT. Mr. Speaker, may I make a statement? There, I understand, are other amendments; one to be offered by Mr. Wass, two to be offered by myself; one to be offered by Mr. Geesey to this bill. Perhaps it would be better if we took this up after caucus.

The SPEAKER. Very well. Mark HB 1528 over temporarily. By the time we come back on the floor of the House, those amendments ought to be circulated and therefore available to each member.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1646, PN 2448**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. RITTER offered the following amendments:

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 7 and 8

No person, partner, copartner, association or corporation, foreign or domestic, other than a licensed real estate broker, shall perform the functions of a "rental listing agency" under this act unless licensed as same under rules and regulations established by the commission.

Amend Sec. 2 (Sec. 10), page 3, line 15 by inserting a comma after "broker"

Amend Sec. 2 (Sec. 10), page 3, line 15 by inserting brackets before and after "or"

Amend Sec. 2 (Sec. 10), page 3, line 15 by inserting after "salesman" or rental listing agency

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, just a point of information. You said that HB 1646 was held? Is that for today or just for the caucus or what?

The SPEAKER. Well, we marked it over, and I have used an old-fashioned term by saying "hold." It should be correctly marked "over" for today. Does the gentleman wish to offer his

amendment today? Is he ready?

Mr. RITTER. Mr. Speaker, I have talked to the prime sponsor of the bill. I believe that I am the only one who has an amendment and I think the main sponsor agrees to the amendment.

The SPEAKER. If that is so, then we can deal with this amendment today. Is Mr. Piccola on the floor of the House? We are dealing now, Mr. Piccola, with 1646. The gentleman, Mr. Ritter, says it is your desire to have the bill called up. Is that correct?

Mr. PICCOLA. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks both gentlemen.

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

Mr. RITTER. Mr. Speaker, there was some concern by some members on the rental listing agency under the bill, that the only ones who could do that would be licensed real estate brokers. My amendment simply seeks to say that you can do that provided that you are licensed by the Real Estate Commission, but that you do not necessarily have to be a real estate broker. I think this opens the field up rather than closing it up and I believe that this is an acceptable amendment. I think that it is good for the public and that it, at the same time, protects those people who are going to be renting properties from the rental listing agency.

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

Mr. PICCOLA. Mr. Speaker, I support the amendment.

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

The following roll call was recorded:

YEAS—184

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

| | | | |
|----------------|------------|-------------|---------------|
| Dininni | Katz | Piccola | Weidner |
| Dombrowski | Kelly | Pievsky | Wenger |
| Dorr | Kernick | Pitts | White |
| Doyle | Klingaman | Polite | Wiggins |
| Duffy | Knepper | Pott | Wilson |
| Englehart | Kolter | Pratt | Wilt |
| Fee | Kowalyshyn | Prendergast | Wise |
| Fischer, R. R. | Kukovich | Pyles | Wright, D. |
| Fisher, D. M. | Laughlin | Ravenstahl | Wright, J. L. |
| Flaherty | Lehr | Reed | Yahner |
| Foster, A. | Letterman | Renwick | Zeller |
| Foster, W. | Levi | Rhodes | Zitterman |
| Freind | Levin | Richardson | Zwilk |
| Fryer | Livengood | Ritter | |
| Gallagher | Logue | Ruggiero | Irvis, |
| Gallen | Lynch | Ryan | Speaker |
| Gamble | Mackowski | | |

NAYS—3

| | | |
|----------|--------|------|
| McIntyre | Rieger | Zord |
|----------|--------|------|

NOT VOTING—14

| | | | |
|-----------|------------|-----------|----------|
| Barber | Dumas | Rappaport | Williams |
| Beloff | Greenfield | Shelton | Yohn |
| DiCarlo | Lincoln | Tenaglio | Zearfoss |
| Donatucci | Moehlmann | | |

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Perry, Mr. Noye, on final passage.

Mr. NOYE. Thank you, Mr. Speaker.

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

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

Mr. NOYE. Yes, Mr. Speaker, the other day I discussed this question with you and I just want to make it part of the record.

I have had some correspondence from some individuals who serve as managers of an apartment complex, and there was an attempt several years ago in this body to require that any manager of an apartment who is renting apartments for an owner would have to have a real estate license.

It is my understanding—and I would like you to correct me if I am wrong—that in no way does this bill bring in under the jurisdiction of the real estate license, or the amendment offered by Mr. Ritter, those people serving in the capacity of a manager of an apartment complex.

Mr. PICCOLA. Mr. Speaker, this legislation would not apply to such individuals. It would only apply to individuals who maintain a list of available residential rental units and require the payment of a fee in advance of a prospective tenant's ability to view that list.

Mr. NOYE. Thank you very much.
 Mr. PICCOLA. The fee must be paid in advance.
 Mr. NOYE. Thank you, Mr. Speaker.

On the question recurring,
 Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—192

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

NAYS—0

NOT VOTING—9

| | | | |
|-----------|--------|---------|----------|
| Barber | Dumas | Shelton | Williams |
| Beloff | Parker | Wiggins | Yohn |
| Donatucci | | | |

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 320, PN 1529, entitled:

An Act providing reimbursement to insured by insurance company for services performed by a psychologist.

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

Amend Sec. 1, page 1, line 7 by striking out “, OR DISABILITY”

Amend Sec. 1, page 1, line 9 by removing the colon after “TO” and inserting policies, contracts or certificates issued by:

Amend Sec. 1, page 1, lines 15 and 16 by striking out both of said lines

Amend Sec. 1, page 1, line 17 by striking out “(4)” and inserting (3)

Amend Sec. 1, page 2, line 2 by striking out “(5)” and inserting (4)

Amend Sec. 1, page 2, line 4 by striking out “(6)” and inserting (5)

Amend Sec. 1, page 2, line 7 by striking out “(7)” and inserting (6)

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

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

Mr. MILLIRON. Thank you, Mr. Speaker.

I have two amendments. The first one, Mr. Speaker, is purely a technical amendment. It has changed some of the language to bring it into conformity. Mr. Zearfoss has agreed to the amendment.

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

Mr. ZEARFOSS. Mr. Speaker, this amendment, I think, that Mr. Milliron is now offering was initially Mr. Kowalshyn's. It is a technical amendment that should have been made in committee before the bill was reported out. It is agreed to.

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

The following roll call was recorded:

YEAS—188

| | | | |
|-------------|--------------|---------------|------------|
| 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 |
| Bennett | Giammarco | McLane | Shuman |
| Berson | Gillette | Mebus | Shupnik |
| Bittinger | Gleeson | Meluskey | Sirianni |
| Bittle | Goodman | Milanovich | Smith, E. |
| Borski | Gray | Miller | Smith, L. |
| Brandt | Greenfield | Milliron | Spencer |
| Brown | Greenleaf | Miscevich | Spitz |
| Brunner | Grieco | Moehlmann | Stairs |
| Burd | Hamilton | 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. |

| | | | |
|----------------|----------------|-------------|---------------|
| Cimini | Helfrick | Noye | Taylor, F. |
| Cohen | Hoefel | 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 | Itkin | Pancoast | Wagner |
| DeWeese | Johnson | Parker | Wansacz |
| DiCarlo | Jones | Peterson | Wargo |
| Dietz | Katz | Petrarca | Wass |
| Diminni | Kelly | Piccola | Weidner |
| Dombrowski | Kernick | Pievsky | Wenger |
| Donatucci | Klingaman | Pitts | White |
| Dorr | Knepper | Polite | Wiggins |
| Doyle | Kolter | Pott | Wilson |
| Duffy | Kowalshyn | 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 |
| Foster, A. | Levin | Renwick | Zitterman |
| Foster, W. | Lincoln | Richardson | Zord |
| Freind | Livengood | Ritter | Zwilk |
| Fryer | Logue | Ruggiero | |
| Gallagher | Lynch | Ryan | Irvis, |
| Gallen | Mackowski | Salvatore | Speaker |
| Gamble | Madigan | | |

NAYS—2

Goebel Wilt

NOT VOTING—11

| | | | |
|------------|-----------|---------|----------|
| Beloff | Flaherty | Rhodes | Williams |
| Berlin | Halverson | Rieger | Yohn |
| Cianciulli | Oliver | Shelton | |

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?

Mr. MILLIRON offered the following amendment:

Amend Sec. 2, page 2, line 20, by inserting after "any" psychologically necessary

On the question,

Will the House agree to the amendment?

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

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, this adds two words to the bill. We have discussed this in committee. I feel it is a necessary amendment.

The wording is "psychologically necessary." There has been similar language inserted in other bills dealing with the health field in an effort to keep cost containment, to maintain cost in the health field, to try to keep them from going up any higher.

We wanted to make a provision in the bill dealing with the Blue Shield coverage and other health-care plans to require that the treatment received is psychologically necessary, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss. On this amendment, does the gentleman have a comment?

Mr. ZEARFOSS. Mr. Speaker, I agree with Mr. Milliron that an amendment such as this should be made. However, I have another amendment that says it should be medically necessary, which I think gets to the same point, but I would support the Milliron amendment as well.

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

The following roll call was recorded:

YEAS—182

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

NAYS—7

| | | | |
|--------|---------|------|---------------|
| Burns | Weidner | Wilt | Wright, J. L. |
| Goebel | Wilson | Wise | |

NOT VOTING—12

| | | | |
|---------|----------|-----------|----------|
| Arthurs | Flaherty | Rhodes | Tenaglio |
| Beloff | Gleeson | Salvatore | Williams |
| Berlin | Mebus | Shelton | Yohn |

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

REMARKS ON VOTES

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

Mr. DAVIES. Mr. Speaker, I rise to correct my vote on the last vote. I inadvertently voted "yes" on the second Milliron amendment to SB 320. I want to be recorded in the negative.

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

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. BROWN. Mr. Speaker, I would like to correct my vote on amendment No. A3411 to SB 320, PN 1529, two votes ago. On the Milliron amendment I voted "yes". I would like my name to be recorded "no."

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

On the question recurring,

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

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 2, page 2, line 20, by inserting after "any" medically necessary

Amend Sec. 2, page 2, line 22, by inserting after "certified" pursuant to the act of March 23, 1972 (P. L. 136, No. 52), referred to as the Psychologists License Act

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. ZEARFOSS. Mr. Speaker, we requested the Chair divide this amendment. I think it is divisible. It actually is two separate amendments. The one offered by Mr. Milliron would take care of my first amendment. You will note there are two different amend clauses. I would like to divide them so that they can be voted separately.

The SPEAKER. Exactly where does the gentleman wish to divide the amendment?

Mr. ZEARFOSS. The first amend clause would be the first amendment and the second amend clause would be the second amendment. In other words, the first two lines would be one amendment and the next three lines would be another amendment.

The SPEAKER. It is the opinion of the Chair that the amendment is divisible at that point.

The motion is by the gentleman to divide amendment No. A3380 by making the first amendment read:

Amend Sec. 2, page 2, line 20, by inserting after "any" medically necessary

On the question,

Will the House agree to the motion?

Motion was agreed to.

PART I OF ZEARFOSS AMENDMENT WITHDRAWN

The SPEAKER. Before the House is one amendment beginning:

Amend Sec. 2, page 2, line 20, by inserting after "any" medically necessary

The question is on the adoption of that amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to withdraw this amendment because it has been covered by the amendments offered by Mr. Milliron.

The SPEAKER. The gentleman, Mr. Zearfoss, has withdrawn that amendment. The amendment now placed before the House reads as follows:

Amend Sec. 2, page 2, line 22, by inserting after "certified" pursuant to the act of March 23, 1972

et cetera.

That amendment is now offered before the House. The question is, will the House adopt the amendment?

The Chair recognizes the gentleman, Mr. Zearfoss, on the amendment.

Mr. ZEARFOSS. Mr. Speaker, this is, in a sense, a technical amendment. It spells out what act the psychologists in Pennsylvania are licensed under and says that any services that they perform shall be compensated if performed under that act.

Really all I am doing is adding the legal designation of what act we are talking about, the licensing act of psychologists. I request an affirmative vote on it.

On the question recurring,

Will the House agree to Part II of the Zearfoss amendments?

The following roll call was recorded:

YEAS—189

| | | | |
|-------------|----------------|---------------|------------|
| Abraham | Gamble | Manmiller | Schmitt |
| Anderson | Garzia | McCall | Schweder |
| Armstrong | Gatski | McClatchy | Scirica |
| Arthurs | Geesey | McGinnis | Seltzer |
| Barber | Geisler | McIntyre | Shuman |
| Bellomini | George, C. | McLane | Shupnik |
| Bennett | George, M. | Mebus | Sirianni |
| Berlin | Giammarco | Meluskey | Smith, E. |
| Berson | Gillette | Milanovich | Smith, L. |
| Bittinger | Gray | Miller | Spencer |
| Bittle | Greenfield | Milliron | Spitz |
| Borski | Greenleaf | Miscevich | Stairs |
| Brandt | Grieco | Morris | Stapleton |
| Brown | Hamilton | Mowery | Stewart |
| Brunner | Harper | Mrkonic | Stuban |
| Burd | Hasay | Mullen, M. P. | Sweet |
| Caltagirone | Haskell | Musto | Taddonio |
| Caputo | Hayes, D. S. | Novak | Taylor, E. |
| Cassidy | Hayes, S. E. | Noye | Taylor, F. |
| Cessar | Helfrick | O'Brien, B. | Tenaglio |
| Cianciulli | Hoeffel | O'Brien, D. | Thomas |
| Cimini | Honaman | O'Connell | Trello |
| Cohen | Hopkins | O'Keefe | Valicenti |
| Cole | Hutchinson, A. | Oliver | Vroon |
| Cowell | Hutchinson, W. | Pancoast | Wagner |
| Davies | Itkin | Parker | Wansacz |
| DeMedio | Johnson | Peterson | Wargo |

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|----------------|-----------|-------------|---------------|
| DeVerter | Jones | Petrarca | Wass |
| DeWeese | Katz | Piccola | Weidner |
| DiCarlo | Kelly | Pievsky | Wenger |
| Dietz | Kernick | Pitts | White |
| Dininni | Klingaman | Polite | Wiggins |
| Dombrowski | Knepper | Pott | Williams |
| Donatucci | Kolter | Pratt | Wilson |
| Dorr | Kowalshyn | Prendergast | Wilt |
| Doyle | Kukovich | Pyles | Wise |
| Duffy | Laughlin | Rappaport | Wright, D. |
| Dumas | Lehr | Ravenstahl | Wright, J. L. |
| Englehart | Letterman | Reed | Yahner |
| Fee | Levi | Renwick | Zearfoss |
| Fischer, R. R. | Levin | Richardson | Zeller |
| Fisher, D. M. | Lincoln | Rieger | Zitterman |
| Foster, A. | Livengood | Ritter | Zord |
| Foster, W. | Logue | Ruggiero | Zwinkl |
| Freind | Lynch | Ryan | |
| Fryer | Mackowski | Salvatore | Irvis, |
| Gallagher | Madigan | Scanlon | Speaker |
| Gallen | Manderino | Scheaffer | |

NAYS—4

| | | | |
|-------|--------|-----------|-----------|
| Burns | Goebel | Halverson | Moehlmann |
|-------|--------|-----------|-----------|

NOT VOTING—8

| | | | |
|----------|---------|-----------|---------|
| Beloff | Gleeson | O'Donnell | Shelton |
| Flaherty | Goodman | Rhodes | Yohn |

The question was determined in the affirmative, and Part II of the Zearfoss amendments was agreed to.

The SPEAKER. Does the gentleman, Mr. Zearfoss, have an additional amendment?

Mr. ZEARFOSS. Mr. Speaker, I am going to apologize to the Speaker and to the House. I did not have a copy of the Milliron amendment. I thought it said psychiatrically necessary. I understand it said psychologically necessary. I would like to now offer the amendment that I previously withdrew, with "medically necessary". I would like to debate that.

The SPEAKER. The Chair recognizes the gentleman, Mr. Zearfoss, who offers the following amendment. The amendment offered by the gentleman, Mr. Zearfoss, reads as follows:

Amend Sec. 2, page 2, line 20, by inserting after "any" medically necessary

That is the amendment withdrawn by the gentleman, Mr. Zearfoss. He has explained that he withdrew it inadvertently or through misinformation and now offers that amendment.

On that amendment the Chair recognizes the gentleman from Delaware, Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, this amendment that I am offering to require that services by a psychologist be medically necessary before they would be paid under your medical insurance dollars or by your medical insurance dollars is absolutely necessary to carry out what Mr. Milliron said was the intent of his amendment.

Psychologists are licensed and permitted under their law to do many different things, some of which are medical treatment in the mental-health area or some of which are not in any way considered to be medical treatment.

What SB 320 is trying to do is to have services of a

psychologist in the mental-health area paid out of insurance dollars the same as psychiatric services are paid out of insurance dollars for mental-health treatment. The problem with the bill as it now stands without my amendment is that much treatment by a psychologist that is not medical treatment would have to be compensated if the bill passes and becomes law.

I would just like to quote from a letter that I received from a constituent in support of this bill. He is telling me why this bill is necessary and he is telling me what I would like to tell you that will show why it is necessary for us to put in this amendment requiring that the treatment be medically necessary. He says and I quote:

Although the medical practitioners of psychotherapy lay claim to exclusiveness on the ground that they alone are medically trained, the reality is that there are a considerable number of human problems, for which psychotherapy is beneficial, which in no way are medical. For example, the behavior problems of juveniles and adolescents are commonly reactions to life situations and family relationships. The difficulties between two people over their marriage is another area for which professional help is frequently needed. Far from being medical in nature, these problems are typically social. It is a rare physician who is prepared to deal with social problems. Consequently, the present situation not only limits choice of practitioners, but actually makes it very difficult to obtain help from those who are best qualified to be helpful.

The point of what I have read is this, this psychologist is asking us to vote for SB 320 because in its present form without my amendment, it would permit payment under your medical insurance, which premiums are paid to get health care for you by physicians and for medical purposes, and it would permit payment under that insurance for family counseling, job counseling, and all sorts of counseling features that psychologists may legally administer but which are not medical. And it cannot help but drive up the cost of your medical insurance if you include it.

What it would amount to is you would have your medical insurance paying for many services that the policy is not intended to pay for and as a consequence you are going to have to collect a higher premium for those services. They would be paying for, under medical insurance, nonmedical treatment by psychologists. With the addition of the words "medically necessary", you are limiting the treatment by a psychologist to those things that the insurance was intended to pay for initially, medical treatment, but medical treatment by a psychologist in the areas that a psychologist can administer this medical treatment. I say that if you want to keep your health-care dollar premium costs in line, you are going to have to accept this amendment that would require that the treatment be compensated only if it is medically necessary. I would ask for an affirmative vote on the amendment.

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

Mr. LEVIN. Will Mr. Zearfoss stand for interrogation?

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

Mr. LEVIN. Mr. Speaker, who is going to make the determination as to whether or not it is medically necessary under your test?

Mr. ZEARFOSS. The determination of what services would be covered by the insurance policy will be made the same way that those determinations are made today. Initially, the insurance carrier would write the policy to determine what kinds of services are included. Then if a claim is made for payment under one of those services, the insurance carrier, the company, would have to make the initial determination that the service was or was not included in the definition of the policy.

The problem here, Mr. Speaker, is that SB 320 says that the policies have to be rewritten in such a way that any service that a psychologist legally performs would have to be compensated. In other words, all the policies would have to be rewritten.

If you put my amendment in, the policies could be written that only medically required services would be compensated for a psychologist.

Mr. LEVIN. Mr. Speaker, it was my understanding that SB 320 merely added psychologists to the existing policies as required payments; it did not force them to change their existing standards.

Do we have in our existing law as to doctors that it must be necessarily medically necessary?

Mr. ZEARFOSS. The policies now require that this be performed by a physician, and the policies do require medical necessity, yes.

What you are saying with SB 320 is that it no longer would have to be medically necessary because the psychologist could perform services under the contracts that are legal, under his license, that are not medically necessary and SB 320 mandates that they be covered by the insurance.

Mr. LEVIN. Well, if you please, we have just passed an amendment which makes it psychologically necessary. I think we are adding to the bill verbiage which will do nothing but permit the medical profession and the psychiatrists to prevent the psychologists from administering under this act and from receiving the benefits. The purpose of SB 320 will be gutted by this amendment.

Mr. ZEARFOSS. Mr. Speaker, that is just not so. What we are doing by this amendment is saying that a psychologist must be compensated in any case when he performs psychological treatment that is medically necessary, which is what the bill intends to do. In order to carry out the intent of the bill, the sponsors of the bill, the Psychological Association of Pennsylvania, have indicated right from the outset that they do not desire to go beyond what psychiatrists are now being paid for. They say that they want to be paid for the same things.

Psychiatrists perform medical treatment and medically necessary treatment. If a psychologist, under his license, can perform the same kinds of treatment, he should be paid. And that is what SB 320 intends to do.

By adding the words "medically necessary", we guarantee that that is all he is paid for and not for psychological treatment that is not medically necessary, such as family counseling and job counseling and a lot of other areas like testing; for instance, employment testing. A lot of areas that a psychologist

can do that the psychiatrists do not do would now have to be paid under medical insurance and health insurance if we do not put the "medically necessary" language in this bill. I say that if you want to hold down your health care costs, it has to go in. It is not defeating the bill. It is really carrying out the intent that is expressed by the Psychological Association of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery, on the amendment.

Mr. MOWERY. Thank you, Mr. Speaker. Rather than go through the many points that Representative Zearfoss made regarding the need for this amendment, I would just like to say that the bill is a good bill and, if properly worded, it can produce, hopefully, lower delivery costs of medical treatment here in Pennsylvania.

The requirement that this amendment has as far as medical treatment is concerned or medical reference, I think is good because it will give us an opportunity to allow for some of the less qualified type of medical treatment to be passed on to this professional group of psychologists. Without it, however, you are going to run into many problems that will have the effect of increasing medical costs in Pennsylvania. So for that reason, I would strongly urge that you support the amendment. I think it will do a good job for all of us here in Pennsylvania.

Thank you.

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

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, I can appreciate the intent of the amendment of Mr. Zearfoss and, in a way, I agree with it, but the real purpose behind this bill was that there was a very, very serious shortage in this state of psychiatrists. As many of us know, there happens to be more and more people who need counseling, psychiatric or psychological. In an area like in my city of 63,000 people, we have two or three practicing psychiatrists for the entire city.

The reason we had set this up was because there is a need for additional people to give the service, some kind of counseling, some kind of psychological help. If we require that it be medically necessary, you are still going to have that person go to a psychiatrist to be told that, yes, it is medically necessary, and then the psychiatrist certainly is not going to be able to refer him to a psychologist, or will not do that, and so we are going back to the same problem that exists now. We are not solving it.

As much as I would like to have the language tightened up and I agree with Mr. Mowery that there is going to be an additional cost, I feel that the entire point of the bill would be gutted if we accept the language "medically necessary".

I think we did tighten it up with my amendment that demands that it be psychologically necessary. I think that covers the point and I would ask my colleagues to vote down the Zearfoss amendment.

Thank you, Mr. Speaker.

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

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

I would like to urge the members to consider, as I mention these points, what Mr. Zearfoss and Mr. Mowery have been saying. They have been using the term "medical" to give you the idea that you have to accept the amendment of Mr. Zearfoss. This is a misuse of the term. I would like to explain to you what the problem is, and I am going to urge you defeat the Zearfoss amendment.

He has given some information which is very misleading. And when he says that to reduce costs you have to accept his amendment, he is actually stating the opposite result.

I would like to point out that the licensed psychologists of Pennsylvania are a profession in their own right. The psychiatrists have a medical degree, a doctor of medicine in psychiatry. The licensed psychologists have a doctorate of philosophy in psychology. By and large, some of them have master's degrees, but with a master's degree they have 4 years of supervised experience. They have a profession which has every right to stand on its own feet, and they do not have to be under the thumb of the medical doctors, whether they be psychiatrists or not. This is the whole point of the Zearfoss amendment.

Now, the patient is going to pay for the psychiatrist's service in reviewing the need required and then, if he recommends treatment by a psychologist, he is also going to have to pay for the services of the psychologist.

Mr. Speaker, this bill is not talking about the things that Mr. Zearfoss told us about. This bill has nothing to do with family counseling. It has nothing to do with job counseling. It has nothing to do with employment testing. Of course, psychologists do those things, but SB 320 is concerned with a limited area, and that limited area is health services dealing with mental health, mental-health services, and that is all.

Now, this insurance contract is a health-insurance contract. Mr. Zearfoss kept calling it a medical contract or medical insurance. It is a health contract. The psychiatrists want to leave the impression that they alone have competence in dealing with mental-health cases. I believe that simply saying that is sufficient to refute it. Licensed psychologists are performing valuable services with children and with other individuals who have mental-health problems. If the health service that the psychologist is performing is helpful, it should be reimbursed, and it should not be cleared first by a medical doctor. I think we are past the day when the licensed psychologists, as I said, have to be under the thumb of the medical doctors. They have a right to stand on their own feet.

This bill is limited to mental-health services. If it is something different, it does not matter whether a psychiatrist performs the service or a psychologist, they are not going to get paid, if it is not connected with mental health.

I believe that in the interest of this particular legislative bill dealing only with mental-health services, we should permit the rendition of mental-health services by the licensed psychologists of Pennsylvania within the area of mental-health treatment.

Now, it is not medical treatment. Again, Mr. Zearfoss said that psychologists are performing medical services. They are not. They are not prescribing medication. They are not pre-

scribing medical treatment. They are simply performing important psychological service dealing with mental health.

I hope I have clarified what we have here. Every so often in the House, we have collision-of-interest groups, and we have one right now, let us not forget it.

I think that the psychologists as of now have their own society. They have their own ethical standards. They have their own discipline. They have their own peer-review requirements which will protect the client, the patient. All of those things are provided the same as is provided with the psychiatrists. I believe we should defeat the Zearfoss amendment.

Thank you, Mr. Speaker.

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

Mr. ZELLER. I yield. I would like to hear the answer to Mr. Kowalyshyn, first.

Thank you.

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

Mr. ZEARFOSS. I wish Mr. Zeller would interrogate me.

Mr. Speaker, the problem here is that psychologists can perform some services which are definitely considered medical-type services, but they can perform other services that in no way can be described as medical under their license, legally. Psychotherapy is a medical-type service that they should be compensated for under health insurance, under medical insurance, if in fact they perform psychotherapy functions. They should not be paid, under a person's medical insurance, for non-medical treatment or nonmedical professional services, such as counseling in a job or vocational area.

Now to add the words "medically necessary" merely indicates the type of services that would be compensated under the insurance. It does not say who must perform those services. It does not require by adding "medically necessary" that a psychiatrist or a physician prescribe the services and then refer to a psychologist, as Mr. Kowalyshyn has indicated. That is not required by adding the words "medically necessary". All we are talking about by adding those words is what kinds of services should be paid for by a medical-insurance policy.

Mr. Kowalyshyn quarrels with my terminology. They are medical insurance policies. They are medical-surgical coverage or they are major medical coverage. They are all medical policies. As a generic term, they are called health insurance, but they are medical policies that we are talking about here. And that is what the psychiatrists and psychologists both would be compensated for under a medical policy, but they should not be compensated if it is not medically necessary service.

Now, Mr. Kowalyshyn says that these psychologists only want to be paid for mental-health care services that they render and he says that is in the bill, that terminology. That terminology is not in the bill. If that terminology were in the bill and if this bill were limited that compensation would be paid to psychologists for mental-health care services, I would support it without this amendment. But because that language, mental-health care services, does not appear in the bill and the compensation would not be limited to performing mental-

health care services, you have to put some kind of limitation in there, and the most reasonable one is "medically necessary". But remember, it is not saying that it must be performed by a medical doctor; it is not saying that it has to be performed by a psychiatrist who is a medical doctor. It is describing the kinds of services, services that may legally be performed by a psychologist, and if performed by a psychologist, and this bill is law, they would be compensated for those medically necessary psychological treatments that they administer, and that is what they want and that is what the amendment will give them. It will not give them an extension of the health-insurance policy, the medical-insurance policy, which they claim not to want anyhow, so that it would compensate nonmedical treatment, such as family counseling or employment counseling, which nobody would suggest we can afford to pay for out of our health-care dollar. That is the problem.

Now, I am not trying to mislead anyone. All I am trying to do is say that to put this amendment into the bill would limit compensation under medical insurance to psychologists to the things they want to be compensated for. They want to be compensated for mental-health treatment that they administer to a patient when there is no psychiatrist available to do it. That is what Mr. Milliron is talking about, and I agree 100 percent with the intent of the bill. That is why I am supporting the bill. But I cannot support a bill that would spend every cent of our mental-health medical insurance dollars for nonmedical treatment, and that is what the bill will do if we do not put the amendment in.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Thank you, Mr. Speaker. Mr. Speaker, would Mr. Zearfoss consent to a brief interrogation at this point?

Mr. ZEARFOSS. Yes, Mr. Speaker.

Mr. ZELLER. Mr. Speaker, you would say that in comparison when it has been designated that this patient could be taken care of and guided properly by a psychologist or even a chiropractor, that that medical doctor could direct that to even a chiropractor, right?

Mr. ZEARFOSS. I believe, Mr. Zeller, that is correct. I think this bill is a free-standing bill. It does not amend any other law, but the present law does require that medical services may legally be administered and must be compensated for under an insurance policy if performed by a doctor of chiropractics within his license. If he is doing things that he is licensed to do, they must be paid, I believe. I am not sure about this.

Mr. ZELLER. Thank you.

Is it also correct, and with all respect to Mr. Kowalyshyn, that when he mentioned medical doctors, psychiatrists being medical doctors, they do and can prescribe medicine, and also being a psychologist, because they do it. Is that not true?

Mr. ZEARFOSS. Yes, that is correct.

Mr. ZELLER. I happen to know that is true. I wanted to hear it because of what Representative Kowalyshyn stated. Now, one of the reasons why this amendment is a very safe amendment and a much-needed amendment is for the following reasons: I know of people, and I can state people I know very, very

closely who were involved in this. Now, we were also involved very closely with an individual who was a psychiatrist from our county who let you in on some costs. This individual was receiving \$544 a week from the Welfare Department for taking care of the prisons—\$544 a week for 4 hours of work from our county—until we exposed what was going on and that was ended. But to show you the cost of 4 hours of work, whereas a psychologist could have very well taken care of the individuals who were in no need of medication but they needed some psychological guidance. That is all they needed, and they were a medical problem in their minds, but all they needed was a psychologist who could turn them around and possibly face them in the right direction. They did not need a psychiatrist. Therefore, the tremendous cost was saved. This individual was able to do the work. A psychologist could do the same work for \$140 for the 4 hours of work as compared to \$544. A tremendous savings to the taxpayers.

Now, in most cases we find, according to the literature we received and if we can believe it, and I think I can from the experiences we have had, that they, the people who are disturbed in the area which would be legally accepted by the medical insurance delivery systems, do not need a psychiatrist. All they need is a psychologist, which would come in much cheaper for the taxpayers, and our insurance delivery system is so high now that if we opened the door, as Mr. Zearfoss said, to everybody who possibly was jobless, everybody who is out of a job today,—and there are many of them and I am sure they must have some real serious problems in their minds, and the divorce rate today is going out of proportion and the family problems—my goodness, I do not see any end to the cost of the insurance delivery system. So I would say this would be a stopgap here to save the taxpayers a tremendous amount of money, the public who pays for this system of delivery, and I say it would be quite a savings to them.

Now, just one closing point: You know we have a tremendous problem today, and I am sure all of us here in the House certainly do, where from the neck on down we are all about the same but from the neck on up is where the difference is, how we control our thinking, and I am sure sometimes we really fit into that category that possibly all of us could probably use the services of both parts, the psychologists and the psychiatrists. Sometimes I feel that way, and presently I think I would make a good patient.

The SPEAKER. The Chair recognizes, for the second time on the Zearfoss amendment, the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

Representative Kowalyshyn gave a very fine explanation, I think, of the intent of what this bill is supposed to cover, and in his description of the types of services that are supposed to be rendered, they all fit the category of being medically qualified. Therefore, I do not understand why, Mr. Speaker, you object to a term in this amendment that relates to medical services, because that is basically what the intent of this bill is. And for that reason, I think all we are doing is putting the true intent of the bill into it so that it is not going to be misinterpreted and create all kinds of problems for the consumer in Pennsylvania

who is unaware of the fact that a psychiatrist by definition, in order to obtain that degree, has anywhere from 11 to 12 years of professional training. To be a psychologist in the State of Pennsylvania, you need to have at least a master's degree. There are all different types of psychologists. And I think to protect and to keep what we already have, which is a fine medical delivery system in Pennsylvania, so that the consumer does not have to try to make these determinations himself, we should at least give them the protection in this bill of relating to medical services only.

Thank you very much.

The SPEAKER. On the Zearfoss amendment, speaking for the second time, the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I would like to ask you to try to remember about one of the last things that Mr. Zearfoss said. He said that this amendment of his will not tell who is to provide the service. But that is not the issue. The issue is that his amendment will provide that, in every mental-health case, screening will be done by the psychiatrists. They want to have the field all to themselves. I am reminded that this would be a case where the General Assembly was changed so that the only bills considered on the floor of the House of Representatives would be those bills that first were screened by the Senate. Now, that is what we have here. Do we have to have screening first by the psychiatrists? I say we do not. If we have screening, we are going to have additional costs. Please believe me, it is the other way around. You are not saving costs with Mr. Zearfoss' amendment; you are increasing costs. The psychiatrists, as a whole, are more expensive than psychologists, and psychologists will only be paid by the insurance company for mental-health services.

Mr. Zearfoss still kept repeating, do not let the psychologists get paid for family counseling, job counseling, employment testing. The insurance company will not pay them for that. The insurance company will only pay them for the limited area where the psychologist is competent and valuable in performing mental-health services. So that is the issue. Do you want to have the psychiatrists screen all mental-health cases? Do you want to have the licensed psychologists of Pennsylvania subservient, continue to be subservient, to the psychiatrists. I do not think we should do that. I think we are at a point where psychologists are performing services and there is plenty of protection—

The SPEAKER. Will the gentleman yield? It is really distressing to have to interrupt the Representative at the microphone repeatedly because certain specific Representatives insist on carrying on their own conversations. If you must converse and if you are not particularly interested in the point raised at the microphone, the Chair would urge you to remove yourself from the chamber so that the rest of us may consider this amendment.

The Chair now recognizes again the gentleman, Mr. Kowalyshyn, and apologizes for having to interrupt him twice.

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

Mr. VALICENTI. To reiterate what you said, Mr. Speaker.

We would like to all get out of here and like to get these bills and these amendments run off, and I am at fault at times—I have to admit that—but I do think that if we would listen, get these things out of the road, I think it would be better for all of us.

Thank you.

The SPEAKER. I think so, too.

The gentleman, Mr. Kowalyshyn, has the floor and may proceed.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

Mr. Speaker, in closing let me say, please believe me, if you buy the Zearfoss amendment, you are going to be increasing costs of health services, not decreasing them. Thank you.

Mr. SPEAKER. On the Zearfoss amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am afraid that I must disagree very heartily with Mr. Kowalyshyn. This is absolutely not the case that every case must be screened by a psychiatrist if this amendment is adopted. It is absolutely not true. Nowhere at all in the bill as is stated is any such requirement reiterated or stated. I want to call attention to the fact that very apparently Mr. Kowalyshyn and perhaps a good many other members who have received letters from the medical profession and the psychiatrists are confused with this issue as requested by Mr. Zearfoss. All Mr. Zearfoss is trying to do is to clarify the language so that a psychologist can get paid for exactly the same thing that a psychiatrist would get paid for, but not for all of the extraneous services which are not medical services. There is not sufficient language in the bill to prevent that from happening. It is very important to narrow this down to exactly what we intend to do, no more and no less, and neither do we intend for one moment to prevent the savings of untold thousands of dollars by people who want to use psychologists. I favor that, too, and I have favored this bill right along, but I do not want to see the interpretation of this language opened up to pay for any kind of a service that a psychologist can render.

Now listen to this language: "for any service which is within those areas for which a psychologist is licensed". Now, if that is interpreted broadly, and it can be interpreted broadly as it is now stated, all of these extraneous services can be paid for, and that is not our intent. I strongly urge that this is a good amendment and it should be adopted for the safeguard of everyone concerned and still give us the prerogative of saving the money that Mr. Kowalyshyn said we should save.

Thank you.

On the question,

Will the House agree to Part I of the Zearfoss amendments?

The following roll call was recorded:

YEAS—93

| | | | |
|-----------|--------------|-----------|-----------|
| Anderson | Greenleaf | McGinnis | Seltzer |
| Armstrong | Hamilton | Mebus | Shupnik |
| Berson | Hasay | Miller | Sirianni |
| Bittle | Haskell | Moehlmann | Smith, E. |
| Brandt | Hayes, D. S. | Morris | Smith, L. |
| Burd | Hayes, S. E. | Mowery | Spencer |
| Caputo | Helfrick | Noye | Spitz |

| | | | |
|------------|----------------|-------------|------------|
| Cassidy | Hoeffel | O'Brien, D. | Stairs |
| Cessar | Honaman | O'Connell | Stapleton |
| Cole | Hopkins | O'Donnell | Sweet |
| DeVerter | Hutchinson, W. | O'Keefe | Taddonio |
| DeWeese | Katz | Pancoast | Taylor, E. |
| Dietz | Kernick | Parker | Thomas |
| Dininni | Klingaman | Peterson | Vroon |
| Dorr | Knepper | Piccola | Wagner |
| Doyle | Lehr | Pitts | Wargo |
| Duffy | Levi | Polite | Wass |
| Foster, A. | Livengood | Pott | Weidner |
| Foster, W. | Lynch | Rappaport | Wenger |
| Freind | Mackowski | Ritter | Wilson |
| Fryer | Madigan | Ryan | Zearfoss |
| Gallen | Manmiller | Salvatore | Zeller |
| Garzia | McClatchy | Scheaffer | Zord |
| Geesey | | | |

NAYS—100

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gatski | Manderino | Scanlon |
| Barber | Geisler | McCall | Schmitt |
| Bellomini | George, C. | McIntyre | Schweder |
| Beloff | George, M. | McLane | Scirica |
| Bennett | Giammarco | Meluskey | Shuman |
| Bittinger | Gillette | Milanovich | Stewart |
| Borski | Gleeson | Milliron | Stuban |
| Brown | Goodman | Miscevich | Taylor, F. |
| Brunner | Gray | Mrkonic | Tenaglio |
| Burns | Greenfield | Mullen, M. P. | Trello |
| Caltagirone | Grieco | Musto | Valicenti |
| Cianciulli | Halverson | Novak | Wansacz |
| Cimini | Harper | O'Brien, B. | White |
| Cohen | Hutchinson, A. | Oliver | Wiggins |
| Cowell | Itkin | Petrarca | Williams |
| Davies | Johnson | Pievsky | Wilt |
| DeMedio | Jones | Pratt | Wise |
| DiCarlo | Kelly | Prendergast | Wright, D. |
| Dombrowski | Kolter | Ravenstahl | Wright, J. L. |
| Donatucci | Kowalshyn | Reed | Yahner |
| Dumas | Kukovich | Renwick | Zitterman |
| Englehart | Laughlin | Rhodes | Zwinkl |
| Fee | Letterman | Richardson | |
| Fischer, R. R. | Levin | Rieger | Irvis, |
| Flaherty | Lincoln | Ruggiero | Speaker |
| Gallagher | Logue | | |

NOT VOTING—8

| | | | |
|---------|---------------|--------|---------|
| Arthurs | Fisher, D. M. | Goebel | Shelton |
| Berlin | Gamble | Pyles | Yohn |

The question was determined in the negative, and Part I of the Zearfoss amendments was not agreed to.

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

Mr. POTT offered the following amendments:
Amend Bill, page 2, by inserting after line 30
Section 3. Reimbursement shall only be made for a service performed by a licensed psychologist which has been determined by a physician to be necessary for the treatment or diagnosis of the patient and specifically ordered or prescribed by the physician to be performed by the licensed psychologist.
Amend Sec. 3, page 3, line 1, by striking out "3" and inserting 4
Amend Sec. 4, page 3, line 8, by striking out "4" and inserting 5

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

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

Mr. POTT. Thank you, Mr. Speaker.
For the information of the members of the House, I had circulated two amendments, A4169 and A4172. This is amendment A4172, and what this amendment does is another attempt, Mr. Speaker, to control the costs of health care which are bound to rise should SB 320 be passed in its present format.

I would like to share with you an example of an elderly widow in my district who is just a little bit too young at the present time to be eligible for Medicaid. Her insurance costs, under a Blue Cross-Blue Shield plan, come to approximately \$100 a month. I have yet to see any estimate of how much her medical costs will go up should we pass SB 320 in its present format. But with the costs of health care rising so significantly, the costs of utilities, the costs of property taxes going up, this bill, if it passes in its present format, will certainly increase the costs to those citizens of our society who can afford to pay for it the least.

My amendment, Mr. Speaker, is designed to provide for reimbursements for the psychologists if their services are prescribed by a licensed physician; in other words, a designation of the reimbursement for physician-recommended psychologic services rather than psychologist-recommended psychologic services. I think this amendment, if adopted, will go a long way to help control the ever-increasing costs of our health-care insurance. Thank you.

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

Mr. MILLIRON. Thank you, Mr. Speaker. Would the gentleman, Mr. Pott, stand for interrogation, please?

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

Mr. MILLIRON. Thank you, Mr. Speaker.
Mr. Speaker, could you tell me the difference between the amendment that you have just offered, stating that it has to be ordered or prescribed by a physician, and the last amendment that we just defeated?

Mr. POTT. Mr. Speaker, the amendment offered by Mr. Zearfoss used the term, I believe, "medically necessary" services. My amendment A4169, which I now do not intend to offer, would have defined medically necessary services. Since Mr. Zearfoss' amendment did not pass, there is no necessity for a definition in the bill at the present time of medically necessary services, and my amendment does not utilize that term.

Mr. MILLIRON. Let me rephrase my question, Mr. Speaker. What is the difference between being medically necessary and stating that a physician feels it is necessary? What is the difference?

Mr. POTT. Mr. Speaker, I do not have a definition of medically necessary services that I am offering at the present time.

Mr. MILLIRON. Thank you, Mr. Speaker. If I could, Mr. Speaker, I would like to make a short statement.

The SPEAKER. The gentleman is in order and may proceed.
Mr. MILLIRON. Thank you, Mr. Speaker.
Mr. Speaker, this amendment is almost identical to the one

just defeated, although it is even more stringent. Not only does a physician have to specifically order treatment, but he also prescribes it, as is stated in the fourth sentence of the amendment, "specifically ordered or prescribed by the physician". This is definitely just going to gut the entire bit. It is going to strip the psychologists of the purposes that we are trying to give them, and I would sincerely hope that the members defeat this amendment, just as we defeated the previous one.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, this is the one that I fear, and I may be wrong on the last one—I have been wrong before—because we do not know the medically necessary terms. There is a possibility that that could say that strictly the psychiatrist has the right, or a physician, which is the same thing, a medical doctor-psychiatrist, to direct the traffic on this. I was told it would not, but this one definitely, Mr. Pott's, would put the finishing on the cake, as far as I am concerned, and it would really direct it. And that is why I agree with Mr. Milliron, in this particular instance, to vote it down, because I feel that this would really direct it to a psychiatrist or physician, which, as far as I am concerned, is the same thing.

The SPEAKER. On the Pott amendment, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

I would like, for the benefit of the other members of the House, to now see the difference on which we were being misinterpreted on the last amendment. The last amendment defeated was only related to medical services. This is the amendment which was told to you by Representative Kowalyshyn that that was what was wrong with the other one. I am sorry that we did not have this one up first, because this is the one that does require a doctor or psychiatrist to recommend the treatment. I hope you can see the difference and where you were misled on the last amendment that was presented to you on medical services.

Thank you.

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

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

I disagree with what Mr. Mowery has just said. This amendment, Mr. Pott's amendment, and Mr. Zearfoss's amendment are one and the same thing. I would not be surprised if they come from the same office of the Pennsylvania Psychiatric Society. Each of these amendments provides for a screening by the psychiatrists of all services in the mental-health field.

