

Legislative Journal

TUESDAY, MARCH 6, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 11

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (H. JACK SELTZER)
IN THE CHAIR

PRAYER

THE HONORABLE RICHARD CHESS, member of the House of Representatives and guest chaplain, offered the following prayer:

Lord, God, be with us today.

Guide us to do thy greater good here on earth.

Let us not be unduly swayed by the noise of the crowd. Nor let us be in such a hurry that we overlook the small voices crying out for our help.

Be with our colleagues who mourn the death of loved ones. Give them strength and help us share their sorrow.

Thank you, Lord, for this day and our chance to help the citizens of our state. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 5, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 428 By Mr. POTT, Mrs. GEORGE, Messrs. GALLEN, TADDONIO, McVERRY, KNEPPER, D. M. FISHER, ZORD, BURD, NAHILL, WEIDNER, Mrs. KERNICK, Mr. SCHEAFFER, Miss SIRIANNI, Messrs. LIVENGOOD, McCALL, MADIGAN, MUSTO, POLITE, CESSAR, J. L. WRIGHT, MILLER, BOWSER, E. H. SMITH, CHESS, WENGER, SEVENTY, L. E. SMITH, FREIND, CORNELL, E. G. JOHNSON, KOWALSHYN, LASHINGER, PETERSON, COCHRAN, ZELLER, KLINGAMAN, KUKOVICH, RHODES, DeVERTER, R. R. FISCHER, Mrs. ARTY, Messrs. ALDEN, LETTERMAN, ZWIKL, CIMINI, GIAMMARCO, NOYE, TAYLOR, MRKONIC, GAMBLE, SIEMINSKI, WILSON, PETRARCA, STEWART, CALTAGIRONE, REED and LEHR

An Act providing for review of administrative rules by the General Assembly.

Referred to Committee on State Government.

No. 429 By Messrs. LEVI, DeMEDIO, WEIDNER and HASAY

An Act amending the act of December 8, 1959 (P. L. 1718, No. 632), entitled, as amended, "An act providing for the payment of the salary*** of employes of State penal and correctional institutions, ***," clarifying the payments made to certain disabled employes.

Referred to Committee on State Government.

No. 430 By Mr. PICCOLA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, authorizing the purchase of credit for certain previous State service.

Referred to Committee on State Government.

No. 431 By Mr. POTT

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the Fire and Panic Act, further providing for enforcement.

Referred to Committee on Urban Affairs.

No. 432 By Messrs. POTT and BRUNNER

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), providing for rebates for delinquent real property taxes.

Referred to Committee on Finance.

No. 433 By Messrs. GALLEN and FRYER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further defining the term "employment" to exclude employment in schools operated by certain nonprofit organizations.

Referred to Committee on Labor Relations.

No. 434 By Mr. GALLEN

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), requiring a certificate of competency for certain hunters.

Referred to Committee on Game and Fisheries.

No. 435 By Messrs. A. K. HUTCHINSON, PETRARCA, DeMEDIO, LIVENGOOD and COHEN

An Act amending the "Commonwealth Documents Law," ap-

proved July 31, 1968 (P. L. 769, No. 240), eliminating provisions relating to omission of proposed rule making notices and making an editorial change.

Referred to Committee on State Government.

No. 436 By Mr. A. K. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the department to establish and implement a system to insure that all registered trucks and truck tractors receive new registration plates each year.

Referred to Committee on Transportation.

No. 437 By Mr. GOEBEL

An Act amending the "Second Class County Port Authority Act," approved April 6, 1956 (1955 P. L. 1414, No. 465), further providing for the authority's powers to provide certain service and for related liability.

Referred to Committee on Urban Affairs.

No. 438 By Mr. GOEBEL

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for expense monies in lieu of salary.

Referred to Committee on Local Government.

No. 439 By Messrs. FRYER, GALLEN and DAVIES

An Act authorizing the Commonwealth of Pennsylvania, acting by and through the Pennsylvania Game Commission, with the approval of the Department of Justice and the Governor, to convey certain Project 70 lands to the United States of America, acting by and through the United States Army Corps of Engineers, for the Blue Marsh Flood Control Project in Berks County***

Referred to Committee on State Government.

No. 440 By Mr. FREIND

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), providing for benefits for school crossing guards.

Referred to Committee on Labor Relations.

No. 441 By Mr. A. K. HUTCHINSON

An Act amending the act of June 18, 1941 (P. L. 137, No. 74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, ***," extending the rights and powers of special fire police to other duties performed upon request of municipal authorities.