Now the Pott amendment spells it out in so many words, but the key term, "medically necessary", is "medically" in the Zearfoss amendment, and that was the whole idea of the thing, to keep the psychologists subservient to the psychiatrists, and that is what this does.

I would like to answer again Mr. Pott. This amendment will increase costs because you are going to have the two steps involved rather than direct services by the licensed psychologists. So there will be increased services, and, as I said before, the

licensed psychologists tend to charge less for their services than psychiatrists do. So this is also an increase in costs, and I urge a negative vote on the Pott amendment.

Thank you.

The SPEAKER. The Chair recognizes for the second time on the Pott amendment, the gentleman who placed the amendment, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker. Would the gentleman, Mr. Kowalyshyn, consent to interrogation?

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

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me what the average monthly premium paid by persons who are receiving medical insurance or who are participating in medical plans are at the present time?

Mr. KOWALYSHYN. Well, I cannot give it to you offhand. I am sure that we could research that and make that information available.

Mr. POTT. Would an amount of approximately \$75 a month be an unreasonable estimate?

Mr. KOWALYSHYN. I am sorry. Would you repeat that, please?

Mr. POTT. Would an amount of \$75 per month be an unreasonable estimate of medical-insurance costs per month?

Mr. KOWALYSHYN. I would not be able to judge that. I do not know this field in that much detail to be able to quote figures of the kind that you are suggesting.

Mr. POTT. Mr. Speaker, are you correct in stating that my amendment would increase those costs, however?

Mr. KOWALYSHYN. Yes, sir; I certainly do.

Mr. POTT. How much would it?

Mr. KOWALYSHYN. Well, it would increase the cost by the charge that a psychiatrist would charge for his screening services. That is where the duplication would be. If he would find that a licensed psychologist should perform some service in the mental-health field, he would get paid for his screening services and, in addition to that, of course, the psychologist would be paid. That is where you have duplication. That is where you have unnecessary costs which, I believe, can be avoided.

Mr. POTT. Without my amendment, Mr. Speaker, what would the approximate increase in cost in medical-insurance plans be?

Mr. KOWALYSHYN. I am sorry, I cannot answer it.

We can all judge that a psychiatrist for his services charges so much. I do not know whether it is \$40 an hour or \$50 an hour. A psychologist maybe charges \$25 an hour.

Mr. POTT. Mr. Speaker, do you know what the costs of this bill would be to the citizens of Pennsylvania, those individual elderly people out there who are going to have to pay this per month without my amendment in it?

Mr. KOWALYSHYN. SB 320 should not involve any increase. As a matter of fact, it should involve a saving to the residents of Pennsylvania who need these services. I want to point out to you—

Mr. POTT. Are you answering the question?

Mr. KOWALYSHYN.—that you have a protection by the fact that the insurance company is not going to pay any bill unless they are satisfied that it is psychologically necessary for these mental-health services. If there is any need for appeal, there could be an appeal to the psychologists who have their own appeal-review provisions.

Mr. POTT. Thank you.

Mr. Speaker, I would like to make a brief statement.

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

Mr. POTT. Mr. Speaker, the gentleman has not specifically answered the costs of this bill. The gentleman has implied to the House that there would be no additional costs, but I do not understand how we can possibly not have increased costs when we are expanding services.

My amendment, Mr. Speaker, is designed to control those costs. It is designed to control somewhat the services which can be rendered under this SB 320. I am awfully concerned, Mr. Speaker, that those members of our society who can afford it the least are going to have to pay the most if we adopt SB 320 without my amendment.

Thank you.

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

Mrs. GILLETTE. I, too, oppose this amendment, the amendment offered by the former speaker. The bill does not expand any services. It simply opens up the area for those persons who can provide the services. If the service is covered in the policy as written, then the psychologists can receive payment as well as psychiatrists. This should lower the costs of providing this service. I urge members to vote against this amendment.

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

Mr. MACKOWSKI. Mr. Speaker, I disagree with the latest speaker on this particular issue. I intend to support the bill because I think the extension of services is important. But it is an extension of services because you mandate that every issue of a company issuing insurance policies, whether they be renewals or whatever, shall include this additional service. So, it is an additional service.

I support the Pott amendment because it defines that service in a more narrow area which will contain the cost. I support the Pott amendment on those grounds.

Thank you, Mr. Speaker.

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

Mr. ZEARFOSS. Mr. Speaker, the Pott amendment speaks to another problem in this bill that my earlier amendment did not speak to. My amendment was directed at the cost specifically and would have guaranteed that medical services were compensated whether performed by a psychologist or a psychiatrist.

This amendment speaks to the proper health care. A psychologist has no right and cannot prescribe medicine. Proper treatment of certain mental-health conditions requires that medicine be prescribed. The danger is that if there is no

screening physician, no screening psychiatrist or medical doctor, the prescription of the necessary medicine will not be accomplished because a psychologist will only treat within the parameters of his license, which does not include the ability to prescribe medicine.

That is the reason why the psychiatrist and the medical society is supporting an amendment such as this, so that they can guarantee that the person with a mental-health problem will be getting proper medical treatment.

It does not go so much to the cost as to the proper mental-health treatment. Some of the things can be performed by a psychologist and some have to be performed by a psychiatrist.

This amendment, the Pott amendment, would say that they both have to be involved in the treatment of certain kinds of mental health. The only way we can know that is if the psychiatrist first has a look at the patient and then determines which of the functions can be performed by a psychologist and which he must do himself, such as prescribing medicine.

I am going to support the Pott amendment but for different reasons than the reason I offered on my amendment.

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

The following roll call was recorded:

YEAS—74

| | | | |
|------------|--------------|-------------|------------|
| Anderson | Garzia | Miller | Shupnik |
| Armstrong | Hamilton | Moehlmann | Sirianni |
| Bittle | Hasay | Mowery | Smith, E. |
| Brandt | Haskell | O'Brien, D. | Smith, L. |
| Burd | Hayes, S. E. | O'Connell | Spencer |
| Caputo | Helfrick | O'Keefe | Spitz |
| Cassidy | Honaman | Pancoast | Stairs |
| Cessar | Hopkins | Peterson | Sweet |
| DeVerter | Katz | Piccola | Taddonio |
| DeWeese | Kernick | Pitts | Taylor, E. |
| Dietz | Klingaman | Polite | Thomas |
| Dininni | Lehr | Pott | Wagner |
| Dorr | Levi | Ryan | Wargo |
| Doyle | Lynch | Salvatore | Wass |
| Duffy | Mackowski | Scheaffer | Weidner |
| Foster, W. | Manmiller | Schmitt | Wenger |
| Freind | McClatchy | Seltzer | Zearfoss |
| Fryer | McGinnis | Shuman | Zord |
| Gallen | Mebus | | |

NAYS—121

| | | | |
|-------------|----------------|---------------|------------|
| Abraham | Geesey | Logue | Rieger |
| Barber | Geisler | Madigan | Ritter |
| Bellomini | George, C. | Manderino | Ruggiero |
| Beloff | George, M. | McCall | Scanlon |
| Bennett | Giammarco | McIntyre | Schweder |
| Berson | Gillette | McLane | Scirica |
| Bittinger | Gleeson | Meluskey | Stapleton |
| Borski | Goebel | Milanovich | Stewart |
| Brown | Goodman | Milliron | Stuban |
| Brunner | Gray | Miscevich | Taylor, F. |
| Burns | Greenfield | Morris | Tenaglio |
| Caltagirone | Greenleaf | Mrkonc | Trello |
| Cianciulli | Grieco | Mullen, M. P. | Valicenti |
| Cimini | Halverson | Musto | Vroon |
| Cohen | Harper | Novak | Wansacz |
| Cole | Hayes, D. S. | Noye | White |
| Cowell | Hoeffel | O'Brien, B. | Wiggins |
| Davies | Hutchinson, A. | O'Donnell | Williams |
| DeMedio | Itkin | Oliver | Wilson |
| DiCarlo | Johnson | Parker | Wilt |

| | | | |
|----------------|------------|-------------|---------------|
| Dombrowski | Jones | Petrarca | Wise |
| Donatucci | Kelly | Pievsky | Wright, D. |
| Dumas | Knepper | Pratt | Wright, J. L. |
| Englehart | Kolter | Prendergast | Yahner |
| Fee | Kowalyszyn | Pyles | Zeller |
| Fischer, R. R. | Kukovich | Rappaport | Zitterman |
| Fisher, D. M. | Laughlin | Ravenstahl | Zwilk |
| Flaherty | Letterman | Reed | |
| Foster, A. | Levin | Renwick | Irvis, |
| Gallagher | Lincoln | Rhodes | Speaker |
| Gatski | Livengood | Richardson | |

NOT VOTING—6

| | | | |
|---------|----------------|---------|------|
| Arthurs | Gamble | Shelton | Yohn |
| Berlin | Hutchinson, W. | | |

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

Will Mr. Kowalyszyn consent to interrogation?

The SPEAKER. Mr. Kowalyszyn indicates he will stand for interrogation.

Mr. WAGNER. Thank you, Mr. Speaker.

The first question I have is: What is a physician? Is that an MD. The term "physician" I see is not defined in this act. Is it defined elsewhere? Does the term physician mean MD?

Mr. KOWALYSHYN. That is correct.

Mr. WAGNER. I have another question. Other speakers have alluded to the fact that this will mandate that all insurance cover psychiatric services and psychological services. Yet when I read this, it says a policy which provides for this service, and goes on. Suppose Blue Cross or Blue Shield or any of the other carriers say, we are not going to provide for this; we are only going to provide for medical illness or medical injury. Is there a requirement in here or in some other law which mandates that these types services be provided?

Mr. KOWALYSHYN. That is correct. The whole purpose of SB 320 is to provide that there will be reimbursement for a psychologist's mental-health services.

Mr. WAGNER. You misunderstood me and perhaps I did not make it clear.

I understand that if the policy says we will cover these type services. But right now, my Blue Cross Shield or any third party says, we will cover X rays, arms, legs, any medically determined illness. What I am saying is: Will this mandate that they extend this into these other areas?

Mr. KOWALYSHYN. I believe this will respond to your question. Right now only a psychiatrist need be reimbursed under health-insurance contracts for mental-health services. What this bill would do would be to reimburse a psychologist for the same services now rendered by a psychiatrist but, henceforth,

being performed by a psychologist; but the same kind as the psychiatrist performs now. He is the only one being reimbursed as of now. That is all it does.

Mr. WAGNER. I understand. Thank you, Mr. Speaker.

The SPEAKER. On final passage of the bill, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

I was wondering whether Representative Kowalyszyn would stand for interrogation, please?

Mr. KOWALYSHYN. Yes.

Mr. MOWERY. Mr. Speaker, I was wondering whether you would be kind enough to tell the House of Representatives where in SB 320 it relates to the fact that services of a psychologist are limited to medical type of reimbursements. You stated earlier, Mr. Speaker, that this was going to be limited only to medical and health type of care. I am wondering where in this bill it limits the payments for that purpose only?

Mr. KOWALYSHYN. Mr. Speaker, let me refer you to the language on page 2, section 1(b), subsection 2. It says "Whenever a policy, contract or certificate provides for reimbursement for any service which is within those areas for which the psychologist is licensed, the insured, or any other person covered by the policy, contract or certificate, shall be entitled to reimbursement for such service whether the service is performed by a physician or a psychologist operating within those areas for which he is licensed", and I would like to point out and I submit, Mr. Speaker, that that particular section that I just referred to, when it speaks of services by a physician, where there is a duplication, or the same kind of service by a psychologist, and that is only in the mental-health field, that then the reimbursement shall apply equally to the psychologist's services and the physician's services. So the tie-in is in that form.

Mr. MOWERY. Mr. Speaker, the point that is referred to and was just read, I would like to repeat once more, and then I am not in any way trying to prolong something that should not have taken near this much time. The reason that I am concerned is because we have insured in this state almost 90 percent, one way or the other, either through the Blue Shield or through the commercial carrier, most of our citizens of the Commonwealth of Pennsylvania. We are talking right now about opening up a whole new type of services to be provided by these carriers. Even though these people charge less if a fee than a psychiatrist does. If we do not protect the consumer, the savings will be eaten away by broadening the base of the services that are being offered.

Now, I would like to think with you just for a moment, because this is exactly what this bill says. This bill states, and I read from it, in section 2, subsection 2, line 19: "Whenever a policy, contract or certificate provides for reimbursement for any service which is within those areas for which the psychologist is licensed, the insured or any other person covered by the policy . . ."

Now, Mr. Speaker, insurance language is not interesting language and it is hard to understand, but I am trying to get a point across. There is no place in this bill that limits the psychologist's services to medical and health responsibilities. I am 100 percent in favor of this bill with that in. There is no

place that the amendment that was defeated would, in turn, in any way require a psychiatrist or a doctor for referral, as was told to you.

I suggest to you to defeat this bill because you will be opening up a higher cost for our people at a time when they do not need to pay higher insurance premiums. Please vote "no" on SB 320. Thank you.

The SPEAKER. Does the gentleman, Mr. Kowalyshyn, wish recognition on final passage?

Mr. KOWALYSHYN. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northampton. Mr. Kowalyshyn.

Mr. KOWALYSHYN. I want to urge the members of the House to vote in favor of SB 320. The bill itself is couched in some language which may give some difficulty in getting to the point of it, but it is quite clear that it speaks of reimbursement for a psychologist's services in an area where a physician, namely, a psychiatrist, would be reimbursed, and that is what the limitation is. It is embodied in this particular provision that I referred to in response to Mr. Mowery's questions, and I believe that all the protection that is needed is here. I do not want to repeat any more what has already been said, but I do submit that SB 320 will recognize licensed psychologists' services in the mental-health field on an independent basis, and it will mean, in the long run, a cost savings to the citizens of Pennsylvania. Thank you.

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

Mrs. GILLETTE. Mr. Speaker, in answering Mr. Mowery's point of concern about coverage, the coverage itself is limited to the policy or contract or certificate of insurance.

If the coverage is in the policy, then the psychologists and psychiatrists would also be reimbursed. At the present time only the psychiatrist is being reimbursed, so it does not open up a broad field of additional coverages. If it is in the policy, our bill does not change that.

Thank you.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—141

| | | | |
|-------------|------------|------------|------------|
| Abraham | Gamble | Lincoln | Rieger |
| Armstrong | Garzia | Livengood | Ritter |
| Arthurs | Gatski | Logue | Ruggiero |
| Barber | Geesey | Manderino | Scanlon |
| Bellomini | Geisler | Manmiller | Schmitt |
| Beloff | George, C. | McCall | Schweder |
| Bennett | George, M. | McIntyre | Scirica |
| Berlin | Giammarco | McLane | Stairs |
| Berson | Gillette | Mebus | Stapleton |
| Borski | Gleeson | Meluskey | Stewart |
| Brown | Goebel | Milanovich | Stuban |
| Brunner | Goodman | Miller | Sweet |
| Burd | Gray | Milliron | Taddonio |
| Burns | Greenfield | Miscevich | Taylor, F. |
| Caltagirone | Greenleaf | Morris | Tenaglio |

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|----------------|----------------|---------------|---------------|
| Caputo | Grieco | Mullen, M. P. | Trello |
| Cessar | Halverson | Musto | Valicenti |
| Cianciulli | Harper | Novak | Wagner |
| Cimini | Hayes, D. S. | Noye | Wansacz |
| Cole | Hoeffel | O'Brien, B. | White |
| Cowell | Hopkins | O'Connell | Wiggins |
| Davies | Hutchinson, A. | O'Donnell | Williams |
| DeMedio | Hutchinson, W. | O'Keefe | Wilson |
| DiCarlo | Itkin | Oliver | Wilt |
| Dombrowski | Johnson | Parker | Wise |
| Donatucci | Jones | Petrarca | Wright, D. |
| Doyle | Kelly | Piccola | Wright, J. L. |
| Dumas | Kernick | Polite | Yahner |
| Engelhart | Klingaman | Pratt | Zeller |
| Fee | Knepper | Prendergast | Zitterman |
| Fischer, R. R. | Kolter | Pyles | Zord |
| Fisher, D. M. | Kowalyshyn | Rappaport | Zwinkl |
| Flaherty | Kukovich | Ravenstahl | |
| Foster, W. | Laughlin | Reed | Irvis, |
| Fryer | Letterman | Renwick | Speaker |
| Gallagher | Levin | Richardson | |

NAYS—54

| | | | |
|------------|--------------|-------------|------------|
| Anderson | Hamilton | Mowery | Sirianni |
| Bittinger | Hasay | Mrkonic | Smith, E. |
| Bittle | Haskell | O'Brien, D. | Smith, L. |
| Brandt | Hayes, S. E. | Peterson | Spencer |
| Cassidy | Helfrick | Pitts | Spitz |
| DeVerter | Honaman | Pott | Taylor, E. |
| DeWeese | Katz | Rhodes | Thomas |
| Dietz | Lehr | Ryan | Vroon |
| Dininni | Levi | Salvatore | Wargo |
| Dorr | Lynch | Scheaffer | Wass |
| Duffy | Madigan | Seltzer | Weidner |
| Foster, A. | McClatchy | Shuman | Wenger |
| Freind | McGinnis | Shupnik | Zearfoss |
| Gallen | Moehlmann | | |

NOT VOTING—6

| | | | |
|-----------|----------|---------|------|
| Cohen | Pancoast | Shelton | Yohn |
| Mackowski | Pievsky | | |

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

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

REMARKS ON VOTE

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

Mr. MACKOWSKI. Mr. Speaker, I would like to be recorded in the affirmative on SB 320.

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

HOUSE RESOLUTION 197 OFFERED

The SPEAKER. The Chair now recognizes the gentleman from Allegheny, Mr. Rhodes. Does the gentleman offer a resolution to the House?

Mr. RHODES. Yes, Mr. Speaker.

The SPEAKER. A resolution is being offered by the gentleman, Mr. Rhodes, which will require a suspension of the rules if it is to be adopted. The Clerk will read the number of the resolution so the members may follow this debate.

The Clerk. House resolution 197.

The SPEAKER. A copy of this resolution is on the members' desks, I am told.

RULES SUSPENDED

The SPEAKER. The Chair now recognizes the gentleman, Mr. Manderino, for a motion.

Mr. MANDERINO. Mr. Speaker, on the members' desks, the chairman of the Special Committee has included an interim report of that committee justifying the necessity of additional funds, and at this time I would like to move to suspend the rules to give the resolution just read immediate consideration.

The SPEAKER. It is moved by the gentleman, Mr. Manderino, that the rules of the House be suspended so that HR 197 may be immediately considered on the floor of the House.

On the motion, the Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker. I would urge all members to support this resolution. It is important that we provide the special investigating committee the necessary funds so they can pursue this investigation. I urge all members to vote "yes", Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

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

| | | | |
|----------------|-----------|------------|-----------|
| Fee | Kukovich | Rappaport | Zeller |
| Fischer, R. R. | Laughlin | Ravenstahl | Zitterman |
| Fisher, D. M. | Lehr | Reed | Zord |
| Flaherty | Letterman | Rhodes | Zwinkl |
| Foster, A. | Levi | Richardson | |
| Foster, W. | Levin | Rieger | Irvis, |
| Freind | Lincoln | Ritter | Speaker |
| Fryer | Logue | Ruggiero | |

NAYS—9

| | | | |
|-----------|---------------|--------|----------|
| Brunner | Mullen, M. P. | Spitz | Yahner |
| DeMedio | Renwick | Wilson | Zearfoss |
| Livengood | | | |

NOT VOTING—7

| | | | |
|----------|-------------|-----------|------|
| Hamilton | Morris | Salvatore | Yohn |
| Katz | O'Brien, D. | Shelton | |

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

The following resolution was read:

HOUSE RESOLUTION NO. 197

In the House of Representatives.

RESOLVED, That the third resolved clause of House Resolution 109, Printer's No. 1733, adopted July 6, 1977, is amended to read as follows:

RESOLVED, [That the sub-committee shall not continue its activities after it has spent the sum of \$100,000 until it has reported the extent of its activities and its findings to the House of Representatives and has been authorized by the House of Representatives to continue] That the subcommittee is authorized to expend a total of \$215,000 for its investigative activities. Such total shall include the original \$100,000 authorized plus an additional \$115,000; and be it further

* * *

JOSEPH RHODES, JR.
ANTHONY J. SCIRICA

On the question,

Will the House adopt the resolution?

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

Mr. RHODES. Mr. Speaker, it is with pride that I come before the House this morning briefly, before our luncheon break, to ask the adoption of HR 197. It is an amendment resolution which amends HR 109, which, as you recall, last July this House adopted overwhelmingly authorizing your Subcommittee on Crime and Corrections of the Judiciary Committee to conduct a subpoena-empowered investigation into the areas of organized crime, official corruption and civil rights violations on and by police.

It is with pride that I come to the House this morning to ask the support of our colleagues in our investigation, because I think the committee can say clearly that we have carried out the mandate given to us by the House in a nonpartisan, objective manner to pursue these three critical topics for the people of Pennsylvania.

I also would like to say at the outset that our investigation could not have proceeded as it did without the support of both leaders of both sides of the aisle and the Speaker. Also we have

had very strong support from the Chief Clerk and particularly from Lou Mayo in the office of the Chief Clerk with some of the complicated details of getting such an extensive effort going quickly. We have also had extensive support from the Governor's office, from his office of chief counsel, and we have had ongoing support and cooperation from the Department of General Services with many of the material and specific arrangements that had to be made to get our investigation going.

As you know, the Crime Commission and its agents have been working with us, and we have also had cooperation from the State Police. This investigation, as you know, has already pursued a number of topics. We have held hearings on the question of cigarette tax smuggling in Pennsylvania. And there has been contained in the report that you have, extensive discussion of how that investigation has proceeded. Currently, there are Federal and state law-enforcement agents carrying out certain aspects of this investigation following up on leads that we have developed.

As you know, we were involved with the development of an investigation in the area of Pennsylvania Minority Business Development Authority. The only thing that happened in our entire investigation—and you know how difficult and sensitive so many of the things that we have been investigating have been—that I regret has been the totally false suggestion in some of the news media that one of our colleagues, Representative Johnson, was a subject of that investigation. As Representative Scirica has pointed out, that was absolutely not the case, and I just want to confirm that today to the House.

We have begun an investigation, I repeat, just begun an investigation, into some of the problems of organized crime intrusion into the Pocono region of this Commonwealth and also the problem of extensive land fraud going on in the Pocono region. We have been very pleased with the cooperation we have received from our law-enforcement investigation, and that continues.

We have other subjects we are entering into. The massage-parlor organized-crime connection in western Pennsylvania is a very serious problem, and our committee has already begun a preliminary investigation which will soon be revealed in a public platform.

We have other investigations the committee has not authorized me to discuss yet because, as you know, this is a public vehicle. But I am sure the House would support the investigation in those directions.

I would also like to point out that there has been reciprocal cooperation with other committees of the House, the Consumer Protection Committee. Its chairman has decided to follow up on the consumer-fraud angle of our Pocono land-fraud investigation where citizens of this Commonwealth are being and have been very grievously taken advantage of. I personally would like to thank the chairman of the Committee on Consumer Protection for taking up the consumer-protection angle there because it is quite extensive.

We are in the process of developing a legislative package which I am sure you will be very interested in. We have some additional investigation to conduct before we can do that because we want to make sure that the package we bring back to

this House is a tight, competent, effective package to give this state some of the elements it needs to protect and defend itself against what is becoming very clear is a very serious threat of organized crime and official corruption in the Commonwealth.

Now, the reason why we need the additional \$115,000: As you know, when we first brought this resolution before the House, it was anticipated that we would have had investigators assigned to us from the executive branch and, as has been widely reported in the press, that ran into difficulties which are outlined in our report. You can refer to that.

To carry out our investigation as we should, we are going to need to retain additional investigators. We only really have one full-time investigator now. So, we do need the support on this resolution to carry out our investigations that we have already begun and to continue with the ones that we are now engaged in.

Mr. Speaker, this is a critical investigation. I think all of Pennsylvania applauds the action of this House in authorizing HR 109. We come back today to you to ask you to support your investigation with this vote which will enable us to finish the job we set out to do for you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes on the passage of the resolution, the gentleman from Franklin, Mr. Shuman.

Mr. SHUMAN. Mr. Speaker, may I ask a question of the Appropriations Committee chairman?

The SPEAKER. The Appropriations Committee chairman?

Mr. SHUMAN. Yes.

The SPEAKER. I do not believe the gentleman, Mr. Pievsky, is on the floor currently.

Mr. SHUMAN. Mr. Manderino.

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

Mr. MANDERINO. Yes, I would be happy to answer the questions of Mr. Shuman.

The SPEAKER. You can go right ahead, Mr. Shuman, and question the majority leader.

Mr. SHUMAN. What has it cost to date? What are they asking for in this year's budget in money? What is it going to cost for the future estimate?

Mr. MANDERINO. Mr. Speaker, it is my understanding in reading the interim report and speaking with the chairman of the committee that they have spent \$30,000 to date. However, the \$100,000 that was the top limit placed by this House on the operations of that committee before it would have to come back here for additional funds will run out with present personnel on board in October.

To add the additional personnel that is needed mainly in the area of investigators which must be put on now, they would need additional funds, and that is what they are asking for at this time. If they would put investigators on now with the funds that we have set aside for them, they would run out very shortly with funds to run all of the operations that the committee is into at this time.

Mr. SHUMAN. What would that figure be at the end of this year, next July, estimated?

Mr. MANDERINO. They are asking for an additional, I think it is, \$115,000, which would bring the total to \$215,000.

Mr. SHUMAN. As of next July, you say?

Mr. MANDERINO. The moneys that they are asking for would be to fund the committee, as I understand it, to the time that the committee must make its report, which is at the end of this year.

Mr. SHUMAN. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Rhodes, consent to a brief interrogation?

Mr. RHODES. Certainly, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, would the gentleman indicate what kind of office equipment that this committee is purchasing?

Mr. RHODES. Mr. Speaker, through the very hard work—and I would like to make that very clear today, through the extremely hard work—of Lou Mayo in our chief clerk's office, we have been able to procure almost entirely used furniture for our office from the surplus furniture where it is placed. The cost there has been minimal. They do not look good, but the furniture looks fine.

Mr. RITTER. What do you intend to purchase in terms of office equipment with this additional money?

Mr. RHODES. We have mostly purchased typewriters, tape recorders, that sort of thing.

Mr. RITTER. Mr. Speaker, are those things not available now through various sources within this government?

Mr. RHODES. We were informed they were not available. I would again emphasize that the chief clerk's office has worked really diligently to keep the cost down in terms of those kinds of equipment and tables and chairs and all that sort of thing, desks. They are to be commended, I think, for the work they have done to keep these costs down.

Mr. RITTER. That may be, Mr. Speaker.

I thank the gentleman.

Mr. Speaker, I am concerned, frankly, about the kinds of salaries we are paying for the people whom we want to put on board.

We have some good qualified people working for this legislature who do not get the kinds of money we are going to pay five investigators or a chief counsel at \$38,500.

I am concerned about the fact that we want to purchase office equipment and office supplies and it seems to me that much, if not all, of that is available through various sources within this government, particularly in this legislature.

I suppose talking somewhat in opposition to this is like being against motherhood and the American flag. The point is that I think I am concerned that if we are going to have the investigations is one thing. If we are going to begin to purchase office supplies and office equipment without having any idea of what it is we are talking about, I am concerned about that.

I am concerned about the kinds of salaries we are paying. I

suppose, Mr. Speaker, that that is somewhat of an objection to it. I do not know how many people we have on the staff now. I do not know how many people they finally plan on putting on the staff, but we are talking about a committee that will go out of existence on November 30, 1978; that is this year. So, Mr. Speaker, I would hope that there would be some more information forthcoming before we are asked to vote for this additional appropriation.

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

Mr. VALICENTI. May I interrogate Representative Rhodes, please?

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

Mr. VALICENTI. Yesterday, on the floor of the House, there was a rumor, Mr. Speaker, that Mr. Rhodes had made a statement that anybody who would probably vote against his appropriation would have some kind of a connection with organized crime. Would you care to answer that, Mr. Rhodes, whether this statement is true or not?

Mr. RHODES. Whether there was a rumor or whether the rumor was found to be fact? What is the question, Mr. Speaker.

Mr. VALICENTI. Whether you made this statement or not.

Mr. RHODES. Absolutely not, Mr. Speaker.

Mr. VALICENTI. Thank you, Mr. Speaker.

Mr. Speaker, I approached Joe on this yesterday because it had come to my attention, and Joe gave me a copy of his statement, and I have to say that it was not in the statement.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Rhodes, wish recognition?

Mr. RHODES. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. RHODES. Just to follow up on the interrogation of Representative Ritter, my good friend from Lehigh County, I thought I should clarify for the membership a little bit of the detail that he raised.

First of all, we have not purchased any typewriters or that kind of equipment. We leased it, which is an arrangement, again, worked out by a hard-working staff in the chief clerk's office who have done everything they possibly can to keep the cost down to the lowest minimum.

As for salaries, our chief counsel is paid the same salary he was paid as the first assistant district attorney in Allegheny County. I guarantee you, we looked high and low for the best qualified person to conduct this very sensitive and critical investigation, and I feel totally justified in making that commitment we made to our chief counsel.

As for the investigators, these salaries are the exact salaries they would receive now and are receiving now as state police. We anticipate that state troopers would be brought on board as investigators, and these salaries come straight from their standard state police reimbursement.

Thank you, Mr. Speaker.

The SPEAKER. On final passage of the resolution, the Chair

now recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, may I interrogate Representative Rhodes, please?

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

Mr. GARZIA. A year ago or somewhere near a year ago, when we first asked for money, I asked Mr. Rhodes if his investigation would ever come in Delaware County, which is the fourth largest county in the state, and so far I have not received an answer as to whether they are coming in to Delaware County or not, so I would like to ask him that question again. Is your investigation team coming in to Delaware County?

Mr. RHODES. Would you repeat the question, Mr. Speaker?

Mr. GARZIA. The question is, Delaware County happens to be the fourth largest county in the state. Is your committee coming in to Delaware County for any kind of an investigation?

Mr. RHODES. The committee has not formally voted to hold any hearings or anything like that in Delaware County, but I can report to you, Mr. Speaker, that some of the problems in Delaware County are subjects of investigation of the committee.

Mr. GARZIA. Well, again you are asking me to appropriate \$115,000 that I can certainly use there for the Blind Center in Delaware County or the Firemen's Association in Delaware County, yet I am getting a negative answer as to whether your committee is going to come in to Delaware County to investigate. I am sure we have some undesirables in Delaware County. Once again I am asking, are you coming in Delaware County or not?

Mr. RHODES. Mr. Speaker, I do not think it would be to the best interests of an investigation in Delaware County for us to announce it on the floor like this today, but I assure you that the questions you raised and the problems you raised are under serious consideration by the committee, and before today, Mr. Speaker.

Mr. GARZIA. Mr. Speaker, I have not gotten an answer to my question, but a year ago we talked about police brutality. I guess that is a thing of the past now. We are investigating land in the Poconos that people buy, and everybody is buying a piece of ground there, I guess, to run their investigation. You jumped into the Pittsburgh area for some massage parlor. God knows where else you are jumping around to, but the intent of this committee you are not doing as when you asked for \$100,000 last year. That is my gripe to you now. I think I voted against it last time and I intend to vote against it this time for the simple reason that I am giving you \$115,000 of taxpayers' money from Delaware County and your committee is not coming in to Delaware County.

Mr. RHODES. Mr. Speaker, I cannot more strongly indicate to you and not violate what we are trying to accomplish in this investigation that we are very much interested in Delaware County, and I would like to point out to you that organized crime and official corruption problems in this Commonwealth are not confined to any one area. And so far in our selection of public hearings and the kind of topics we have been exploring have been selected principally to illustrate and develop what

kind of legislation we should bring back to the House that would be remedial and would give Pennsylvania a package of bills that would help us defend ourselves in this state, Mr. Speaker, and I think that is the job we are charged to do by the House, and we are accomplishing that very steadily.

Mr. GARZIA. Mr. Speaker, one more question: Has anybody gone to jail in the last year, since your investigation?

Mr. RHODES. Mr. Speaker, what was the question? Did anyone go to jail?

Mr. GARZIA. The question is, has anyone been sent to jail in the last year in all your investigations? Because most of them, I think, are nothing but innuendos.

Mr. RHODES. Mr. Speaker, we are not a grand jury and we are not an indicating agency and we are not a prosecutor, and we have not put anybody in jail. Is that what you mean?

Now, I think the House would be very concerned if we tried to pretend we were something we are not. We are not out to put people in jail, Mr. Speaker, and as to whether or not anyone associated with our investigations has been indicted or something like that, I cannot comment on that today. But I will say to you, Mr. Speaker, that we have tried very hard to protect this House's reputation and the integrity of this important investigation by not transgressing into areas where we are not legally or properly authorized to move into, and one of those areas would be to try to pretend like we are something we are not, a grand jury or a DA's office, which we are not.

Mr. GARZIA. Thank you, Mr. Speaker.

I still have not got my question answered. I still have not got the feeling that they will be coming into Delaware County. Thank you.

Mr. RHODES. What more can I say?

MOTION TO POSTPONE VOTE ON HR 197

The SPEAKER. On the final passage of the resolution, the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I have not made up my mind whether I am going to vote for this additional money or not, but I would like to bring something to the attention of this body that we are all concerned about, and that is the accountability of our tax dollars.

When HR 109 was on the floor, I made mention of the fact that in Allegheny County, my home county, we have 1,500 city policemen. We have over 600 county policemen. We have 187 sheriffs in our sheriff's office. We have 128 detectives working for the district attorney's office, plus we have the FBI, the CIA, and all the other Federal Government agencies, plus we also have 129 boroughs and townships in Allegheny County that have their own police departments. When you add that all up, that is an awful lot of money, all of our tax dollars, not necessarily coming from our general fund, but they come from the taxpayers. I am just wondering, with all this expertise from Washington, Allegheny County and the state spent on law enforcement, is this additional money really necessary?

I do know that we have a particular problem in my district, especially in one community, in regard to a massage parlor that I personally had an investigation made on and found corruption

there, and I also know that maybe this committee has been talking about that and I do not want any of this garbage in my district. But I think that this is something everybody here has to think about — tax dollars. I mentioned all of these policemen in Allegheny County from the various different local-government agencies, county agencies, state and Federal agencies. Stop and think about what you have in your county and then let us decide whether this additional appropriation is necessary.

But at this time, Mr. Speaker, I would like to ask Mr. Rhodes if he would consider holding this vote until after the Democrats caucus and then bringing it back on the floor for a vote. I would appreciate that. If he does not want to do that, then I think there are a half dozen of us over here that want to entertain a motion to that effect, to have this vote taken after our caucuses.

Mr. RHODES. You are suggesting that we hold the vote?

Mr. TRELLO. Until after the caucus.

Mr. RHODES. No. Mr. Speaker, I indicated to the House that we had distributed our report to the membership yesterday, and I would like to have the vote today, right now.

Mr. TRELLO. Mr. Speaker, I can appreciate Joe Rhodes' anxiety on this, because I know he has worked long and hard, and so has Mr. Scirica from the other side. But I do not see anything wrong in having this postponed until after lunch or until after our caucus, and I assume we are going into caucus. So at this time I would like to make a motion that we postpone the vote on HR 197 until after our respective caucuses.

The SPEAKER. The gentleman is in order and the motion has been placed. The motion has been placed by the gentleman from Allegheny County, Mr. Trello, that the vote on HR 197 be postponed until after caucus. Would the gentleman, Mr. Rhodes, and the gentleman, Mr. Scirica, come to the Speaker's desk? The House will be at ease.

VOTE ON HR 197 POSTPONED

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

Mr. RHODES. I have seen the light and I would like to request that we postpone this vote until after caucus. I always love to discuss these things in caucus anyway.

Thank you, Mr. Speaker.

The SPEAKER. The Chair wishes to announce that the vote on HR 197 will be the very first vote taken when we return from caucus. We are not yet through with the business of the morning, and the Chair would ask that you remain in your seats for another 5 minutes and we shall be finished. There are announcements of importance and we would like to have you hear them.

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

Mr. RAPPAPORT. Mr. Chairman, would the Speaker return to reports of committees, please?

**REPORT OF COMMITTEE ON ETHICS
SUBMITTED FOR THE RECORD**

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I herewith submit, with unanimous consent, I hope, for printing in the record, a Report of the Committee on Ethics and I would ask leave of the Chair to comment on it for a few moments.

The SPEAKER. The gentleman will send his report to the desk.

Mr. RAPPAPORT submitted the following report for the Legislative Journal:

**COMMONWEALTH OF PENNSYLVANIA HOUSE
OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**REPORT ON ADMISSIONS PROCEDURES
OF INSTITUTIONS OF HIGHER LEARNING
IN PENNSYLVANIA.**

ETHICS COMMITTEE MEMBERS:

SAMUEL RAPPAPORT,
Chairman

WILLIAM H. YOHN, JR.,
Vice Chairman

ANITA P. KELLY,
Secretary

FRED SHUPNIK
WILLIAM RIEGER
WARREN H. SPENCER
MICHAEL FISHER
JUNE N. HONAMAN

WILLIAM A. LEVI,
Esquire
Special Counsel

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PREFACE:

The Committee on Ethics of the House of Representatives by its resolution of the 24th of May 1977 undertook to inquire into the use of letters of recommendation in the admissions processes of institutions of higher learning in the Commonwealth. The Committee was to focus on the use and effect of various types of letters and other recommendations including those by trustees, alumni and government officials. Upon completion of the investigation the following report was to be issued including findings and suggested guidelines for the members of the House of Representatives.

INTRODUCTION:

Legislative concern has been growing over the role of letters of recommendation in the admissions process. There is a desire to know the weight these letters have. Thus, the first point of the inquiry and report is to clarify the admissions process itself in order to establish how letters of recommendation fit into it. A second point to look at is the admissions process' vulnerability to improper pressure through recommendations. With the results of the examination in mind, the Committee then is to set out guidelines that will help insure that future letters writ-

ten by legislators are meaningful and helpful to all parties concerned, the students and the admissions people.

Pursuant to the resolution of the Committee, hearings were held at the following places and testimony was taken from the following witnesses:

On August 8, 1977 at Harrisburg testimony was heard from Dr. Chester Berlin of the Hershey Medical Center, who is a member of their Admissions Committee and Assistant Dean for Student Affairs, and from Mr. Ronald Potier of Franklin and Marshall College, who is their Dean of Admissions. On August 9, 1977 at Philadelphia testimony was heard from Mr. Arnold Miller of the University of Pennsylvania Law School, the Dean of Admissions, Dr. John W. Bonge of the Lehigh University College of Business and Economics, who is an Associate Professor of Management and member of the Admissions Committee for their Graduate Division, and Dr. M. Prince Brigham of the Temple University Medical School, the Associate Dean of Admissions.

On August 10, 1977 at Pittsburgh testimony was heard from Mr. Sanford Rivers of Carnegie-Mellon University, an Admissions Officer in charge of the applicants to the undergraduate school of engineering, Mr. Richard James Nelson of Allegheny College, who is their Associate Director of Admissions, and Dr. Thomas G. Barker and Dr. W. Arthur George of University of Pittsburgh Dental School, both members of the Admissions Committee with Dr. Barker being the Dean of Admissions and Dr. George being the Associate Dean of the School.

Each of these witnesses is involved in all phases of the admissions process at his school. They were selected to testify because of their complete understanding of the admissions process, and would have intimate knowledge of any outside pressures. The witnesses, also, are from schools that are a cross section of institutions, disciplines and admissions processes, all of which are highly competitive. The Hershey Medical Center is the medical school of The Pennsylvania State University. The Temple University Medical School is a state-related institution, as is the University of Pittsburgh Dental School. The University of Pennsylvania Law School represents a highly competitive graduate school at an institution that receives some state moneys. The Graduate Division of the Lehigh University College of Business and Economics is a private school dealing with another of the competitive graduate fields. Undergraduate schools are represented by Franklin and Marshall College, a small liberal arts school with an outstanding pre-med program, Allegheny College a somewhat smaller, private liberal arts college and Carnegie-Mellon University's School of Engineering, a private, professionally oriented undergraduate school.

The latter institutions were not meant to represent a complete profile of all the types of schools in the Commonwealth. Only those with highly competitive applicant pools were chosen. Because of this competition, these are the colleges most likely to experience pressures through recommendations. Although the profile group is limited in such a way, investigation reveals that it still provides a representative cross-section of all admissions procedures.

FINDINGS:

I. Exposition of Admissions Processes

The inquiry has revealed that the admissions processes might be grouped into two broad categories according to the person who decide which applicants will be accepted and the greater weight graduate personnel give to test scores. The undergraduate schools use professional admissions people. The graduate schools have admissions' decisions made by committees composed mainly of faculty members and sometimes of students. Although the people reviewing the applicant files might be different, it seems that all concerned have similar ideas on the role letters of recommendation play in the admissions process, the pressures they might create and what ideally should be the make-up of such recommendations.

In examining the admissions procedures themselves, Franklin and Marshall College seems to typify the undergraduate sector. In order to get the process underway a student must first submit a secondary school record, Scholastic Aptitude Test (S.A.T.) Scores, English Composition Achievement Test Score, a completed application, a guidance counselor evaluation form and if he desires a non-academic achievement form. No personal interview, other achievement tests or other letters of recommendation are required.

An admissions staff of five receives the completed applications. In a year they consider about three thousand four hundred applications for five hundred fifty positions in the Freshman Class. Of these positions, one hundred twenty are for the "pre-med" program. For these few spots one thousand five hundred applications are filed resulting in a pool that is naturally more competitive.

Once the applications are received a folder is prepared for the rest of the data that must be filed. As these become completed they are pulled alphabetically and read by a member of the staff who will rate it as "A", "B" or "C". If the folder is rated as an "A", the student is likely to be admitted. If a "B" rating is designated the applicant will possibly be admitted. It is unlikely that a student will be admitted if his folder is marked "C". It should be noted that all "B" files are passed on to be read by another member of the Committee. That person might be able to get more information. After that is done the folders are then bundled according to high school to ensure that the students within each high school are rated consistently in relation to each other. Once this is determined, the staff sits as a committee and makes the final decisions.

There is another application grouping. This last one is for unusual cases. These are applications from children of loyal alumni, students with unusual backgrounds, students who have a potentially outstanding contribution to make to the school, a minority or bilingual applicant. In general these are applicants who, on all the given data, don't readily qualify for admission, but the committee still feels they should be admitted for whatever reason.

In giving the ratings and during the final decision making, many factors are considered, all of which are rather subjective. The most important factor, "not eclipsed by any other," is the secondary school record. The consideration of the record involves a determination of just what the applicant's grades mean. To arrive at some kind of evaluation, the committee will look at how rigorous the applicant's course of study was along with the quality of the high school. This quality rating is a reflection of the performance of past matriculants from that high school. Over the years the sampling from any one high school is usually good, since Franklin and Marshall draws most of its applicants from the same four hundred high schools year after year.

All the other factors are considered as subordinate to the secondary school record. These include the Standardized Achievement Test (S.A.T.) Scores, extracurricular activities, any interview and the guidance counselor evaluation. Of these factors the counselor report seems to be the most important. The admissions office looks to this to reveal personality traits and facts about a student (such as a troubled home life) which will not appear anywhere else in the application.

Lately, however, the counselor recommendations have not been as helpful or reliable as in the past. This is attributed to the so-called "Buckley Amendment," as stated in the *Family Educational Rights and Privacy Act of 1974*, 20 U.S.C.A. § 1232g (1974). Among other points, it states that an applicant may examine his admissions file upon matriculation at a school, or that anyone of age 18 might look at their high school record. Because students may now see their complete folders, Franklin and Marshall and the other schools have found that guidance counselors and teachers are reluctant to make adverse comments about a candidate for admission. Even after a pupil waives his rights under the "Amendment," many school districts still will not give a candid appraisal. In fact more and more counselor staffs will not write any sort of recommendation, not only because it might later be read by the applicant, but also because they deal with too many students and do not have the time or knowledge to write a meaningful one.

If a student cannot secure a report from the guidance office or if such a report says little, one of four courses of action will follow. The Admissions Committee might complete their evaluation without any such report, as they might feel there is already enough in the record. For instance, the review of an applicant's interview might be taken in lieu of such a recommendation. If they want more personal data, the candidate might be asked to obtain teacher recommendations or come for an interview. Finally, since oral communications are not covered by the Buckley Amendment, a guidance counselor or teacher might call to supplement their recommendations.

In addition to all of the above factors, an applicant might introduce other considerations into his file such as special projects or letters of recommendation written by people outside the scholastic process. None of these are requested by the school, but are received with great regularity. Letters come from many sources including trustees of the college, alumni, governmental officials, employers and clergy. They can be helpful, particularly as an expansion of a guidance office recommendation. However, they rarely contain enough information to be helpful, but they are all read and considered. It seems that only 10% of such letters are of any substantial value to the admissions process. It is felt that an additional 15% of them are of some passing value.

With all of the above factors in mind, final decisions are completed in March and sent out by April 1. These decisions are not irrevocable. In an extraordinary situation, a file might be reviewed if there is new data to be considered.

Allegheny College, in general, follows the same procedures and philosophy of Franklin and Marshall College with minor variations. This institution uses an Admissions Committee composed of five admissions staff members along with three members of the faculty and three upper-class students to decide which of the upwards of two thousand applicants will be offered admission to the incoming class of between five hundred and five hundred seventy-five. Other than this slight procedural difference, Allegheny gives more credence and weight to recommendations from teachers.

Carnegie-Mellon University deals with a more competitive pool of applicants than Allegheny for their three hundred positions in the engineering school. They receive between one thousand four hundred and one thousand five hundred applications. Carnegie has tried to set up a more objective process than the liberal arts institutions.

After the application materials are on file, the Carnegie staff determines a numerical index by which all the applicants are ranked. This number is based on an equation using the Standardized Achievement Test (S.A.T.) Scores, the S.A.T. Achievement Test Scores and the applicant's high school rank without any consideration as to what school it comes from. The files are then pulled and read by the staff according to their rank. At this time, the entire high school record comes into play and can easily cause the applicant to be reranked.

Besides the high school record little else will have any great effect on changing the original rank of a student. Characteristics and traits shown in extracurricular activities might influence a change. A good interview at Carnegie might also influence a ranking change. The fact that an applicant is the child of a contributing alumnus, might also increase his rating since such offspring will receive the benefit of the doubt to some degree. However, letters of recommendation are given little if any weight. There is an assumption that the letter will be good. No one would solicit one if it would not be. However, a letter from an alumnus, trustee or other influential party will cause an applicant's file to be reread.

Once the files have been reranked they are put aside until about two weeks before the notification letters are to go out. At that time they are reviewed once more by the admissions staff. The final decisions are then sent out in early April.

As stated, graduate schools generally are different from undergraduate institutions in that they use mainly faculty to make admissions decisions, and they consider standardized test scores on the same plane as the scholastic record. In turn, the admissions procedures of the graduate schools might be subdivided into two groups: non-medical and medical. The non-medical schools, except for the makeup of their admissions commit-

tees do not vary their actual procedures significantly from their undergraduate counterparts. The medical schools have generally more complicated processes including screening stages and mandatory interviews.

The Lehigh University College of Business and Economics has developed a graduate admissions procedure that is strikingly similar to the undergraduate systems of Franklin and Marshall College or Allegheny College. At Lehigh an applicant is required to complete his file with the following items: a completed application, the test results of the Graduate Management Admission Test, a college transcript and two letters of recommendation from professors or supervisors in a working situation. After a file is assembled, the Admissions Office sends it to a Faculty Committee whose three members are elected for three-year terms in a staggered fashion. Each member of the Committee reads every file with the idea of finding those students who will perform successfully at Lehigh. They hope that they will find enough students in their applicant pool of about four hundred to fill a class of upwards of two hundred. However, the Committee will only fill a class if there are enough qualified students. When a file is examined, the reader primarily looks at the student's undergraduate record and his performance on the graduate aptitude test, and indicates on that basis whether to accept, reject or review the application. This evaluation is not known to the other readers when they review the file. In spite of this, all three faculty members agree on the majority of the cases. When they do not, the majority rules. When an application is marked as one to be "reviewed," it usually means that a student's record is good but his test scores are low, or vice-versa. In this instance, the applicant might be asked to retake the aptitude tests, or the Committee may look at the overall picture of grades, trends in grades, the mix between the verbal and quantitative scores on the aptitude test and letters of recommendation. After the second review, if necessary, the candidate is immediately notified of the decision.

Differences between Lehigh and the undergraduate schools do exist in their consideration of the various items in a file. Lehigh places more emphasis on standardized testing. The test results are not considered as subordinate to the college record. Also, the required letters of recommendation are considered only when there is indecision about the file. Many times letters will not be considered.

There are very few items needed to complete an application to Lehigh. And, it seems that additional, unsolicited articles, such as outside letters of recommendation, are not received by the school. If they were to be sent in, such letters would generally receive little consideration.

The University of Pennsylvania Law School has a far more objective process than Lehigh. The procedure is not unlike the one at Carnegie-Mellon. Penn requires that an applicant submit a completed application, Law School Achievement Test (L.S.A.T.) Scores, a college transcript as assembled by the Law School Data Assembly Service (L.S.D.A.S.), a form known as the Dean's letter from each undergraduate school attended and two faculty letters of recommendation if at all possible on forms provided in the application.

When the record is complete, five quantitative factors are extracted from it: the L.S.A.T. Score, the writing sample score from the L.S.A.T., the undergraduate grade point average, the class rank and the quality rating of the applicant's college. These figures are then put into a formula that yields a predictive index. The top three hundred fifty people according to the index are then accepted. From this group one hundred students, half the incoming class, will usually matriculate.

The other half of the class if filled by a more subjective method after an eligible pool is formed. The next four hundred people in line based on the predictive index are placed into the pool, to which are added candidates in the upper one or two percent of their college classes who otherwise did not make the cut off because of low test scores. There are usually between sixty or seventy such applicants. Conversely, those who missed the cut off because of low grade point averages, but who show potential according to the test scores, are placed into the pool if they scored a seven hundred fifty out of a possible eight hundred on the L.S.A.T. Such a score would put the applicant in the ninety-ninth percentile of those who took the exam.

Penn has about sixty of these cases each year. Finally, the pool is augmented by that group of applicants who fit into what Penn calls Category "X." If, after the Dean of Admissions reads the file, he feels that an applicant is unusual and would be an asset to the school, he will send the file onto the Chairman of the Admissions Committee on which the Dean of Admissions does not sit. If the Chairman agrees with the Dean's categorization, the applicant is placed in the pool. About sixty candidates enter the pool through this last procedure thereby rounding out an eligible pool of about six hundred.

This group of six hundred is then considered in the following manner by the Admission's Committee made up of six faculty members. The applications are divided among the Committee and each read by three members. After a member evaluates a file he assigns it a letter grade from "A" to "D."

The files are considered primarily on the basis of the grade point average and test scores, unless the faculty member sees a very good reason to depart from them. One such reason might be the showing of tremendous and steady improvement in an applicant's grades over his collegiate career. Other rationale might be found in the various supplementary materials in the application including any unsolicited recommendations. Such data might reveal family problems, that hindered the student at a particular time in his career, or something particularly outstanding that shows the full potential of the applicant. This type of achievement in one case came to the attention of the Committee by a lengthy letter of recommendation from a Congressman who gave a detailed explanation of a student's unparalleled work as an aide for him.

After all of these considerations come into play and the marks are given, these letter grades are translated into numerical values: four for an "A," three for a "B," two for a "C" and one for a "D." The pool is then ranked according to the total of the marks received. Then Penn starts at the top of the list and accepts people until the class is filled.

Medical schools have similar admissions processes to the other graduate divisions in that they use faculty to make up the greatest part of their admissions committees and they place great emphasis on standardized test scores along with the college record. The major difference is the prerequisite for admission of an interview to which the student is invited.

The Temple University Medical School seems to have developed a procedure to which most medical schools basically adhere. To initiate their process a student must submit to Temple a college transcript, the medical board (M.C.A.T.) scores, a Pre-medical Advisory Committee report from his undergraduate school or two letters of recommendation from his college's science department, and an application indicating his motivation and what he has already done in the medical field. Approximately five thousand of these applications are received a year from which between two hundred fifty and two hundred eighty are accepted to fill a class of one hundred eighty.

When an application is complete, it goes through a screening process wherein at least two members of the Admissions Committee made up of sixteen faculty members and four upper class students read the application to determine whether a student should receive an interview or not. If these two readers disagree, then a third member of the Committee will decide if an interview is to be granted. From this screening, approximately one thousand or one fifth of applicants advance to the interview stage.

When a committee member considers a file, his conclusion as to whether there should be an interview is not completely subjective. He is bound by a point system. If there is a consensus that a student has accumulated twelve points, he will be interviewed. Points are accumulated from the following categories that reflect on the student's general academic achievement. A student might get up to four points for his scholastic record in the sciences, up to four points for his M.C.A.T.s, and up to four points for his required letters of recommendation. An applicant might also accumulate up to three more points for a combination of the following factors: work experience, athletic endeavor, whether the applicant is from a rural or semi-rural background, a grade point average of above 3.6 in sciences, a 600 or above score in the science section of the M.C.A.T. and/or an upward progression of grades. A student might get up to

two points of the three last points at the discretion of a reader if he thinks there is something special in the student's profile. Letters of recommendation from extra scholastic sources could very well reveal some of the above special aspects of the student's background.

Such letters of recommendation might also push a student into the interview pool by placing him into what is termed Category "X." This is a grouping of students who fail to get twelve or more points during the screening of applications; however, these applicants show other credentials that are impressive to the readers. An example of these are seen in the case of a nurse, an older woman who, in terms of academics only, was not medical school material. However, she was the person who set up all of Caesar Chavez's medical stations during the beginning of his campaign for better treatment for migrant farm workers. Her dedication and accomplishment were such that the readers felt she should be given a chance to compete with the others chosen to be interviewed. About ten percent of the final class will eventually come from this Category "X."

Once a student is interviewed, the final decision is made by the Admissions Committee as a whole. This Committee is composed of four upper class medical students in addition to the sixteen potential readers from the administration and faculty. They consider the entire record with the addition of the interview report. Although the academic record, test scores and the faculty recommendations are the primary factors considered at this stage, the interview can play a strong role. The Committee feels that they are not just selecting a medical student, but are looking for future doctors. All the candidates selected to be interviewed will potentially graduate; however, all of them do not have the temperament to be good doctors. Thus, due consideration will be paid to an interview report that finds the characteristics of such a future doctor, and, although the student might be at the lower end of the pool according to his statistics, he might nonetheless be accepted.

After a student has been rejected, he still might get an interview, but it will not revive his chances for admittance. At this time, the student can find out how to make himself more competitive and at what time it would be advisable for him to re-apply.

The parallels between the procedures at Temple and the other medical schools are striking. Each of the schools have developed admissions processes that start with elaborate screening procedures and end with a final review of the file by the entire admissions committee, after the student has been interviewed.

The Hershey Medical Center screens its applicants in a two step process. First, they ask each of their twenty-five hundred applicants to complete a preliminary application that asks for college courses and grades, M.C.A.T. scores and a summary of non-scholastic activities. From this information, a senior member of the Admissions Committee determines whether the applicant should be asked to file a second, more complete application that could lead to the mandatory interview. About fifty percent of the students are invited to file the second application.

For those whom the reader feels should not be advanced beyond this stage, there is a second review of their application by a two-man subcommittee. The decision of this group is final. Rarely do they reverse the original reader.

Once asked to file the second application, the applicant must also submit a complete college transcript and a Pre-med Advisory Committee Report or three letters of recommendation preferably from science faculty. Based on these materials, plus any other statements by the student and other recommendations, readers from the Admissions Committee made up of seventeen faculty members decide whether or not the applicant will advance to the next stage of the process, the interview. If the first reader decides the applicant should be interviewed, he immediately will be put into the interview pool. If the file is rejected, it will be reviewed by another member of the committee. A rejection by this reader will mean final rejection of the application. If he approves, a third reader will break the tie vote.

At this latter stage, the committee makes its decisions primarily on the strength of the academic record. The M.C.A.T.

scores are not considered on the same plane as this record, as at Temple. Hershey feels that too many times these scores are not an accurate reflection of a student's abilities. On the other hand, because Hershey like Temple wants to produce good all around doctors and not accept just good students, they put a great deal of emphasis on the faculty letters of recommendation. They are considered the best indicators of whether the student has the necessary personality traits to be the complete doctor. The rest of the file generally comes into play in yet a more supplementary role. Among the latter materials might be various letters of recommendation from non-academic sources. Such letters can be helpful to a student's chances if they embellish his profile as a student and/or a possible doctor. As is the experience at the other schools, not many letters provide enough information to help.

An applicant might be interviewed by a member of the Committee or of the student body. Following the interview, his file is reviewed by the Committee sitting as a whole. The student interviewers are also invited to this session to comment on the applications, but they do not vote on final acceptance or rejection.

At this final stage, the various factors previously in the file are evaluated as during the initial screening processes. The additional input generated by the interview receives much the same consideration as required recommendations, since it is designed, like the letters solicited by Hershey, to develop a profile of the student as a potential doctor.

At any stage, if the Committee has notified a student of final rejection, the file is closed. However, this is not necessarily the last communication between the Medical Center and the applicant. The applicant still might receive an interview to advise the applicant on how to strengthen the profile. Such a conference might lead the student to reapply the following year.

The Dental School of the University of Pittsburgh also handles its total pool of eleven hundred applications in much the same way as the Medical School at Temple University. To start the process, Pittsburgh asks its applicants to submit a college transcript, a completed application, a recommendation from the Pre-professional Committee of his undergraduate school and a statement of activities and jobs.

When the file is complete, two office personnel read each application and make up an evaluation sheet which converts into a total-weighted score the courses, grades, Dental Admissions Test Scores, the number of years in college and the degrees the candidate has earned. According to this score, the student will or will not be passed on to the next stage of consideration. Six hundred are so passed, each of which Pittsburgh feels could successfully finish dental school.

After this evaluation, the Admissions Committee begins to look at the record subjectively. The Committee is comprised of seven dental school faculty members, one representative of the dental community of Pittsburgh, three members of the faculty of the University of Pittsburgh College of Arts and Sciences and three upper class dental students. Initially, the past and present heads of this Committee review the applications, and write a summary of the strengths and weaknesses of the applicant. According to this summary, the applicant is then ranked according to the rest of the pool.

Once the pool has been ranked, the entire Admissions Committee reviews each application and makes a final decision. At their meetings, they begin their examinations with those rated as the strongest applicants and work their way down the list.

The various items in the file are considered in the same manner as the medical schools do. The scholastic record and the required recommendations are of primary importance. From these, the student's ability to deal with scholastic as well as with personality problems can be seen. Along with these two factors, the results of the Dental Admissions Test are viewed. This test not only is an aid in determining one's academic abilities but also demonstrates the applicant's manual dexterity so necessary for dental work, since the test includes a section which directs the student to make certain items and perform certain manual tasks that correlate with the ones a dentist commonly does.

If the Committee deems an applicant acceptable under the later criterion, they anticipate that the interview will confirm their thoughts. Fewer people are interviewed by Pittsburgh

than by the medical schools, and the interview does not play as great a role in the decision process as at the medical schools. It usually bears out the Committee feelings about a student's personality and makes sure that there are no physical characteristics that would prevent the applicant from carrying on a full practice.

After a final decision has been made on a file, the student is notified. If he has any questions about the result, he is invited to come to Pittsburgh and discuss them. If higher Dental Admission Test Scores are what is needed, the applicant might be told to take the test again and the file would be reconsidered for the coming year.

The University of Pittsburgh Dental School was the last of the schools specifically questioned about its admissions process. Its admissions process is unique as compared to all the others in many ways. However, it is also evident that it is similar to all the others in at least two respects. The major likeness is that, at almost every stage, the consideration of an application is highly subjective. This is true even in the objective process at the University of Pennsylvania Law School. At Penn, half the class is chosen basically by objective criterion. However, some are placed in the pool strictly on the impressions of the Dean of Admissions and the chairman of the Admissions Committee. Once the pool is formed, this half of the class is selected according to the qualitative analysis of their records by three readers chosen at random from the Admissions Committee. A second similarity, that is germane to the investigation, is that recommendations not required by the schools generally mean little to the admission of a student, no matter who gives them. The times they do have an effect is when they give heretofore unknown information about the candidate in a particularized situation or extensive information about his character.

II. Letters of Recommendation

All admissions committees deal with letters of recommendation. All schools seem to ask for some type of letter, whether from a guidance counselor, faculty member, employer or pre-med advisory committee. These appraisals are designed to be valuable in assessing an applicant's ability to perform at a particular institution and later in his chosen profession. They are usually to be written on forms that contain directions and questions designed to guide the writer so that he will provide substantial and useful information about the applicant. Letters of recommendation are received by the schools from other sources ranging from clergy and alumni to college administrators and government officials.

In a number of cases these letters, in and of themselves, play a crucial part in the admissions process. They usually serve as important adjuncts to the scholastic record and test scores. Just how strong a role they play will vary. At least this is the position taken in regards to required letters of recommendation. Examples of how these solicited recommendations might come into play in the admissions process have been previously discussed. Any other recommendations, such as from legislators, can have a wide range of effects depending on the situation. In general they mean little.

The undergraduate schools find that, by and large, unsolicited letters of recommendation do not reveal much about a student. They usually state only that the applicant is a fine person, the son of wonderful parents that the recommender has known for years and would the school please give every possible consideration to the student. This type of letter, besides giving no real information about the student, does not even show if the writer has ever known this applicant whom he is calling a fine person. Because of this, such a letter is considered worthless to the admissions committee and will have no input into the admission process. This would be true no matter who wrote the letter.

In order to have any direct bearing on the admissions process, it is vital for a recommendation not only to contain substantive information about a student, but also to show the manner and length of contact the writer has had with the student. An example of this type of letter would be the following:

"I have been George's physician for four years. During this time, I have watched terrific growth spurts

that have affected his relationships with his peers, but I think he is coming into his own now. I know that he has had some dips in his record. I think they are related to the cycles of his physical growth. . . ."

This letter would help put an applicant's record into proper perspective by handicapping a certain series of grades in the minds of the Committee. Other useful letters might delve into an applicant's leadership capabilities or special interests as seen by the writer in particular situations.

Few recommendations like the one just above are written. As a result, admissions people generally feel that only about ten percent of all the unsolicited have a substantial effect on the admissions process. Anywhere from an additional fifteen to forty percent of them might have some passing value. These latter ones usually reveal some point about the student in a hazy manner without substantiation, or they do not show the contact between the writer and the applicant.

In some instances, however, personal contact need not be shown in order for the letter to be of value. This situation arises when the writer relates a pertinent fact about a student, which can be known without personal contact. An example of this might be that the applicant comes from an inner-city neighborhood or that his parents died two years ago. Each of these facts might well explain certain patterns in the applicant's grades and/or test scores.

While it is true that facts such as these can be discovered through third parties, many schools still seem sceptical about taking them into account without personal observation of, and contact with the applicant. Admissions people have found that in many cases these statements originate from parties very interested in the student's acceptance and may be shaded or even false. Carnegie-Mellon, for one, will always verify such information.

Even when personal contact is shown, occasionally, admissions people will see a point in a recommendation about which they want to know more and will make inquiries for further details. As indicated the admissions staff at Carnegie-Mellon does this as a matter of course. They, like most admissions people, believe that a student wouldn't seek a letter not required by the school unless it would speak of him in glowing terms. Also, letters from time to time have been forged. So, they try to separate fact from fiction and cut through the hyperbole.

All letters, whether helpful to the admissions committee or not, are placed in the applicant's folder. Most of the time the recommender will receive a note from an admissions officer thanking him for the letter and appraising him of the applicant's status. If someone whom the school wants to maintain as a friend writes a letter, the author will receive more than the usual response of a perfunctory note thanking him for his interest and advising him of the status of the applicant. Such friends are by and large the groups from whom potential funding and other help is obtained by the school: Alumni, foundations, corporations and government officials. Each school is aware that on occasion, a member of one of these groups will make a recommendation or follow up a recommendation in such a way as to try to exert his influence on the school to admit a particular applicant. Only a handful of these pressure situations arise at any particular school in any given year; however, all the schools feel they must be sensitive to the possibility.

At private schools like Franklin and Marshall, Carnegie-Mellon or Lehigh, these situations are usually created by the sources of private funding: alumni, foundations and corporations and not by government officials. These latter people would have little potential clout because of their positions, because any moneys received by private institutions are based on a formula that applies to all schools. So, if a legislator would try to wield influence by intimating he would have the schools state money cut off, he would have to cut the funding to all schools in the Commonwealth proportionately. The state-related and state institutions, such as Temple and the University of Pittsburgh, whose funding is made up of non-preferred grants along with formula financing, find that a greater proportion of any pressure exerted on the admissions process comes from Legislators.

When admissions people express the feeling that they are pressured only on occasion, they also asserted that no inherent pressure was felt because any one particular person wrote a letter of recommendation or discussed a student over the phone. There had to be more, whether an actual intonation of pressure from the wording of a letter or a pattern of activity such as repeated phone calls to see how an applicant was progressing and to press for his acceptance.

While alumni from time to time threaten to cut off their financial support to a particular institution if an applicant is not admitted, it seems that direct threats from government personnel have not been received by anyone in this Commonwealth. However, one of the Deans of Admissions had experienced such intimidation when he worked in a like capacity at a college in Massachusetts. There, he was told by a legislator that if a certain student was not admitted, he would see to it that the school would not be able to secure the blocking of streets to cut the traffic flow through campus or special grants for particular projects and so on.

In that situation and ones dealing with appropriations, the admission officer had to wonder just how much affect the legislator really could have. As a rule, it is felt, whether rightly or not, that very few, if any, legislators have enough clout to affect any general appropriation, but might have enough control to stop, postpone or cut the special non-preferred moneys that need a two-thirds majority for approval.

However, rather than test anybody's power, or see if a threat is an idle one or even arouse someone to the point of threats, the admissions people take various courses of action in order to diffuse potentially explosive situations. Before the "Buckley Amendment," a letter was written or a phone call was made to the recommender explaining the student's position in the pool of applicants and what factors could cause or had caused his being rejected. Since the Amendment's directive that an applicant's record cannot be disclosed to such third parties without his permission, this procedure has been modified. Now, the schools give complete explanation of the admissions process and the general qualifications needed for admittance. They only speak of the student's record in the broadest of terms in relation to the rest of the pool, or they might avoid his file altogether and will talk about the credentials of those who have been accepted in order to cast a backdrop on the case at hand. In lieu of doing this, the colleges might ask the recommending party to request that the student in question arrange an interview with one of the admissions committee to discuss his record. Many times this is an opportunity for the school to ameliorate the effect of promises that could not be kept by a recommender. Finally, if these procedures fail to placate the various interested parties, the administration of the institution might intervene to ease the situation.

There are times when friends of the school and funding will be lost. To save them, the schools questioned would not resort to admitting the applicant in question. Some schools have been known to do this, if it was felt that the student could at all manage to complete the curriculum. The University of Pennsylvania School of Veterinary Medicine is one of these institutions, although they no longer do it. At Penn, the former Dean had discretion over the admittance of a certain number of applicants. If he felt that the acceptance of a certain student would be beneficial to the school, the Dean unilaterally could have overridden a rejection issued by the Admissions Committee.

Such a procedure enables the effective use of pressure through recommendations with two results that undermine the effectiveness of the various admissions processes. By giving special status to students with recommendations from influential personages, a school cannot prepare the best possible group of professionals. This is a sad and dangerous situation for the public, and as such is deplorable. Also, such a procedure counteracts the insulation against pressure present in each admissions system.

Each process has two buffers against pressure. The first is the voluntary restraint of administrative personnel from exerting undue influence on admissions committees. The second is the make-up of the admissions committees themselves. They consist of such numbers that it is near to impossible to in-

fluence enough of them to sway a final decision. Besides this, in the more competitive processes, the committees are made of the faculty, traditionally the most independent thinking group in a school. This is also the group who will be teaching the eventual matriculants; so, they will not admit someone who will not contribute to, and indeed might hold back, a class they will have to instruct.

In the final analysis, any type of recommendation from an influential party does affect the admissions, either positively or negatively, short of securing admission for a student. At the very least, such a recommendation will cause the schools to take a second close look at the applicant's file. If alumni connections are revealed, the student might receive any special consideration given alumni children. Also, the mere writing of a letter of recommendation will usually obtain for any applicant a regular interview at those schools that consider them mandatory for admission. On the negative side, recommendations that try to exert pressure might annoy an admissions committee, producing an adverse effect on a student's possible acceptance. This, however, is the unusual situation. The majority of the time a recommendation has no real impact, unless it relates to the admissions committee pertinent information that reflects on the potential of the applicant. Then it can be a constructive and positive force in the applicant's quest for admission.

SUGGESTED GUIDELINES

The following are suggested guidelines for Members of the House of Representatives when recommending candidates for admission to institutions of higher learning:

1. No Member of the House of Representatives should recommend or relate information concerning any applicant to any institution of higher learning, whether by letter or other means, unless the applicant is a resident of the legislator's district and is personally known to the Member. The only exception is when the Member has had personal contact with the applicant over a period of time on an informal basis such as a former neighbor, employee or friend of the family.

2. No recommendation should be made for or any communication made about an applicant by a Member unless the applicant has personally requested it.

3. Any recommendation for or communication about an applicant by a Member should reveal the extent of the personal contact between the applicant and the Member.

4. Information provided in a recommendation for or communication about an applicant by a Member should reveal the source of such information.

IMPROPER CONDUCT

It is the opinion of the Committee that any Member who shall use, attempt to use, or threaten to use his official position against the interests of any institution of higher learning in the Commonwealth because it failed to admit an applicant to said institution whose admission was recommended by the Member shall be guilty of improper conduct and be subject to the disciplinary procedures of the House.

The foregoing report is respectfully submitted.

SAMUEL RAPPAPORT,
Chairman

WILLIAM H. YOHN, JR.,
Vice Chairman

ANITA P. KELLY,
Secretary

FRED SHUPNIK
WILLIAM RIEGER
WARREN H. SPENCER
MICHAEL FISHER
JUNE N. HONAMAN

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, by resolution adopted on May 24, 1977, this House directed the Committee on Ethics to conduct an inquiry into the use of letters of recommendation in the admissions processes of institutions of higher learning in this Commonwealth. The committee was to focus on the use and effect of various types of letters and other recommendations, including those made by trustees, alumni and governmental officials. We conducted those hearings last summer, hearing testimony from the deans of admissions from a number of schools, both public and private, in this Commonwealth, and have drafted a report which has been distributed to the members of the House.

I wish to make one or two brief points with regard to this. There are those who say that members of this House should not write any letters of recommendation. Our committee found that letters of recommendation written by members of this House can be extremely important and indeed should be. I give one example: the Dean of Admissions of Franklin and Marshall College testified, pursuant to a question I asked, that if I would write a letter about one of my constituents stating that this applicant grew up under very adverse circumstances in a public housing project, had attended, unfortunately, a substandard ghetto school, and despite these handicaps had achieved a certain academic standing, this would be of great interest to the admissions committee. The street address would give me no clue that he had grown up in a public-housing project. My letter would be the only source of that information. This individual would not know wealthy alumni or big contributors or trustees. I would be the only one going for him. And that is true across this Commonwealth, that members of this House may be the only resource that a deprived or economically deprived applicant would have.

Therefore, the letters written by members of this House could be extremely valuable in the admissions process. We must all recognize there have been abuses. Therefore, we have developed guidelines for the members of this House in the writing of such letters. We recommend them very strongly.

I will summarize those very briefly. Except under the most extraordinary circumstances, no letter should be written for anyone who is not a resident of the district represented by the legislator. "Extraordinary circumstances" would mean a long personal relationship with the applicant through church activities, neighbor, et cetera, or perhaps a former employe.

The dean of the Penn Law School remarked that one of the most persuasive letters he ever received was from a Congressman from another state, not from Pennsylvania, who recommended a former intern of his who had, in the space of 6 months, drafted and lobbied through a very important piece of legislation in Washington. The Congressman described the excellent work that had been done by this intern. That was a very persuasive letter, really, being from a former employer more than from a Congressman.

Let me proceed: No recommendation should be made on behalf of an applicant unless that applicant has personally requested it, personally requested it. I have heard stories where the applicant had no idea that the letter was being written. And, therefore, it should be personally from the applicant.

Only last week the dean of one of our medical schools told me

that when he had been a dean at another university in another state, he had received a letter from the mother of an applicant offering him a \$20,000 bribe, if that student would be admitted, in writing. They looked at the kid's application, and he probably would have been admitted on his own merits. Of course, at that point, they were not going to touch him with a 10-foot pole, and did not. Had the applicant known about this letter, it probably would not have been written.

Therefore, I must stress, the applicant should be the one requesting it, and no letter should be written for somebody you do not know, eliminating the intermediary problem.

Any recommendation or communication should reveal the extent of the personal contact between the applicant and the member. Say, the young man or the young lady was recommended to me, and I met with them in my office and I ascertained the following facts. That should be in the letter.

If you give any other information, you should reveal the source of it.

The committee feels that following these guidelines will ensure that letters of recommendation receive the weight to which they are entitled, no more, no less.

In conclusion, the committee is of a strong opinion, and I want to read it the way it was drafted:

It is the opinion of the Committee that any Member who shall use, attempt to use, or threaten to use his official position against the interests of any institution of higher learning in the Commonwealth because it failed to admit an applicant to said institution whose admission was recommended by the Member shall be guilty of improper conduct and be subject to the disciplinary procedures of the House.

The report is a unanimous one. The analysis of the admissions procedures is exhaustive. I recommend it to the members, not only for the guidelines but for a knowledge of admissions procedures so that we can help our constituents who are qualified to be admitted to put their best foot forward in the admissions process.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. WILT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILT. Mr. Speaker, if I would like to record an exception to the report Mr. Rappaport just submitted, how would I do that?

The SPEAKER. You mean there is a minority position on that; I do not mean a Republican position, but a minority of the committee?

Mr. WILT. I would like to record an opinion or, I guess, it is an individual dissenting opinion about one of the recommendations in it.

The SPEAKER. The Chair would simply say that what you should do is file an addendum to the report as your personal dissent from it.

I assume that you are not dissenting from the entire report but from certain specific areas?

Mr. WILT. Just from one of the recommendations.

The SPEAKER. Well, then you would simply file an addendum report, an addendum to the report, filing your personal dissent on certain specific matters.

Mr. WILT. Thank you, Mr. Speaker.

The SPEAKER. And if and when you do have it prepared, if you will advise the Chair, the Chair will recognize you and allow you to explain your dissent and your filing of it.

Mr. WILT. Thank you.

BILL REPORTED FROM COMMITTEE AND TABLED

HB 1762, PN 2743 (Amended) By Mr. KOWALYSHYN

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, changing certain requirements for incorporators and directors of general medical service corporations and further providing for the election of directors of such corporations.

Insurance.

ANNOUNCEMENTS MINES AND ENERGY MANAGEMENT COMMITTEE MEETING RULES COMMITTEE MEETING

The SPEAKER. On announcements, the Chair wishes to announce that there will be a meeting of the Mines and Energy Management Committee in room 401 directly on the announcement of the recess.

There will also be a Committee of Rules meeting in the majority leader's office directly on the announcement of the recess.

DEMOCRATIC CAUCUS

The SPEAKER. There will be a Democratic caucus starting at 1:30 p.m., and the closing time for that caucus has been set for 2:30 p.m.

The Democrats are advised that there are certain fiscal matters to be brought before that caucus. They will be discussed in the caucus whether you are there or not. They will be brought on the floor of the House. So, it would be very wise to be in that caucus, if you wish to have input on these particular bills.

There are further announcements, and the Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

STATEMENTS ON LEGISLATION TO BE INTRODUCED

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

Just for the purposes of presenting to the House a bill that I am interested in, I am suggesting, for anyone who might share this interest, it will be down here for signatures.

In the Commonwealth, there is a purchasing fund and that is about \$1 million. Many of the purveyors of the Commonwealth are detained from a timely payment. This strictly allows them to accelerate that fund. It does not cost anything. It is borrowed from the general fund and returned to the general fund

like many other agencies in the Commonwealth.

So, I would like to set this down front and invite anyone who might be interested in that to sign this legislation. Thank you.

The SPEAKER. The Chair recognizes for the purpose of an announcement, the lady from Centre, Mrs. Wise.

Mrs. WISE. Mr. Speaker, I just want to announce that when we return after lunch, I will be introducing the 26-bill package that has been labeled "the equal rights implementation."

If there are still those who would like to sign on, I will be very happy to accept your names until that time. Thank you.

REPUBLICAN CAUCUS

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

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

Will we be returning at 2:30?

The SPEAKER. It is hoped by the Speaker that we shall. We have a long list of bills to be voted on.

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

There will be a Republican caucus commencing at 2 p.m. I am prepared to touch very quickly on those bills which you alluded to, the fiscal bills and the other bills which we have not yet caucused on. So, I would ask the Republicans to please come to caucus at 2 o'clock. I believe that we can conclude our caucus in half an hour.

Thank you, Mr. Speaker.

RECESS

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

AFTER RECESS

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

RESOLUTIONS REPORTED FROM COMMITTEE AND TABLED

HR 122, PN 1960

By Mr. WARGO

There is hereby established a commission on the operation of the House which shall be composed of seven members appointed from private life and two ex officio members who are presently officers or employees of the House and who shall participate without vote. All commissioners shall be appointed by the Speaker of the House upon the joint recommendation of the Majority Leader and the Minority Leader of the House. Any vacancy in the commission shall be filled in the same manner as the original appointment. The commission shall elect a chairman and a vice chairman from among its members. Four members of the commission shall constitute a quorum but two members may conduct hearings. Not more than two former members of the House shall serve as members of the commission and no individual whose relevant experience is preponderantly in the Executive Branch of the Government shall be appointed as a member of the commission.

Rules.

HR 178, PN 2395

By Mr. WARGO

The Speaker of the House of Representatives appoint a seven member bipartisan committee, four from the Majority Party and three from the Minority Party to examine, investigate and

make a complete study of the Bureau of Occupational and Industrial Safety, the Act for Protection against Fire and Panic, and the rules and regulations promulgated to implement this act.

Rules.

CONSIDERATION OF HR 197 RESUMED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes. The House is on passage of HR 197. The Chair has recognized the gentleman, Mr. Rhodes.

Mr. RHODES. Mr. Speaker, I know there are other important bills on the calendar this afternoon. I do not want to take too much time further on the debate on HR 197. I just want to point out for the membership a couple of things that we ought to keep in mind as we vote for HR 197.

First of all, this additional resource will enable the subcommittee to have its own investigators so that we can be more specific in our investigations and will not have to rely, as we had, on the work of other executive agencies.

Second of all, there has been some confusion about the focus of our investigation in the Pocono region. I just want to make it very clear to the membership that at no time have we implied or meant to imply that organized crime controls the Poconos or that there are not a majority of legitimate businesses and legitimate activities going on in the Poconos.

What we are primarily concerned about is the emergence of a criminal element, an organized-crime element, and how to control and give the locals in the Poconos adequate resources and statutory tools so they can defend themselves.

I am a great believer in this tourist area. I think it is very important that we all recognize that this is basically an organized-crime-free, et cetera, area, but there is a problem that we have to deal with there, and this investigation is designed to reveal to you as members of the House what has to be done in terms of statutory law to correct a problem.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

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

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

NAYS—0

NOT VOTING—14

| | | | |
|-----------|---------------|-------------|----------|
| Arthurs | Katz | O'Keefe | Shelton |
| Bellomini | Knepper | Prendergast | Taddonio |
| Beloff | Mullen, M. P. | Salvatore | Yohn |
| Hamilton | O'Brien, D. | | |

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Prendergast.

Mr. PRENDERGAST. If I had been in my seat, I would have voted in the affirmative on HR 197.

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

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

Mr. O'KEEFE. Mr. Speaker, earlier today, I was out of my seat on HR 197. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

The SPEAKER. The members are advised that we shall be skipping around on the calendar, and it would be wise to follow very carefully.

We are now going to turn to page 20 on the calendar.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. TRELLO. Mr. Speaker, several months ago I introduced a resolution myself, HR 181, to investigate the state-related universities in regards to the nonpreferred appropriations.

As I am getting into this committee of ours to do the job that the legislation tells us to do, I find it rather difficult to do this work with what I have to work with. Would it be possible for me to amend this resolution and ask for some money so that I can get some staff to do this job properly?

The SPEAKER. To answer the gentleman's inquiry, it is certainly possible, but the way to do it would be not to offer an amendment to the resolution but to introduce a new resolution which would add money and staff.

For the information of the gentleman, the Speaker has today dictated a letter which the gentleman will receive in which he has assigned Dr. Philip Murphy and Mr. Frank Christopher from the Education Committee to the gentleman, Mr. Trello, as staff for his investigating committee.

However, the Speaker does not mean to imply by that that the gentleman, Mr. Trello, should not introduce another resolution asking for staff and money therefor. He does have the right to do that.

Mr. TRELLO. Thank you very much, Mr. Speaker.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. HB 552 is next in the order of the calendar, and I would like to know just how long we are going to be deferred for considering the measure.

The SPEAKER. We are going to go to four special appropriation bills. Then we are going to turn back to page 8, and HB 552 will be called up in order after page 8.

Mr. ITKIN. You mean about 9 o'clock this evening?

The SPEAKER. No; about 8:47.

Seriously, Mr. Itkin, it is our intention to call it up. Relax. I will get to you.

Mr. ITKIN. What I am saying to you, Mr. Speaker, is, I deferred all week the consideration of this bill. It was my assumption that this bill would be considered today, and I just do not want to see it happening that the House grows tired about 7 o'clock in the evening—

The SPEAKER. No, no; it will not be that.

Mr. ITKIN. —and then this House adjourns for 2 weeks.

The SPEAKER. It will not be that. It will not be that.

Mr. ITKIN. Thank you.

CALENDAR BILLS ON THIRD CONSIDERATION
SPECIAL ORDER OF BUSINESS

The House proceeded to third consideration of **HB 2030, PN 2692**, entitled:

An Act making an appropriation to the Department of Justice for the fiscal year July 1, 1977 to June 30, 1978 for the purposes of establishing a unit to prevent health care provider and recipient abuse of the Medicaid System.

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 yeas and nays will now be taken.

YEAS—197

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

NAYS—0

NOT VOTING—4

| | | | |
|-------|--------|---------|------|
| Dumas | Rhodes | Shelton | Yohn |
|-------|--------|---------|------|

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

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

HB 2043 PASSED OVER TEMPORARILY

The SPEAKER. Mr. O'Donnell, the Chair is informed that your amendment has not yet been circulated. We cannot take the amendment up.

Mr. O'DONNELL. Mr. Speaker, the amendment has been submitted to the desk.

The SPEAKER. It has not yet been duplicated and circulated.

Mr. O'DONNELL. Can we hold the bill?

The SPEAKER. We will pass over the bill temporarily.

Mr. O'DONNELL. Thank you, sir.

The House proceeded to third consideration of SB 1279, PN 1686, entitled:

An Act amending the act of August 20, 1977 (No. 11A), entitled "General Appropriation Act of 1977" changing the appropriation to the Auditor General and the Department of State for administration expenses and to the Elizabethtown Hospital for Children and Youth and certain appropriations to the Senate and House of Representatives.

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 yeas and nays will now be taken.

YEAS—196

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

| | | | |
|----------------|------------|-------------|---------------|
| Dumas | Kowalyshyn | Prendergast | Wilt |
| Englehart | Kukovich | Pyles | Wise |
| Fee | Laughlin | Rappaport | Wright, D. |
| Fischer, R. R. | Lehr | Ravenstahl | Wright, J. L. |
| Fisher, D. M. | Letterman | Reed | Yahner |
| Flaherty | Levi | Renwick | Zearfoss |
| Foster, A. | Levin | Rhodes | Zeller |
| Foster, W. | Lincoln | Richardson | Zitterman |
| Freind | Livengood | Rieger | Zord |
| Fryer | Logue | Ritter | Zwinkl |
| Gallagher | Lynch | Ruggiero | |
| Gallen | Mackowski | Ryan | Irvis, |
| Gamble | Madigan | Salvatore | Speaker |
| Garzia | Manderino | | |

NAYS—0

NOT VOTING—5

| | | | |
|--------|--------|---------|------|
| Beloff | Davies | Shelton | Yohn |
| Berlin | | | |

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.

REMARKS ON VOTE

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

Mr. DAVIES. I would like to be recorded in the affirmative on SB 1279, sir. I inadvertently did not get my switch pulled in time. Thank you.

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

The House proceeded to third consideration of **HB 872, PN 2435**, entitled:

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

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

Amend Sec. 3 (Sec. 602), page 12, by inserting between lines 28 and 29

(8) to set forth by regulation to be published in the Pennsylvania Bulletin, the minimum number of weekly hours a district justice based on classification, shall devote to the disposition of the business of his office. Such regulation shall allow for reasonable exceptions from said weekly hour requirement due to vacation, training and instruction, legal holidays and sickness, disability or other emergency.

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

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

Mr. BRANDT. Thank you, Mr. Speaker.

This amendment is entitled "A3781."

Mr. Speaker, presently under the Magisterial District Reform Act, it is up to each county court administrator or the presiding judge in that county to say what the hours of that district justice shall be in each office in each magistrate's district.

What we attempt to do with this amendment is to put language into the regulations that the state court administrator would set forth, by regulation, the minimum number of hours that a district justice shall be in his office. This would be by classification, meaning the different classes of district magistrates we have across the state, and this number of hours would be in harmony with the salary that that district office commands.

Presently there is no written law, no language at all, on this particular subject, and with this it would be mandated that there would be regulations on the number of hours that a district magistrate shall be in his office.

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

Mr. DOYLE. Would Mr. Brandt consent to interrogation?

The SPEAKER. The gentleman, Mr. Brandt, indicates that he does so consent. The gentleman, Mr. Doyle, is in order and may proceed.

Mr. DOYLE. Does your amendment specify by class and by the week?

Mr. BRANDT. Yes; it specifies by class. It says "... the minimum number of weekly hours a district justice based on classification . . ."

We had changed the amendment, Mr. Speaker, prior to the one we had discussed earlier.

Mr. DOYLE. I see no reason to object to the amendment.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Brandt, consent to brief interrogation?

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

Mr. RITTER. Mr. Speaker, do you know if there are any minimum hours required for a judge of a court of record?

Mr. BRANDT. Would you repeat the question, Mr. Speaker?

Mr. RITTER. Do you know if there are any minimum hours required for a judge of a court of record, a court of common pleas, Commonwealth Court, Superior Court, Supreme Court?

Mr. BRANDT. No, not that I know of.

Mr. RITTER. Do you know if there are any minimum hours required for any elected official in this Commonwealth?

Mr. BRANDT. Not that I know of, Mr. Speaker.

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

Mr. Speaker, I rise to oppose the amendment for the simple reason that in answer to my questions, there are no elected officials in this Commonwealth for whom we require any minimum number or maximum number of hours per week, month, or year which they have to put in in order to satisfy the requirements of their office.

I do not believe that we ought to single out district magis-

trates and say that you shall, depending on your classifications—and that depends primarily on population, which again is a misnomer because just because an area has fewer people does not say they have fewer criminal matters.

The point is that we are establishing minimum hours for elected officials, and I do not think that that is something we ought to be doing unless we are willing to do that for city councilmen and for school directors and for township supervisors and, in fact, even for legislators. What we are not willing to do for ourselves I do not think we ought to do to somebody else, and I think we ought to oppose the amendment. I intend to vote "no," and I would ask all the other members to vote "no" also.

The SPEAKER. Does the gentleman from Centre, Mr. Letterman, wish to be recognized on the Brandt amendment?

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. LETTERMAN. I would like to question Mr. Brandt, please.

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

Mr. LETTERMAN. Mr. Speaker, do you say that this goes in by classification? As an example, in my area I have a man who has probably the lowest amount of population in that district, but it is right off I-80, so he becomes the busiest of all magistrates in the area. How do you propose to take care of something like this?