Referred to Committee on Judiciary.

No. 442 By Messrs. A. K. HUTCHINSON and HASAY

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended "A supplement to the twenty-fourth section of an act, entitled, 'An act to provide revenue by taxation, ***' by providing for the payment by the State Treasurer of the two per centum tax on premiums paid by the foreign insurance companies to the treasurers of the several cities, ****" changing the method of distributing the tax.

Referred to Committee on Local Government.

No. 443 By Mr. A. K. HUTCHINSON

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for post-audits of agencies receiving State aid and authorizing commencement of certain legal proceedings by the Department of the Auditor General.

Referred to Committee on Judiciary.

No. 444 By Messrs. D. R. WRIGHT, WACHOB, COWELL, STEWART, KUKOVICH, CLARK, CHESS, LIVENGOOD, GEORGE, MILLER and WILT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from taxation the sale or use of batteries for artificial hearing devices.

Referred to Committee on Finance.

No. 445 By Messrs. D. R. WRIGHT and DeMEDIO

An Act declaring and adopting the song "Pennsylvania, the Mountain Laurel State" by Dorothy Master, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on State Government.

No. 446 By Messrs. MACKOWSKI, CUNNINGHAM, HASAY, LEVI, E. G. JOHNSON, WASS, GAMBLE, SCHWEDER and TAYLOR

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, increasing the commission membership and quorum requirements.

Referred to Committee on Local Government.

No. 447 By Messrs. MACKOWSKI, CUNNINGHAM, GEIST, SCHWEDER and TAYLOR

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the Municipal Police Pension Law, providing for the actuarial soundness of the police pension fund.

Referred to Committee on Local Government.

No. 448 By Messrs. WEIDNER, FRYER, IRVIS, A. C. FOSTER, LEVI, MACKOWSKI, TRELLO, Miss SIRIANNI, Messrs. ZELLER and CORNELL

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), regulating contract procedures, purchases and advertising for bids.

Referred to Committee on Local Government.

No. 449 By Messrs. GEIST, E. G. JOHNSON and SCHEAFFER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, changing provisions relating to purchase of military service.

Referred to Committee on State Government.

No. 450 By Mrs. TAYLOR, Messrs. E. R. LYNCH, VROON, NOYE, WAGNER, BOWSER, KLINGAMAN, BURNS, WILT, Miss SIRIANNI and Mr. PICCOLA

An Act amending the "Adoption Act," approved July 24, 1970 (P. L. 620, No. 208), incorporating additional provisions relating to due process, notice and best interest of the adoptee, further providing for relinquishment of parental rights and providing for certain options.

Referred to Committee on Judiciary.

No. 451 By Mrs. TAYLOR, Messrs. VROON, PITTS, E. R. LYNCH, E. H. SMITH, Mrs. LEWIS, Mr. WILT, Miss SIRIANNI, Messrs. PICCOLA and HALVERSON

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for rental payments to housing authorities in certain cases.

Referred to Committee on Health and Welfare.

No. 452 By Messrs. POTT, BURD, KANUCK and CESSAR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the granting of certificates of public convenience.

Referred to Committee on Consumer Affairs.

No. 453 By Messrs. BURD, LEVI, PETERSON and STEIGHNER

An Act amending the act of December 27, 1974 (P. L. 1011, No. 328), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey 6.60 acres of land in Cranberry Township, to Cranberry Township, Butler County, Pennsylvania," granting an additional usage for the land and empowering the township supervisors to allocate acreage for the various purposes.

Referred to Committee on State Government.

No. 454 By Messrs. VROON, HALVERSON, McCLATCHY, CORNELL, MILLER, HASAY, POLITE, CESSAR, ZORD, KNEPPER and POTT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), permitting deductions for net operating losses sustained in certain years.

Referred to Committee on Finance.

No. 455 By Messrs. VROON, BURNS, ZELLER, Mrs. TAYLOR, Mr. TRELLO, Mrs. HONAMAN, Messrs. TADDONIO, NOYE, PITTS, GIAMMARCO, ZWIKL, E. G. JOHNSON, PRATT, NAHILL, PYLES, E. R. LYNCH and E. H. SMITH

An Act relating to the taxation of real estate.

Referred to Committee on Finance.

No. 456 By Messrs. JONES, GIAMMARCO, DiCARLO, RICHARDSON, SHADDING, ZITTERMAN, KLINGAMAN, GRAY, MANDERINO, STUBAN, BURNS, WILSON, PUCCIARELLI, J. J. JOHNSON and A. C. FOSTER

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), prohibiting the acquisition, receipt, possession, storage, sale or distribution of controlled paraphernalia.