Mr. BRANDT. Well, on that particular question, Mr. Speaker, we addressed that issue as best we could when we had the Magisterial District Reform Act last session. Those classifications have been set, and we felt that those problems were best addressed at that time.

Mr. LETTERMAN. When you think about putting an hourly rate here, what if they have to call them out in the middle of the night and they have decided they have already worked the hours that you are saying? What happens then? Say a policeman makes an arrest along an interstate route and has to take someone to a district magistrate. What happens then?

Mr. BRANDT. Yes, that happens quite often, Mr. Speaker, and many district magistrates whom I know of certainly heed the call.

The question is that they have those problems now, and we are setting a minimum number of hours for these district magistrates because all of the local county courts are stating how many hours they should put in office.

Mr. LETTERMAN. Mr. Speaker, may I make a statement, please?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I would just like to oppose this today because I believe that everybody elected to office should run that office according to the way they see fit. If the magistrates feel that they are being mistreated by the number of hours it takes, then they should not run for the office. They know what it is before they start to run.

They are running it now in a pretty slipshod manner. I think that if we gave them the amount of hours and put a minimum

on it, we would really be defeating the magistrate's office.

Thank you.

The SPEAKER. The question is on the adoption of the Brandt amendment, and the Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

There is just one point I would like to touch on that Mr. Ritter brought to our attention, and that is that now there are minimum hours set for these district magistrates on a county-by-county basis. The attempt of this amendment is to give some direction from the court administrator's office on what those hours shall be by classification.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—73

| | | | |
|----------------|----------------|------------|------------|
| Anderson | Gillette | Mebus | Ryan |
| Armstrong | Goodman | Milanovich | Salvatore |
| Bellomini | Greenleaf | Miller | Seltzer |
| Berlin | Halverson | Moehlmann | Shuman |
| Berson | Hayes, D. S. | Morris | Sirianni |
| Brandt | Hayes, S. E. | Mowery | Smith, E. |
| Brown | Helfrick | Noye | Spitz |
| Caltagirone | Honaman | O'Connell | Stairs |
| Cessar | Hopkins | O'Donnell | Stapleton |
| Davies | Hutchinson, W. | O'Keefe | Taddonio |
| Dietz | Kernick | Pancoast | Taylor, E. |
| Doyle | Klingaman | Peterson | Tenaglio |
| Fischer, R. R. | Levi | Piccola | Thomas |
| Fisher, D. M. | Livengood | Pitts | Vroon |
| Foster, W. | Madigan | Polite | Weidner |
| Fryer | McCall | Pyles | Wenger |
| Gallen | McClatchy | Ravenstahl | Wilson |
| Garzia | McGinnis | Reed | Zearfoss |
| Geesey | | | |

NAYS—121

| | | | |
|------------|----------------|---------------|---------------|
| Abraham | Gamble | Mackowski | Schweder |
| Arthurs | Gatski | Manderino | Scirica |
| Beloff | Geisler | Manmiller | Shupnik |
| Bennett | George, C. | McIntyre | Smith, L. |
| Bittinger | George, M. | McLane | Spencer |
| Bittle | Giammarco | Meluskey | Stewart |
| Borski | Gleeson | Milliron | Stuban |
| Brunner | Goebel | Miscevich | Sweet |
| Burd | Gray | Mrkonjic | Taylor, F. |
| Burns | Greenfield | Mullen, M. P. | Trello |
| Caputo | Grieco | Musto | Valicenti |
| Cassidy | Harper | Novak | Wagner |
| Cianciulli | Hasay | O'Brien, B. | Wansacz |
| Cimini | Haskell | O'Brien, D. | Wargo |
| Cole | Hoeffel | Oliver | Wass |
| Cowell | Hutchinson, A. | Parker | White |
| DeMedio | Itkin | Petrarca | Wiggins |
| DeVerter | Johnson | Pievsky | Williams |
| DeWeese | Jones | Pott | Wilt |
| DiCarlo | Kelly | Pratt | Wise |
| Dininni | Knepper | Prendergast | Wright, D. |
| Dombrowski | Kolter | Rappaport | Wright, J. L. |
| Donatucci | Kowalshyn | Renwick | Yahner |
| Dorr | Kukovich | Rhodes | Zeller |
| Duffy | Laughlin | Richardson | Zitterman |
| Englehart | Lehr | Rieger | Zord |
| Fee | Letterman | Ritter | Zwikl |
| Flaberty | Levin | Ruggiero | |

| | | | |
|-----------------------------------|---------------------------|---------------------------------|-------------------|
| Foster, A. Freind Gallagher | Lincoln Logue Lynch | Scanlon Scheaffer Schmitt | Irvis, Speaker |
|-----------------------------------|---------------------------|---------------------------------|-------------------|

NOT VOTING—7

| | | | |
|-----------------|-------------------|-----------------|------|
| Barber Cohen | Dumas Hamilton | Katz Shelton | Yohn |
|-----------------|-------------------|-----------------|------|

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

REMARKS ON VOTE

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

Mr. FREIND. Mr. Speaker, I was not in my seat for the last vote. Had I been in my seat, I would have voted in the affirmative on the first Brandt amendment to HB 872.

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

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

Amend Sec. 1, page 1, line 15 by striking out "204,"
Amend Bill, page 1, lines 18 through 23, page 2, lines 1 through 7 by striking out all of said lines on said pages

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

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

Mr. BRANDT. Mr. Speaker, this amendment is entitled "A3782."

What this amendment would do is put back the original language that was in the Magisterial District Reform Act of last year.

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

Mr. DOYLE. I do not have a copy of the amendment nor have I seen this before. I would like Mr. Brandt to explain it a little bit more in detail than he just did.

The SPEAKER. The Chair recognizes the gentleman, Mr. Brandt, who says that he will stand for interrogation.

For what purpose does the gentleman from Montgomery, Mr. Polite, rise?

Mr. POLITE. I would like to ask Mr. Brandt if he will yield to me, please.

The SPEAKER. In order to answer the interrogation of the gentleman, Mr. Doyle? Is that the gentleman's intention?

Mr. POLITE. I could answer Mr. Doyle's question.

The SPEAKER. Vell well. The gentleman, Mr. Brandt, indicates he will yield to the gentleman, Mr. Polite.

Mr. POLITE. Thank you, Mr. Speaker.

I rise to support this amendment, Mr. Speaker, because HB 872 would remove the district justices from the judiciary's Canon of Ethics. I believe such a change in the law could only serve to lower the quality of local justice.

Under present law, district justices of the peace are bound by the Canon of Ethics in regards to salaries, time, duties, and conflicts of interest. This law was established in order to improve local justice by insuring that district justices meet the high ethical standards required by the judiciary. This was a result of the Constitutional Convention, when the old system was changed from the justice of the peace system to the new district justice system.

Mr. Speaker, I believe it would be a step backward if the legislature were to lower the ethical requirements of the district justices. Therefore, I strongly support this amendment and urge all of my colleagues to join me and vote "yes."

I hope, Mr. Doyle, this answers your question.

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

Mr. DOYLE. Mr. Speaker, with all due respect to what the gentleman just said, he is absolutely unaware of not only what the present law is or the present situation but also what this amendment does, and this is the first time that I have seen this amendment.

The present law and the Canons of Ethics for the judges of the courts of common pleas—one of the things, for instance—is that they cannot practice law. In another place we give the district justices the specific ability and the availability to continue their law practice. It is an absolute inconsistency to have it remain as it is now.

What the gentleman from Montgomery County does not realize is that there is a separate code of ethics for the district justices. They do not want to be under the code of ethics for the judges of the courts of common pleas. They are separate and entirely different.

Now what the amendment would do would be not only to strike out what the present law is, what the present Canons of Ethics is as it relates to the judges of the courts of common pleas, but also what his amendment would do would be to strike out what the present act is with regard to the time necessary that the district justices must put in to do an efficient job. For instance—and this is what the enabling legislation did in act 204—it says: "A district justice shall devote the time necessary for the prompt and proper disposition of the business of his office, which shall be given priority over any other occupation, business, profession, pursuit or activity."

We found great difficulty in arriving at the particular wording for this because we did not want to say full time, because they have other duties, they have other jobs. A judge of the court of common pleas does not. And what you are doing by your amendment, you are striking this language, too. You are taking the cause of the district justices back prior to the Con-Con. You are doing a great disservice to the very people whom you are trying to help. I do not know if you realize what you are doing or not.

I would urge an absolute negative vote on the amendment, Mr. Speaker.

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

Mr. POLITE. Mr. Speaker, I was a justice of the peace during

Con-Con, and I think that was our cry, that we did want to be part of the Canons of Ethics and also that we wanted to be full time and we wanted salaries. But I am not after the full-time district justices. They are to take as much time to execute the duties of their office as Mr. Doyle has stated.

I think that we are just going backwards instead of forward. We are breaking down the system instead of improving it, so I urge a "yes" vote on this amendment.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Doyle, consent to brief interrogation?

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

Mr. RITTER. Mr. Speaker, in the Constitution of the Commonwealth of Pennsylvania, section 17(b), it talks about justices and judges, but then it says: "Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court."

Now it seems to me that Mr. Brandt's amendment is simply making sure that the language remains in the bill about the canons of ethics, and if you take it out, as your bill proposes to do, what do you do about the constitution?

Mr. DOYLE. No, Mr. Speaker. That is exactly why his amendment should be defeated. The law as it stands now is that they have to conform to the Canons of Ethics of judges of the courts of common pleas. That is what it is presently, judges of the courts of common pleas. Now the Supreme Court has gone ahead under the constitution and set a whole series of Canons of Ethics for district justices that are completely distinct from the judges, right?

Mr. RITTER. Except, Mr. Speaker, that we are talking only in three areas now as the canons apply to judges of the courts of common pleas. We are talking about salaries, full-time duties, and conflicts of interest.

Mr. DOYLE. That is right.

The SPEAKER. Will the gentleman yield?

AMENDMENTS WITHDRAWN

The SPEAKER. For what purpose does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. Mr. Speaker, I apologize to the members of the House.

On looking at this amendment again, the amendment has been drawn wrong, and at this time I will withdraw the amendment.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair at this time announces that it has given permission to Ms. Joyce Pressley of B.C.M. News Associates to take still photographs for a period of 10 minutes on the floor beginning now.

HB 872 CONSIDERATION RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendment:

Amend Sec. 2 (Sec. 406), page 9, line 19, by striking out all of said line and inserting \$2.00

On the question,

Will the House agree to the amendment?

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

Mr. LAUGHLIN. Mr. Speaker, HB 872 as it was originally drafted carried a provision for a return of a portion of the cost of all vehicle fines that are collectible by magisterial districts. The bill carried that particular provision until it arrived in the Appropriations Committee. At that time it was changed to give all of that money from the cost back to the state.

Now in the last year or so, we have passed legislation giving the state some \$23-odd million in fines. Many of the magisterial districts which service us across the state are operating at a net loss for the counties where they are located. We in particular in Beaver County, as well as some 18 other counties across the state, are losing a considerable amount of money by the operation of that particular office.

This legislation returns a portion, or \$3, of that money to the county to help defray the costs of the operation of those offices.

I ask that every member vote in favor of this to help our local counties pay the costs of these offices, because the state is presently receiving a sufficient amount of money from the operation and all they are paying is the salaries of the magistrates in each of the districts. The operation of the office, the cost of the secretarial and other staff, is borne directly by the county, as well as the purchase and rental of the office space.

Thank you.

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

Mr. DOYLE. I believe, if the members would bear with me just for a moment, I will tell you how this developed.

When the fee or the cost was increased, it used to be \$5. It was increased under the new Motor Vehicle Code to \$10 and, immediately after, was also increased by the Magisterial District Reform Act, both in the same month. This created a difference of where the money would go.

The reason why the increase was put in the new Magisterial District Reform Act was to give and allow the increase in salary for the district justices. The additional \$5 was put in there to come back to the Commonwealth because the Commonwealth pays their salary. The first \$5 was never meant to be taken away from the counties, nor was it.

What happened was then, because Act 204, which is the Magistrates Act, passed after the very date included in the act when it was supposed to have been effective, it did not change the law in respect to the accounting because it did affect the counties' budgets. Therefore, the legislation, as far as the accounting part of it was concerned, became effective on January 1 of 1977 rather than in July of 1976.

To make a long story short, the money necessary to pay for the additional salary increases for the district justices was al-

ways meant to come back to the Commonwealth. It was found out during the hearing that the Commonwealth at that time—this is going back a year, in 1977—could survive by not the \$5 additional but a \$2 additional. But at the present time the present posture is that the Commonwealth says that they would have a shortfall of money if we gave the money back to the counties. Originally the money was never supposed to go to the counties and it got there by an error, but now it had been going and was taken back away from the counties because of the difference in the implementing dates of the act.

The only thing I can say to you is that when we considered the bill back in 1977 and this consideration, we did agree that the money should go back to the counties, but now there would be a shortfall, and I will let someone else answer that as far as the money is concerned. But it would create a problem if we went along with Mr. Laughlin's amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the second time on his amendment.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Doyle please stand for a brief question?

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

Mr. LAUGHLIN. Mr. Speaker, in fact, the information that you gave the members of the House was from the last session of the legislature. Is that correct?

Mr. DOYLE. When we had the hearings on this bill, it was in 1977—that is correct—not 1978. Is that your question?

Mr. LAUGHLIN. No, Mr. Speaker. I mean the amendments to the Vehicle Code were passed in the 1975-1976 session as well as the amendments to the Magisterial Code passed in 1975-76.

Mr. DOYLE. Yes; the date of enactment on the Vehicle Code was June 17, 1976, and Act 204, the Magistrates Act, was July 9, 1976.

Mr. LAUGHLIN. So HB 872 as it was originally drafted, giving back the money to the counties, in fact was correct as I stated and had nothing to do with past legislation. Is that correct?

Mr. DOYLE. Would you repeat that question, so that I make sure I know exactly what you are saying?

Mr. LAUGHLIN. Yes, sir.

Mr. Speaker, what I am saying is that HB 872, as you originally drafted it, included a portion of a bill that I had drafted earlier which returned that money to the county. Is that correct?

Mr. DOYLE. Yes, that is correct. It was taken out in Appropriations. Yes, you are correct.

Mr. LAUGHLIN. Well, Mr. Speaker, that is exactly what I am addressing, that the original intent of the bill was to return that money to the counties because of the much needed funds that they are suffering the loss for.

Mr. DOYLE. When we prepared the bill, it was back in 1977. It was prepared then. Then it being another fiscal year, the circumstances were different. Yes, Mr. Speaker.

Mr. LAUGHLIN. Well, Mr. Speaker, what I am saying to you is that the situation is still there. We are still suffering a loss

because of the operation of these offices and we are in need of these funds at the local level. We originally had drafted the legislation for that purpose. It was only in Appropriations Committee that it was removed, and I am asking that it be restored to the original status.

Mr. DOYLE. But the one thing that is overlooked is that it had never been intended for it to go back to the counties, to begin with.

Mr. LAUGHLIN. Mr. Speaker, that is a matter that you and I can debate. However, I know that in the Vehicle Code we meant exactly for that money to go back. And it was Mr. Eckensberger on the floor at that time who got up and addressed the question and told us that it would have no effect. We all voted for it and then found out later that it did have a very serious effect on where that money went.

Mr. DOYLE. The Vehicle Code, when it passed, made specific reference to the then-law referring to the distribution of the costs by the magistrates, which had already been established as law then. It was subsequently changed by the new Magistrates Act which was passed shortly after that. And the reason it was, and the increase was there, was to pay for the salary increases for the district justices.

Mr. LAUGHLIN. Mr. Speaker, in fact, the cost of the magistrates salaries falls far below the money that is raised by a \$5 cost returned to the state as you indicate. The magisterial salaries are nowhere near a cost of \$4 million for the increase that year.

Mr. DOYLE. I have no quarrel with them getting the money, everything else being equal. I agree to give the money back and it was agreed.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. DOYLE. But, at the time, going on the facts and figures that were given to us in 1977, I was no part of the Vehicle Code transfer. As far as I am concerned, it does not make much difference, except as how it affects the Commonwealth now. This is what I am told now.

Mr. LAUGHLIN. Mr. Speaker, as I indicated, the cost of the magisterial raises is far less than is indicated by a \$5-cost projection on this particular legislation.

That is why I am requesting the members of the House to support the position of returning the money to the county.

Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment proposed by the gentleman from Beaver is an amendment that will cost our general fund, in the revenue estimates, \$2.8 million in the 1977-1978 fiscal year and \$3 million in 1978-1979, and, going to 1981-1982, it will cost us \$3½ million in the general fund.

Now at a time when we are in dire need of moneys in our general fund, I think it behooves us to go slowly in sending moneys back to counties and examining the need for that money in the counties.

The magisterial systems in the various counties are supported by the fees and the \$2 that is sent back to them. Fifty-five percent of the counties in this Commonwealth operate their magisterial systems at a profit. They are taking in more moneys than are necessary to run the magisterial system.

There are some counties that operate at a loss. The gentleman from Beaver, I cannot tell him about his particular county because we have never been able to get from that county all of the information that is necessary to make the assessment of whether they are making or losing money. That is because, as I understand it, they do not know themselves. But that is neither here nor there.

The \$3 million that we are talking about is not needed back in the counties. There are some four counties, just four counties, that account for 72 percent of the loss in magisterial systems and they are counties that have heavy personnel. And that is the choice that they made in those counties. Most of our counties are operating at a profit or very near a break-even figure, and the \$3 million that we are talking about sending back is not needed.

I would ask every member to oppose the amendment, because we need in the budget of this Commonwealth every dollar that we presently have in the revenue estimates and anything that we can find in programs that are unnecessary or should be cut back.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Laughlin, has spoken—

Mr. LAUGHLIN. Mr. Speaker, I want to interrogate the majority leader.

The SPEAKER. —twice on this.

Mr. LAUGHLIN. Mr. Speaker, I want to interrogate the majority leader.

The SPEAKER. The gentleman cannot do that. Someone else may interrogate the gentleman, but the gentleman rises to speak for the third time and he is not permitted under the rules.

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

Mr. TENAGLIO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate Mr. Laughlin, please?

The SPEAKER. The gentleman may do that.

The gentleman, Mr. Laughlin, indicates that he will stand for interrogation.

Mr. TENAGLIO. Mr. Speaker, would you please tell us which counties have lost money because of the magisterial system? Is it not true that Delaware County is one of them?

Mr. LAUGHLIN. Yes, Mr. Speaker.

As a matter of fact, Delaware County is one of those that is suffering a tremendous loss because of the magisterial system in the State of Pennsylvania.

The majority leader indicated that there was a problem with Beaver County. I find it awful strange that I received the facts and the figures rather easily, and those figures indicate a net loss in Beaver County of some \$36,820,000. Those figures are accurate and are reported from our chief clerk in the judicial system in Beaver County. I cannot understand why Mr. Manderino, with all of the staff and the agency that he has at his disposal, cannot come up with that same information.

In addition—

The SPEAKER. Now, now, Mr. Laughlin.

The Chair recognizes the majority leader.

Mr. MANDERINO. Perhaps, Mr. Speaker, they will give it to you, but will not give it to the Appropriations scrutiny eyes.

Mr. LAUGHLIN. Mr. Speaker, if they would ask for it, I would be glad to supply it to the Appropriations Committee.

But, Mr. Speaker, that seems to be the problem, that we have people saying that the counties are operating at a surplus and are not losing money when in fact the state is receiving tremendous increases from the fines of the magisterial offices and the districts themselves are suffering a loss.

I ask the membership to support the local-government position that has been supported by the Boroughs Association, the County Association and the Local Government Commission.

Thank you.

The SPEAKER. Will the gentleman let the Chair pose the question and let us get it settled?

Mr. GARZIA. Well, just one question of Mr. Laughlin, please? I am curious.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia, under the Freedom of Speech of the United States Constitution and the Constitution of the Commonwealth of Pennsylvania.

Mr. GARZIA. May I ask the question?

The SPEAKER. The Chair has recognized the gentleman.

Mr. LAUGHLIN. I wish you would stop, Leroy, this looks like a bad one.

Mr. GARZIA. No, it is not bad, Charlie.

Mr. Speaker, what I want to know is, what is Delaware County losing? Let us see if your figures match my figures.

Mr. LAUGHLIN. Just a second, sir. Under Delaware, the figure that we had for the first operation was a net loss of income in the neighborhood of \$953; outlay, \$405; net loss, \$548,889. The next year—

Mr. GARZIA. In dollars. All I hear is a bunch of numbers.

Mr. LAUGHLIN. A net loss of \$548,889. This latest one is in the neighborhood of \$340,000.

I am sorry, I confused that income with the outlay, Mr. Speaker. We had a net cost of \$953,000, and an income of \$405,000 on that year.

Mr. GARZIA. Thank you, Mr. Speaker.

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

Mr. GARZIA. Mr. Speaker, by the figures that I have—and I do not have them with me—the county is making money on it.

So I do not know where Charlie gets his figures. His figures and the figures that I get from the county just do not jive. I guess we are talking about the same thing.

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

Mr. LAUGHLIN. Mr. Speaker, the figures can be authorized through the County Association, and that was John Minnich at the time they were provided. Since that time he has been elected, I believe, or appointed commissioner of Dauphin County.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—106

| | | | |
|----------------|----------------|-------------|---------------|
| Abraham | Grieco | Mebus | Scheaffer |
| Anderson | Halverson | Milanovich | Seltzer |
| Armstrong | Hamilton | Miller | Sirianni |
| Bittle | Hasay | Miscevich | Smith, E. |
| Brown | Haskell | Moehlmann | Smith, L. |
| Burd | Hayes, S. E. | Morris | Spencer |
| Burns | Helfrick | Mowery | Spitz |
| Caltagirone | Honaman | Mrkonic | Stairs |
| Cessar | Hopkins | Novak | Stuban |
| Cimini | Hutchinson, A. | Noye | Taddonio |
| Cowell | Hutchinson, W. | O'Brien, D. | Taylor, E. |
| Davies | Katz | O'Connell | Taylor, F. |
| DeVerter | Klingaman | O'Keefe | Tenaglio |
| Dietz | Knepper | Pancoast | Thomas |
| Dininni | Kolter | Parker | Trello |
| Dorr | Kukovich | Peterson | Valicenti |
| Fischer, R. R. | Laughlin | Petrarca | Vroon |
| Foster, A. | Lehr | Piccola | Wagner |
| Foster, W. | Letterman | Pitts | Wass |
| Freind | Levi | Polite | Weidner |
| Fryer | Lynch | Pott | Wenger |
| Gallen | Mackowski | Pyles | Wilson |
| Gamble | Madigan | Ravenstahl | Wilt |
| Geesey | Manmiller | Reed | Wright, J. L. |
| George, C. | McCall | Ryan | Zearfoss |
| Giammarco | McClatchy | Salvatore | Zord |
| Greenleaf | McGinnis | | |

NAYS—93

| | | | |
|------------|---------------|---------------|------------|
| Arthurs | Englehart | Levin | Scanlon |
| Barber | Fee | Lincoln | Schmitt |
| Bellomini | Fisher, D. M. | Livengood | Schweder |
| Beloff | Flaherty | Logue | Scirica |
| Bennett | Gallagher | Manderino | Shuman |
| Berlin | Garzia | McIntyre | Shupnik |
| Berson | Gatski | McLane | Stapleton |
| Bittinger | Geisler | Meluskey | Stewart |
| Borski | George, M. | Milliron | Sweet |
| Brandt | Gillette | Mullen, M. P. | Wansacz |
| Brunner | Gleeson | Musto | Wargo |
| Caputo | Goebel | O'Brien, B. | White |
| Cassidy | Goodman | O'Donnell | Wiggins |
| Cianciulli | Gray | Oliver | Williams |
| Cohen | Greenfield | Pievsky | Wise |
| Cole | Harper | Pratt | Wright, D. |
| DeMedio | Hayes, D. S. | Prendergast | Yahner |
| DeWeese | Hoeffel | Rappaport | Zeller |
| DiCarlo | Itkin | Renwick | Zitterman |
| Dombrowski | Johnson | Rhodes | Zwinkl |
| Donatucci | Jones | Richardson | |
| Doyle | Kelly | Rieger | Irvis, |
| Duffy | Kernick | Ritter | Speaker |
| Dumas | Kowalyshyn | Ruggiero | |

NOT VOTING—2

| | |
|---------|------|
| Shelton | Yohn |
|---------|------|

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

REMARKS ON VOTE

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

Mr. SHUMAN. Mr. Speaker, may I indicate a change in vote on HB 872, the Laughlin amendment? Had I been in my seat, I would have voted in the affirmative.

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

MEMBERS THANKED

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

Mr. LAUGHLIN. Mr. Speaker, I want to thank the members for their support of that issue.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I saw an awful lot of green on the other side. We just spent \$3 million of the state's money, which you would not help us to raise.

On the question,

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

Mr. DORR offered the following amendment:

Amend Sec. 3 (Sec. 502), page 10, line 13, by striking out "candidates for" and inserting persons elected to the office of

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Mr. Speaker, I believe that this is a fairly simple change in language, designed, I hope, to clarify the bill.

We do not intend, really, for a candidate as such to have to take the course and pass it. On page 10 of the bill, however, it reads that all candidates for district justice and all persons appointed shall take the course. The language substitution is that all persons elected to the office of district justice and all appointed shall take and pass the course. I believe that is really the intent of the legislation.

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

Mr. DOYLE. Mr. Speaker, I believe that the amendment is worthwhile. It is a good technical change and it clarifies the language. I would urge its adoption.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

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

NAYS—2

Sweet Wright, J. L.

NOT VOTING—8

| | | | |
|---------|-------|---------|----------|
| Arthurs | Dumas | Shelton | Yohn |
| Barber | Pratt | Sweet | Zearfoss |

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

On the question recurring,

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 yeas and nays will now be taken.

YEAS—190

| | | | |
|-----------|------------|------------|-----------|
| Abraham | Gamble | Manderino | Scanlon |
| Anderson | Garzia | Manmiller | Scheaffer |
| Armstrong | Gatski | McCall | Schmitt |
| Bellomini | Geesey | McClatchy | Schweder |
| Beloff | Geisler | McGinnis | Scirica |
| Bennett | George, C. | McIntyre | Seltzer |
| Berlin | George, M. | McLane | Shuman |
| Berson | Giammarco | Mebus | Shupnik |
| Bittinger | Gillette | Meluskey | Sirianni |
| Bittle | Gleeson | Milanovich | Smith, E. |
| Borski | Goodman | Miller | Smith, L. |
| Brandt | Gray | Milliron | Spencer |

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

NAYS—3

Goebel Knepper Taddonio

NOT VOTING—8

| | | | |
|---------|---------|--------|---------|
| Arthurs | Dumas | Parker | Shelton |
| Barber | Hopkins | Pratt | Yohn |

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

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

The House proceeded to third consideration of **HB 457, PN 496**, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177, No. 175), further providing for the salary of the State Athletic Commission.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—63

| | | | |
|-------------|----------------|---------------|-----------|
| Arthurs | Geisler | McIntyre | Ruggiero |
| Barber | Giammarco | McLane | Scanlon |
| Beloff | Gleeson | Milliron | Schmitt |
| Bennett | Goodman | Miscevich | Schweder |
| Berlin | Gray | Mullen, M. P. | Shupnik |
| Borski | Greenfield | Musto | Wansacz |
| Brunner | Harper | O'Brien, B. | Wargo |
| Caltagirone | Hutchinson, W. | Oliver | White |
| Caputo | Itkin | Pievsky | Wiggins |
| Cianciulli | Johnson | Prendergast | Williams |
| DeMedio | Jones | Rappaport | Wise |
| Donatucci | Kelly | Renwick | Zitterman |
| Duffy | Kowalyszyn | Rhodes | Zwilk |
| Dumas | Levin | Richardson | |
| Fee | Manderino | Rieger | Irvis, |
| Gallagher | McCall | Ritter | Speaker |
| Garzia | | | |

NAYS—132

| | | | |
|----------------|----------------|-------------|---------------|
| Abraham | Gamble | Mackowski | Scirica |
| Anderson | Gatski | Madigan | Seltzer |
| Armstrong | Geesey | Manmiller | Shuman |
| Bellomini | George, C. | McClatchy | Sirianni |
| Berson | George, M. | McGinnis | Smith, E. |
| Bittinger | Gillette | Mebus | Smith, L. |
| Bittle | Goebel | Meluskey | Spencer |
| Brandt | Greenleaf | Milanovich | Spitz |
| Brown | Grieco | Miller | Stairs |
| Burd | Halverson | Moehlmann | Stapleton |
| Burns | Hasay | Morris | Stewart |
| Cassidy | Haskell | Mowery | Stuban |
| Cessar | Hayes, D. S. | Mrkonic | Sweet |
| Cimini | Hayes, S. E. | Novak | Taddonio |
| Cohen | Helfrick | Noye | Taylor, E. |
| Cole | Hoeffel | O'Brien, D. | Taylor, F. |
| Cowell | Honaman | O'Connell | Tenaglio |
| Davies | Hopkins | O'Donnell | Thomas |
| DeVertter | Hutchinson, A. | O'Keefe | Trello |
| DeWeese | Katz | Pancoast | Valicenti |
| DiCarlo | Kernick | Parker | Vroon |
| Dietz | Klingaman | Peterson | Wagner |
| Dininni | Knepper | Petrarca | Wass |
| Dombrowski | Kolter | Piccola | Weidner |
| Dorr | Kukovich | Pitts | Wenger |
| Doyle | Laughlin | Polite | Wilson |
| Fischer, R. R. | Lehr | Pott | Wilt |
| Fisher, D. M. | Letterman | Pyles | Wright, D. |
| Foster, A. | Levi | Ravenstahl | Wright, J. L. |
| Foster, W. | Lincoln | Reed | Yahner |
| Freind | Livengood | Ryan | Zearfoss |
| Fryer | Logue | Salvatore | Zeller |
| Gallen | Lynch | Scheaffer | Zord |

NOT VOTING—6

| | | | |
|-----------|----------|---------|------|
| Englehart | Hamilton | Shelton | Yohn |
| Flaherty | Pratt | | |

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 666, PN 744**, entitled:

An Act amending the act of April 27, 1925 (P. L. 324, No. 185), entitled "An act for the distribution by the Commonwealth and counties to townships and school districts of moneys received from the United States from Forest Reserves within the Commonwealth" removing certain duties from the Auditor General and imposing certain duties on the Secretary of Environmental Resources.

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 yeas and nays will now be taken.

YEAS—194

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

NAYS—0

NOT VOTING—7

| | | | |
|--------|--------|----------|------|
| Barber | Oliver | Shelton | Yohn |
| Dumas | 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 **HB 1385, PN 1647**, entitled:

An Act amending the "Pennsylvania Athletic Code" approved August 31, 1955 (P. L. 531, No. 131), further defining "promoter" to include certain persons holding certain telecasts.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Montgomery, Mr. Mebus, on final passage.

MR. MEBUS. All I have to say is this, Mr. Speaker, since we have defeated HB 457 a couple of minutes ago, we should not run this one. The two have got to go together. It is either two pluses or two minuses.

The SPEAKER. The bill is sponsored by the gentleman, Mr. Pratt, and the gentleman, Mr. Pratt, has asked that the bill be called up.

The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, maybe I can shed a little light on it. This one does not raise the revenues by raising the licensing fee. This just puts into a new category licensing fees for telecast and promoters and redefinition of what a promoter is. Mr. Speaker, the other bill is on down the calendar.

Thank you.
On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—192

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

| | | | |
|----------------|----------------|-------------|---------------|
| Cimini | Hayes, S. E. | Noye | Tenaglio |
| Cohen | Helfrick | O'Brien, B. | Thomas |
| Cole | Hoefel | O'Brien, D. | Trelo |
| Cowell | Honaman | O'Connell | Valicenti |
| Davies | Hopkins | O'Donnell | Vroon |
| DeMedio | Hutchinson, A. | O'Keefe | Wansacz |
| DeVerter | Hutchinson, W. | Oliver | Wargo |
| DeWeese | Itkin | Pancoast | Wass |
| DiCarlo | Johnson | Parker | Weidner |
| Dietz | Jones | Peterson | Wenger |
| Dininni | Katz | Petrarca | White |
| Dombrowski | Kelly | Piccola | Wiggins |
| Donatucci | Kernick | Pievsky | Wilson |
| Dorr | Klingaman | Pitts | Wilt |
| Doyle | Knepper | Polite | Wise |
| Duffy | Kolter | Pott | Wright, D. |
| Englehart | Kowalshyn | Pratt | Wright, J. L. |
| Fee | Kukovich | Pyles | Yahner |
| Fischer, R. R. | Laughlin | Rappaport | Zearfoss |
| Fisher, D. M. | Lehr | Ravenstahl | Zeller |
| Flaherty | Letterman | Reed | Zitterman |
| Foster, A. | Levi | Renwick | Zord |
| Foster, W. | Levin | Rhodes | Zwinkl |
| Freind | Lincoln | Rieger | |
| Fryer | Livengood | Ritter | Irvis, |
| Gallagher | Logue | Ruggiero | Speaker |
| Gallen | Lynch | | |

NAYS—1

Wagner

NOT VOTING—8

| | | | |
|--------|-------------|---------|----------|
| Barber | Prendergast | Shelton | Williams |
| Dumas | Richardson | Sweet | Yohn |

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

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

HB 1528 CONSIDERATION RESUMED

AMENDMENT WITHDRAWN

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

Mr. BENNETT. Mr. Speaker, I withdraw my amendment that I offered previously to HB 1528, PN 2667.

HB 1528 PASSED OVER

The SPEAKER. HB 1528 will go over for the day.

The House proceeded to third consideration of **HB 1934, PN 2519**, entitled:

An Act amending the "Health Care Services Malpractices Act" approved October 15, 1975 (P. L. 390, No. 111), further providing for fees.

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 yeas and nays will now be taken.

YEAS—197

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

NAYS—0

NOT VOTING—4

| | | | |
|---------|-----------|---------|------|
| Gleeson | McClatchy | Shelton | Yohn |
|---------|-----------|---------|------|

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

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

The House proceeded to third consideration of **HB 552, PN 2503**, entitled:

An Act providing for the regulation for energy conservation purposes of the construction of buildings the establishment of a

Building Energy Conservation Committee and a Board on Variances appeals and for penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments:

Amend Table of Contents, page 1, by inserting between lines 11 and 12 Subchapter A. General Provisions

Amend Table of Contents, page 1, line 13, by striking out "A." and inserting B.

Amend Table of Contents, page 1, line 16, by striking out "B." and inserting C.

Amend Table of Contents, page 2, line 1, by striking out "C." and inserting D.

Amend Table of Contents, page 2, line 6, by striking out "D." and inserting E.

Amend Table of Contents, page 2, line 24, by striking out "E." and inserting F.

Amend Table of Contents, page 2, line 30, by striking out "F." and inserting G.

Amend Table of Contents, page 3, line 2, by striking out "G." and inserting H.

Amend Table of Contents, page 3, line 9, by striking out "H." and inserting I.

Amend Table of Contents, page 3, by inserting between lines 27 and 28 Section 314. Civil action.

Amend Table of Contents, page 3, line 30, by striking out all of said line and inserting

Chapter 5. Local Election

Section 501. Election; Use Group R-3.

Section 502. Election; cities of the first, second and second class A.

Section 503. Powers of municipalities.

Section 504. Variances.

Section 505. Disposition of fines.

Section 506. Effective date.

Amend Sec. 102, page 4, line 25, by striking out "structure" and inserting buildings

Amend Sec. 103, page 5, by inserting between lines 15 and 16 (5) Buildings owned by the Federal Government.

Amend Sec. 103, page 5, line 21, by inserting after "Act," " all units subject to the act of May 11, 1972 (P. L. 281, No. 69), known as the "Uniform Standards Code for Mobile Homes,"

Amend Sec. 103, page 6, by inserting between lines 7 and 8 "Municipality." A city, borough, incorporated town or township.

Amend Sec. 103, page 6, line 17, by striking out "addition" and inserting portion of the building being renovated

Amend Bill, page 6, by inserting between lines 19 and 20

SUBCHAPTER A
GENERAL PROVISIONS

Amend Bill, page 6, line 27, by striking out "A" and inserting B

Amend Sec. 202, page 6, line 30, by striking out all of said line and inserting

(a) Plans.—Plans, specifications, computations where necessary, and any changes

Amend Sec. 202, page 7, line 3, by removing the period after "act" and inserting , except as provided in subsections (b) and (c).

(b) Standard design.—Whenever a person is constructing a building in accordance with plans, specifications and computations which he has submitted within the previous two years in connection with the construction of some other building, such plans need not be resubmitted but such person shall indicate the same upon the certificate required by section 305 together with an appropriate identification of the previously submitted plans, specifications and computations.

(c) Prescriptive standards.—When the prescriptive standards provided in the Energy Conservation Manual established by section 303 are employed in the construction of a building only such information as shall be required by the department shall be submitted.

Amend Sec. 203, page 7, line 5, by inserting after "speci-

fications", where required,

Amend Bill, page 7, line 13, by striking out "B" and inserting

C Amend Bill, page 12, line 2, by striking out "C" and inserting

D Amend Bill, page 19, line 21, by striking out "D" and inserting

E Amend Bill, page 32, line 3, by striking out "E" and inserting

F Amend Bill, page 34, line 3, by striking out "F" and inserting

G Amend Bill, page 35, line 2, by striking out "G" and inserting

H Amend Sec. 234, page 37, line 9, by striking out "shows" and inserting shown

I Amend Bill, page 41, line 9, by striking out "H" and inserting

Amend Sec. 303, page 43, line 8, by striking out "and" where it appears the first time

Amend Sec. 303, page 43, line 9, by removing the period after "buildings" and inserting , and municipalities of the Commonwealth.

Amend Sec. 303, page 43, line 10, by inserting after "practices." The manual shall further contain prescriptive standards which, if complied with, will result in conformance with the performance standards contained herein or as promulgated by the department and shall be written in such manner as to be easily understood by persons possessing a minimal technical background.

Amend Sec. 303, page 43, by inserting between lines 16 and 17

(c) Educational programs.—The department shall provide seminars and other educational programs throughout the Commonwealth to provide information and counseling to builders, architects, other licensed design professionals, local building officials and other persons affected by this act on the standards contained herein or as promulgated by the department.

Amend Sec. 304, page 44, by inserting between lines 15 and 16 (20) Consulting Engineers Council of Pennsylvania.

Amend Sec. 304, page 44, line 16, by striking out "(20)" and inserting (21)

Amend Sec. 305, page 45, line 19, by inserting after "designee", where any of such are retained during the construction of a building.

Amend Sec. 305, page 45, line 29, by removing the comma after "design" and inserting and

Amend Sec. 305, page 45, line 29, by striking out "or renovation"

Amend Sec. 306, page 46, lines 19 and 20, by striking out "or renovated"

Amend Sec. 308, page 46, line 22, by inserting after "building" for the purposes of this act

Amend Sec. 308, page 46, line 22, by removing the period after "therewith," and inserting : Provided, however, That if a municipality elects to administer the provisions of this act under Chapter 5 such notice and certification shall be submitted to the municipality.

Amend Sec. 308, page 46, lines 23 to 25, by striking out all of lines 23 and 24 and "owner." in line 25

Amend Sec. 308, page 46, line 28, by inserting after "of" such

Amend Sec. 308, page 46, lines 28 to 30; page 47, lines 1 to 6, by striking out "Provided," in line 28, all of lines 29 and 30, page 46; all of lines 1 through 5 and "receipt by the owner", line 6, page 47, and inserting Where submission of the certification has been to the department presentation to the building official of the mailing receipt together with a copy of the certification required by section 305 shall establish proof of compliance for the purposes of this section. Upon such presentation any building official of the Commonwealth or any of its political subdivisions shall issue a permit for use or occupancy

Amend Sec. 309, page 47, line 10, by striking out all of said line and inserting give the notice and

Amend Sec. 309, page 47, line 11, by inserting after "certification" in accordance with section 308

Amend Sec. 309, page 47, line 13, by striking out "political subdivision" and inserting municipality

Amend Sec. 310, page 47, line 18, by striking out "or renovation"

Amend Sec. 310, page 47, line 19, by striking out "or renovated"

Amend Sec. 313, page 48, lines 29 and 30, by striking out "except buildings owned by the Federal Government,

Amend Bill, page 49, by inserting between lines 12 and 13 Section 314. Civil action.

The owner of any building at the time of its design, construction or renovation under the provisions of this act who is aggrieved as the result of such building not being properly designed, constructed or renovated in conformance with this act shall have a right of action against any person submitting the certificate required by section 305 or any builder, architect or other licensed design professional employed in the design, construction or renovation of the building if such certificate was not submitted. No such action shall be maintained unless brought within three years from the date of completion of the building.

Amend Bill, page 50, by inserting between lines 11 and 12

CHAPTER 5 LOCAL ELECTION

Section 501. Election; Use Group R-3.

Any municipality of this Commonwealth may elect to administer the provisions of this act relating to Use Group R-3 buildings, as defined in section 103, except for units subject to the act of May 11, 1972 (P. L. 286, No. 70), known as the "Industrialized Housing Act" and the act of May 11, 1972 (P. L. 281, No. 69), known as the "Uniform Standards Code for Mobile Homes." Such election shall be made by resolution of the governing body of such municipality which shall be in substantially the following form:

The (city, borough, town, or township) of _____ hereby elects to administer the provisions of the act of _____, 1978, No. _____ known as the "Building Energy Conservation Act" for Use Group R-3 buildings as defined therein.

Section 502. Election: cities of the first, second and second class A.

Any city of the first class, second class and second class A may elect to administer the provisions of this act for all buildings subject hereto, except for units subject to the act of May 11, 1972 (P. L. 286, No. 70), known as the "Industrialized Housing Act" and the act of May 11, 1972 (P. L. 281, No. 69), known as the "Uniform Standards Code for Mobile Homes." Such election shall be made by resolution of the governing body of such city which shall be in substantially the following form:

The city of _____ hereby elects to administer the provisions of the act of _____, 1978, No. _____ known as the "Building Energy Conservation Act."

Section 503. Powers of municipalities.

Any municipality electing to administer the provisions of this act under section 501 or 502 shall exercise the same powers conferred upon the department by this act, including the power to institute proceedings for violations of the act, with the exception of those powers specified in sections 301, 303 and in Chapter 4. In addition, any such municipality may exercise such other administrative and enforcement procedures as it shall deem necessary to effect the purposes of this act including, but not limited to, prior plan approval, building permit requirements, use or occupancy permit requirements and inspections during the course of construction.

Section 504. Variances.

Any municipality electing to administer the provisions of this act under section 501 or 502 shall establish a Board on variances to make determinations on request for variance from the energy conservation standards contained herein or as promulgated by the department with the approval of the Building Energy Conservation Committee, and is authorized exclusive jurisdiction to grant such variances, section 306(a) notwithstanding. A variance shall only be granted if the criteria of section 306(b) have been satisfied.

Section 505. Disposition of fines.

Any fines collected under this act by any municipality electing to administer the provisions of this act under section 501 or

502 shall be retained by the municipality, section 312(c) notwithstanding.

Amend Sec. 402., page 50, line 12, by striking out "402." and inserting 506.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, it is my intention today not to consider HB 552 but to have the bill amended for the purpose of being reprinted so that when we come back in 2 weeks, it will be in a position for further amendment if necessary and for final passage.

The reason I do this is that this bill has been a very controversial bill, and a lot of the controversy has been generated because of misstatements and ignorance pertaining to what is incorporated in the bill. For this purpose it is my opinion that it would be well advised to incorporate these amendments at this time and have the bill reprinted since the amendments are quite lengthy and extensive.

I would like to point out, with respect to these amendments, that the amendments I am offering today are the result of negotiations and discussions with two principal groups that impact on the legislation; namely, the elements of local government and the Pennsylvania Builders Association. While the Pennsylvania Local Government Conference now will accept the bill with the amendments I will offer today, we do still have some problems with the Pennsylvania Builders Association in trying to seek their support for the measure.

I would like to read into the record a letter I received from the Pennsylvania Local Government Conference concerning the bill and the amendments that I am going to offer today.

Dear Representative Itkin:

Please be advised that the Local Government Conference reviewed the several amendments to House Bill 552 and are in complete accord with the amendments. The only request made by the Conference was for an additional amendment to the bill providing representation from the five local government organizations—counties, cities, boroughs and townships of the first and second class.

With these amendments to House Bill 552, the Local Government removes its objections as previously stated in our blue sheet to the House of Representatives.

I do this because one of the major concerns made to me from members was the concern registered by the Local Government Conference. I also point out that I shall today offer additional sets of amendments to add to the bill the additional amendments requested from the Local Government Conference.

One minor correction, however, must be noted, and this was dealt with in a telephone conversation with Mr. Godwin, who serves as chairman of the Pennsylvania Local Government Conference, that the need for counties to be represented on the Building Energy Conservation Committee is not necessary. He concurs in that, and that change to the bill will not be made at this time.

The amendments that I have offered for your consideration today are amendments entitled A4058. In addition to these

amendments, there will be two other sets of amendments that I will offer. Very briefly, therefore, I would like to describe to you the contents of amendment A4058 which you are now considering. First off, there are a number of technical amendments that just reletter chapters and renumber sections and clarify certain language.

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Wright, rise?

Mr. J. L. WRIGHT. Mr. Speaker, would you inform Mr. Itkin that we do not have amendment A4058 on our desks?

The SPEAKER. A4058. Do you have that?

Mr. J. L. WRIGHT. No, sir.

The SPEAKER. How many members do not have it? It has been circulated. Will the Chief Clerk see to it that the pages take copies of amendment A4058 back to those members who indicate they do not have copies?

The Chair apologizes. The Chair thought all the copies had been distributed.

The gentleman, Mr. Itkin, may continue.

Mr. ITKIN. Mr. Speaker, I would like to point out that these amendments are our present opinion as to improvements in the legislation and would not necessarily be considered as the final product to be considered by this House.

The second part of the amendments, besides the technical amendments, would include certain changes in the prescriptive standards which are outlined in the bill. Basically what the bill will now state is that these prescriptive standards must be written in a very simplified manner. The step-by-step instructions must be provided so that a person can understand the prescriptive standards even though he may only have a minimal technical background. This is in fact to aid those builders who may possess a limited technical knowledge on the use of performance standards.

The second thing, I think it is very important to understand that some of the people who may have to conform to the act may not be knowledgeable in these standards, and, therefore, we go to an extensive part of the bill which deals with educational programs. We are amending that area to require that educational programs be conducted throughout the Commonwealth for builders, architects, other licensed design professionals, local building officials, and others affected by the bill, to familiarize them with the standards. The provision is aimed at developing an awareness, an understanding of the code, among those who will be using it and administering it.

Point number four is plan submission. Provision is made to lessen the plan submission requirements of the bill. If a standard design is being followed, plans need not be submitted if the same have been submitted within the previous 2 years. If the prescriptive standards in the energy conservation manual are used, the builder would only have to submit what the department required.

Five—and this is a major feature that the local government was concerned about—is the local permit procedure, and also the builders were very much concerned about this. These amendments would totally remove any possible delay in obtaining a local use or occupancy permit by allowing issuance of such a permit simply upon presentation by the owner of a copy of

the certification he has sent to the state and a mailing receipt showing he has mailed it.

The present provisions in the bill may have resulted in a 10-day delay between the mailing of the certification and obtaining a local use or occupancy permit. Further, the amendments would permit the certification to be sent to the state when the building is completed for energy conservation purposes rather than when the building is totally completed.

Six, certification requirement. The amendments would require that an architect certify compliance of construction only if he is retained in both the design and construction of the building.

The bill's present wording could be read to require an architect to certify compliance through the construction phase even if he was only initially retained for the design phase. The amendatory language will make it clear that an architect's certification of compliance in construction is not required if he is only retained for the design phase. Thus, the bill would not require the retention of an architect during construction.

I just have two other points to make, and I will be very brief since I think these were discussed in the caucus. A civil action section will be added for the right of a person to sue in the case of a homeowner, for example, who moves into a home and it was not designed properly. And eight, as I have discussed before, is local option permitting local municipalities to be granted the power to enforce the act.

With this, Mr. Speaker, I would hope that the members of the House would approve these amendments.

Thank you.

The SPEAKER. The Chair recognizes, on the Itkin amendment, the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, Mr. Itkin, in his comments regarding HB 552, was accurate in many respects. He was accurate in that there has been a tremendous amount of energy put forth to get an energy conservation measure for this Commonwealth. I applaud Mr. Itkin in his efforts and say to the members of this House that I will work with him. But, Mr. Speaker, HB 552, even with the Itkin amendments in it, is not a final product.

What I am asking the members of this House today to do is to accept the Itkin amendments so that we might have this period of 2 weeks that this House is going to be in recess to allow Mr. Itkin to get back to his local government people and to allow myself and others to get to the Pennsylvania Builders Association with additional amendments. Those amendments will be offered by me when we return the week of April 3 or whenever HB 552 is called up for further action.

As I indicated, Mr. Speaker, Ivan has put a tremendous amount of effort into this. I applaud him for it. Still, we must remember that the total effort must satisfy, insofar as possible, a majority of this House and a majority of the people of the Commonwealth of Pennsylvania. Therefore, Mr. Speaker, I ask that the members of this House now support the Ivan Itkin amendments, keeping in mind that further amendments will be offered when this House returns to session.

Thank you.

The SPEAKER. On the Itkin amendments, the Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Would Mr. Itkin consent to brief interrogation, please?

Mr. ITKIN. Yes, Mr. Speaker.

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

Mr. DININNI. You have a far-reaching amendment here, and it is difficult for a lot of us to completely tie it in with the bill itself. But one of your features was the educational program. Are there any educational programs designed for the individual who purchases a home plan out of a magazine where there is no architect or builder involved and where they are going to construct their own home?

Mr. ITKIN. The educational section indicates that the department would be required to conduct educational programs throughout the state for builders, architects, licensed design professionals, local building officials, and others affected by the bill. So the catch-all phrase is, yes, those persons who have a need to get this type of educational support will be able to do so.

Mr. DININNI. Do you do anything in this amendment for John Doe on the street? Ninety percent of them do not retain an architect for homebuilding. Do you have any provisions in this amendment that would protect that individual? Must they go to an architect? Most of them just buy a plan out of a magazine and take that plan to a builder.

Mr. ITKIN. No, Mr. Speaker. In fact, we have gone to extreme lengths to design an energy conservation bill which could be used by anybody who has constructed buildings in the Commonwealth, the most complex buildings, to the most simplistic type of individual who might build a building for himself.

The bill contains performance standards. However, the bill goes so far as to require that the department shall prepare an energy conservation manual which will be written in such form that a person with minimal technical knowledge can understand the contents of the manual.

In addition, we have included in the bill that the department must provide prescriptive standards or recipes that a person with a minimal technical background can follow in the construction of a home or any other facility, that if he followed such recipe or prescription, he would meet the energy conservation code as set forth in the bill. I think that with those particular amendments in it, we would be in a position to accommodate almost everybody in the Commonwealth who wants to learn how to build an energy-conserving home or any other structure.

Mr. DININNI. I am through with interrogation. I would just like to make a brief statement.

HB 552 AND AMENDMENTS TABLED

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

Mr. DININNI. I do not want to wander off into the bill itself, but I think Mr. Bennett expressed it very well. It is a far-reaching amendment, and so are the other two that he has to offer. I personally feel that the bill is a bad bill, certainly not working

in behalf of the consumer. I do not even understand the bill or the amendments at this point completely, and I have been in the homebuilding business for 30 years, and he is trying to tell us here in this House that John Doe is going to understand it on the simplified form that the Department of Labor and Industry is going to put out. I disagree, and I think it is so far reaching that I would like to see the amendments and the bill laid on the table, like Mr. Bennett said, to give us the 2-week period so that I could prepare some other amendments, too, or make a final decision as to whether just to fight and kill the bill. I so move.

The SPEAKER. It has been moved by the gentleman, Mr. Dininni, that HB 552, together with the Itkin amendment, be placed upon the table.

The Chair recognizes, strictly on the motion itself, the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I would oppose at this time the motion to table for the following reasons: As I and Mr. Bennett have stated, it is our intention not to move the bill until such time that people have an ample opportunity to provide the amendments. We indicated that this House will be recessing today for a period of at least 2 weeks, and then the earliest time that this bill could be considered would be on April 3 when we return, and it probably would not be considered until the end of that week if we chose to consider it the first week we return. As a consequence, what I would prefer to do is, since these amendments do considerably alter the language in the bill, to have the amendments adopted today so that the bill may be reprinted in order that people can have a common reference point. The unfortunate thing, if we do not provide for reprinting at this time, is that then people will be using a prior printer's version as the basis of their concerns and their comments, which I do not think would be appropriate and I think would just cause mass confusion.

So, Mr. Speaker, I would hope that you might withdraw your motion. You have my commitment and you have Representative Bennett's commitment not to move the bill until we return in any event, and Mr. Bennett has indicated that he would even, on his own initiative, wish to offer amendments at that time. So I would like to have the bill reprinted so that we can get these copies out, and then everyone can use that printer's number as a basis for drafting new amendments, if they see fit.

The SPEAKER. The Chair erred in permitting the gentleman, Mr. Itkin, even debating a motion to table. The Chair checked the rules, and the Chair is in error and apologizes. The motion to table is not debatable. It can only be placed, and unless the gentleman, Mr. Dininni, is going to withdraw the motion, he may not speak to it.

Mr. DININNI. No. The only thing I wanted to say is I would be willing to withdraw it if he will accept the motion to recommit it, and let him insert his amendments and then we will look at it. I cannot see going to the extra cost of reprinting when we do not understand what you are trying to do.

The SPEAKER. The gentleman, Mr. Dininni, has moved to table HB 552, PN 2503, together with the Itkin amendments. Those in favor of the motion will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—104

| | | | |
|-------------|----------------|-------------|------------|
| Anderson | Giammarco | McGinnis | Scirica |
| Armstrong | Goebel | Mebus | Seltzer |
| Bittle | Greenleaf | Meluskey | Shupnik |
| Brandt | Grieco | Miller | Sirianni |
| Brown | Hamilton | Moehlmann | Smith, E. |
| Burd | Hasay | Mowery | Spitz |
| Caltagirone | Haskell | Mrkonic | Stairs |
| Cessar | Hayes, D. S. | Musto | Stewart |
| Cimini | Hayes, S. E. | Noye | Stuban |
| Cowell | Helfrick | O'Brien, D. | Taddonio |
| Davies | Honaman | O'Connell | Taylor, E. |
| DeVerter | Hutchinson, W. | Pancoast | Taylor, F. |
| Dietz | Johnson | Parker | Tenaglio |
| Dininni | Jones | Peterson | Thomas |
| Dorr | Katz | Piccola | Vroon |
| Englehart | Klingaman | Pitts | Wagner |
| Flaherty | Knepper | Polite | Wargo |
| Foster, A. | Kowalshyn | Pott | Wenger |
| Foster, W. | Lehr | Pyles | White |
| Freind | Levi | Reed | Wilt |
| Fryer | Logue | Renwick | Wise |
| Gallen | Lynch | Ritter | Yahner |
| Gatski | Mackowski | Ruggiero | Zearfoss |
| Geesey | Madigan | Ryan | Zeller |
| Geisler | Manmiller | Salvatore | Zord |
| George, C. | McClatchy | Scheaffer | Zwilk |

NAYS—85

| | | | |
|------------|----------------|---------------|---------------|
| Abraham | Fischer, R. R. | Livengood | Scanlon |
| Arthurs | Fisher, D. M. | Manderino | Schmitt |
| Bellomini | Gallagher | McCall | Schweder |
| Bennett | Gamble | McIntyre | Shuman |
| Berlin | Garzia | McLane | Smith, L. |
| Bittinger | George, M. | Milanovich | Spencer |
| Borski | Gillette | Milliron | Stapleton |
| Brunner | Gleeson | Miscevich | Sweet |
| Burns | Goodman | Mullen, M. P. | Trello |
| Caputo | Gray | Novak | Valicenti |
| Cassidy | Greenfield | O'Brien, B. | Wansacz |
| Cianciulli | Halverson | O'Donnell | Wass |
| Cohen | Hoeffel | O'Keefe | Weidner |
| Cole | Hutchinson, A. | Oliver | Wiggins |
| DeMedio | Itkin | Petrarca | Wilson |
| DeWeese | Kelly | Pievsky | Wright, D. |
| DiCarlo | Kernick | Pratt | Wright, J. L. |
| Dombrowski | Kolter | Prendergast | Zitterman |
| Donatucci | Kukovich | Rappaport | |
| Doyle | Laughlin | Ravenstahl | Irvis, |
| Duffy | Levin | Richardson | Speaker |
| Fee | Lincoln | Rieger | |

NOT VOTING—12

| | | | |
|--------|---------|-----------|----------|
| Barber | Dumas | Letterman | Shelton |
| Beloff | Harper | Morris | Williams |
| Berson | Hopkins | Rhodes | Yohn |

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

AMENDMENT BEING DRAFTED

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

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

For the purpose of informing Mr. Itkin and members of the House, Representative Davies has an amendment which is being drafted and will be circulated, and I think Mr. Itkin will be interested in knowing that it is a comprehensive amendment and should be considered before we return on April 3.

The House proceeded to third consideration of **HB 1742, PN 2118**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

Mr. GOODMAN moved that HB 1742 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

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

| | | | |
|------------|-----------|------------|---------|
| Foster, W. | Lincoln | Rhodes | Zord |
| Freind | Livengood | Richardson | Zwinkl |
| Fryer | Logue | Rieger | |
| Gallagher | Lynch | Ritter | Irvis, |
| Gallen | Mackowski | Ruggiero | Speaker |
| Gamble | Madigan | Ryan | |

NAYS—0

NOT VOTING—12

| | | | |
|---------|----------------|-----------|----------|
| Arthurs | Dumas | Morris | Williams |
| Barber | Harper | Salvatore | Wise |
| Beloff | Hutchinson, W. | Shelton | Yohn |

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **HB 1838, PN 2243**, entitled:

An Act amending the "Motor Vehicle Sales Finance Act" approved June 28, 1947 (P. L. 1110, No. 476), further providing for the rate of finance charge for mobile homes.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Title, page 1, line 20, by removing the period after "mobile homes" and inserting and the rights and duties of buyers and persons financing installment sales of mobile homes.

Amend Sec. 1, page 1, line 23, by striking out "(d)" and inserting A.

Amend Bill, page 3, by inserting between lines 8 and 9

Section 2. Section 23 of the act is amended by adding a subsection to read:

Section 23. Repossession.—

G 1. Before any holder may accelerate the maturity of any installment sale contract for a mobile home, commence any legal action to recover under such obligation, or take possession of any security of the installment buyer for such contract, such person shall give the installment buyer notice of such intention at least thirty (30) days in advance as provided in this subsection. Notice of intention to take action as specified in this subsection shall be in writing, and sent to the installment buyer by registered or certified mail at the address where the mobile home is located. The written notice shall clearly and conspicuously state:

(a) the particular obligation or security interest;

(b) the nature of the default claimed;

(c) the right of the installment buyer to cure the default as provided in this subsection and exactly what performance including what sum of money, if any, must be tendered to cure the default;

(d) that the installment buyer may cure the default at any time before title to the mobile home is lawfully transferred from the installment buyer which shall be at least forty-five (45) days after receipt of the notice; and

(e) the method or methods by which the installment buyer's ownership or possession of the mobile home may be terminated.

2. The notice of intention to accelerate, commence legal ac-

tion or repossess provided in this subsection shall not be required where the installment buyer has abandoned or voluntarily surrendered the property which is the subject of the mobile home installment sale.

3. Notwithstanding the provisions of any other law, after a notice of intention to accelerate, commence legal action or repossess has been given pursuant to paragraph (1), at any time before title to the mobile home is lawfully transferred from the installment buyer for default upon a mobile home installment sales contract, the installment buyer or any one in his behalf, not more than three (3) times in any calendar year, may cure his default and prevent sale or other disposition of the mobile home and avoid acceleration, if any, by tendering the amount or performance specified in this paragraph.

To cure a default under this subsection, an installment buyer shall:

(a) Pay or tender in the form of cash, cashier's check or certified check, all sums which would have been due at the time of payment or tender in the absence of default and the exercise of an acceleration clause, if any.

(b) Perform any other obligation which he would have been bound to perform in the absence of default or the exercise of an acceleration clause, if any.

(c) Pay or tender any reasonable fees allowed under paragraph (6) and the reasonable costs of proceeding to commence legal action as specified in writing by the holder actually incurred to the date of payment.

(d) Pay any reasonable late penalty, if provided for in the security document.

(e) Pay the costs which are reasonable and actually incurred by the holder for detaching and transporting the mobile home to the site of the sale.

4. Cure of a default in the payment of a mobile home contract pursuant to this subsection restores the installment buyer to the same position as if the default had not occurred.

5. Mobile home installment contracts contracted for on or after the effective date of this amendatory act may be prepaid without any penalty or other charge for such prepayment at any time before the end of the period of the loan.

6. With regard to mobile home installment contracts, no holder shall contract for or receive attorneys' fees from an installment buyer except as follows:

(a) Upon commencement of legal action with respect to a mobile home installment contract, attorneys' fees which are reasonable and actually incurred by the holder may be charged to the installment buyer.

(b) Prior to commencement of legal action attorney's fees which are reasonable and actually incurred not in excess of fifty dollars (\$50) provided that no attorneys' fees may be charged for legal expenses incurred prior to the thirty-day notice provided in paragraph (1).

7. Notwithstanding any other law, the provisions of this subsection may not be waived by any oral or written agreement executed by any person.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, HB 1838 is an attempt to recognize the difference in the financing of mobile homes and motor vehicles. The sponsors indicate—and I think with some justification—that in order to attract money into the market for mobile homes, a different set of rules must govern financing.

I will not speak to the bill further than that, but my amendments seek to place into this bill some protections for the owners of mobile homes. The home market today for those homes under \$30,000, 70 percent of them are mobile homes or the double-wide trailer types, so a good percentage of the citizens of this Commonwealth are buying and living in these homes.

In 1974 the General Assembly passed Act 6, which provided homeowners with the conventional home and conventional financing with legislation that was protective to them in mortgage foreclosure proceedings. The underlying premise of that legislation was that taking a person's home causes a much greater hardship on the owner than repossessing his personal property, and, therefore, we tightened the foreclosure procedures for homes and deemed through that legislation in Act 6 that the more protective law than the general law of execution should apply in the execution on one's personal residence.

When a mobile home is repossessed, the mobile-home owner suffers an even more immediate hardship than the homeowner of a conventional home would, because simply after default his home is hauled away as a piece of personal property. We are attempting by this amendment to give some of the safeguards that we gave to conventional-home buyers in Act 6 in 1974, those same protections, or similar protections, to the mobile-home owner. He must be simply given notice before a creditor can repossess, accelerate, or start any legal action regarding the mobile home. A simple notice procedure is provided.

A second feature that we have here is that a buyer of a mobile home can cure a default anytime up to the time that the home is resold through the repossession procedures. Presently that is not the law. Presently, once the default takes place and possession is taken, the buyer may never be able to retrieve his home, even though he is able to cure in full his default. We are giving him that added measure of protection.

The bill also addresses itself to the penalties for prepayment on the loan and prohibits penalties for prepayments. And there is a general provision regarding legal fees and the amount of legal fees that can be charged. They must be reasonable. And at certain steps in the repossession procedure, there is a limitation on the legal fees that can be tacked onto the amount that the buyer must pay in order to cure a default. There is a further procedure that the provisions that we are attaching here cannot be waived by the mobile-home buyer.

With the great number of persons who reside in, as their permanent residence, these types of mobile homes and modular constructions, I think that we should afford these protections as we have to the buyers of conventional homes. Those special interest groups who are interested in the main bill have been

conferred with on these amendments, and it is my understanding they accept these amendments to the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett, on the Manderino amendment.

Mr. BENNETT. Mr. Speaker, as a sponsor of HB 1838, I think we have a very good piece of legislation. I believe the majority leader's amendments make it a little bit better, and I would ask everyone to support the amendments and vote for final passage of the bill.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, on the Manderino amendment.

Mr. WASS. May I interrogate Mr. Manderino, please?

The SPEAKER. The majority leader indicates he will stand for interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, when a finance institution would repossess a home—in this case, a mobile home—there is a great expense to moving the mobile home off the lot, and if the buyer gets the money before it is sold, your amendment says that he can go and buy it back.

Mr. MANDERINO. He must pay those removal costs.

Mr. WASS. He must pay the removal costs?

Mr. MANDERINO. Yes.

Mr. WASS. On and off?

Mr. MANDERINO. Yes.

Mr. WASS. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

| | | | |
|---------------|-----------|-------------|---------------|
| Dininni | Kelly | Pievsky | Wenger |
| Dombrowski | Kernick | Pitts | White |
| Donatucci | Klingaman | Polite | Wiggins |
| Doyle | Knepper | Pott | Wilson |
| Duffy | Kolter | Pratt | Wilt |
| Dumas | Kowalshyn | Prendergast | Wise |
| Englehart | Kukovich | Pyles | Wright, D. |
| Fee | Laughlin | Rappaport | Wright, J. L. |
| Fisher, D. M. | Lehr | Ravenstahl | Yahner |
| Flaherty | Letterman | Reed | Zearfoss |
| Foster, A. | Levi | Renwick | Zeller |
| Foster, W. | Levin | Rhodes | Zitterman |
| Freind | Lincoln | Richardson | Zord |
| Fryer | Livengood | Rieger | Zwinkl |
| Gallagher | Logue | Ritter | |
| Gallen | Lynch | Ruggiero | Irvis, |
| Gamble | Mackowski | Ryan | Speaker |
| Garzia | Madigan | Salvatore | |

NAYS—5

| | | | |
|----------|----------------|--------------|-------|
| DeVerter | Fischer, R. R. | Hayes, S. E. | Vroon |
| Dorr | | | |

NOT VOTING—7

| | | | |
|------------|-------------|----------|------|
| Arthurs | Morris | Shelton | Yohn |
| Cianciulli | O'Brien, D. | Williams | |

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 yeas and nays will now be taken.

YEAS—193

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

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

NAYS—3

| | | |
|-----------|-------|---------|
| Halverson | Hasay | Kernick |
|-----------|-------|---------|

NOT VOTING—5

| | | | |
|---------|----------|---------|------|
| Arthurs | Petrarca | Shelton | Yohn |
| Dumas | | | |

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 1839, PN 2244**, entitled:

An Act amending the "Motor Vehicle Sales Finance Act" approved June 28, 1947 (P. L. 1110, No. 476), providing for the payment of obligations under certain circumstances.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. The 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 yeas and nays will now be taken.

YEAS—194

| | | | |
|-----------|------------|-----------|-----------|
| Abraham | Gamble | Mackowski | Salvatore |
| Anderson | Garzia | Madigan | Scanlon |
| Armstrong | Gatski | Manderino | Scheaffer |
| Arthurs | Geesey | Manmiller | Schmitt |
| Bellomini | Geisler | McCall | Schweder |
| Beloff | George, C. | McClatchy | Scirica |
| Bennett | George, M. | McGinnis | Seltzer |
| Berlin | Giammarco | McIntyre | Shuman |
| Berson | Gillette | McLane | Shupnik |
| Bittinger | Gleeson | Mebus | Sirianni |

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

NAYS—0

NOT VOTING—7

| | | | |
|--------|--------|----------|------|
| Barber | Morris | Shelton | Yohn |
| Dumas | 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 **HB 1802, PN 2690**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. STEWART offered the following amendments:

Amend Sec. 1 (Sec. 7), page 4, line 3, by striking out all of said line and inserting Upper Yoder Township, Cambria County and Conemaugh Township, Somerset County

Amend Sec. 1 (Sec. 7), page 4, line 16, by removing the comma after "Johnstown" and inserting and Dale Borough,

Amend Sec. 1 (Sec. 7), page 4, line 22, by removing the comma after "Conemaugh" and inserting and East Taylor Township,

Amend Sec. 1 (Sec. 7), page 4, line 27, by inserting after "Glo" Borough,

Amend Sec. 1 (Sec. 7), page 5, line 1, by inserting before "Croyle" Adams Township and

Amend Sec. 1 (Sec. 7), page 6, line 20, by inserting after "City" and Center Township,

On the question,

Will the House agree to the amendments?

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

Mr. STEWART. Mr. Speaker, the amendments are editorial in nature, further identifying sections of townships that the projects are located in.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

| | | | |
|----------------|-----------|------------|-----------|
| Fischer, R. R. | Lehr | Ravenstahl | Yahner |
| Fisher, D. M. | Letterman | Reed | Zearfoss |
| Flaherty | Levi | Renwick | Zeller |
| Foster, A. | Levin | Richardson | Zitterman |
| Foster, W. | Lincoln | Rieger | Zord |
| Freind | Livengood | Ritter | Zwikl |
| Fryer | Logue | Ruggiero | |
| Gallagher | Lynch | Ryan | Irvis, |
| Gallen | Mackowski | Salvatore | Speaker |
| Gamble | Madigan | | |

NAYS—0

NOT VOTING—9

| | | | |
|---------|--------|---------|----------|
| Arthurs | Itkin | Rhodes | Williams |
| Barber | Morris | Shelton | Yohn |
| Dumas | | | |

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 yeas and nays will now be taken.

YEAS—193

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

| | | | |
|----------------|------------|-------------|---------------|
| Dumas | Kolter | Pratt | Wright, D. |
| Englehart | Kowalyshyn | Prendergast | Wright, J. L. |
| Fee | Kukovich | Pyles | Yahner |
| Fischer, R. R. | Laughlin | Rappaport | Zearfoss |
| Fisher, D. M. | Lehr | Ravenstahl | Zeller |
| Flaherty | Letterman | Reed | Zitterman |
| Foster, A. | Levi | Renwick | Zord |
| Foster, W. | Levin | Richardson | Zwinkl |
| Freind | Lincoln | Rieger | |
| Fryer | Livengood | Ritter | Irvis, |
| Gallagher | Logue | Ruggiero | Speaker |
| Gallen | Lynch | Ryan | |

NAYS—0

NOT VOTING—8

| | | | |
|---------|--------|-----------|----------|
| Arthurs | Morris | Scheaffer | Williams |
| Barber | Rhodes | Shelton | Yohn |

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

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

The House proceeded to third consideration of **HB 1968, PN 2432**, entitled:

An Act authorizing the Governor to allocate funds necessary to provide for the repair or replacement of volunteer fire company ambulance association and rescue squad equipment and facilities damaged or destroyed in the Great Flood of July 1977.

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 yeas and nays will now be taken.

YEAS—191

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

| | | | |
|----------------|----------------|-------------|---------------|
| Cowell | Honaman | O'Donnell | Valicenti |
| Davies | Hopkins | O'Keefe | Vroon |
| DeMedio | Hutchinson, A. | 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 |
| Duffy | Kolter | Pott | Wilt |
| Dumas | Kowalyshyn | Pratt | Wise |
| Englehart | Kukovich | Prendergast | Wright, D. |
| Fee | Laughlin | Pyles | Wright, J. L. |
| Fischer, R. R. | Lehr | Rappaport | Yahner |
| Fisher, D. M. | Letterman | Ravenstahl | Zearfoss |
| Flaherty | Levi | Reed | Zeller |
| Foster, A. | Levin | Renwick | Zitterman |
| Foster, W. | Lincoln | Richardson | Zord |
| Freind | Livengood | Rieger | Zwinkl |
| Fryer | Logue | Ritter | |
| Gallagher | Lynch | Ruggiero | Irvis, |
| Gallen | Mackowski | Ryan | Speaker |
| Gamble | | | |

NAYS—0

NOT VOTING—10

| | | | |
|---------|----------------|-----------|----------|
| Arthurs | Hutchinson, W. | Shelton | Williams |
| Barber | Morris | Stapleton | Yohn |
| Doyle | Rhodes | | |

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I was locked out of the vote on HB 1968. I would like to be recorded in the affirmative, please.

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

The House proceeded to third consideration of **HB 2036, PN 2548**, entitled:

An Act amending the act of July 6, 1961 (P. L. 515, No. 265), entitled as amended "An act authorizing the Governor to provide for disaster and emergency relief under certain circumstances; ***" changing certain amounts that may be transferred for disaster or emergency purposes.

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 yeas and nays will now be taken.

YEAS—195

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

NAYS—0

NOT VOTING—6

| | | | |
|---------|---------|----------|------|
| Arthurs | Rhodes | Williams | Yohn |
| Morris | Shelton | | |

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

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

HB 552 TAKEN FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for purposes of placing a motion.

Mr. ITKIN. Mr. Speaker, I move that HB 552 be taken from the table and recommitted to the Mines and Energy Management Committee.

The SPEAKER. It is moved by the gentleman, Mr. Itkin, that HB 552 be taken from the table and the amendment attached thereto be taken from the table and be recommitted to the Committee on Mines and Energy Management.

The motion is not debatable.

PARLIAMENTARY INQUIRY

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

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, it is my understanding that when a bill with an amendment attached is taken from the table and sent back to committee, that amendment that was placed in that bill by this House cannot be removed by that committee. Is that correct, Mr. Speaker?

The SPEAKER. That would be correct, but there was no amendment placed in the bill. They are two separate documents in this case, Mr. Seltzer, but you are correct from the parliamentary point of view. But the amendment was not placed in the bill, so all the committee would get would be the two separate documents, the bill itself and the suggested amendments.

This is not debatable. Does the gentleman, Mr. Ritter, have a question?

PARLIAMENTARY INQUIRY

Mr. RITTER. Yes, Mr. Speaker. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. When you said "suggested amendments," are we talking about only the Itkin amendment or other amendments proposed?

The SPEAKER. Anyone may send any suggested amendment to any committee, and if there are a number of suggested amendments, it would be wise to send them to that committee.

Mr. RITTER. I thank the Chair.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

| | | | |
|-------------|------------|---------------|-----------|
| Abraham | Gamble | Madigan | Salvatore |
| Anderson | Garzia | Manderino | Scanlon |
| Armstrong | Gatski | Manmiller | Scheaffer |
| Bellomini | Geesey | McCall | Schmitt |
| Beloff | Geisler | McClatchy | Schweder |
| Bennett | George, C. | McGinnis | Scirica |
| Berlin | George, M. | McIntyre | Seltzer |
| Berson | Giammarco | McLane | Shuman |
| Bittinger | Gillette | Mebus | Shupnik |
| Bittle | Gleeson | Meluskey | Sirianni |
| Borski | Goebel | Milanovich | Smith, E. |
| Brandt | Goodman | Miller | Smith, L. |
| Brown | Gray | Milliron | Spencer |
| Brunner | Greenfield | Miscevich | Spitz |
| Burd | Greenleaf | Moehlmann | Stairs |
| Burns | Grieco | Mowery | Stapleton |
| Caltagirone | Halverson | Mrkonic | Stewart |
| Caputo | Hamilton | Mullen, M. P. | Stuban |
| Cassidy | Harper | Musto | Sweet |

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

NAYS—0

NOT VOTING—7

| | | | |
|---------|----------------|----------|------|
| Arthurs | Hutchinson, W. | Shelton | Yohn |
| Barber | Morris | Williams | |

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **HB 2043, PN 2693**, entitled:

An Act amending the "Federal Augmentation Appropriation Act of 1977" approved August 24 1977 (No. 12A) changing deleting and adding appropriations to the Executive and Judicial Departments.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments:

Amend Sec. 1 (Sec. 2), page 3, lines 20 through 23 by striking out all of said lines

Amend Sec. 1 (Sec. 2), page 13, line 23 by inserting a bracket before "(18)"

Amend Sec. 1 (Sec. 2), page 13, line 26 by striking out the bracket before "290,000"

Amend Sec. 1 (Sec. 2), page 13, line 27 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 16, lines 4 and 8, by inserting a bracket before "THE" in line 4 and after "DEAF;" in line 8

Amend Sec. 1 (Sec. 2), page 16, lines 10 through 13 by striking out all of said lines

Amend Sec. 1 (Sec. 2), page 24, line 2 by inserting a bracket before "The"

Amend Sec. 1 (Sec. 2), page 24, line 13 by striking out the bracket before "456,000"

Amend Sec. 1 (Sec. 2), page 24, line 14 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 29, line 30; page 30, lines 1 through 3 by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 2), page 30, line 4. by striking out "(12)" and inserting (11)

Amend Sec. 1 (Sec. 2), page 30, line 23 by inserting a bracket before "(12)"

Amend Sec. 1 (Sec. 2), page 30, line 25 by striking out the bracket before "515,000"

Amend Sec. 1 (Sec. 2), page 30, line 26 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 32, line 4 by inserting a bracket before "(9)"

Amend Sec. 1 (Sec. 2), page 32, line 7 by striking out the bracket before "559,000"

Amend Sec. 1 (Sec. 2), page 32, line 8 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 33, line 11 by inserting a bracket before "(5)"

Amend Sec. 1 (Sec. 2), page 33, line 14 by striking out the bracket before "5,633,000"

Amend Sec. 1 (Sec. 2), page 33, line 15 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 34, lines 24 and 28, by inserting a bracket before "The" in line 24 and after "centers;" in line 28

Amend Sec. 1 (Sec. 2), page 34, line 29, by striking out all of said line

Amend Sec. 1 (Sec. 2), page 34, line 30; page 35, lines 1 through 3 by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 2), page 35, line 10 by inserting a bracket before "(3)"

Amend Sec. 1 (Sec. 2), page 35, line 13 by striking out the bracket before "344,000"

Amend Sec. 1 (Sec. 2), page 35, line 14 by striking out all of said line

Amend Sec. 1 (Sec. 2), page 37, line 15 by inserting a bracket before "(2)"

Amend Sec. 1 (Sec. 2), page 37, line 20 by striking out the bracket before "200,000"

Amend Sec. 1 (Sec. 2), page 37, line 21 by striking out all of said line

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. O'DONNELL. Mr. Speaker, I would like to divide the amendment. There are really two amendments contained here.

One amendment is everything beginning on the first line and running to the second page. The second amendment would be the material on page 37. So I would like to separate the amendment into two parts. The last parts amending page 37 would be one amendment, and the rest would be the other amendment.

The SPEAKER. It is the opinion of the Chair that the amendment is divisible at the indicated place.

It is moved by the gentleman, Mr. O'Donnell, that the amendment be divided as he indicated so that the first amendment would be the entire first page. The second amendment would begin at the top of page 2.

Mr. O'DONNELL. No. The second amendment would be only the last three lines, that material which amends page 37 of the bill, just the last 3 lines.

The SPEAKER. The Chair stands corrected. The first amendment then would be all of page 1 and beginning on page 2 with the words "Amend Sec. 1 (Sec. 2), page 34, . . ." and ending with the words ". . . line 14 by striking out all of said line". Is that correct? That would be the first amendment. Is that correct?

Mr. O'DONNELL. Yes, sir.

The SPEAKER. And the second amendment would be the remaining language on page 2?

Mr. O'DONNELL. Yes, sir.

On the question.

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gatski | Madigan | Scanlon |
| Anderson | Geesey | Manderino | Scheaffer |
| Armstrong | Geisler | Manmiller | Schmitt |
| Bellomini | George, C. | McCall | Schweder |
| Beloff | George, M. | McClatchy | Scirica |
| Bennett | Giammarco | McGinnis | Seltzer |
| Berlin | Gillette | McIntyre | Shuman |
| Berson | Gleeson | McLane | Shupnik |
| Bittinger | Goebel | Mebus | Sirianni |
| Bittle | Goodman | Meluskey | Smith, E. |
| Borski | Gray | Milanovich | Smith, L. |
| Brandt | Greenfield | Miller | Spencer |
| Brown | Greenleaf | Milliron | Spitz |
| Brunner | Grieco | Miscevich | Stairs |
| Burd | Halverson | Moehlmann | Stapleton |
| Burns | Hamilton | 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 |
| DeMedio | Hutchinson, A. | O'Keefe | Vroon |
| DeVerte | Hutchinson, W. | Oliver | Wagner |
| DeWeese | Itkin | Pancoast | Wansacz |
| DiCarlo | Johnson | Parker | Wargo |
| Dietz | Jones | Peterson | Wass |
| Dininni | Katz | Petrarca | Weidner |
| Dombrowski | Kelly | Piccola | Wenger |
| Donatucci | Kernick | Pievsky | White |
| Dorr | Klingaman | Pitts | Wiggins |
| Doyle | Knepper | Polite | Wilson |
| Duffy | Kolter | Pott | Wilt |
| Dumas | Kowalshyn | Pratt | Wise |
| Fee | Kukovich | Prendergast | Wright, D. |
| Fischer, R. R. | Laughlin | Pyles | Wright, J. L. |
| Fisher, D. M. | Lehr | Rappaport | Yahner |
| Flaherty | Leterman | Ravenstahl | Zearfoss |
| Foster, A. | Levi | Reed | Zeller |
| Foster, W. | Levin | Renwick | Zitterman |
| Freind | Lincoln | Rhodes | Zord |
| Fryer | Livengood | Richardson | Zwinkl |
| Gallagher | Logue | Rieger | |
| Gamble | Lynch | Ritter | Irvis, |
| Garzia | Mackowski | Ryan | Speaker |

NAYS—0

NOT VOTING—11

| | | | |
|---------|-----------|-----------|----------|
| Arthurs | Englehart | Ruggiero | Williams |
| Barber | Gallen | Salvatore | Yohn |
| Davies | Morris | Shelton | |

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

On the question,

Will the House agree to Part I of the O'Donnell amendments?

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

Mr. O'DONNELL. This amendment is easy to explain. What it does is it deletes all of the CETA — Comprehensive Employment and Training Act — money from this bill.

The CETA money, as you know, is Federally funded through the state, and the main purpose of this money is basically to provide jobs, especially summer jobs. Now I happen to be in favor of that very strongly, but I have some very, very serious questions about the way this money is being administered and the way the jobs are being handed out.

I want to share with the House what my experience was. If this amendment carries, then it would be possible for the Appropriations Committee to create a bill and have a hearing or whatever was necessary to get the information and, if this House decides, then pass those appropriations later before summertime, which is really when this money is needed for jobs.

My experience was this: A local newspaper, the Germantown Courier, carried an article featuring a Cabinet member of the Shapp administration who announced with great excitement the creation of a program whereby poor kids, and basically minority kids, would have the opportunity to get jobs from the State of Pennsylvania through this funding during the summertime.

Well, as you might imagine, I was very supportive of that idea and a lot of the kids in the neighborhood expressed a great deal of interest in it, and three of the community groups in the neighborhood came to me and said, we would really like to have these jobs in the neighborhood; it could be a tremendous benefit, and we certainly qualify since the kids are poor enough.

Well, my office called the person who was featured in this newspaper article, and we were told that 50 percent of these jobs are going to be patronage and we should call Sam Begler. The other 50 percent were going to go to state institutions in southeastern Pennsylvania. So needless to say, we decided to follow the second track and asked for a list of the institutions that would get the jobs.

Well, they were not too happy about that and said, well, we cannot be bothered with that kind of thing; you will have to get a list from somebody else. We finally got a list from the Auditor General of the institutions. We started calling the institutions, and they did not know what we were talking about. So we tried to call Sam Begler's office; we got no return phone call.

Now it seems to me that if I were a citizen and merely so, I would write a letter to the Labor Department asking them to investigate the administration of that program. I may do that anyway since that is my money.

But as a legislator, I think I have another responsibility. If what I have said is typical of the entire program, I think we have a responsibility to do something about it. If it is not typical of the whole program, if there has been a misunderstanding, then I would like to find that out and I would like to get the people who are responsible for this program in front of some committee—and I assume it is the Appropriations Com-

mittee—and find out how this money is being administered. Meanwhile I want to take it out of the bill because I am put in a very, very embarrassing position to be standing on Cheltenham Avenue handing out registration forms to some 18-year-old kid, telling him to register to vote and get involved in the system, and have him find out later that the jobs he is reading about in the local paper involve that system which is just thoroughly corrupt and patronage laden.

I think it is our responsibility to do something about that, and the way I suggest we do it is take this out of the bill. If they can justify the way they handle this money, we can deal with the bill later.

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

Mr. PIEVSKY. Mr. Speaker, I understand what the gentleman from Philadelphia is trying to do. I have no objections. I only have some fears that perhaps there may be a delay in setting up these programs for use, especially in the Department of Environmental Resources in the forestry program. Not all of the jobs are summer jobs. I have a little concern there, but if it is the will of the House, then so be it.

Thank you, Mr. Speaker.

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

Mr. LETTERMAN. I would like to interrogate Mr. Pievsky, please.

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

Mr. LETTERMAN. Mr. Speaker, do I understand that, as a rural legislator, I am going to be faced with the possibility, if this amendment goes in, that none of the jobs in forestry or environmental resources or anything in the outlying country parts of this little state are going to be receiving any money for the summer jobs that are already planned and that we are already late in assigning?

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

Mr. LETTERMAN. I would therefore ask all of you people that if Mr. O'Donnell has a problem in Philadelphia, I think he should straighten it out with his own people, and I think that we should take care to see that this money gets out into the rest of the state and be handled the way it is being properly handled.

It is one of the best programs we have for the summer youth program, and I do not think we ought to let it be dropped in the big old bucket here just because one man is having a problem.

Thank you.

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

Mr. ZELLER. Mr. Speaker, I share Mr. Letterman's views. The problem I have is I would like to interrogate Mr. O'Donnell, if he would care to do so.

The SPEAKER. The gentleman, Mr. O'Donnell, indicates that he will stand for interrogation. The gentleman, Mr. Zeller, is in order and may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, when did you become aware of this so-called hanky-panky that is going on? When did you become aware of this?

Mr. O'DONNELL. Well, the article appeared in the newspaper of Thursday a week ago.

Mr. ZELLER. That was the first you had any knowledge that there was this so-called patronage move by Mr. Begler and others?

Mr. O'DONNELL. The first I became aware that there was a patronage move? No.

Mr. ZELLER. Patronage.

Mr. O'DONNELL. No. Let me explain. I have been in this business now for, I guess, about 10 years; I have been in the House for 3. The concept of patronage is not unknown to me although I am hardly a beneficiary of it. It gets up to here, but when you go in the newspaper and then tell poor kids they are going to have jobs and instead turn them over to patronage, it goes from here to there.

Mr. ZELLER. Mr. Speaker, I could not agree with the gentleman more if he has a problem down in his area, and they should rectify it somehow through their political power they have in the city of Philadelphia. My problem is that in Lehigh County and other counties—I am sure Mr. Letterman's and others—we have youngsters who are going to be coming out of school; they are looking for jobs; they are planning; they are planning for the summer. I do not know what these kids are going to do.

This is the problem I have, and no one knows how long these hearings are going to go, because they will never satisfy that political problem they have because those who are in power down there are going to manipulate this no matter what.

I believe it is a problem that is going to have to be faced by our Congressmen who provide this money. In the city of Philadelphia they have problems down there, and I think it is about time the Congressmen get off their duffs and start moving in that area and start straightening it out, because those 18-year-olds are going to be voting for them, too. But our problem is that in other outlying counties you are going to hold this program up for us. So we are going to be, in effect, hurting our children to aid and abet a political problem in your area and maybe some other areas. I do not know where.

Mr. O'DONNELL. Let me respond to that interrogation.

The suggestion has been made that I am against the program. I am not against the program. I do not think that this delay will kill the program. I think we can get the relevant information and set up that program before summertime. Any ordinary person could be able to do that. Whether the state does it or not is another story. But we could do that. I am not against the program, and I am in favor of setting it up and in favor of getting it straightened out now.

Second, on the suggestion that you are making and Mr. Letterman is making that I straighten this out with my people, there is a little bit of misunderstanding. My people are the people who need the jobs. My people are the people who pay for the jobs. My people are not the in-between people.

Mr. ZELLER. Mr. Speaker, we are not referring to the individuals who are the recipients of the jobs. I am referring to the

political powerhouses, whoever they are, who are giving you a problem. I think there is the area in which you should direct your attention, with the powerful Congressmen who have some moxie to do something about it down there.