Referred to Committee on Judiciary.

No. 457 By Messrs. JONES, GIAMMARCO, DiCARLO, RICHARDSON, ZITTERMAN, WACHOB, KLINGAMAN, GRAY, MANDERINO, STUBAN, BURNS, WILSON, PUCCIARELLI, BORSKI, J. J. JOHNSON, REED and WHITE

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring institutions for adults to maintain lists of patient admissions, discharges and transfers and prescribing penalties.

Referred to Committee on Health and Welfare.

No. 458 By Messrs. MANMILLER, PICCOLA, REED, MOEHLMANN, DININNI, NOYE, DAVIES, KOWALSHYN and A. C. FOSTER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for proof of insurance at time of inspection.

Referred to Committee on Transportation.

No. 459 By Mrs. KERNICK, Messrs. BROWN, CHESS, ALDEN, ZORD, SWEET, COHEN, SPITZ, CESSAR, POLITE, ZELLER, Miss SIRIANNI, Messrs. KNEPPER, POTT and E. R. LYNCH

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), including home rule municipalities within certain provisions of the act.

Referred to Committee on Local Government.

No. 460 By Mrs. KERNICK, Messrs. ALDEN, ZORD, CESSAR, ZELLER, CHESS, E. H. SMITH, REED, COHEN, A. C. FOSTER, KNEPPER, MRKONIC and ITKIN

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, further providing for public inspection of property record cards.

Referred to Committee on Urban Affairs.

No. 461 By Messrs. SWEET, TAYLOR, COCHRAN, CAPPABIANCA, DeWEESE, GREENFIELD, DeMEDIO and SHUPNIK

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), raising the compensation rate for certain individuals and making an appropriation.

Referred to Committee on Business and Commerce.

No. 462 By Messrs. HASAY, STUBAN, NOYE, GEIST, W. W. FOSTER, BITTLE,

<p>SPENCER, MACKOWSKI, KOLTER, WEIDNER, COSLETT and KLINGAMAN</p>	<p>No. 469 By Messrs. REED, STEWART, BORSKI, GRAY, McMONAGLE, KOWALYSHYN, MANMILLER, ZITTERMAN, ZWIKL and DiCARLO</p>
<p>An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for antique firearms.</p> <p>Referred to Committee on Judiciary.</p>	<p>An Act making an appropriation to the Department of Environmental Resources for grants in aid to municipalities to control arthropod vectors of human disease (mosquitoes, ticks, flies, etc.).</p> <p>Referred to Committee on Appropriations.</p>
<p>No. 463 By Messrs. FREIND, SPITZ, ALDEN, MICOZZIE, GANNON, EARLEY, Mrs. DURHAM, and Mr. F. J. LYNCH</p>	<p>No. 470 By Messrs. REED, CIMINI, STEWART, LAUGHLIN, COHEN, MANMILLER, PICCOLA and ZITTERMAN</p>
<p>An Act amending the "First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115, No. 40), further providing for enrollment in political parties.</p> <p>Referred to Committee on State Government.</p>	<p>An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth ***" deleting the district attorney and the sheriff as members of the prison board.</p> <p>Referred to Committee on Local Government.</p>
<p>No. 464 By Messrs. FREIND, SPITZ, MICOZZIE, ALDEN, GANNON, Mrs. ARTY, Mr. EARLEY, Mrs. DURHAM, Messrs. F. J. LYNCH and RYAN</p>	<p>No. 471 By Messrs. REED, BORSKI, KOWALYSHYN, COHEN, ZWIKL and DiCARLO</p>
<p>An Act amending "The Permanent Registration Act for Cities of the Second Class," approved April 29, 1937 (P. L. 487, No. 115), further providing for enrollment in political parties.</p> <p>Referred to Committee on State Government.</p>	<p>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; *** and making appropriations," providing for the establishment of a loan fund for medical, osteopathic, dental and optometrical students and for granting credits for repayment to the fund for loans to persons who practice medicine in medically deprived areas or in the field of primary care and making an appropriation.</p> <p>Referred to Committee on Education.</p>
<p>No. 465 By Messrs. SWEET, DeMEDIO, ZORD, R. R. FISCHER, RAPPAPORT, KNIGHT, TRELLO, MICHLOVIC, AUSTIN and SHUPNIK</p>	<p>No. 472 By Messrs. REED, BORSKI, GRAY, McMONAGLE, MANMILLER, PICCOLA and ZITTERMAN</p>
<p>An Act amending the act of July 12, 1972 (P. L. 762, No. 180), entitled, "An act relating to intergovernmental cooperation," providing for a council of governments and its rights and powers.</p> <p>Referred to Committee on Local Government.</p>	<p>An Act regulating the construction of multi-unit dwellings and providing penalties.</p> <p>Referred to Committee on Business and Commerce.</p>
<p>No. 466 By Messrs. SWEET, DeMEDIO, TAYLOR, COCHRAN, AUSTIN and MRKONIC</p>	<p>No. 473 By Messrs. REED, COHEN, MANMILLER, PICCOLA and ZITTERMAN</p>
<p>An Act amending the act of May 24, 1945 (P. L. 967, No. 380), referred to as the Fictitious Name Act, further providing for publication.</p> <p>Referred to Committee on Judiciary.</p>	<p>An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, increasing a reserve for funeral expenses of an incompetent.</p> <p>Referred to Committee on Judiciary.</p>
<p>No. 467 By Messrs. WHITE, RHODES, SPENCER, O'DONNELL, D. M. FISHER, LEVIN, WILLIAMS and KUKOVICH</p>	<p>No. 474 By Messrs. REED, BORSKI, GRAY, McMONAGLE, MANMILLER, PICCOLA and ZITTERMAN</p>
<p>An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sentence for second degree murder.</p> <p>Referred to Committee on Judiciary.</p>	<p>An Act amending the act of September 26, 1961 (P. L. 1661, No. 692), entitled "An act providing for group life insurance for State employes; ***," eliminating the reduction in group life insurance upon retirement.</p> <p>Referred to Committee on State Government.</p>
<p>No. 468 By Messrs. REED, CIMINI, COHEN, MANMILLER, PICCOLA, ZITTERMAN, D. R. WRIGHT and DiCARLO</p>	<p>No. 475 By Messrs. REED, BORSKI, GRAY, McMONAGLE, MANMILLER, PICCOLA and ZITTERMAN</p>
<p>An Act amending the act of July 19, 1974 (P. L. 486, No. 175), referred to as the Public Agency Open Meeting Law, providing for the inclusion of certain judicial rules committees within the requirements of the act.</p> <p>Referred to Committee on Consumer Affairs.</p>	