Our problem is that we are planning now. You say that it will be in time for summer jobs. These youngsters are deciding now, because it is real tough to get jobs for these kids. They are planning right now, because we happen to have a CETA program in Lehigh County that is a very outstanding program, and they are doing a tremendous job on it. But I see these kids hanging in abeyance now wondering what is going to happen. Can you see the newspaper articles on that one? That is going to be a lulu. With all of these kids out there and especially right now with the election coming up, that is going to be a real bomb. If you are using it—and I am not saying you are intentionally—but if that is going to be a weapon for any kind of election coming up in Philadelphia, I do not want to be a part of it.

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

Mr. WHITE. Mr. Speaker, would the chairman of the Appropriations Committee stand for brief interrogation?

MR. PIEVSKY. Yes, Mr. Speaker.

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

Mr. WHITE. Mr. Speaker, is there a time frame by which we must act on HB 2043?

MR. PIEVSKY. Time frame?

MR. WHITE. Yes.

MR. PIEVSKY. Yes, Mr. Speaker. There is money due. These bills are way overdue. They should have passed long ago, the whole package, the whole Federal augmentation bill.

Mr. WHITE. What would be the effect of holding this bill over until we come back on April 3, until we are able to have a body from this House of Representatives look into this matter and investigate it thoroughly before taking any action, as has been suggested by Mr. O'Donnell?

MR. PIEVSKY. You are talking about deleting just this one amendment?

Mr. WHITE. No. I am talking about this House holding the bill over until we return.

MR. PIEVSKY. Oh, you are talking about holding HB 2043 over?

MR. WHITE. Yes.

MR. PIEVSKY. I would oppose that vigorously, Mr. Speaker.

MR. WHITE. Thank you, Mr. Speaker.

MR. SPEAKER, I would like to comment just for a moment.

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

Mr. WHITE. The problem that Representative O'Donnell has presented to this House is one that is not unusual to many of us who are involved in the political situation in Philadelphia.

It would certainly appear to me that if in fact there is alleged mismanagement of funds in terms of how the jobs for CETA programs are being allocated in Philadelphia, it would be in the best wisdom of this House to withhold any consideration of HB 2043 or any amendments, Mr. Speaker, until such time that appropriate members from this House could have an opportunity

to look into this matter. I think that it would be in the wisdom of this House to hold over the amendment and HB 2043 until we come back on April 3, thereby allowing the Appropriations Committee or the principal committee involved to report on exactly how the CETA jobs and moneys are being spent and allocated in the city of Philadelphia, and if the allegations that Mr. O'Donnell and our local newspaper, the Germantown Courier, have raised are correct, then possibly come back with the proper legislation that would prevent this matter from going through the Secretary of Personnel's hands rather than going to those persons who are so desperately in need of those jobs, Mr. Speaker.

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

MR. TENAGLIO. Thank you, Mr. Speaker.

MR. SPEAKER, I am very pleased to see Mr. O'Donnell offer this kind of amendment today. I am very pleased because I have the same kind of situation in the city of Chester where the local officials there are involved in the CETA program. In fact, one of the city councilmen there is the one who is responsible for giving the jobs that come through CETA.

MR. O'DONNELL alluded to the fact that he would like to write to the Department of Labor and Industry about just this kind of situation. I had constituents who came to me and complained that they were given the runaround and they were asked what their political affiliation was when they came down to apply for the CETA jobs. And these are people of Chester.

The city of Chester has its share of underprivileged people. I wrote to the Department of Labor and I told them that I thought that the whole purpose of the CETA jobs was to provide employment for people because they were underprivileged and that I did not think that there was any place in our state or in the city of Chester to give CETA jobs according to political affiliation.

The SPEAKER. On the O'Donnell amendment, is the gentleman, Mr. Tenaglio, finished?

MR. TENAGLIO. No, Mr. Speaker. I was interrupted.

I realize that this is a different ball park that we are talking about, from city to state and whatnot, but I think that it is appropriate that we do let people know that we do want CETA to be accountable for how the jobs are given, and I think that this is the place to do it.

Thank you.

The SPEAKER. The Chair recognizes, for the second time on the O'Donnell amendment, the gentleman from Centre, Mr. Letterman.

MR. LETTERMAN. Thank you, Mr. Speaker.

May I question Mr. Pievsky again, please?

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

MR. LETTERMAN. Mr. Speaker, Mr. White made the suggestion that we hold these bills until April 3. Will the Senate be in to move on these bills in that time?

MR. PIEVSKY. I do not know, Mr. Speaker. Oh, we cannot hold the bill, but I do not know about the Senate.

Mr. LETTERMAN. What I am saying is if we do anything with this bill today, it would be dead anyhow as far as the Senate goes, until they come back on April 3, right?

I would agree with that suggestion then on those premises, but I would also like to say one other thing. In my district if I find something like this out, I let them know I am the Representative in that district and I do not care if he is a Congressman or a Senator or who he is, and I think it behooves you people who have this kind of problem to start bringing it out in the papers and showing it. That is what I do, and I think it works real well for me. I would suggest you try that sometime.

The SPEAKER. On the O'Donnell amendment, the Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Is this bill on hold now, or where are we in this bill?

The SPEAKER. There has been no motion whatsoever. We are still debating the O'Donnell amendment.

Mr. WAGNER. Thank you, Mr. Speaker.

Will the gentleman consent to interrogation?

The SPEAKER. The gentleman, Mr. O'Donnell?

Mr. WAGNER. Yes, sir.

The SPEAKER. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation. The gentleman, Mr. Wagner, is in order and may proceed.

Mr. WAGNER. Is this amendment directed to CETA funds only for summer internship or for all CETA funds?

Mr. O'DONNELL. All CETA funds that could possibly be directed that way.

Mr. WAGNER. What way? For summer interns?

Mr. O'DONNELL. Yes.

Mr. WAGNER. Okay.

Mr. O'DONNELL. I had gone through that, and there were some CETA funds that had to do with programs for the aging.

Mr. WAGNER. This will not affect that?

Mr. O'DONNELL. No.

Mr. WAGNER. All right.

Mr. O'DONNELL. Almost all the CETA funds are out. And as I say, they can be put back in again in a separate bill.

Mr. WAGNER. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wagner. He may proceed.

Mr. WAGNER. Mr. Speaker, I would like you also to support Mr. O'Donnell's amendment. This is not a recent problem. This problem cropped up 2 years ago across this whole state, and I would like to refer very briefly to memorandums, the type of political thing which comes out of this thing.

On April 30 of one year, Mr. Beal notified all institutions that the summer internship program, due to lack of funds, was eliminated. Five weeks later Aldo Colautti notified them that the Governor's office would be processing applications and that it would notify them and 10 days later sent the list of the people who were to be hired to these institutions.

Now the problem is and I think Mr. O'Donnell's problem is we have a lot of kids in our areas who need these jobs, and they say, how do I get it? I am told there are no jobs. Whom do I apply to? No one knows. They are told to confront the institu-

tions. The programs are not there. Then they find out they can apply to the Governor's personnel office. The names are then processed and sent back to the institutions, and they are directed to hire those people.

I have had questions. I have gone to the papers about them, Mr. Speaker, and it gets in the papers and nothing is done. And I think this is the way we get things done. It is exactly by asking questions like Mr. O'Donnell asked. So I support the amendment and ask others to.

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

Mr. RICHARDSON. Mr. Speaker, I rise out of concern, as many members do, concerning this whole question of CETA jobs across the state. I would like to know whether or not it is in order to place a motion before this House concerning HB 2043 and the amendment?

The SPEAKER. Will the gentleman state the nature of his motion, and the Chair can advise him.

Mr. RICHARDSON. Mr. Speaker, I would like to make a motion that at this time, due to the problems that certainly exist around the CETA question of jobs for the summer or summer employment for young people, there be—and I want to say this carefully, because I just want the bill held over until there is an opportunity for members of this House to fully investigate, over the period of time that we are off from now until April 3, and to look into the problems concerning the question that has been raised.

I think it is a very serious matter and one that we cannot just bypass. It has been raised by a member and seems to me that it should be looked into.

I would like to know whether or not it is in order to place a motion that we at this time pass over the bill with the amendment temporarily, with a rider to that that there be an investigation by members of this House to look into that problem. If that is a separate resolution, I would suggest that, perhaps, maybe Mr. O'Donnell can have that drawn up so that it can be immediately acted upon so we can resolve the problem.

I just do not think it is something that we can just let go by without having some attention by the members of this House drawn to it so that they can look into it and resolve it as soon as possible. Plus Mr. Pievsky has not indicated to us what the time frame is by date of when we have to pass these bills, and if the Senate is out, no action can be taken on it while we are out of session between now and April 3.

The SPEAKER. The Chair would advise the gentleman that the correct motion that the gentleman should offer is the motion to pass over or postpone consideration of HB 2043, together with any amendments offered thereto. If the gentleman wishes to place that motion, the Chair will entertain it.

MOTION TO PASS OVER HB 2043

Mr. RICHARDSON. Mr. Speaker, I would like to make a motion at this time. I would like to move that we pass over HB 2043 with amendments until April 3, and I will stop there and then I will ask my further questions.

The SPEAKER. The motion is made by the gentleman, Mr.

Richardson, that the House postpone consideration of HB 2043, PN 2693, until April 3, 1978.

The Chair recognizes, on the motion, the majority leader.

Mr. MANDERINO. Mr. Speaker, I would oppose the motion. This bill handles some \$33 million in Federal funds, and there are a lot of people out there depending upon us to appropriate the funds since we now have taken over that responsibility.

I think that we should oppose this motion. I understand the problem that Mr O'Donnell is having, and I want to speak to that after we dispose of this motion, Mr. Speaker. But I would oppose the motion to pass over.

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

Mr. S. E. HAYES. Mr. Speaker, I would join the majority leader and ask that we oppose the motion to delay the vote on this bill until April 3.

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

The following roll call was recorded:

YEAS—6

| | | | |
|-----------|---------|------------|-------|
| Harper | Mrkonic | Richardson | White |
| Moehlmann | Reed | | |

NAYS—183

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

| | | | |
|---------------|-----------|-----------|-----------|
| Fisher, D. M. | Laughlin | Renwick | Zitterman |
| Flaberty | Lehr | Rieger | Zord |
| Foster, A. | Letterman | Ritter | Zwikl |
| Foster, W. | Levi | Ruggiero | |
| Freind | Levin | Ryan | Irvis, |
| Fryer | Lincoln | Salvatore | Speaker |
| Gallagher | | | |

NOT VOTING—12

| | | | |
|--------|-----------|---------|----------|
| Barber | Miller | Pratt | Wenger |
| Beloff | Morris | Rhodes | Williams |
| Dumas | O'Donnell | Shelton | Yohn |

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

On the question recurring,
Will the House agree to Part I of the O'Donnell amendments?

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. Mr. Speaker, in light of the fact that there is a large number of problems concerning the amendment that is in front of us, I am wondering whether or not I may raise a point of parliamentary inquiry at this point.

The SPEAKER. What is the gentleman's point of parliamentary inquiry?

Mr. RICHARDSON. Is there any way that the membership of this House can move to try and deal with the present problem that is in front of us? I am saying that perhaps I do not have the correct rules in front of me to deal with the matter, but it seems to me that when you have a question being raised, particularly about CETA jobs and funding, perhaps the body here, the members of this House, should in some way try and deal with the problem that is at hand. I am saying that if not and we vote this amendment, then we might be holding up some jobs they may be do not necessarily have to be held up. I think that it is a legitimate concern and one that would offer, at this time, some solution from the leadership to give us some direction, short of having a full-scale investigation of looking into the CETA job program that we are supposed to be the conduit of money for in this state.

The SPEAKER. The Chair advises the gentleman that there are other motions available to him. The motion to table, for example, would place upon the table HB 2043 until such time as it was lifted from the table. I am not going to suggest that one to him.

The Chair would also advise the gentleman that a solution could be found—and the Chair is not indicating how the Chair will vote individually; he is just simply trying to answer—by adopting the O'Donnell amendment, which excises the CETA problem from the rest of HB 2043. Then the House could adopt the rest of HB 2043 and spend whatever time it wishes on the CETA problem. There are two possible solutions which the gentleman may pursue.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the O'Donnell

amendment. I do so for a couple of reasons, and I would like to call your attention to what Mr. O'Donnell's amendment would do.

There is a \$26,000 appropriation in the bill for four temporary positions at the Scranton School for the Deaf — two teachers' aides and two houseparents. That will be eliminated if you accept Mr. O'Donnell's amendment.

There is a \$3,460,000 appropriation in for a young adult conservation corp. The Bureau of Employment Security will provide the recruitment and referral services. The Departments of Community Affairs and Environmental Resources and the Fish and Game Commissions will supervise and determine what work will actually be done. Mr. O'Donnell's amendment takes that out of the bill.

There is an increase of \$2 million to a youth development and training program in the Department of Public Welfare's western region—

Mr. O'DONNELL. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. O'Donnell, rise?

Mr. O'DONNELL. Mr. Speaker, just to ask for the references so I can follow.

Mr. RITTER. Well, Mr. Speaker, let us go to the front page of the amendment at about the fifth line, "Amend Sec. 1 (Sec. 2), page 16, lines 4 and 8, by inserting a bracket . . ." et cetera, and then striking out lines 10 through 13. That is the \$26,000 grant for the Scranton School for the Deaf. Is that in your amendment?

Mr. O'DONNELL. On page 16?

Mr. RITTER. Yes, Mr. Speaker

Mr. O'DONNELL. Between lines 4 and 8?

Mr. RITTER. No. You are striking out lines. You are putting a bracket—

Mr. O'DONNELL. Okay.

Mr. RITTER.—and then you are striking out lines 10 to 12, which is the \$26,000 appropriation.

Mr. O'DONNELL. Right. Okay. Go ahead.

Mr. RITTER. So you are striking that out of the bill.

Mr. O'DONNELL. Right. Go ahead.

Mr. RITTER. Then on—I will have to see if I can find the page, Mr. Speaker, but it is the one on the Department of Environmental Resources. On pages 16 and 17 of the bill—

Mr. O'DONNELL. No, nothing on page 17. I tried to pick out the ones that were most liable to abuse. As an answer to Mr. Wagner's question, I said I tried to strike every one where there was a probability of abuse. Where it obviously could not happen, I did not strike it. That was the theory.

Mr. RITTER. Mr. Speaker, my problem is that I am looking at the analysis and at the bill at the same time, but let me see if I can find that other one which is for the Department of Public Welfare. Page 30, starting on line 23, we had originally appropriated \$515,000 in the act we passed last year. There was a \$2-million addition which your amendment would in effect strike out because you are restoring the \$515,000.

Mr. O'DONNELL. Right.

Mr. RITTER. Now that is the amendment which is for the program of a youth employment and training program in the

Department of Public Welfare's western region. I appreciate that you may have some problems in Philadelphia, but I am wondering why we are taking out a \$2-million appropriation which will benefit other portions of the state. And particularly, Mr. Speaker, since this appropriation is for a program that is only going to run 9 months and it already started on January 1 and it will expire on September 30, then the longer we delay, the less of that money we are going to get.

Mr. O'DONNELL. May I respond by way of interrogation?

The SPEAKER. Will the gentleman yield?

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair at this time turns the gavel over to the Speaker pro tempore, the gentleman, Mr. Fryer.

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

Mr. O'DONNELL. May I respond, Mr. Speaker?

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

Mr. O'DONNELL. Two points of response in answer to your question.

Yesterday at 4:30 I took the microphone during a lull in debate and asked the Speaker if HB 2043, PN 2693, had been distributed to the members. The answer to that question was "No." Now, I knew yesterday that this bill was going to come up today. I also knew that none of the members had it. I also knew that the analysis would not come out, except a few hours before the debate was going to go on. I frankly admit that my amendment was drafted starting last night before this bill was in the possession of the members and before the analysis, which is the basis of your criticism, was anywhere near the members' desks. And I admit that this amendment is imprecise, and I have no intention of trying to knock out all of these programs, some of which are probably handled well, I assume, and some of which are completely worthwhile. And maybe we will accept all of them anyway. All I am really asking for is the delay.

I admit my amendment is imprecise, but one of the reasons it is imprecise is because of the way we do business, which is to stick this kind of stuff in the middle of the bill, put it on the desks at the last minute, and run it and then say to the guys, hey, listen, if you mess around with this thing, you are jeopardizing all kinds of stuff. Let us just hold it up. Let us do business the right way.

Mr. RITTER. Mr. Speaker, I cannot quarrel with the gentleman's logic. I have been one who has been complaining about the same thing. But I am concerned that that particular program I just talked to you about, which is to concentrate on CETA-eligible youths from Pittsburgh and Allegheny County, is really a pilot program that is only going to last for 9 months. It already started January 1, and we have no authorization to even participate until this legislature does it. It will expire on September 30 of this year, and I am concerned that if we do take it out—and I appreciate the problem of the other body not being here, but perhaps there will be some pressure for them to

come back and do some of these things. And I also share your frustration with the office over across the hall. All of us do that.

The point is that I really believe that in this instance we have taken a meat ax to deal with a particular problem, and we are going to cause some problems for other programs which I am sure was not your intent and it certainly is not my intent. But I am asking, Mr. Speaker—and I presume the majority leader will be in opposition to this—that we oppose the O'Donnell amendment. If there is some other way we can deal with the particular problem you have, fine, but I do not want to penalize the other programs, and I am going to vote against the O'Donnell amendment.

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

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

I think what the House is considering now is a question far greater than the CETA question itself. We a couple of years ago decided that this General Assembly was to not give unilateral control of these Federal augmentation and Federal revenue-sharing moneys to the executive branch.

Now I think that from time to time we are going to have to do more than just print bills and pass them in this House and in the Senate as part of our oversight role. We are going to have to assert ourselves if we really do mean to share in the responsibility of setting fiscal policy with respect to Federal moneys. And I think the gentleman, Mr. O'Donnell, points to one problem which from time to time we are going to have to consider.

We do have a problem of time at this point. This fiscal year is well under way. The summer months are approaching, but we may be able to resolve this problem in some way tonight and in the next couple of weeks, and I would ask if the gentleman, Mr. Pievsky, would consent to interrogation.

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

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. O'Donnell, has identified for us some problems which he has come upon with respect to the allocation of CETA moneys, and I believe that there are many members of this House of Representatives who may not have the same deep-seated problems but problems with the program indeed, and members have been unable to get questions answered when those questions were advanced to the executive branch.

I wonder, Mr. Speaker, if it would be possible, if we were to take the O'Donnell amendment tonight and take the CETA money out that he is addressing himself to by his amendment tonight, for you, your staff, and Appropriations Committee members to meet with the administration for the purpose of asking questions which Mr. O'Donnell has and other members of this House have with respect to this CETA money between now and April 3, and at the conclusion of those meetings with the executive branch, you draft the bill and have it ready for introduction on April 3 when this House can consider it in a timely way at that point and pass it on to the Senate. Would that be a possible solution at this time tonight, Mr. Speaker?

Mr. PIEVSKY. Mr. Speaker, I am not opposed to that plan. I want to help Representative O'Donnell with his problem, what-

ever problem there may be. I am willing to hold a hearing with Secretary Wade and call interested people in the next couple of weeks and also have the bill drafted for April 3.

Let me understand you. We are deleting the amendment but we will pass the rest of the package?

Mr. S. E. HAYES. Yes, Mr. Speaker, that is what I mean.

Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. O'Donnell, would respond to that arrangement which Mr. Pievsky and I have been discussing.

Mr. O'DONNELL. Delete the CETA and run the bill?

Mr. S. E. HAYES. Delete the CETA money tonight with the understanding that Mr. Pievsky and his committee and staff would meet with Secretary Wade between now and April 3, have questions asked of the administration, and by April 3 have a bill drafted which has the type of control provisions you are interested in.

Mr. O'DONNELL. That is fine.

Mr. S. E. HAYES. And put the money back in and send it on to the Senate the week of April 3?

Mr. O'DONNELL. That is fine. Have I precluded my other amendment? But that is fine. That is fine.

Mr. S. E. HAYES. If the gentleman agrees to that, Mr. Speaker, I would debate in favor of the O'Donnell amendment with that understanding that the Appropriations Committee does make this effort between now and April 3, and I would urge all members to support Mr. O'Donnell.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I, too, concur and I think that that would be the best thing for the House to do. There are questions that should be answered. We will have time enough to run another bill or to add, in the alternative in the Senate, the amendment back in if that should become necessary with whatever controls are necessary. And I would support the move to delete the CETA funds but move on with the passage of the bill.

The SPEAKER pro tempore. All right. Does Mr. Hayes care to make the proper motion or would the majority leader prefer to do that?

Mr. S. E. HAYES. I believe, Mr. Speaker, the amendment is before the House, and I urge that the members support the O'Donnell amendment.

The SPEAKER pro tempore. The first part or the second?

Mr. S. E. HAYES. The first part, which we have been debating for the last half hour or so, Mr. Speaker.

The SPEAKER pro tempore. Right.

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

Mr. ZELLER. Mr. Speaker, real quick. Because I was in opposition because of the fear I had in regard to the students, I spoke with Mr. Pievsky, and we agree—and also the suggestion that Mr. White had brought up—nothing can happen until April 3 anyway. So if they can resolve this and get some action going by April 3, I think it is a good idea. I will support it.

Thank you.

On the question recurring,

Will the House agree to Part I of the O'Donnell amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—7

| | | | |
|------------|---------------|---------|------------|
| George, C. | Mullen, M. P. | Renwick | Taylor, F. |
| Livengood | O'Brien, B. | Ritter | |

NOT VOTING—7

| | | | |
|---------|----------------|---------|------|
| Arthurs | Hutchinson, A. | Schmitt | Yohn |
| Barber | Morris | Shelton | |

The question was determined in the affirmative and Part I of the O'Donnell amendments was agreed to.

On the question,

Will the House agree to Part II of the O'Donnell amendments?

The SPEAKER pro tempore. What is the pleasure of the gen-

tleman from Philadelphia, Mr. O'Donnell, as it pertains to the remainder of the amendment?

Mr. O'DONNELL. Well, I should probably quit while I am ahead, but I would like to offer the second amendment.

The SPEAKER pro tempore. You want to drop that part?

Mr. O'DONNELL. No. I would like to offer it.

The SPEAKER pro tempore. You would like to offer it at this time?

Mr. O'DONNELL. Yes.

The SPEAKER pro tempore. And that is on page 2, the last three lines. Is that correct?

Mr. O'DONNELL. Yes, sir.

The SPEAKER pro tempore. Would the gentleman explain the amendments? The amendments are the last three lines of page 2 of amendment A4195. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell, for the purposes of explanation of his proposed amendment.

Mr. O'DONNELL. This amendment deletes the money in the bill for the criminal justice information system which is being created under the Court Administrator's office through the use of Law Enforcement Assistance Agency money. This system achieved some prominence about a year ago when it was revealed that a computerized criminal information system was being established under Federal guidelines here in Pennsylvania and that system would do a whole series of things.

One of the things it would do, in my opinion, would be to establish a dossier, a computerized dossier, on everybody who had had criminal law contacts. I think that probably means arrests, but criminal law contacts. The second thing that it would do would be to shut off the public from access to those records, so you would not only have a computerized information system, which is a little frightening in itself, but you would also have the public cut off from that information, and the public includes the newspapers; it includes the victim of a crime; it includes everybody who is not a criminal justice technician. So if somebody got arrested and they were convicted or they were up for sentencing or whatever it is, their criminal record would not be available to the public. Nobody would be able to find out.

Now there has been a lot of concern about sentencing practices and behavior of the courts, but that criticism can only be made if people know what the records of the defendants and the criminals are. This system would cut that off.

The Judiciary Committee held hearings and Lieutenant Governor Kline appeared, and we had a commitment at the time of his appearance almost a year ago that this system would not in any way be moved forward until the Judiciary Committee had come out with two bills on the subject. The Judiciary Committee hired a consultant, drafted bills on privacy, dealt with the whole computer issue, and has the bills, I believe, almost ready for introduction. And now this money is going to slip through and put that system in business in direct contradiction to all that, and this would delete that money.

On the question recurring,

Will the House agree to Part II of the O'Donnell amendments?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—8

| | | | |
|------------|--------|---------|---------|
| Arthurs | Morris | Shelton | Irvis, |
| Barber | Rieger | Yohn | Speaker |
| Cianciulli | | | |

The question was determined in the affirmative and Part II of the O'Donnell amendments was agreed to.

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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 Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, would the gentleman, Mr.

Pievsky, consent to interrogation?

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

Mr. RITTER. Mr. Speaker, on page 45 of the analysis,—I do not have it right here in the bill—we are deleting \$69,000 from a financial investigation of high-echelon drug traffickers. In the analysis the reason for that deletion is that it results from the fact that the Governor's Justice Commission did not approve full continuation funding for this program. Could you tell me, Mr. Speaker, why the Governor's Justice Commission did not approve full continuation funding of this program?

Mr. PIEVSKY. Mr. Speaker, we increased this amount in last year's budget for drug and alcohol, and they withdrew the Federal funds.

Mr. RITTER. Mr. Speaker, the current amount in the budget that we passed was \$114,000. You are now recommending only \$45,000, so you are cutting, in effect, \$69,000. The reason for it in the analysis is that the Governor's Justice Commission did not approve the full continuation of the funding. I would like to know, on what basis did they refuse to continue the funding?

Mr. PIEVSKY. Mr. Speaker, it was increased in the state fund budget, and it was withdrawn from the Federal revenue bill.

Mr. RITTER. Mr. Speaker, my problem is this: If we had that money available and the reason we are not being able to utilize that Federal money is because the Governor's Justice Commission did not approve it, I would like to know who is controlling the expenditure of Federal funds in this Commonwealth, us or the Governor's Justice Commission?

Mr. PIEVSKY. Mr. Speaker, in the case of LEAA funds, we both have to approve it.

Mr. RITTER. All right, Mr. Speaker. Let me go on with a couple of others, and then I have a statement to make.

The next one is the organized crime strategies unit. We are deleting the entire \$43,000 we appropriated in the budget, and again it is because the Governor's Justice Commission did not approve continuation funding for this program for fiscal year 1977-78, and so it said that this program is being carried on with state funds.

My question again is, why do we have to use state funds if in fact Federal money is available?

Mr. PIEVSKY. Mr. Speaker, last spring, if you recall, on the floor of this House, I asked the same question and I was voted down.

Mr. RITTER. I am not quite sure I understand the answer, Mr. Speaker.

All right, Mr. Speaker, let me get to the next one. Investigations of higher echelon drug traffickers again. This is the same reason. We are deleting \$26,000, and the same reason is that the Governor's Justice Commission did not approve it and we are going to carry on the program with state funds.

Mr. PIEVSKY. It is the same answer, Mr. Speaker.

Mr. RITTER. All right. In the Bureau of Probation and Parole, we are deleting \$300,000 from the comprehensive information system, and it is being deleted since the Governor's Justice Commission did not approve the grant.

The next one is advanced corrections training, \$117,000.

This is being deleted because the Governor's Justice Commission did not approve the grant.

Have you met, Mr. Speaker—let me ask it of you in this way: Have you met with the Governor's Justice Commission to determine what their reasons are for not approving or not applying for these Federal grants when they are available?

Mr. PIEVSKY. Well, we met with the Attorney General at our budget hearings on the same question.

Mr. RITTER. And what was the answer that you received?

Mr. PIEVSKY. Mr. Speaker, he said that the Federal funds were reduced from LEAA and we had to cut back on the program.

Mr. RITTER. He said that the funds were cut back?

Mr. PIEVSKY. Yes.

Mr. RITTER. The analysis, Mr. Speaker, does not indicate that. It simply says that they did not apply for the grant.

I thank the gentleman, Mr. Speaker.

Mr. Speaker, I agree with what Mr. Hayes said, that it seems to me that we have got an obligation in this legislature to appropriate Federal funds coming into this Commonwealth. I frankly am very disturbed that the Governor's Justice Commission would not approve funding or would refuse to apply for a grant. And then because of that, we are not going to apply for the Federal money and we are in effect in some cases going to use state money to make up that Federal money that we are losing.

There are a couple of other areas in this budget where I am very concerned that if we apply for some of these grants for training programs or for prison guards, the Governor's Justice Commission may decide that they do not want to go along with that either because that is also LEAA money. There are programs that we are going to be carrying on with state funds, drug abuse programs and a number of programs, and I am very, very much concerned. I suppose we are in a position where we have to approve this thing as is or run the risk of not having anything.

But I want to say for the record, Mr. Speaker, I am going to vote for this bill, but I do it with a great deal of reluctance. I think that there is Federal money available that we are not utilizing, and I think in some cases it is because the Department of Justice or the Governor's Justice Commission does not want to apply for the money for whatever reasons they may or may not have. I am very concerned about that, Mr. Speaker, and as soon as I can get some detailed information, I want to make that available to the members of this House. But I will support HB 2043, but I do so reluctantly.

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

Mr. ZELLER. Mr. Speaker, to help in regard to the LEAA funds, I am sure Mr. Scirica and Mr. Rhodes, who serve on the main body, can let us know exactly what is going on on the Federal level. Our problem—and it is the same as the problem that Mr. O'Donnell has—as I said earlier, is with our Congressmen. They can find money for everywhere in the world, but they cannot seem to get it back into the local communities. This is what LEAA has done, cut these funds almost in half. As a matter of fact, they are trying to move to delete it altogether in the ap-

propriations for next year and throw the complete responsibility onto the states. This is exactly what they are trying to pull.

We had a meeting last Friday in Wilkes-Barre. We discussed it in the Northeast Regional Planning Council, and all of us were encouraged to inform our Congressmen as to our desire to keep this fund in LEAA up to where it has been, if not more, because they can find money for everywhere in the world. I know this is not on that particular subject in total but to answer why we have problems with this LEAA money. So they are going to try to throw the responsibility completely over on the states.

I know Joe Rhodes is familiar with it. I know Mr. Scirica is familiar with it. I only wish that they would back this up, because the people from the Governor's Justice Commission were there last Friday and informed us of the whole thing.

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

Mr. RICHARDSON. Mr. Speaker, can I briefly interrogate Mr. Pievsky?

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

Mr. RICHARDSON. Mr. Speaker, in this Federal augmentation bill under the Department of Public Welfare, specifically relating to Medicare, it indicates that there is a cut.

Mr. PIEVSKY. What page are you on, Mr. Speaker?

Mr. RICHARDSON. Page 22. On page 22, health service agencies, I am wondering whether or not this has direct relationship to those who are on Medicare and receive Medicare assistance in the Commonwealth of Pennsylvania, particularly our elderly.

Mr. PIEVSKY. What page are you on, Mr. Speaker?

Mr. RICHARDSON. Page 22.

Mr. PIEVSKY. Mr. Speaker, what is the title of the grant?

Mr. RICHARDSON. Medicare.

Mr. PIEVSKY. That is not in the Welfare Department, Mr. Speaker. That is in the Department of Health, but what was the question?

Mr. RICHARDSON. Why is there a cut?

Do you see it, Mr. Speaker? Mr. Speaker, this is on the bill, the bill we are dealing with, the one we are voting on, HB 2043, page 22.

Mr. PIEVSKY. Bear with us 1 minute, Mr. Speaker.

BUSINESS AND COMMERCE HOUSING SUBCOMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes, for a brief announcement, the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, for the purpose of announcing a committee meeting, there will be a Business and Commerce Housing Subcommittee meeting on Thursday, March 16—that is tomorrow—in room 401 of the Main Capitol Building beginning at 9:30 p.m., and the meeting will be to discuss landlord-tenant legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, it has been a long day. I guess I

should have said 9:30 a.m. tomorrow morning.

HB 2043 CONSIDERATION RESUMED

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

Mr. PIEVSKY. Mr. Speaker, I was informed that the total amount of the appropriation was not reduced. It was just the way it was distributed. I imagine we could have put more in that appropriation and cut somewhere else.

Mr. RICHARDSON. Could you repeat that, Mr. Speaker? I am sorry. I really did not hear you.

Mr. PIEVSKY. It was just the way the money was distributed. We would either have to take it from somewhere else and put it there or vice versa. The bottom line did not change. But it was just the way it was distributed, Mr. Speaker. We could have given that item more and taken away from somewhere else.

Mr. RICHARDSON. Okay. I am concerned because it dealt with the fact that we are talking about a number of senior citizens, individuals who need Medicare assistance and who do go to hospitals, who do go to clinics, who provide other health services. And to cut from that area, I am just wondering whether or not we have an overabundance of money that is going to come up in the budget that will save that or whether or not it is possible for us to take money from another area and to keep the money for Medicare in. I think our senior citizens are important people.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. RICHARDSON. No. I am waiting for him to answer.

Mr. PIEVSKY. What do you want to know, Mr. Speaker?

Mr. RICHARDSON. Let me ask you this way, Mr. Speaker: Would this cripple in any way those individual persons who must receive Medicare assistance in the hospitals, the clinics, the laboratories, other home health agencies, social service programs, all those things that relate to Medicare for our senior citizens? And I am saying that I think it is a question that I am not getting an answer to.

Mr. PIEVSKY. Mr. Speaker, this appropriation is for administrative purposes in that state lab, if you are reading the right part of the bill.

Mr. RICHARDSON. In section 3, page 22, under the Department of Health, "Medicare" is the title. It says "Health Service Agency Certification."

Mr. PIEVSKY. Start at line 1, Mr. Speaker, and follow it right down the line.

Mr. RICHARDSON. "The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum of \$2,164,000 appropriated from Commonwealth revenues for the operation of the State laboratory." Then it goes to lines 6 and 7 and says: "(3) 'Medicare — Health Service Agency Certification' — Perform surveys and inspections to determine whether hospitals, home health agencies, laboratories, clinics, and other providers of health services meet requirements as set forth in section 1861 of the Social Security Act, and, certifying those that qualify to the Secretary of Health, Education" There are

brackets around the "100,000" and it is reduced to 88,100. That is the question.

Will it cut services? That is my question. Will it cut services from the elderly who—

Mr. PIEVSKY. No; it will not, Mr. Speaker. That is what I was trying to find out, what the question was.

Mr. RICHARDSON. That is what I have been asking.

Mr. PIEVSKY. You got it.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—196

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

NAYS—2

Goebel Pott

NOT VOTING—3

Morris Tenagho Yohn

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

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

The House proceeded to third consideration of **SB 693, PN 1556**, entitled:

A supplement to the act of (P. L. No.), entitled "Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1977" itemizing appropriations required from the Federal Revenue Sharing Trust Fund for the proper operations of the several departments of the Commonwealth authorized to spend Federal Revenue Sharing Trust Fund moneys.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeVERTER offered the following amendment:

Amend Sec. 2, page 2, lines 29 and 30; page 3, lines 1 through 3; page 4, lines 1 and 2, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. DeVERTER. Thank you, Mr. Speaker. I will attempt to be very brief.

I apologize to the Speaker and the members for the delay earlier on this bill, but I suspect many of you recall the debate on the General fund bill last year. I imagine there are many who cannot forget to recall that mess. In that debate I had offered an amendment which would have taken certain funds out of the county court costs that were in that bill to the tune of \$24 million. At that time I had indicated to the members of the House that there was in fact a Federal revenue-sharing bill which would have produced the same \$24 million, and that is what is contained in SB 693 today. My amendment is very simple. It merely takes that \$24 million out of there. And my reasons are several.

First of all, it is a double dip. It is \$24 million more on top of the \$24 million that was in the General Fund budget.

In addition, it has come to the attention of many of the members and staff, relative to the accountability of the spending of these funds within our local courts of common pleas, there is no audit of these funds, and there have been serious questions raised as to the accuracy and the ability to substantiate the expenditure of these funds. I think it is about time that this body addresses itself to holding our courts more accountable for the money that we give them. In several instances upon inquiry local auditors have been told, well, it does not matter. It is a state grant or in fact it is paid by the state, things that are so general in nature in commenting as to what these expenditures are for that I think it is time for this body to look into it.

I think until we get a substantiation of where these dollars are flowing to and for what reason, and until this body has an accounting from the judicial as to the money we give them, we ought not to be dumping \$24 million more into the system. I think it is time that we begin to make them directly account-

able for the tax dollars that the people spend in this area.

Finally, Mr. Speaker, it is my understanding that the Governor, should this bill pass—and I suspect it will, because of the other content of it—will in fact line-item veto this \$24 million out of here. I do not know for what purpose he will do that, but I suspect we will see it come flying back through for some other reason and in some other form other than perhaps what the members of this body decide it would be best spent for.

I would therefore like to request the members to support the amendment for those reasons.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, just a brief comment on the DeVerter amendment.

Mr. DeVerter alludes to not knowing what this money is being spent for by the courts. There is a specific formula under which the courts are reimbursed in the various counties all across this Commonwealth, and the specific categories of reimbursement are part of a formula that this General Assembly set up. We decided what kinds of court costs and what categories of expenses would be reimbursed, and all of those expenses in detailed fashion and form are filed with the Department of Community Affairs. That is the way the individual reimbursements to the individual counties are made. We have full information.

If you want to oppose this on other grounds, that is something else, but we certainly know what the money is being spent for if we take the time to look at the Department of Community Affairs reports and if we take the time to look at the formula that we set up calling for the reimbursement.

Mr. Speaker, I oppose the DeVerter amendment because we are now finishing up appropriating the moneys for the fiscal year that was covered by the general appropriation budget that we passed a few months ago after much toil and after much work here on the floor of the House and in the Senate. We arrived at a compromise. No one was happy with it. I was not happy with it at the time. I am sure the members on the other side of the aisle were not happy with it at the time. Everyone knew that part of that compromise was the additional court costs which are now in the revenue-sharing bill and which have already been committed by the major recipient, the city of Philadelphia, to the school district down there to keep those schools open, and I think that we should leave this bill intact.

Whatever reason the Governor has for announcing that he now opposes these, I cannot understand nor justify. And if he should choose to veto these funds, then we will have to deal with that issue at that time. I think we ought to live up to our commitments. We ought to live up to what we did here and what is expected that we will continue to do. And I think we ought to pass SB 693 with those funds in there for the courts, as all of them had been promised and expect by our actions here several months ago.

I oppose the DeVerter amendment.

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

Mr. CAPUTO. Mr. Speaker, I, too, oppose this amendment.

If you will notice, this bill was introduced in this General Assembly on April 18, 1977, at least 2 months before Allegheny County adopted their budget for their fiscal year. Their share of the \$24 million for court costs was included in the budget and the tax base for last year, for the year that is rapidly approaching its end. We have counted on that. It will run up a considerable deficit in Allegheny County if the promise held out to them, if the money proposed to be given to them, is withheld at this time. I urge all members not to do this to Allegheny County and to oppose this amendment.

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

Mr. DeVERTER. Mr. Speaker, in brief rebuttal to the majority leader relative to the reimbursement formula and his allusion to the categories, the categories are in fact set up. The problem is that there is no audit of those categories and no one knows what is contained therein. What we are trying to say is, let us start to find out whether in fact those items are auditable and get the facts known as to what that money is being spent for. At present we do not have that information, and I think this body deserves to know where it is going.

I suspect from some of the conversation that has been held in the various court systems around the state that there are some that are suspect, and I think we ought to be entitled to know just exactly what those expenditures are and where they are putting that money.

Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the adoption of the DeVerter amendment would add to the burden that is carried by property taxes in every county of this Commonwealth. I respect and can understand his arguments and his concerns about audit procedures and knowing more exactly where funds are going, but, in fact, we are not giving money to judicial systems. We give it to the counties, as the majority leader indicated. We reimburse them for their costs.

If we are not satisfied with procedures that we are establishing in terms of audit, that is all well and good, but it is kind of late in the day in this fiscal year to tell all of those counties that we are not going to come through with the moneys that had previously been committed, albeit on an informal basis. I think that we ought to go ahead; we ought to fulfill that commitment; we ought to provide the funds that they are expecting, all the counties in this Commonwealth. If we want to address the question of audits and address the question of accountability, it is very appropriate that we do that, but let us not deprive them of these dollars at this point in time.

Thank you.

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

The following roll call was recorded:

YEAS—64

| | | | |
|------------|----------------|-----------|---------------|
| Anderson | Geesey | McClatchy | Sirianni |
| Bittle | Greenleaf | McGinnis | Smith, E. |
| Brandt | Grieco | Mebus | Smith, L. |
| Brown | Halverson | Milliron | Spencer |
| Burd | Hasay | Moehlmann | Spitz |
| Burns | Haskell | O'Connell | Stapleton |
| Cassidy | Hayes, S. E. | O'Keefe | Sweet |
| Cimini | Helfrick | Pancoast | Taylor, E. |
| Davies | Hopkins | Peterson | Thomas |
| DeVerter | Hutchinson, W. | Pitts | Vroon |
| DeWeese | Klingaman | Polite | Wagner |
| Dietz | Lehr | Pyles | Wass |
| Dorr | Levi | Ryan | Weidner |
| Foster, A. | Lynch | Scirica | Wenger |
| Freind | Mackowski | Seltzer | Wilson |
| Gallen | Madigan | Shuman | Wright, J. L. |

NAYS—133

| | | | |
|----------------|----------------|---------------|------------|
| Abraham | Gamble | Logue | Ritter |
| Armstrong | Garzia | Manderino | Ruggiero |
| Arthurs | Gatski | Manmiller | Salvatore |
| Barber | Geisler | McCall | Scanlon |
| Bellomini | George, C. | McIntyre | Scheaffer |
| Bennett | George, M. | McLane | Schmitt |
| Berlin | Giammarco | Meluskey | Schweder |
| Berson | Gillette | Milanovich | Shelton |
| Bittinger | Gleeson | Miller | Shupnik |
| Borski | Goebel | Miscevich | Stairs |
| Brunner | Goodman | Mowery | Stewart |
| Caltagirone | Gray | Mrkonic | Stuban |
| Caputo | Greenfield | Mullen, M. P. | Taddonio |
| Cessar | Hamilton | Musto | Taylor, F. |
| Cianciulli | Harper | Novak | Tenaglio |
| Cohen | Hayes, D. S. | Noye | Trello |
| Cole | Hoeffel | O'Brien, B. | Valicenti |
| Cowell | Honaman | O'Brien, D. | Wansacz |
| DeMedio | Hutchinson, A. | O'Donnell | Wargo |
| DiCarlo | Itkin | Oliver | White |
| Dininni | Johnson | Parker | Wiggins |
| Dombrowski | Jones | Petrarca | Williams |
| Donatucci | Katz | Piccola | Wilt |
| Doyle | Kelly | Pievsky | Wise |
| Duffy | Kernick | Pott | Wright, D. |
| Dumas | Knepper | Pratt | Yahner |
| Englehart | Kolter | Prendergast | Zeller |
| Fee | Kowalyszyn | Rappaport | Zitterman |
| Fischer, R. R. | Kukovich | Ravenstahl | Zord |
| Fisher, D. M. | Laughlin | Reed | Zwikel |
| Flaherty | Letterman | Renwick | |
| Foster, W. | Levin | Rhodes | Irvis, |
| Fryer | Lincoln | Richardson | Speaker |
| Gallagher | Livengood | Rieger | |

NOT VOTING—4

| | | | |
|--------|--------|------|----------|
| Beloff | Morris | Yohn | Zearfoss |
|--------|--------|------|----------|

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

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

Amend Sec. 2, page 2, line 4, by striking out all of said line and inserting \$19,687,000

Amend Sec. 2, page 2, by inserting between lines 11 and 12 For payments to reimburse those school districts which have met the guidelines established by the Supreme Court of the United States, the several courts of this Commonwealth, and the Human Relations Commission of Pennsylvania in

connection with the achievement of integration in the public schools of this Commonwealth 1,000,000

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, this amendment deals with the communities and in particular the school districts which have gone through the problem and the expense of meeting the guidelines set down by the Supreme Court of the United States, the several courts of Pennsylvania, and the Human Relations Commission here within Pennsylvania.

Specifically what has happened, Mr. Speaker, is that the Human Relations Commission has gone into a number of communities throughout the state and requested desegregation within the school districts. As a result of their mandate, the school districts have had to spend a tremendous sum of money in meeting these guidelines. I do not believe that there is a more appropriate use of general revenue Federal moneys than this appropriation, and what it does, in effect, is pay back in some small way to those communities a small portion of the money that has been paid out to meet the guidelines of desegregation.

In particular, Mr. Speaker, there are 22 school districts across the state. Twenty-two separate counties are affected by this legislation, including Delaware, Beaver, Erie, Lawrence, and Cambria, just to name a few. So you can see that it is not special legislation which only affects one district or gives benefit for some undue reason. In fact, this legislation, Mr. Speaker, and this amendment will guarantee at least some small return on the money that has been invested by these districts and the real estate taxes that have been increased because of it.

I ask the concurrence of the membership and their support on this amendment.

Thank you.

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

Mr. PIEVSKY. Mr. Speaker, I rise to oppose the gentleman's amendment.

What the gentleman's amendment will do is take funds away from every local school district and intermediate unit in this entire Commonwealth on the line item of pupil transportation, and I do not have to tell you that nearly all districts are running at a deficit.

I might add, Mr. Speaker, that that appropriation also pays for hazardous routes and nonpublic school transportation.

Mr. Speaker, I oppose the amendment.

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

Mr. LAUGHLIN. Mr. Speaker, would the Appropriations Committee chairman please answer a question or two?

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

Mr. LAUGHLIN. Mr. Speaker, what is the total appropriation within the State of Pennsylvania on Federal and state funds on this busing situation that you mentioned?

Mr. PIEVSKY. Ninety-eight million dollars.

Mr. LAUGHLIN. So, Mr. Speaker, what you are talking about is just over 1 percent that will be spread across the entire state to be deducted from that amount of money. Is that correct?

Mr. PIEVSKY. That is correct, but they are already \$8 million short, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, that 1 percent that we are talking about that would be returned to the school districts that I mentioned, the 22 of them, will return a substantial percentage, or 7 percent, of their outlay originally. I believe that a 7-percent appropriation in that direction is not an overlay in any way, shape, or form but a much-needed funding in that area.

Also, Mr. Speaker, I believe there was something like \$3 million taken from the bill in the Senate for that reason. Is that correct?

Mr. PIEVSKY. I did not hear the question, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, I ask you, was there approximately \$3 million taken from the original appropriation as it was set up for the busing within the state? In other words, Mr. Speaker, the Senate of Pennsylvania extracted \$3 million from a busing situation in the state, and that, in your opinion, was an appropriate expenditure of money?

Mr. PIEVSKY. Well, Mr. Speaker, if we take another million, I think it will be compounding the problem even further.

Mr. LAUGHLIN. Mr. Speaker, did you have the opportunity to correct that situation within the Appropriations Committee in amending the Senate bill when it came over and the removal of those funds?

Mr. PIEVSKY. We had the opportunity, yes.

Mr. LAUGHLIN. Mr. Speaker, did you in fact do that?

Mr. PIEVSKY. No; we did not, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, if you had failed in your position on this and failed to remove that money that the Senate had taken and put it back in, Mr. Speaker, I would not be standing here debating the issue with you now. But here we have a \$1-million appropriation that is of grave necessity to some of these areas and you are standing against it. And yet on the Senate issue you did not do one thing to restore that money to that busing issue.

Mr. Speaker, I am finished with my interrogation. I would like to make a few remarks.

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

Mr. LAUGHLIN. Mr. Speaker, it has been proven that the Appropriations Committee in this particular situation voted in fact to return the bill to the floor as it was sent over.

I am asking, Mr. Speaker, for the \$1 million for those 22 school districts across the state that have spent a considerable amount of money to meet guidelines and to meet obligations that they had absolutely nothing to do with. One of those areas includes Bob Butera's home district, as we had discussed on the floor earlier last year.

I hope that the members of this House will support the amendment.

Thank you.

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

The following roll call was recorded:

YEAS—27

| | | | |
|----------------|-----------|------------|-----------|
| Abraham | Kolter | Miller | Spitz |
| Bittinger | Kukovich | Novak | Stewart |
| Cohen | Laughlin | Pratt | Tenaglio |
| Fee | Logue | Ravenstahl | Trello |
| Fischer, R. R. | Manmiller | Reed | Valicenti |
| Hutchinson, A. | McClatchy | Schweder | Vroon |
| Kernick | McGinnis | Shuman | |

NAYS—168

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

NOT VOTING—6

| | | |
|------------|--------|---------|
| Arthurs | Rhodes | Irvis. |
| Greenfield | Yohn | Speaker |
| Morris | | |

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

REMARKS ON VOTE

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

Mr. ITKIN. Mr. Speaker, I voted in error on the Laughlin amendment to SB 693. I would like to be recorded as voting in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks will be noted for the record.

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

The SPEAKER pro tempore. 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 yeas and nays will now be taken.

YEAS—197

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

NAYS—1

Halverson

and they limit the materials and supplies to be used in the counties that are declared an emergency.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—9

| | | | |
|---------|---------|---------|---------|
| Arthurs | Gleeson | Shelton | Irvis, |
| Barber | Morris | Yohn | Speaker |
| Dorr | Rhodes | | |

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?

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—196

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

NAYS—0

NOT VOTING—5

| | | |
|--------|---------|---------|
| Morris | Shelton | Irvis, |
| Rhodes | Yohn | Speaker |

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 994, PN 1135**, entitled:

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

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

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—195

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

NAYS—0

NOT VOTING—6

| | | |
|--------|---------|---------|
| Barber | Shelton | Irvis, |
| Morris | Yohn | Speaker |
| Rhodes | | |

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 1093, PN 1291**, entitled:

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

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

Agreeable to the provision of the Constitution, the yeas and nays will now be taken.

YEAS—196

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

| | | | |
|----------------|------------|-------------|---------------|
| Dorr | Klingaman | Pott | Wilt |
| Doyle | Knepper | Pratt | Wise |
| Duffy | Kolter | Prendergast | Wright, D. |
| Dumas | Kowalyszyn | Pyles | Wright, J. L. |
| Englehart | Kukovich | Rappaport | Yahner |
| Fee | Laughlin | Ravenstahl | Zearfoss |
| Fischer, R. R. | Lehr | Reed | Zeller |
| Fisher, D. M. | Letterman | Renwick | Zitterman |
| Flaherty | Levi | Richardson | Zord |
| Foster, A. | Levin | Ritter | Zwikl |
| Foster, W. | Lincoln | Ruggiero | |
| Freind | Livengood | Ryan | Irvis, |
| Fryer | Logue | Salvatore | Speaker |
| Gallagher | Lynch | | |

NAYS—0

NOT VOTING—5

| | | | |
|--------|--------|---------|------|
| Morris | Rieger | Shelton | Yohn |
| Rhodes | | | |

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.

RESOLUTION ADOPTED

Mr. O'KEEFE called up **HR 177, PN 2394.**

Business and Commerce Committee of the House urge Middle Atlantic States Off-Shore Drilling Project Base Site be in Delaware River Pact Area.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—184

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

| | | | |
|----------------|------------|-------------|---------------|
| Diminni | Jones | Petrarca | Wass |
| Dombrowski | Katz | Piccola | Weidner |
| Donatucci | Kelly | Pievsky | Wenger |
| Dorr | Kernick | Pitts | White |
| Doyle | Klingaman | Polite | Wiggins |
| Duffy | Kolter | Pratt | Williams |
| Englehart | Kowalyszyn | Prendergast | Wilson |
| Fee | Kukovich | Pyles | Wilt |
| Fischer, R. R. | Laughlin | Rappaport | Wise |
| Flaherty | Lehr | Ravenstahl | Wright, D. |
| Foster, A. | Letterman | Reed | Wright, J. L. |
| Foster, W. | Levi | Renwick | Yahner |
| Freind | Lincoln | Rhodes | Zearfoss |
| Fryer | Livengood | Richardson | Zeller |
| Gallagher | Logue | Rieger | Zitterman |
| Gallen | Lynch | Ritter | Zwikl |

NAYS—10

| | | | |
|---------------|---------|-----------|----------|
| Brandt | Goebel | Pott | Taddonio |
| Cessar | Knepper | Salvatore | Zord |
| Fisher, D. M. | Parker | | |

NOT VOTING—7

| | | | |
|---------|--------|---------|---------|
| Arthurs | Levin | Shelton | Irvis, |
| Dumas | Morris | Yohn | Speaker |

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

RESOLUTION ADOPTED

Mrs. KELLY called up **HR 182, PN 2733**

Health and Welfare Committee investigate Upsal Day School of the Center for the Blind in Philadelphia.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

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

NAYS—0

NOT VOTING—5

| | | | |
|-----------|--------|---------|------|
| Arthurs | Morris | Shelton | Yohn |
| Miscevich | | | |

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

RESOLUTION ADOPTED

Mr. TAYLOR called up HR 192, PN 2688

General Assembly urge President and Congress enact a fund for dispersing Federal Outer Continental Shelf Revenues.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—5

| | | | |
|---------|--------|---------|------|
| Arthurs | Morris | Shelton | Yohn |
| Barber | | | |

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 71, PN 2579, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

A JOINT RESOLUTION

Making application to the Congress of the United States to call a convention for drafting and proposing an amendment to the Constitution of the United States to guarantee the right to life to the unborn fetus.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The General Assembly of the Commonwealth of Pennsylvania (the Senate concurring) hereby makes application to the Congress of the United States, in accordance with the provisions of Article V of the Constitution of the United States, to call a convention for drafting and proposing an amendment to the Constitution of the United States to guarantee the right to life to the unborn fetus by doing the following:

(a) With respect to the right to life guaranteed in the United States Constitution, provide that every human being subject to the jurisdiction of the United States or any state shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

(b) Provide that Congress and the several states shall have concurrent powers to enforce such an amendment by appropriate legislation.

(c) The purpose of the Constitutional Convention shall be to only consider the above and no other business.

(D) NOTHING IN THIS ARTICLE SHALL PROHIBIT A LAW PERMITTING ONLY THOSE MEDICAL PROCEDURES REQUIRED TO PREVENT THE DEATH OF THE MOTHER.

Section 2. The Secretary of the Commonwealth shall transmit certified copies of this resolution to the President of the Senate of the United States and to the Speaker of the House of

Representatives of the United States and to the President of the Senate and Speaker of the House of Representatives of the Legislatures of each of the other forty-nine States of the United States.

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

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

Mr. M. P. MULLEN. Mr. Speaker, there is one change in the bill made by the Senate. They have inserted a provision to protect the life of the mother. I would suggest that we concur in the amendment.

However, I believe Mr. Richardson has an amendment that he wants to offer. However, under rule 30 he will be required to ask for the suspension of the rules, so I think we ought to ask him if he wants a motion to suspend the rules.

MOTION TO SUSPEND RULES

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

Mr. RICHARDSON. Mr. Speaker, I was trying to get the attention of the Speaker to ask that, on concurrence in the Senate amendments to HB 71, we suspend the rules to allow us to offer an amendment at this present time to this bill.

There was an attempt made in the Senate to try to insert some language that was defeated by a vote of 24 to 21, and at this present time I think that it would certainly behoove the members of this House to certainly have an opportunity to debate rape and incest, a question particularly concerning our women, that we have an opportunity to debate the amendment that I had planned to offer if we can get a suspension of the rules.

So I so move, Mr. Speaker, to ask for that suspension and ask whether or not it is appropriate at this time to offer that motion for discussion.

The SPEAKER pro tempore. The gentleman from Philadelphia is in order, and the gentleman, Mr. Richardson, moves that House rule 30 be suspended for the purpose of offering amendments to the Senate amendments to HB 71.

The Chair recognizes the gentleman, Mr. Richardson, on the motion, and a roll call will be required.

Mr. RICHARDSON. Mr. Speaker, I just want to know whether or not it is in order to discuss any particular parts of the amendment at this time, or do I wait until we have—

The SPEAKER pro tempore. The Chair is informed that it is not in order on the motion for the suspension of the rules. Only the motion itself, Mr. Richardson. Does the gentleman desire to speak?

Mr. RICHARDSON. If you indicate that there is nothing to speak on and there is not an explanation that can be given for why I want the rules suspended, then I guess not.

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

Mr. M. P. MULLEN. Mr. Speaker, I oppose the suspension of the rules, because we did consider this bill once. We debated it

extensively and the Senate did the same thing.

I oppose the suspension of the rules.

QUESTION OF INFORMATION

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHITE. For what reason is the Representative from Philadelphia offering a motion to suspend the rules?

The SPEAKER pro tempore. The gentleman has stated he wishes to address himself to the amendments placed there by the Senate. For that purpose it is necessary for the gentleman to have the House suspend its rules, which, of course, would be through the method of the roll-call vote.

Mr. WHITE. Is it possible, Mr. Speaker, that I could interrogate Mr. Richardson on that point?

The SPEAKER pro tempore. I am informed that would not be in order, Mr. White. Only the motion to suspend the rules is in order.

It has been moved by the gentleman from Philadelphia, Mr. Richardson, that the House suspend rule 30 for the purpose of offering amendments to the Senate amendments to HB 71. It will require a constitutional majority.

MOTION WITHDRAWN

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

Mr. RICHARDSON. First of all, Mr. Speaker, at this point I would like to withdraw my motion, and I would like to make a statement.

The SPEAKER pro tempore. The gentleman, Mr. Richardson, wishes to withdraw his motion to suspend the rules, and then we will return to the gentleman after we have completed that action and go back to the bill itself for concurrence.

Mr. RICHARDSON. I would like to yield the floor to the other speakers.

The SPEAKER pro tempore. At this point we have not stated the question as yet. We will get back to the gentleman.

It is moved by the gentleman from Philadelphia, Mr. Mullen, that the House concur in the amendments inserted by the Senate. The question recurs, will the House concur in the amendments inserted by the Senate?

At this point the Chair will recognize those who desire to speak. The Chair recognizes the gentleman from Philadelphia, Mr. White.

Mr. WHITE. Mr. Speaker, would Mr. Mullen be willing to consent to brief interrogation?

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

Mr. WHITE. Mr. Speaker, the whole point of the discussion earlier was trying to determine whether or not the provisions in HB 71 included safeguards in the event of rape or incest.

Mr. M. P. MULLEN. I am sorry, Mr. Speaker. I did not hear the question.

Mr. WHITE. Okay. Mr. Speaker, I raise the question that within the body of HB 71, are there any provisions relating to circumstances in the event of rape or incest?

Mr. M. P. MULLEN. No; purposely not. The reason we did not put anything in there is because this is not dealing with the substantive part of an amendment itself. This is merely a resolution directing the national Congress to call a constitutional convention for the purpose of considering an amendment to the United States Constitution to protect life. This is all it is. It is not a substantive amendment. It is only a resolution which we are required to do under Article V of the United States Constitution in order to amend it.

So really I do not think that is necessary at all even to consider, because what would happen is, assuming that the necessary two-thirds of the states would pass resolutions similar to ours, the national Congress would then be obligated to call a constitutional convention, and I assume that the delegates to the constitutional convention would be elected, and then those delegates would consider the issues that you are trying to bring up now.

Mr. WHITE. What would be the effect of an amendment being provided in HB 71 pointing out instances of rape and incest and making proper provisions and exceptions for those two cases?

Mr. M. P. MULLEN. Well, it would create another problem, because the Senate of Pennsylvania has, both in committee and on the floor of the Senate, overwhelmingly rejected this amendment. If we were to insert amendments here and send it back to the Senate, it would create a problem. The Senate rejected it on the floor of the Senate. I think the vote was 32 to 11. So there is no use in considering something that they are not going to consider again, and we had an opportunity to consider it when it was here before and we did not do it.

Mr. WHITE. Thank you, Mr. Speaker.

May I make one brief comment?

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

Mr. WHITE. One of the things that we have heard over and over since we have been in session in the 1977-78 legislative session is that this House, this body, chooses its own direction. It seems to me that if it is the will of this House to include provisions relating to incidents of rape and incest, we should then make that decision, but we cannot in effect base our action on what is to be included in any bill or in any resolution on the inactivity or the action of the particular Senate. I would hope, Mr. Speaker, that at some future point in this discussion, if a motion is to be made that House rule 30 be suspended, that we would support it in hopes that we could include provisions of this type.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair would caution anyone speaking on this matter that the matter before the House is a bill on concurrence in Senate amendments. Therefore, it rather restricts the members' speech on the matter.

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

Mr. ZELLER. Mr. Speaker, mine is not on that order right now. I am concerned about the withdrawal of the amendment.

Has the amendment been actually withdrawn for good now, or is there a move to allow it to be debated and then brought up later? That is what I want to find out before we go too far in regard to what they are talking about. Is there going to be a move then later to bring that up again, to bring that motion before us to suspend rule 30 to bring up that amendment?

The SPEAKER pro tempore. The gentleman, Mr. Richardson, has withdrawn that motion, and the only issue before the House is the bill on concurrence in the Senate amendments.

Mr. ZELLER. Thank you.

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

Mr. BERSON. Mr. Speaker, I am going to vote for nonconcurrence. I think this bill ought to go to a conference committee.

The reason I am going to vote for nonconcurrence and the reason I think it ought to go to conference is while the amendments inserted by the Senate improve the bill somewhat, once again the questions that I raised on this floor at the time this bill was before us have not been answered. None of the questions have been set forth in this bill in language that we can understand. We are tampering with the Constitution of the United States. We do not know how delegates are to be selected, whether they are to be selected statewide or in some other manner. We have a whole host of questions, none of which have been spelled out in this bill. We are being asked to vote for a pig in a poke, and I urge a vote for nonconcurrence.

Thank you.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GALLEN. The gentleman has finished speaking, but as the Speaker stated, I think the only thing that can be debated is the Senate amendment or the reason that we should or should not accept the Senate amendment.

The SPEAKER pro tempore. The gentleman is correct, and the Chair did caution the speakers.

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

Mr. PANCOAST. Mr. Speaker, I do not think it makes one bit of difference whether we accept the Senate amendment or not.

The gentleman from Philadelphia is absolutely correct. This is a resolution directed to the Congress of the United States to call a national constitutional convention. We have no control over what the members or the delegates to that national constitutional convention might do in a substantive way.

All that we can do here is to resolve to make a request of that Congress of the United States to call a constitutional convention. I do not think it matters one bit what substantive material we include in that request.

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

Mr. ITKIN. Mr. Speaker, I rise to a point of clarification. I am wondering, perhaps, if Representative Mullen can stand for brief interrogation.

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

Mr. ITKIN. Mr. Speaker, I am somewhat confused, and perhaps you can provide me with the answer to this question which I have not gotten a proper answer to, at least to the present time.

This is a joint resolution, yet I see it was prepared in bill form. I am wondering why it was prepared as a House bill rather than a House resolution since all other joint resolutions are prepared as House resolutions.

Mr. M. P. MULLEN. Well, I guess it is a House bill. I called it a resolution, but it is classified as a House bill. It has the same effect.

Actually we are directing the Federal Congress to call a constitutional convention for the purpose stated in the bill. I referred to it as a resolution. It is a bill.

Mr. ITKIN. If it is a bill, would this bill, if enacted by both Houses of the General Assembly, then require the Governor's approval?

Mr. M. P. MULLEN. No; it would not require the Governor's approval, because under the amendatory clause of the United States Constitution, Article V, it states, I think emphatically, or it has been declared emphatically by the United States Supreme Court that the Governor's signature is not required for this type of resolution.

Mr. ITKIN. Is there anything in the Pennsylvania Constitution that requires that when a measure is constructed in bill form, the Governor's approval is required?

Mr. M. P. MULLEN. No, but this is governed by the United States Constitution.

Mr. ITKIN. Well, the question is—

The SPEAKER pro tempore. Will the gentleman cease?

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GALLEN. I think that the gentleman from Allegheny County is raising a point of parliamentary inquiry as opposed to interrogating Mr. Mullen. I think his questions should be directed to the Chair and to the Parliamentarian as opposed to Mr. Mullen with regard to the form of this legislation.

The SPEAKER pro tempore. The Chair gathered that he was trying to determine the legal aspects.

However, what we seek to avoid is a wide debate on this matter. The gentleman, I am sure, from Allegheny, Mr. Itkin, recognizes that, and I am certain that he will recognize that point and try to adhere to the matter.

PARLIAMENTARY INQUIRY

Mr. ITKIN. Mr. Speaker, I believe the Representative from Berks has raised a very good point. Perhaps I should address

my remarks to the Parliamentarian through the Speaker, so I will do that.

Mr. Speaker, to the best of your knowledge, is there any state constitutional provision that requires when a measure is constructed in bill form, that subsequent to being adopted by this state, it requires the signature of the Governor?

The SPEAKER pro tempore. I have been informed that the question basically is not a parliamentary inquiry. Apparently the gentleman is desiring a legal opinion. However, I am informed that, in the Chair's opinion, this would not require the Governor's signature.

Mr. ITKIN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to briefly discuss Representative Mullen's remarks about any further amendments to the bill being meaningless. Somehow, obviously the Senate or the other Chamber has taken exception to this, because they have specifically written into the bill an additional section that states that "Nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother."

I would like Representative Mullen, if he wishes to stand for another interrogation, to respond to my inquiry as to whether it is his judgment that this particular section of the bill has no relevance since he made the other statement in the past, relative to the suspension of the rules, that the adoption of an additional change would have no bearing on the constitutional convention.

The question, therefore, is whether the Senate amendment to this bill has any relevance, in your judgment, to the constitutional convention.

Mr. M. P. MULLEN. In my personal opinion, I do not think it has any relevance at all. However, the Senate felt that they wanted to insert something like that. If you read the bill itself, I think it clearly states that it is asking the Federal Congress to call a constitutional convention. In other words, there are going to be three steps that have to be taken before we reach the meat of substantive changes to the constitution.

Number one, two-thirds of the states—and Pennsylvania will be one, I hope—will be required to ask the Federal Congress to call a constitutional convention. Then the Congress itself will have to act to call a constitutional convention. It will have to state how the delegates are to be elected or selected or whatever they want to do. Then, number three, the delegates who are part of the constitutional convention will then be required to consider what type of proposal they would want to submit to the states for ratification of a proposed constitutional amendment.

All we are doing, under Article V of the Federal Constitution, is to initiate the amendatory process in accordance with one of the provisions of Article V.

Mr. ITKIN. Yes, Mr. Speaker, but what I would like you to respond to is the question of latitude that such a convention might have. For example, you tell me that, in your judgment, the Senate amendments will have no restrictive character on that constitutional convention. Therefore, if that is so, I wonder what then does restrict a constitutional convention in any manner?

Mr. M. P. MULLEN. Well, we have all of the proposals that have been submitted by the respective states. I think there are 15 states now that have considered it, either passed it in the Senate or the House or both. I think nine states have passed it in both the House and Senate, and six states, including Pennsylvania have passed it in one body or another.

All of the bills provide a provision that is restricted to protecting life, the child, and nothing else. We are very careful about that.

Number three, it says on line 7, page 2(c), "The purpose of the Constitutional Convention shall be to only consider the above and no other business," meaning the protection of the life of the child in the mother's womb.

Mr. ITKIN. Have other states passed language identical to what is contained in this?

Mr. M. P. MULLEN. No; they are not all identical. They are all similar. But all of the states that have passed bills or resolutions have that provision in there, all of them. There have been slight variations in different states, but very slight.

Mr. ITKIN. So in your judgment then, therefore, the scope would then be the largest scope submitted by any state, because if any state was to write restrictive language that contained the character of the amendment so far as it relates to abortion and another state was more expansive in its scope as to what could be contained within that call for the convention, then it is your judgment that the state that offered the least restricted convention call, that would be the scope that would be acceptable within the framework of drafting a proposed amendment to the constitution.

Mr. M. P. MULLEN. No. I would say that the delegates who are in fact elected or selected—however they may be, which depends upon what the Federal Congress does—have a broad latitude within this area. They can do a lot of different things, and they may come up with something that may be 100 percent opposite to what we are hoping for. It depends upon those delegates. That is why I am hanging around here in the General Assembly, so I can eventually be a delegate myself to be at that convention.

Mr. ITKIN. Mr. Speaker, since you obviously have shown some interest in being a delegate and since I am more concerned about what happens finally and what type of proposed amendment you might be offering, in your opinion, Mr. Speaker, what type of constitutional amendment would you support if you were a delegate to that convention?

Mr. M. P. MULLEN. Well, I think it is quite obvious the type of amendment I would support. I believe that it is taking a human life when you abort a child in a mother's womb, and I am against aborting children in a mother's womb. This is why I am sponsoring this resolution. This is why the rest of the members who cosponsored it with us sponsored it at all, because they think this is wrong. We believe it is murder.

Mr. ITKIN. Mr. Speaker, let us suppose this situation came that it was a question of saving a life or saving the life of a fetus. What would your opinion be if you were a delegate to such a convention?

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Berks, Mr. Gallen. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GALLEN. Mr. Speaker, what are we considering at this moment?

The SPEAKER pro tempore. We are considering the issue before the House on concurrence in the Senate amendments.

Mr. GALLEN. Mr. Speaker, this dialogue is far afield from the concurrence in the Senate amendments.

Mr. Speaker, I think the Chair should rule that we should not debate the issue of abortion when we are considering the amendments that the Senate inserted into this piece of legislation. I think it could go on all night with this kind of rambling.

The SPEAKER pro tempore. The gentleman is correct in that analysis. The bill has been passed by both Chambers, and we are now on the amendments. To conclude the entire issue, I had hoped that the members could confine themselves somewhat on the issue.

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

Mr. ITKIN. Mr. Speaker, that is exactly what I am trying to attain. We are here today to vote concurrence on a Senate amendment, and that is the issue before this House, and the question is as to whether that Senate amendment is worthy of being concurred in.

The sponsor of this amendment has said it has no effect on this legislation. Therefore, what the Senate has done is practically null and void, and that is the issue before this House, whether, in effect, if we concur in this amendment that the constitutional convention be called under the direction and support of this type of bill, if it became approved by this legislature, such an amendment drawn by the constitutional convention would permit medical procedures required to prevent the death of the mother.

That is the question of interrogation that I offered to Mr. Mullen, the question that if he was a delegate to that convention, if a question of the life of the mother or the life of the fetus were at stake, how would he choose to make that decision? I think it is very, very important in terms of whether we accept or reject the Senate amendment.

I would appreciate it if Mr. Mullen would come to the microphone and respond as to his opinion that if he were a delegate where the life of the mother and the life of the fetus were at stake, what decision he would make as a delegate to that convention.

Mr. M. P. MULLEN. Mr. Speaker, I think I have already stated what my personal opinion would be. However, I do not even know that I will be a delegate. I may not be around, or I may not be elected a delegate.

You know what my personal opinion is, but my personal opinion is not shared all the time by all the people, and they may not agree with me. So really I think you are beating a dead horse. It is going to be the people who are elected as delegates who are going to make the basic decision. If they follow my advice, you know what they will do; but if they do not follow it, they are liable to do anything else in this particular area.

Mr. ITKIN. Thank you, Mr. Speaker. I just have a brief comment.

The SPEAKER pro tempore. Prior to the gentleman's brief comment—and he knows that the gentleman from Allegheny is a man of his word—I should like to point out to the members of the House the change that we referred to. The Senate inserted this into the bill on page 2, line 9: "(d) Nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother." That is the Senate insertion.

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I believe my interrogation proves its point, that this particular Senate amendment has no bearing on this bill; that it will not, in the judgment of the prime sponsor, constrain any delegate elected to this constitutional convention to place the life of the mother before the life of the fetus. The member who says that he would seek election as a delegate, if such a constitutional convention is called, admitted to this House that if it was a question between the life of the mother and the life of the fetus, he would elect for the life of the fetus. It is because of that I do not see that this House can accept this type of language, and we ought to vote nonconcurrency, and a conference committee ought to be created for the purpose of restructuring that amendment so that it has some teeth in it and it has some bearing on this constitutional convention.

Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I am going to nonconcur in this Senate amendment for a number of reasons. One of them is that you read what the Senate amendment does, but I think in order to consider the impact of the Senate amendment, you have to read lines 7 and 8 which precede the Senate amendment, and it says in subsection (c): "The purpose of the Constitutional Convention shall be to only consider the above and no other business." For the Senate to then add the language they did after that, it seems to me to be a meaningless gesture, possibly to pacify somebody in the Senate; I do not know. But I really do not think it has any bearing whatsoever on what that convention is going to consider, because the Senate, in its wisdom, or lack thereof, instead of inserting this before the section that says the purpose shall be to consider only the above, inserted it after that language, which seems to me to be absolutely meaningless. It will not accomplish a single, solitary thing.

I think we ought to nonconcur in the Senate amendment, get it into a conference committee, and perhaps we can at least get some clarifying language as to what the intent of this legislature really is. I ask for nonconcurrency.

The SPEAKER pro tempore. The Chair recognizes, for the second time on this subject, the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. My recollection would indicate, Mr. Speaker, this is the first time I am speaking on the concurrence. I had raised an inquiry and a point of order before.

Mr. Speaker, I rise to interrogate Mr. Mullen.

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

Mr. RICHARDSON. Mr. Speaker, I rise for the same purpose that the previous speaker rose, and that would be to raise the question of lines 7 and 8 and then the insertion of the Senate amendment of subsection(d). Would that not, in effect, make null and void any discussion concerning whether or not the death of the mother concerning medical procedures would not be discussed in this particular HB 71?

Mr. M. P. MULLEN. As I stated earlier, Mr. Speaker, it is really immaterial, because the delegates to the constitutional convention, whoever they may be, will have the authority to consider that amendment, to consider other amendments, or to consider whatever they want to. They are being elected for the specific purpose of coming up with an amendment to the Constitution of the United States to invalidate the Supreme Court decision of 1972. This is the whole purpose of it.

Mr. RICHARDSON. Then why are you, Mr. Speaker, against rape and incest of mothers who have those similar problems? It seems to me your statement that you just got finished saying indicated that you would not care what kind of amendments went in as long as you got your constitutional convention. I raise the question that since you do have problems with mothers who have had rape and incest, why would you be against that amendment?

Mr. M. P. MULLEN. Because no other states that have adopted bills or resolutions—

Mr. RICHARDSON. I am not talking about other states, Mr. Speaker.

Mr. M. P. MULLEN. Well, this is what it is all about, Mr. Speaker. It is not adopting a bill here in Pennsylvania. We cannot adopt a bill in Pennsylvania. We all know that. What we are talking about is amending the United States Constitution, nothing more, nothing less. There is nothing we can do about the United States Supreme Court decision of 1972. This is why we are doing it this way.

Mr. RICHARDSON. Well, when the Senate put the amendment in, Mr. Speaker, you were not against that. I mean you still have your HB 71 in front of you. I am saying that if it did not make any difference then when that amendment went in and you still support the bill, why is it that you cannot support a bill that deals with making sure that mothers or women who run into the problems of rape or incest can be protected? Why are you against that, Mr. Speaker?

Mr. M. P. MULLEN. I do not think it is necessary. If you thought that was necessary, you should have inserted that amendment when it was in the Senate. The important thing is—

Mr. RICHARDSON. I am not a Senator.

Mr. M. P. MULLEN. I mean when it was before the House; I am sorry. But it was considered in the Senate. It was rejected overwhelmingly. So even if we did put it in, it would do nothing but delay the matter further. We do not want to delay it any further because we have already aborted 5¼ million people since that Supreme Court decision, and if this policy is permitted to continue, aborting at the rate of 1 million a year, we

are going to destroy our Nation.

The SPEAKER pro tempore. Will the gentleman yield?

The Chair has pointed out that the issue before the House is concurrence in the Senate amendments to HB 71. HB 71 was discussed at great length in this House, and the only issue before this House is the Senate amendments, which the Chair has read. If some missed the reading of that amendment, the Chair would be happy to oblige by repeating it for the second time.

Mr. RICHARDSON. Mr. Speaker, I am speaking on the amendment. That is what I am dealing with. I am dealing with the fact that you are talking about deaths of mothers and medical procedures. I am talking about medical procedures—

The SPEAKER pro tempore. The gentleman is speaking on rape and incest, as I gathered it, which is not a part of that amendment.

Mr. RICHARDSON. That can cause death, Mr. Speaker. Would you not admit that?

The SPEAKER pro tempore. The gentleman is going a bit far afield here, in the opinion of the Chair. Could the gentleman confine himself to the Senate amendments, if you please?

Mr. RICHARDSON. That is what I am doing, Mr. Speaker.

The SPEAKER pro tempore. Very good. The Chair thanks the gentleman. The gentleman is in order.

Mr. RICHARDSON. As I was saying, Mr. Speaker, when Mr. Mullen was under interrogation, I would just further ask, is he not aware of the fact that under the amendment that is presently put in by the Senate, over 7 percent of the women in the State of Pennsylvania have had similar medical procedural problems that have caused death and also by rape and incest? I am just wondering whether or not that is too far afield for him and whether or not he can respond to this.

I think that those questions have gone unanswered, and if Mr. Mullen will come back to the podium, maybe we can get a response. Mr. Speaker, I know you were not listening, so I will repeat it.

Mr. M. P. MULLEN. Mr. Speaker, I do not want to antagonize the voters we have who are going to vote for us now, so be easy on me, please.

Mr. RICHARDSON. Well, the way I look at it, Mr. Speaker, this is very serious. I think that women in this Commonwealth deserve much better. All we are asking is an opportunity to discuss with you in a debate on this issue, were you aware of the fact that over 7 percent of the women in this Commonwealth have had to go to the hospital against their will. They were raped; either through rape or through incest, and through—medical, I am talking about now—the amendment that was put in by the Senate that through medical procedures have caused death in this Commonwealth, and I am saying that, as you are talking about the 540 million that have been aborted, are you not concerned about the life of the mother? Are you not concerned about the life of the woman, the victim who could have in fact had this happen to her?

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. Well, if no one wants to answer it, it is all right with me.

Mr. GALLEN. Mr. Speaker, I raise the same point of order I raised previously.

The SPEAKER pro tempore. The gentleman, Mr. Gallen, has raised the same point of order. The gentleman will confine himself to the amendments that have been inserted by the Senate.

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

Mr. RICHARDSON. It is quite obvious that there has been some attempt—

PARLIAMENTARY INQUIRY

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

Mr. RHODES. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RHODES. The Speaker and the member, Mr. Gallen, keep referring to some rule of the House which says that the concurrent debate must be limited to the amendment. Which rule of the House is that?

The SPEAKER pro tempore. That is the issue before the House.

Mr. RICHARDSON. But, he said, what rule is that?

Mr. RHODES. Mr. Speaker, where in the rules of the House does it say that the member must confine himself to the amendment inserted by the Senate in a debate on concurrence, because an amendment by the Senate may or may not have excluded something which the member may want included in a conference committee? Where in our rules does it say that a member must be confined to the Senate amendment? Define that rule.

The SPEAKER pro tempore. HB 71 is not before the House for final consideration. It is here for the purpose of the Senate amendments.

Mr. RHODES. What rule is it, Mr. Speaker?

The SPEAKER pro tempore. I shall quote rule 10: "Upon being recognized, he may speak, confining himself to the question under consideration and avoiding personal reflections."

The point is: The question before the House is the Senate amendments to HB 71. Those amendments are now before the House for their concurrence or nonconcurrence. Those who are opposed would naturally vote for nonconcurrence. Those who favor the amendments included in the bill would vote "aye." That is the issue before the House.

Mr. RHODES. Mr. Speaker, I would beg to differ that rule 10 simply means that you must debate the bill. I would suggest, Mr. Speaker, that debating what the Senate did or did not do to HB 71 is completely in order.

The SPEAKER pro tempore. No. On the question as the Chair stated, that the bill was on concurrence in Senate amendments, the gentleman will note the calendar calls for that. That is the issue that I referred to when the bill was called up. The gentleman will note that on the calendar.

Mr. RHODES. But the amendments inserted by the Senate, Mr. Speaker—

The SPEAKER pro tempore. The question as it was stated to the House was: Will the House agree to HB 71 on concurrence in Senate amendments?

Mr. RHODES. I understand that, Mr. Speaker. But the amendments inserted by the Senate speak to a series of exceptions which any member of this House may agree with or disagree with. The Senate happened to insert one as opposed to a number of others. If a member of the House wishes other amendments inserted in a conference committee report, which the Senate chose not to insert, that certainly must be in order, Mr. Speaker, the Parliamentarian notwithstanding. That seems to me to be in order, Mr. Speaker.

The SPEAKER pro tempore. For the gentleman's information, the bill did pass the House, and the Senate inserted amendments. That body has now sent that bill with the Senate amendments back to the House for its concurrence or its non-concurrence. That is the issue before the House.

Mr. RHODES. But, Mr. Speaker, when a person wants to concur or nonconcur for the purpose of expanding the Senate amendment, that must be in order.

Mr. Speaker, for our record, so we do not mess up our record—

The SPEAKER pro tempore. You would seek to amend an amendment, apparently?

Mr. RHODES. No, no. Mr. Speaker, if a member wishes to change the amendment the Senate inserted, the only avenue available is to go to conference committee. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. That is correct. That is the issue before the House. The gentleman stated it accurately, in my opinion.

Mr. RHODES. So, Mr. Speaker, is it not in order for a member, who wishes to do so in conference committee, to raise questions that should be inserted in the conference report as in defense of his position to nonconcur, Mr. Speaker?

The SPEAKER pro tempore. There will be a vote held. If the majority had the opinion that this House should concur in the Senate amendments, that will be the decision. Then it would go on to the Governor. However, if those who wish to nonconcur are in the majority, then there would be a conference committee set.

Mr. RHODES. Mr. Speaker, certainly issues that members would like to come before a conference committee to correct a bill amended by the Senate are issues properly put before the House before a vote on concurrence, Mr. Speaker.

The SPEAKER pro tempore. Would the gentleman believe that the conference committee, if there should be one, would read the proceedings of this House and from that ascertain their actions?

Mr. RHODES. Certainly, Mr. Speaker, they will be guided to some extent by the floor debate on why we chose to nonconcur.

The SPEAKER pro tempore. The gentleman has a great faith.

Mr. RHODES. I am guilty of that often, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I still have the floor. You

interrupted me at the point of information of the gentleman from Allegheny, Mr. Rhodes.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair returns to the gentleman, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, in light of the fact that all of the conversation that is going on concerning HB 71 and the concurrence in Senate amendments, I would like at this time to move, Mr. Speaker, that we suspend the rules so that we may have an opportunity to entertain an amendment.

The SPEAKER pro tempore. The gentleman is in order. He has moved that the House suspend the rules, rule 30, so that he may offer amendments to the Senate amendments to HB 71.

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

Mr. M. P. MULLEN. Mr. Speaker, I suggest that we vote "no."

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

The following roll call was recorded:

YEAS—49

| | | | |
|---------|-----------|------------|---------------|
| Barber | Greenleaf | Meluskey | Rhodes |
| Beloff | Harper | Milanovich | Richardson |
| Berson | Hasay | Miller | Ritter |
| Brandt | Hoeffel | Moehlmann | Schweder |
| Brown | Itkin | Mowery | Scirica |
| Cowell | Kernick | Noye | Sweet |
| Davies | Knepper | Parker | Wagner |
| DeWeese | Kukovich | Piccola | White |
| Dorr | Levin | Pievsky | Wilt |
| Dumas | Livengood | Pott | Wise |
| Garzia | Madigan | Rappaport | Wright, J. L. |
| Geesey | Mebus | Reed | Zwilk |
| Gleeson | | | |

NAYS—142

| | | | |
|-------------|----------------|---------------|------------|
| Abraham | Foster, W. | Lincoln | Scheaffer |
| Anderson | Freind | Logue | Schmitt |
| Armstrong | Fryer | Lynch | Seltzer |
| Arthurs | Gallagher | Mackowski | Shuman |
| Bellomini | Gallen | Manderino | Shupnik |
| Bennett | Gamble | Manmiller | Sirianni |
| Berlin | Gatski | McCall | Smith, E. |
| Bittinger | Geisler | McClatchy | Smith, L. |
| Bittle | George, C. | McIntyre | Spencer |
| Borski | George, M. | McLane | Spitz |
| Brunner | Giammarco | Milliron | Stairs |
| Burd | Gillette | Miscevich | Stapleton |
| Burns | Goebel | Mrkonic | Stewart |
| Caltagirone | Goodman | Mullen, M. P. | Stuban |
| Caputo | Gray | Musto | Taddonio |
| Cassidy | Grieco | Novak | Taylor, E. |
| Cessar | Halverson | O'Brien, B. | Taylor, F. |
| Cianciulli | Hamilton | O'Brien, D. | Tenaglio |
| Cimini | Haskell | O'Connell | Thomas |
| Cohen | Hayes, D. S. | O'Donnell | Trello |
| Cole | Hayes, S. E. | O'Keefe | Valicenti |
| DeMedio | Helfrick | Pancoast | Vroon |
| DeVerter | Honaman | Peterson | Wansacz |
| DiCarlo | Hopkins | Petrarca | Wargo |
| Dietz | Hutchinson, A. | Pitts | Wass |
| Dininni | Hutchinson, W. | Polite | Weidner |

| | | | |
|----------------|-----------|-------------|------------|
| Dombrowski | Jones | Pratt | Wenger |
| Donatucci | Katz | Prendergast | Wiggins |
| Doyle | Kelly | Pyles | Wilson |
| Duffy | Klingaman | Ravenstahl | Wright, D. |
| Engelhart | Kolter | Renwick | Yahner |
| Fee | Kowalshyn | Rieger | Zearfoss |
| Fischer, R. R. | Laughlin | Ruggiero | Zeller |
| Fisher, D. M. | Lehr | Ryan | Zitterman |
| Flaherty | Letterman | Salvatore | Zord |
| Foster, A. | Levi | | |

NOT VOTING—10

| | | | |
|------------|---------|----------|---------|
| Greenfield | Morris | Shelton | Irvis, |
| Johnson | Oliver | Williams | Speaker |
| McGinnis | Scanlon | Yohn | |

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

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

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

Mr. BERSON. Mr. Speaker, I know the hour is late and everybody is impatient but because this issue has come up and because I want the record to be clear and because the Chair has adverted to whether or not this bill requires the approval of the Governor, I want to bring to the attention of the House the provision of Article III, Section 9, of the Pennsylvania Constitution which says:

Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, . . .

I would suggest this bill requires the Governor's approval.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for the second and final time.

Mr. RICHARDSON. It is not the second time. This is a new issue. I made a motion, Mr. Speaker, to ask that the—

The SPEAKER pro tempore. It is on the same issue. It is on HB 71, Mr. Richardson.

Mr. RICHARDSON. Well, if I made a motion, Mr. Speaker, that was a motion at that time to suspend the rules. I am now standing, Mr. Speaker, to offer another motion.

The SPEAKER pro tempore. Mr. Richardson, you spoke before when you interrogated Mr. Mullen. Was that not one time?

Mr. RICHARDSON. That was the same time.

The SPEAKER pro tempore. The gentleman is recognized for the second and final time.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINCOLN. Posing the question to the Chair, did not Mr. Richardson one time speak when he wanted to make the motion

and then withdrew it? So, I would say that this is his third time rather than his second time.

The SPEAKER pro tempore. There was a difference. The motion did not count, according to our counting, and it was a separate issue. If you recall, I raised it the other time with the gentleman, and he stated, no, he had only spoken once.

Mr. LINCOLN. Mr. Speaker, I very clearly remember Mr. Richardson making a motion to suspend and then withdrawing it. That is once. He also made a motion to suspend, and we voted on it just now. That is twice. Now, I do not know how you add, but this time makes three in my mind.

The SPEAKER pro tempore. The motion to suspend was a separate issue. It did not deal with the bill. He did at that time, interrogate Mr. Mullen.

I think possibly we can save some time if Mr. Richardson is having his second and final time. We have established that. The gentleman is in order and may proceed.

MOTION TO TABLE

Mr. RICHARDSON. Each time that I stand, according to the rules of this House, Mr. Speaker, as long as it is a new issue, we have two times in which to speak on each issue. But I am not laboring the House on that matter. I just want to also correct the rules, since you want to cite them to me.

The SPEAKER pro tempore. The Chair will stand by his ruling. This is the gentleman's second and final time. The gentleman is in order and may proceed.

Mr. RICHARDSON. If this is a new issue, Mr. Speaker, I will deal with it at that time.

Mr. Speaker, I move to table HB 71 until such time as we have an opportunity to decide whether or not a fiscal note is required for this bill. I so ask, Mr. Speaker, whether or not a fiscal note is needed for HB 71?

The SPEAKER pro tempore. The gentleman has moved to table HB 71—

Mr. RICHARDSON. For a fiscal note, Mr. Speaker.

The SPEAKER pro tempore. —for the purposes of a fiscal note.

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

The following roll call was recorded:

YEAS—24

| | | | |
|------------|----------|------------|---------|
| Beloff | Harper | Levin | Ritter |
| Berson | Hasay | Miller | Scirica |
| Brown | Hoeffel | Moehlmann | Wagner |
| DeWeese | Itkin | Rappaport | White |
| Dumas | Kernick | Rhodes | Wilt |
| George, M. | Kukovich | Richardson | Wise |

NAYS—166

| | | | |
|-----------|-----------|-----------|-----------|
| Abraham | Fryer | Manderino | Salvatore |
| Anderson | Gallagher | Manmiller | Scanlon |
| Armstrong | Gallen | McCall | Scheaffer |
| Arthurs | Gamble | McClatchy | Schmitt |
| Bellomini | Garzia | McGintyre | Schweder |
| Bennett | Gatski | McIntyre | Seltzer |
| Berlin | Geesey | McLane | Shuman |

| | | | |
|----------------|--------------|---------------|---------------|
| Bittinger | Geisler | Mebus | Shupnik |
| Bittle | George, C. | Meluskey | Sirianni |
| Borski | Giammarco | Milanovich | Smith, E. |
| Brandt | Gillette | Milliron | Smith, L. |
| Brunner | Gleeson | Miscevich | Spencer |
| Burd | Goebel | Mowery | Spitz |
| Burns | Goodman | Mrkonic | Stairs |
| Caltagirone | Gray | Mullen, M. P. | Stapleton |
| Caputo | Greenleaf | Musto | Stewart |
| Cassidy | Grieco | Novak | Stuban |
| Cessar | Halverson | Noye | Sweet |
| Cianciulli | Hamilton | O'Brien, B. | Taddonio |
| Cimini | Haskell | O'Brien, D. | Taylor, E. |
| Cohen | Hayes, D. S. | O'Connell | Taylor, F. |
| Cole | Hayes, S. E. | O'Donnell | Tenaglio |
| Cowell | Helfrick | O'Keefe | Thomas |
| Davies | Honaman | Pancoast | Trello |
| DeMedio | Hopkins | Parker | Valicenti |
| DeVerter | Jones | Peterson | Vroon |
| DiCarlo | Katz | Petrarca | Wansacz |
| Dietz | Kelly | Piccola | Wargo |
| Dininni | Klingaman | Pievsky | Wass |
| Dombrowski | Knepper | Pitts | Weidner |
| Donatucci | Kolter | Polite | Wenger |
| Dorr | Kowalshyn | Pott | Wiggins |
| Doyle | Laughlin | Pratt | Wilson |
| Duffy | Lehr | Prendergast | Wright, D. |
| Englehart | Letterman | Pyles | Wright, J. L. |
| Fee | Levi | Ravenstahl | Yahner |
| Fischer, R. R. | Lincoln | Reed | Zearfoss |
| Fisher, D. M. | Livengood | Renwick | Zeller |
| Flaherty | Logue | Rieger | Zitterman |
| Foster, A. | Lynch | Ruggiero | Zord |
| Foster, W. | Mackowski | Ryan | Zwinkl |
| Freind | Madigan | | |

NOT VOTING—11

| | | | |
|----------------|---------|----------|---------|
| Barber | Johnson | Shelton | Irvis, |
| Greenfield | Morris | Williams | Speaker |
| Hutchinson, A. | Oliver | Yohn | |
| Hutchinson, W. | | | |

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

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

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I should like to ask for only the members who are in their seats to be able to vote the next time.

The SPEAKER pro tempore. The Chair notes very few absentees.

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

Mr. ITKIN. Mr. Speaker, to debate the bill.

The SPEAKER pro tempore. The debate will be limited to the amendment that has been inserted by the Senate, and the gentleman is recognized for the second and final time. Has the gentleman spoken twice on this issue before?

Mr. ITKIN. No, I have not.

The SPEAKER pro tempore. The record here indicates, Mr. Itkin, that you have spoken twice. The members of the House feel, apparently, that you have spoken twice. As you know, we observe the honor system.

Mr. ITKIN. That is because I say so much when I speak once.

The SPEAKER pro tempore. Please, do not interrupt the Chair.

We will rely upon the honor system. Are you telling the Chair and this assembled House that you did not speak twice on this issue?

Mr. ITKIN. To the best of my knowledge, I spoke only once.

The SPEAKER pro tempore. Mr. Itkin, you have been consulting with the attorneys again.

PARLIAMENTARY INQUIRY

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

Mr. ITKIN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, I heard a distinguished Representative from Philadelphia, our chairman of our Judiciary Committee, state very succinctly that in his professional judgment this bill requires under Article 3, section 9, that every resolution which requires the concurrence of both Houses shall be presented to the Governor.

I would like to know, since this is a constitution that we must abide by, in addition to the Constitution of the United States, whether the Chair will follow the precepts of this constitutional amendment and forward HB 71, if it shall pass this House, to the Governor for his approval?

The SPEAKER pro tempore. Nothing can be done until April 3, Mr. Itkin, so the Chair is not in a position to answer that question.

Mr. ITKIN. In other words, the Chair now reserves judgment as to whether HB 71 will be transmitted to the Governor for his approval.

The SPEAKER pro tempore. That will be in the hands of the Speaker.

The gentleman is aware that I am in the chair in the absence of the Speaker.

POINTS OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GALLEN. Mr. Speaker, the gentleman did not raise a point of parliamentary inquiry.

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I would just like to know whether or not a motion is in order to place before this House?

The SPEAKER pro tempore. The gentleman will state his motion.

Mr. RICHARDSON. I would like to move, Mr. Speaker, that we pass over this bill until April 3 and then move to ask that we adjourn.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLIRON. Mr. Speaker, it is my information from Mason's Manual that the Speaker at any time can rule motions to be dilatory and out of order. Considering the last three votes on tabling and the other several that were made, I would ask the Chair to rule on that motion?

The SPEAKER pro tempore. I have before me a copy of the rules and they state here, rule 54, the last line of rule 54, "No dilatory motion shall be entertained by the Speaker." Therefore, reinforced by this rule, the Chair will insist upon its enforcement, as all the members of the House would agree, and the members will proceed to vote.

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

What is the gentleman's point of order?

Mr. RICHARDSON. I had a motion, Mr. Speaker, and I did not hear an answer to that reply. I heard you read some rules, but I do not know what they mean.

The SPEAKER pro tempore. The gentleman's motion is not in order.

Mr. RICHARDSON. I appeal the ruling of the Chair then, Mr. Speaker.

The SPEAKER pro tempore. The gentleman cares to dispute the ruling of the Chair?

The Chair once again points out the ruling of rule 54. With that in mind, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. My point of order was very clear, Mr. Speaker. I asked whether or not the entertainment of a motion would be considered. I asked whether or not I could make a motion to ask that the bill be passed over. Then I stopped and I said that I had another motion, to ask that we adjourn, but then they told me that according to the rules, they had to do one step at a time. So I am asking—

The SPEAKER pro tempore. Will the gentleman state his motion that he has in mind presently?

MOTION TO PASS OVER HB 71

Mr. RICHARDSON. My first one is to ask that the bill be passed over for today.

The SPEAKER pro tempore. It is moved by the gentleman from Philadelphia, Mr. Richardson, that HB 71, PN 2579, be passed over.

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

The following roll call was recorded:

YEAS—29

| | | | |
|--------|----------|-----------|------------|
| Beloff | Helfrick | Livengood | Pott |
| Berson | Hoeffel | Mebus | Rappaport |
| Brown | Itkin | Miller | Rhodes |
| Cowell | Kernick | Moehlmann | Richardson |

| | | | |
|---------|----------|-----------|---------|
| Davies | Kolter | Noye | Scirica |
| DeWeese | Kukovich | O'Donnell | Sweet |
| Dumas | Levin | Pievsky | Wise |
| Harper | | | |

NAYS—157

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gallen | Manderino | Schmitt |
| Anderson | Gamble | Manmiller | Schweder |
| Armstrong | Garzia | McCall | Seltzer |
| Arthurs | Gatski | McClatchy | Shuman |
| Bellomini | Geesey | McGinnis | Shupnik |
| Bennett | Geisler | McIntyre | Sirianni |
| Berlin | George, C. | McLane | Smith, E. |
| Bittinger | George, M. | Meluskey | Smith, L. |
| Bittle | Giammarco | Milanovich | Spencer |
| Borski | Gillette | Milliron | Spitz |
| Brandt | Gleeson | Miscevich | Stairs |
| Brunner | Goebel | Mowery | Stapleton |
| Burd | Goodman | Mrkonic | Stewart |
| Burns | Gray | Mullen, M. P. | Stuban |
| Caltagirone | Greenleaf | Musto | Taddonio |
| Caputo | Grieco | Novak | Taylor, E. |
| Cassidy | Halverson | O'Brien, B. | Taylor, F. |
| Cianciulli | Hamilton | O'Brien, D. | Tenaglio |
| Cimini | Hasay | O'Connell | Thomas |
| Cohen | Haskell | O'Keefe | Trello |
| Cole | Hayes, D. S. | Oliver | Valicenti |
| DeMedio | Hayes, S. E. | Pancoast | Vroon |
| DeVerter | Honaman | Peterson | Wagner |
| DiCarlo | Hopkins | Petrarca | Wansacz |
| Dietz | Hutchinson, A. | Piccola | Wargo |
| Dininni | Jones | Pitts | Wass |
| Dombrowski | Katz | Polite | Weidner |
| Dorr | Kelly | Pratt | Wenger |
| Doyle | Klingaman | Prendergast | Wiggins |
| Duffy | Kowalshyn | Pyles | Wilson |
| Englehart | Laughlin | Ravenstahl | Wilt |
| Fee | Lehr | Reed | Wright, D. |
| Fischer, R. R. | Letterman | Renwick | Wright, J. L. |
| Fisher, D. M. | Levi | Rieger | Yahner |
| Flaherty | Lincoln | Ritter | Zearfoss |
| Foster, A. | Logue | Ruggiero | Zeller |
| Foster, W. | Lynch | Ryan | Zitterman |
| Freind | Mackowski | Scanlon | Zord |
| Fryer | Madigan | Scheaffer | Zwilk |
| Gallagher | | | |

NOT VOTING—15

| | | | |
|----------------|---------|-----------|---------|
| Barber | Johnson | Salvatore | Yohn |
| Cessar | Knepper | Shelton | |
| Donatucci | Morris | White | Irvis, |
| Greenfield | Parker | Williams | Speaker |
| Hutchinson, W. | | | |

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

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would Representative Itkin allow himself to be interrogated?

Mr. ITKIN. It is a difficult decision, but my duty must require it.

Mr. COWELL. Mr. Speaker, there was some dispute about how many times you had spoken earlier. If you would have been allowed to speak again, what would you have said?

The SPEAKER pro tempore. The Chair observes the solidarity of the Allegheny delegation and recognizes the gentleman, Mr. Itkin, for a reply.

Mr. ITKIN. I just wish we were more numerous.

Mr. Speaker, what I would really like to know is, you made a statement that this decision as to whether it will go the Governor if this bill is approved tonight will be reserved until April 3. Is that correct?

The SPEAKER pro tempore. I made the observation that I am acting in the Chair in the absence of the Speaker, and that is the Speaker's decision.

Mr. ITKIN. Mr. Speaker Pro Tempore, since the Speaker must sign the bill in the presence of the House which is in session, the first opportunity he would have to do so would not be until the 3rd of April. Is that correct?

The SPEAKER pro tempore. It would appear so.

Mr. ITKIN. Thank you.

Mr. Speaker, therefore, I do not understand why we are belaboring the issue tonight when—

The SPEAKER pro tempore. Amen.

Mr. ITKIN. —when the issue could be resolved on the 3rd of April, since the Speaker is not here to sign the measure. Is that correct?

The SPEAKER pro tempore. The gentleman is well aware that we are well down the road on this particular issue, and I think it should be resolved—

Mr. ITKIN. Yes; we are going over the bridge.

The SPEAKER pro tempore. —if the majority of the members so decide.

MOTION TO ADJOURN

Mr. ITKIN. Mr. Speaker, therefore, would it be appropriate at this time to offer a motion to adjourn the House until April 3?

The SPEAKER pro tempore. The motion to adjourn is always in order.

Mr. ITKIN. Then being an orderly person, Mr. Speaker, I would like to make the following motion, that this House now stand in adjournment until Monday, April 3, 1978, at 1 o'clock in the afternoon.

PARLIAMENTARY INQUIRY

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

Mr. DOMBROWSKI. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOMBROWSKI. Before he makes such a motion, I thought he was just interrogated by Ronnie Cowell. Can he make a motion like that while he is being interrogated?

The SPEAKER pro tempore. The gentleman had the floor, and the motion to adjourn is always in order.

It would appear to the Chair that the majority of the members desire to resolve this this evening.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—29

| | | | |
|------------|----------|-----------|------------|
| Anderson | Hoeffel | Miller | Rappaport |
| Berson | Itkin | Moehlmann | Rhodes |
| Cowell | Kernick | Noye | Richardson |
| Davies | Knepper | Parker | Scirica |
| DeWeese | Kukovich | Peterson | Sweet |
| Dorr | Levin | Pievsky | Weidner |
| George, M. | Mebus | Pott | White |
| Harper | | | |

NAYS—159

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gallen | Mackowski | Scheaffer |
| Armstrong | Gamble | Madigan | Schmitt |
| Arthurs | Garzia | Manderino | Schweder |
| Bellomini | Gatski | Manmiller | Seltzer |
| Bennett | Geesey | McCall | Shuman |
| Berlin | Geisler | McClatchy | Shupnik |
| Bittinger | George, C. | McGinnis | Sirianni |
| Bittle | Giammarco | McIntyre | Smith, E. |
| Borski | Gillette | McLane | Smith, L. |
| Brandt | Gleeson | Meluskey | Spencer |
| Brown | Goebel | Milanovich | Spitz |
| Brunner | Goodman | Milliron | Stairs |
| Burd | Gray | Miscevich | Stapleton |
| Burns | Greenleaf | Mowery | Stewart |
| Caltagirone | Grieco | Mrkonic | Stuban |
| Caputo | Halverson | Mullen, M. P. | Taddonio |
| Cassidy | Hamilton | Musto | Taylor, E. |
| Cessar | Hasay | Novak | Taylor, F. |
| Cianciulli | Haskell | O'Brien, B. | Tenaglio |
| Cimini | Hayes, D. S. | O'Brien, D. | Thomas |
| Cohen | Hayes, S. E. | O'Connell | Trello |
| Cole | Helfrick | O'Donnell | Valicenti |
| DeMedio | Honaman | O'Keefe | Vroon |
| DeVerter | Hopkins | Pancoast | Wagner |
| DiCarlo | Hutchinson, A. | Petrarca | Wansacz |
| Dietz | Hutchinson, W. | Piccola | Wargo |
| Dininni | Jones | Pitts | Wass |
| Dombrowski | Katz | Polite | Wenger |
| Doyle | Kelly | Pratt | Wilson |
| Duffy | Klingaman | Prendergast | Wilt |
| Englehart | Kolter | Pyles | Wise |
| Fee | Kowalyszyn | Ravenstahl | Wright, D. |
| Fischer, R. R. | Laughlin | Reed | Wright, J. L. |
| Fisher, D. M. | Lehr | Renwick | Yahner |
| Flaherty | Letterman | Rieger | Zearfoss |
| Foster, A. | Levi | Ritter | Zeller |
| Foster, W. | Lincoln | Ruggiero | Zitterman |
| Freind | Livengood | Ryan | Zord |
| Fryer | Logue | Salvatore | Zwilk |
| Gallagher | Lynch | Scanlon | |

NOT VOTING—13

| | | | |
|-----------|------------|----------|---------|
| Barber | Greenfield | Shelton | Irvis, |
| Beloff | Johnson | Wiggins | Speaker |
| Donatucci | Morris | Williams | |
| Dumas | Oliver | Yohn | |

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

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—135

| | | | |
|----------------|----------------|---------------|---------------|
| Abraham | Gallagher | Lynch | Ryan |
| Armstrong | Gallen | Mackowski | Salvatore |
| Arthurs | Gamble | Manderino | Scanlon |
| Bellomini | Garzia | Manmiller | Scheaffer |
| Bennett | Gatski | McCall | Schmitt |
| Berlin | Geisler | McClatchy | Schweder |
| Bittle | George, C. | McGinnis | Seltzer |
| Borski | Giammarco | McIntyre | Shuman |
| Brunner | Gillette | McLane | Shupnik |
| Burd | Goebel | Meluskey | Sirianni |
| Burns | Goodman | Milanovich | Smith, E. |
| Caltagirone | Gray | Milliron | Smith, L. |
| Caputo | Grieco | Miscevich | Spencer |
| Cassidy | Halverson | Mowery | Spitz |
| Cessar | Hamilton | Mrkonic | Stairs |
| Cianciulli | Haskell | Mullen, M. P. | Stapleton |
| Cimini | Hayes, D. S. | Musto | Stewart |
| DeMedio | Hayes, S. E. | Novak | Taddonio |
| DeWeese | Helfrick | O'Brien, B. | Taylor, F. |
| DiCarlo | Hopkins | O'Brien, D. | Tenaglio |
| Dietz | Hutchinson, W. | O'Connell | Trello |
| Dininni | Jones | O'Keefe | Valicenti |
| Dombrowski | Katz | Pancoast | Wansacz |
| Donatucci | Kelly | Petrarca | Wargo |
| Doyle | Klingaman | Pitts | Wass |
| Duffy | Kolter | Polite | Wenger |
| Engelhart | Kowalyszyn | Pott | Wilson |
| Fee | Laughlin | Pratt | Wilt |
| Fischer, R. R. | Lehr | Prendergast | Wright, J. L. |
| Fisher, D. M. | Letterman | Ravenstahl | Yahner |
| Flaherty | Levi | Reed | Zeller |
| Foster, A. | Lincoln | Renwick | Zitterman |
| Foster, W. | Livengood | Rieger | Zord |
| Freind | Logue | Ruggiero | |

NAYS—56

| | | | |
|------------|----------------|------------|------------|
| Anderson | Gleeson | Moehlmann | Sweet |
| Beloff | Greenleaf | Noye | Taylor, E. |
| Berson | Harper | O'Donnell | Thomas |
| Bittinger | Hasay | Parker | Vroon |
| Brandt | Hoeffel | Peterson | Wagner |
| Brown | Honaman | Piccola | Weidner |
| Cohen | Hutchinson, A. | Pievsky | White |
| Cole | Itkin | Pyles | Wise |
| Cowell | Kernick | Rappaport | Wright, D. |
| Davies | Knepper | Rhodes | Zearfoss |
| DeVerter | Kukovich | Richardson | Zwikl |
| Dorr | Levin | Ritter | |
| Fryer | Madigan | Scirica | Irvis, |
| Geesey | Mebus | Stuban | Speaker |
| George, M. | Miller | | |

NOT VOTING—10

| | | | |
|------------|---------|---------|----------|
| Barber | Johnson | Shelton | Williams |
| Dumas | Morris | Wiggins | Yohn |
| Greenfield | Oliver | | |

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.

REMARKS ON VOTE

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

Mr. RAPPAPORT. Mr. Speaker, I note that Representative

Beloff was temporarily out of his seat, and he was voted on concurrence in Senate amendments to HB 71. This is a rather important bill, and I would suggest that he be recorded as not voting, because he was not in his seat at the moment the vote took place.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HOUSE BILL NO. 72, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

AN ACT

~~Relating to the implementation of the emergency telephone number "911"; providing a title; providing an intent; providing for a State plan; providing a system director; providing for telephone industry coordination; providing for coin telephone conversion; AND providing for system approval AND ESTABLISHING THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF ALL TELECOMMUNICATIONS WITHIN STATE GOVERNMENT IN THE DEPARTMENT OF GENERAL SERVICES. PROVIDING FOR THE DEVELOPMENT OF A STATEWIDE EMERGENCY TELEPHONE NUMBER "911" SYSTEM PLAN.~~

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the "Emergency Telephone Act."

Section 2. Legislative intent.

The Legislature hereby finds and declares that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid. There currently exist thousands of different emergency phone numbers throughout the Commonwealth. Providing for a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public efforts by making it easier to notify emergency center personnel. Such a simplified means of procuring emergency services will result in the saving of life, and reduction in the destruction of property, and quicker apprehension of criminals. It is the intent of the Legislature to establish and implement a cohesive Statewide emergency telephone number "911" plan which will provide citizens with rapid direct access to public emergency operation centers by dialing the telephone number "911," with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services. IT IS THE INTENT OF THE LEGISLATURE THAT SAID PLAN BE REVIEWED AND ENACTED INTO LAW AFTER PROPER CONSIDERATION BY THE LEGISLATURE.

Section 3. Definitions.

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

"Agency" means that element of the Governor's Office designated by the Governor to carry out the purposes of this act.

"AGENCY" MEANS THAT ELEMENT OF THE GOVERNOR'S OFFICE DESIGNATED BY THE GOVERNOR TO CARRY OUT THE PURPOSES OF THIS ACT.

"DEPARTMENT" MEANS THE DEPARTMENT OF GENERAL SERVICES.

"Local government" means any political subdivision or any combination or group thereof.

"Public agency" means the State, and any city, county, city

and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this Commonwealth which provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.

"Public safety agency" means a functional division of a public agency which provides fire fighting, law enforcement, medical, or other emergency services.

Section 4. State plan.

The agency DEPARTMENT shall develop a Statewide emergency telephone number "911" system plan within 18 months of the effective date of this act. The plan shall provide for:

(1) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the State; provided, however, that all applicants for the service herein established shall make arrangements with the telephone utility involved to serve the entire central office district or districts of said utility.

(2) A system to meet specific local government requirements. Such system shall include law enforcement, fire fighting, and emergency medical services, and may include other emergency services such as poison control, suicide prevention, and civil defense services.

(3) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(4) A funding provision which shall identify the cost necessary to implement the "911" system.

(5) A schedule which shall provide for full implementation of the Statewide emergency telephone number "911" system plan within seven years of the effective date of this act. The schedule shall be designed to permit orderly implementation and to accommodate local variances.

THE AGENCY SHALL DEVELOP A STATEWIDE EMERGENCY TELEPHONE NUMBER "911" SYSTEM PLAN, WHICH SHALL BE SUBMITTED TO THE LEGISLATURE WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS ACT FOR PROPOSED ENACTMENT. THE PLAN SHALL PROVIDE FOR:

(1) THE PUBLIC AGENCY EMERGENCY TELEPHONE COMMUNICATIONS REQUIREMENTS FOR EACH ENTITY OF LOCAL GOVERNMENT IN THE STATE.

(2) A SYSTEM TO MEET SPECIFIC LOCAL GOVERNMENT REQUIREMENTS. SUCH SYSTEM SHALL INCLUDE LAW ENFORCEMENT, FIRE FIGHTING, AND EMERGENCY MEDICAL SERVICES, AND MAY INCLUDE OTHER EMERGENCY SERVICES SUCH AS POISON CONTROL, SUICIDE PREVENTION, AND CIVIL DEFENSE SERVICES.

(3) IDENTIFICATION OF EXISTING "911" SYSTEMS IN OPERATION. ADDITIONALLY, RECOMMENDATIONS FOR COORDINATING EXISTING "911" SYSTEMS AND NEW SYSTEMS NECESSITATED BY THE STATEWIDE PLAN SHALL BE PART OF THE PLAN.

(4) THE IDENTIFICATION OF THE MUTUAL AID AGREEMENTS NECESSARY TO OBTAIN AN EFFECTIVE "911" SYSTEM.

(5) A COST ANALYSIS WHICH SHALL IDENTIFY THE COSTS NECESSARY TO ESTABLISH AND OPERATE A STATEWIDE "911" SYSTEM BOTH AT THE STATE AND LOCAL GOVERNMENT LEVELS.

(6) RECOMMENDATIONS AS TO HOW SAID COSTS SHALL BE PAID AND FROM WHICH SOURCES OF REVENUE. ADDITIONALLY, THE PLAN SHALL IDENTIFY AND DELINEATE ALL EXISTING FEDERAL, STATE, LOCAL, AND PRIVATE FUNDING SOURCES AVAILABLE.

(7) A PROPOSED SCHEDULE FOR FULL IMPLEMENTATION OF THE STATEWIDE EMERGENCY TELEPHONE NUMBER "911" SYSTEM PLAN. THE SCHEDULE SHALL BE DESIGNATED TO PERMIT ORDERLY IMPLEMENTATION AND ACCOMMODATE LOCAL VARIANCES.

Section 5. Agency DEPARTMENT AGENCY functions and responsibilities.

The agency designated by the Governor to carry out the purposes of this act DEPARTMENT AGENCY DESIGNATED BY THE GOVERNOR TO CARRY OUT THE PURPOSES OF THIS ACT shall promulgate PUBLISH, in accordance with the act of July 31, 1968 (P. L. 769, No. 240), known as the "Common-

wealth Documents Law," the necessary rules, procedures, and plan AND PROPOSED implementation schedules relating to public agencies for implementing and administering the plan FOR PUBLIC COMMENT AND REVIEW. Said agency shall also have a director with THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF ALL TELECOMMUNICATIONS OF THE COMMONWEALTH, SHALL BE ESTABLISHED WITHIN THE DEPARTMENT, INCLUDING THE SAID AGENCY SHALL ALSO HAVE A DIRECTOR WITH THE responsibility of carrying out the provisions of this act. He THE DEPARTMENT HE shall coordinate the plan development and implementation of the system with State, county, local, and private agencies. For the purposes of this act, the director is authorized TO THE DEPARTMENT MAY FOR THE PURPOSES OF THIS ACT, THE DIRECTOR IS AUTHORIZED TO employ professional and clerical persons in such staff capacities as required for administrative or project team operations and to hire professional consultants pursuant to the limitations prescribed in the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929". The director DEPARTMENT DIRECTOR shall also coordinate with the Pennsylvania Public Utility Commission and with the Pennsylvania telephone utility or utilities involved for a timely implementation of "911". Nothing contained in this act shall be construed, or is intended to be construed, to limit the jurisdiction of the Pennsylvania Public Utility Commission over the Pennsylvania telephone utility involved or in such utility's participation in such implementation of "911".

Section 6. Coin telephones.

The Pennsylvania Public Utility Commission shall establish rules to be followed by the telephone utilities in Pennsylvania designed toward directing the provision of coin free dialing of "911" calls wherever economically practicable and in the public interest.

Section 7. System implementation.

From the effective date of this act, all emergency telephone number "911" systems shall be established or expanded in consonance with the provisions of the Statewide emergency telephone number "911" system plan. Preliminary review and approval procedures shall be established by the agency as provided in this act DEPARTMENT and implementation or expansion of such "911" systems shall be effected by a public agency only subsequent to such review and approval for compatibility with the Statewide plan. Nothing in this act shall be construed to prohibit or discourage the formation of multijurisdictional or regional systems, and any system established pursuant to this act may include the jurisdiction, or any portion thereof, of more than one public agency.

Section 8. Compliance.

The agency DEPARTMENT shall assist all public agencies in their efforts to carry out the intent of this act to insure compliance by such agencies with the Statewide plan.

SECTION 9. FUNDING.

THE FUNDS NECESSARY TO SUPPORT THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF ALL TELECOMMUNICATIONS SERVICES AND SUPPORT ACTIVITIES OF THE COMMONWEALTH FOR THE FISCAL YEAR 1977-89 SHALL BE TRANSFERRED FROM THE APPROPRIATE BUDGET WITHIN THE GOVERNOR'S OFFICE TO THE DEPARTMENT OF GENERAL SERVICES. FUTURE YEARS FUNDING SHALL BE BILLED DIRECTLY BY THE DEPARTMENT OF GENERAL SERVICES TO THE AGENCIES UNDER THE GOVERNORS JURISDICTION.

ANY AND ALL FUNDS CITED IN THE GENERAL APPROPRIATION ACT OF 1977 FOR THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE EMERGENCY TELEPHONE SYSTEM SHALL BE TRANSFERRED TO THE DEPARTMENT OF GENERAL SERVICES.

Section 9-10 6. Effective date.

This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, I ask that this House do nonconcur in the amendments inserted by the Senate to HB 72.

The SPEAKER pro tempore. Will the gentleman yield while we follow the procedure?

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

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

I support the gentleman, Mr. Kolter, and ask the members to vote to nonconcur.

Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—0

NAYS—188

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

NOT VOTING—13

| | | |
|--------|------------|--------|
| Barber | Greenfield | Oliver |
|--------|------------|--------|

| | | | |
|-----------|----------|----------|---------|
| Beloff | Johnson | Shelton | Irvis, |
| Donatucci | McIntyre | Williams | Speaker |
| Dumas | Morris | Yohn | |

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. PRATT. Mr. Speaker, may I submit some remarks for the record?

The SPEAKER pro tempore. The gentleman is in order and he may submit his remarks for the record.

Mr. PRATT submitted the following remarks for the Legislative Journal:

Mr. Speaker, the legislators of Pennsylvania have generously supported the state-owned colleges since their charters were approved in the 1880's. This support has meant a commitment of millions of dollars.

But, with this support also comes a responsibility to the taxpayers to assure them that their huge investment is being used for the purpose intended. Unfortunately, this hope is unfounded and futile. As every year we learn from the media of charges of mismanagement and corruption at the state-owned colleges, these charges are rarely refuted. These charges do not come from strangers but from the office of the Auditor General whose duty is it to review the finances of the colleges. In some institutions the audit reports have led to indictments and convictions.

Mr. Speaker, in April, 1975, a special task force of the House Education Committee chaired by Representative Michael Schweder visited every state-owned college in the Commonwealth, and questioned various officials of these state colleges regarding certain questionable procedures being used by the Department of Education and the colleges. In February, 1976, a report by the task force was submitted to the full House Education Committee and the Shapp Administration. The report contained 8 specific findings of fact and 8 recommendations which, if implemented legislatively and administratively, would correct many questionable, if not illegal and improper procedures used by the state college officials involving thousands of dollars. Despite the recommendations, none of them have been considered or implemented by the House Education Committee or this administration.

More specifically, Mr. Speaker, on June 11, 1976, the then President of Slippery Rock State College, Dr. Albert Watrel, was fired by Governor Shapp upon the recommendation of the then Secretary of Education, Dr. John Pittenger. That same day Governor Shapp appointed Dr. James Roberts, Vice President of Academic Affairs at Slippery Rock, as Acting President. Thereafter, at the direction of the Department of Education and Slippery Rock State College Board of Trustees, Dr. Watrel continued to be on the college payroll until June 30, 1976, and Watrel was also granted a 36-week sabbatical at full pay. Both the pay and sabbatical leaves were granted contrary to Pennsylvania law. On April 1, 1977, Acting Secretary of Education, Robert Hendershot, and Dr. Watrel entered into a "Settlement Agreement and Mutual Release" which modified the sabbatical leave, granted certain retirement benefits to Watrel, and paid a lump sum in liquidated damages to Watrel—all of which were in violation of state law. Last year, in 1977, the Auditor General, Al Benedict, completed an exhaustive audit and report of the accounts of Slippery Rock State College and activities of certain officials at the college. It was determined that between July 1, 1972, and June 30, 1976, thousands of taxpayers' dollars were illegally and improperly utilized by Dr. Watrel and other college employees and gross

mismanagement had been employed during the period covered by the audit.

Certain special investigators of the Auditor General's Office submitted a report dated June 2, 1977, of a 3-month investigation of irregularities of the Department of Building and Grounds at Slippery Rock State College which occurred between July 1, 1972, and June 30, 1976. Recommendations were made to the state Department of Justice and the Butler District Attorney which recommended the criminal prosecution of certain employees of the college. To date, no such follow-up investigations by the Attorney General's Office have been made and only one individual, a retired employee, has been prosecuted by the Butler County District Attorney.

All of this is well-known but even more frustrating to the citizens of the Commonwealth is the realization that the Department of Education, responsible for the management of the state-owned colleges, is eager to ignore these reports by dismissing them each year in the face of mounting evidence. In fact, there is apparent evidence that there is often a cloak of secrecy at the highest levels of the Department of Education when inquiries are made about alleged abuse, mismanagement and corruption. There is indeed evidence that the Department of Education has pursued a policy of paying hush money to at least one ex-president of one of the state colleges. Charges of such corruption are passed over with such excuses as "If we investigate one college, then we will have to investigate all of them."

Furthermore, it has become increasingly apparent to me, as well as other people, that the Board of State College and University Directors which is sanctioned by the Public School Code to carry out certain duties and responsibilities is usurping and duplicating many of the responsibilities of the individual State College Board of Trustees and State Board of Education. In many instances, duties and responsibilities required by statute were not performed by the Board of State College and University Directors. It is my opinion that this Board is a waste of the taxpayers money, a highly political body and a duplication of efforts and responsibilities currently being performed by the Department of Education, State Board of Education and State College Board of Trustees.

Well, Mr. Speaker, it is time to do just that—to clear the air, to remove the growing cloud that hangs over the Department of Education and the state-owned colleges, by the light of investigations that will restore health to these institutions. There is mounting evidence that the highest levels of the Department of Education are willing partners in alleged corruption and mismanagement. Any other course but an investigation at this time is not logical. Who here is not mindful of the fact that the Department of Education is responsible for the expenditures of more tax money than any other department or agency of the Commonwealth. If there is not a serious investigation, the faith of the people of the Commonwealth in our educational institutions will continue to diminish, to be undermined and to be lost. This development in the fact of the rising cost of education is a disaster that this body cannot permit to continue to occur. This issue is so crucial to all of us here that I am asking for total bipartisan support.

Therefore, Mr. Speaker, I am asking my fellow members who are interested to cosponsor the resolution that I am introducing today.

Thank you.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 470**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

AN ACT

Amending the act of June 3, 1937 (P. L. 1225, No. 316), en-

titled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further regulating the use of recorded calls or sounds, or electronically amplified imitations of calls or sounds for use in hunting any wild birds or wild animals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (g) of section 704, act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," added July 3, 1963 (P. L. 208, No. 118), is amended to read:

Section 704. Unlawful Methods of Hunting.—* * *

(g) Unlawful Sounds

It [is] shall be unlawful for any person to hunt for, catch, take, kill or wound, or attempt to catch, take, kill or wound wild turkeys, FOX OR CROWS by the use or aid of recorded calls or sounds or recorded or electronically amplified imitation of calls or sounds of any description. ~~The commission shall be authorized, by resolution, to adopt rules and regulations governing the use of recorded calls or sounds or recorded or electronically amplified imitation of calls or sounds of any description for hunting, catching, taking, killing or wounding, or attempting to catch, take, kill or wound any other wild bird or wild animal regardless of classification.~~

A person violating a provision of this subsection or a rule or regulation adopted thereunder shall, upon conviction, or upon signing an acknowledgment of guilt, be assessed the penalties and costs for each offense as set forth in subsection (g) of section 731.

Section 2. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

Mr. RENWICK. Mr. Speaker, I ask that the House do concur in the Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—0

NAYS—187

| | | | |
|-------------|--------------|---------------|-----------|
| Abraham | Gamble | Mackowski | Ruggiero |
| Anderson | Garzia | Madigan | Ryan |
| Armstrong | Gatski | Manderino | Salvatore |
| Arthurs | Geesey | Manmiller | Scanlon |
| Bellomini | Geisler | McCall | Scheaffer |
| Bennett | George, C. | McClatchy | Schmitt |
| Berlin | George, M. | McGinnis | Schweder |
| Berson | Giammarco | McIntyre | Scirica |
| Bittinger | Gillette | McLane | Seltzer |
| Bittle | Gleeson | Mebus | Shuman |
| Brandt | Goebel | Meluskey | Shupnik |
| Brown | Goodman | Milanoovich | Sirianni |
| Brunner | Greenleaf | Miller | Smith, E. |
| Burd | Grieco | Milliron | Smith, L. |
| Burns | Halverson | Miscevich | Spencer |
| Caltagirone | Hamilton | Moehlmann | Spitz |
| Caputo | Harper | Mowery | Stairs |
| Cassidy | Hasay | Mrkonic | Stapleton |
| Cessar | Haskell | Mullen, M. P. | Stewart |
| Cianciulli | Hayes, D. S. | Musto | Stubani |
| Cimini | Hayes, S. E. | Novak | Sweet |
| Cohen | Helfrick | Noye | Taddonio |

| | | | |
|----------------|----------------|-------------|---------------|
| Cole | Hoeffel | O'Brien, B. | Taylor, E. |
| Cowell | Honaman | O'Brien, D. | Taylor, F. |
| Davies | Hopkins | O'Connell | Tenaglio |
| DeMedio | Hutchinson, A. | O'Donnell | Thomas |
| DeVertter | Hutchinson, W. | O'Keefe | Trello |
| DeWeese | Itkin | Oliver | Valicenti |
| DiCarlo | Johnson | Pancoast | Vroon |
| Dietz | Jones | Parker | Wagner |
| Dininni | Katz | Peterson | Wansacz |
| Dombrowski | Kelly | Petrarca | Wargo |
| Donatucci | Kernick | Piccola | Wass |
| Dorr | Klingaman | Pievsky | Weidner |
| Doyle | Knepper | Pitts | Wenger |
| Duffy | Kolter | Polite | Wilson |
| Englehart | Kowalyshyn | Pott | Wilt |
| Fee | Kukovich | Pratt | Wise |
| Fischer, R. R. | Laughlin | Prendergast | Wright, D. |
| Fisher, D. M. | Lehr | Pyles | Wright, J. L. |
| Flaherty | Letterman | Rappaport | Yahner |
| Foster, A. | Levi | Ravenstahl | Zearfoss |
| Foster, W. | Levin | Reed | Zeller |
| Freind | Lincoln | Renwick | Zitterman |
| Fryer | Livengood | Rhodes | Zord |
| Gallagher | Logue | Rieger | Zwikl |
| Gallen | Lynch | Ritter | |

NOT VOTING—14

| | | | |
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| Barber | Gray | Shelton | Yohn |
| Beloff | Greenfield | White | |
| Borski | Morris | Wiggins | Irvis, |
| Dumas | Richardson | Williams | Speaker |

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR PASSED OVER

The SPEAKER pro tempore. The balance of today's calendar will go over in order.

BILL REPORTED FROM COMMITTEE AND TABLED

SB 1222, PN 1723 (Amended) By Mr. B. F. O'BRIEN

An Act providing for the regulation of public utilities in the construction of energy parks; requiring prior approval of affected municipalities and providing for injunctive relief to enforce the provisions of the act.

Mines and Energy Management.

QUESTION OF INFORMATION

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

Mr. KOWALYSHYN. Mr. Speaker, the Speaker has noted that there is some urgency connected with HB 1934 on page 16 and it is listed for a vote.

The SPEAKER pro tempore. On page 16?

Mr. KOWALYSHYN. On page 16.

The SPEAKER pro tempore. HB 1934?

Mr. KOWALYSHYN. Yes, and I urge—

The SPEAKER pro tempore. The record here indicates that it passed, Mr. Kowalyshyn.

Mr. KOWALYSHYN. It passed? Thank you very much.

The SPEAKER pro tempore. Mr. Kowalyshyn, this is just another testimonial as to your effective political clout.

The Chair recognizes the gentleman from Blair, Mr. Hayes. Mr. S. E. HAYES. No further announcements, Mr. Speaker.

DISCHARGE RESOLUTIONS PRESENTED

By Messrs. GEESEY, MILLIRON, TAYLOR, GALLEN, Mrs. KERNICK, Messrs. W. D. HUTCHINSON, HALVERSON, ZELLER, DAVIES, ZWIKL, COWELL, MISCEVICH, ABRAHAM, NOVAK, KNEPPER, TADDONIO, PARKER, D. M. FISHER, ZORD, NOYE, A. C. FOSTER, SCIRICA, Mrs. GEORGE, Messrs. BITTLE, LEHR, MANMILLER, PICCOLA, E. H. SMITH, D. S. HAYES, LIVENGOOD, ANDERSON, DIETZ, WASS, L. E. SMITH, DeVERTER, LEVI, PETERSON, HELFRICK, CALTAGIRONE, STEWART, BITTINGER, WENGER, MOWERY, SCHEAFFER, GREENLEAF, A. K. HUTCHINSON, SWEET, SHUMAN, FREIND, Mrs. TAYLOR, Messrs. VROON, McCLATCHY, BURD, W. W. FOSTER, WEIDNER, BURNS, MADIGAN, CIMINI, GRIECO, GOEBEL, KLINGAMAN, WILT, REED, BROWN, KUKOVICH, MELUSKEY and DeWEESE

In the House of Representatives.

RESOLVED, That House Bill No. 314, Printer's No. 343, entitled "An act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes providing for the loss of benefits upon conviction of certain crimes," having been referred to the Committee on Insurance on February 15, 1977, and the committee not having reported the same to the House for a period of over fifteen days, the committee is discharged from further consideration thereof.

By Messrs. COWELL, FLAHERTY, MRKONIC, Mrs. GILLETTE, Mrs. KERNICK, Messrs. ABRAHAM, NOVAK, MISCEVICH, VALICENTI, KUKOVICH, BROWN, Mrs. GEORGE, Messrs. D. M. FISHER, GOEBEL, TADDONIO, ZORD, MILLER, R. R. FISCHER, KNEPPER, GREENLEAF, MELUSKEY, REED, DUFFY, STAIRS, HOFFFEL and ITKIN

In the House of Representatives.

RESOLVED, That House Bill No. 349, Printer's No. 381, entitled "A joint resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania reducing the number of Senators and Members of the House of Representatives," having been referred to the Committee on State Government on February 15, 1977, and the committee not having reported the same to the House for a period of over fifteen days, the committee is discharged from further consideration thereof.

WELCOMES

The SPEAKER. The Chair at this time welcomes to the hall of the House 18 12th grade state government students from Newport High School in Newport, Perry County. The seniors are here today with their teacher, Mr. Jeffrey Billger, and they are the guests of the gentleman from Perry, Mr. Noye.

We also have as a guest, and we are honored to have him as a

guest, Staff Sergeant Peter Gregg. Staff Sergeant Gregg has just returned from a 2-year duty in Turkey. He is the brother of John Gregg, who is a page on the floor of the House this week. Both reside in Salisbury Township in Lehigh County. Congratulations. The Staff Sergeant is a guest of the Lehigh County delegation.

The Chair is delighted to recognize as guests in the hall of the House today, Mrs. Maria Sculley, Mrs. Lillian Rodgers and Mr. Henry Kolb of the 133rd district, who are here today as the guests of Representative Meluskey and the Lehigh County delegation. Mrs. Sculley is a Democratic committeewoman and also serves as secretary of the Bethlehem Democratic City Committee.

The Chair recognizes at this time as a guest of the Lehigh County delegation, Mr. Richard Gregg. Mr. Gregg is the director of the Allentown Art Museum, and we are delighted to have him present.

The Chair welcomes to the floor of the House the North Strabane Township supervisors, Steve Vasko and Henry Hervol, and other officials who are here as the guests of Representative Sweet and Representative Brunner.

We are fortunate to have with us today certain visitors from Philadelphia. They are: Jacob Matthews, Mame Shamsid-Din, Pearl Sharpless, Ethel Clark, Cornelius Stephens and Elena Webb. These are members of the Black Political Forum of Philadelphia.

They are the guests of Representative John White, Jr. and Representative David P. Richardson.

BILLS TAKEN FROM TABLE

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

Mr. GREENFIELD. Mr. Speaker, The Rules Committee has instructed me to remove the following bills from the table and place it on the active calendar, and I so move:

House Bill 1935, House Bill 406 and House Bill 2035.

The following resolutions have been reported from the Rules Committee to the active calendar:

House Resolution 122 and House Resolution 178.

The following bills have been removed from the table and referred to the Appropriations Committee for fiscal notes:

House Bill 107, House Bill 113, House Bill 663, House Bill 1290, House Bill 1678, House Bill 1778, House Bill 1780, House Bill 1837, House Bill 2027 and Senate Bill 825.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

Mrs. WISE moved that this House do now adjourn until Monday, April 3, 1978, at 1 p.m. e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed, and (at 8:16 p.m., e.s.t.) the House adjourned.