An Act amending the "State Adverse Interest Act," approved July 19, 1957 (P. L. 1017, No. 451), redefining certain terms.

Referred to Committee on Judiciary.

No. 476 By Messrs. REED, CIMINI, STEWART, BORSKI, GRAY, McMONAGLE, KOWALYSHYN, COHEN, MANMILLER, PICCOLA, ZITTEMAN, ZELLER and ZWIKL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), adding the State Fire Safety Commission.

Referred to Committee on State Government.

No. 477 By Messrs. REED, PETRARCA, STEWART, BORSKI, GRAY, McMONAGLE, KOWALYSHYN, COHEN, ZITTEMAN, D. R. WRIGHT, LIVENGOOD, ZELLER and ZWIKL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting discrimination because of age.

Referred to Committee on State Government.

No. 478 By Messrs. REED, CIMINI, STEWART, BORSKI, GRAY, McMONAGLE, KOWALYSHYN, COHEN, MANMILLER, PICCOLA, ZITTEMAN, ZELLER and ZWIKL

An Act creating a State Fire Safety Commission; providing for the appointment of members and a State Fire Safety Commissioner; and defining its powers and duties.

Referred to Committee on State Government.

No. 479 By Messrs. REED, CIMINI, STEWART, BORSKI, GRAY, McMONAGLE, KOWALYSHYN, COHEN, MANMILLER, PICCOLA, D. M. O'BRIEN, ZITTEMAN, ZWIKL, STEIGHNER, Mrs. GEORGE and Mr. ZELLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing a person with a certain cardiopulmonary condition to apply for a registration plate indicating a vehicle is being used by a handicapped person.

Referred to Committee on Transportation.

No. 480 By Messrs. BERSON, IRVIS, POTT, BROWN, WACHOB and HOEFFEL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania relating to the Judiciary.

Referred to Committee on State Government.

No. 481 By Messrs. BERSON, SPENCER and PRATT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sessions of the Supreme Court.

Referred to Committee on Judiciary.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 16 By Messrs. A. K. HUTCHINSON, MULLEN and COHEN

The House of Representatives of the Commonwealth of Pennsylvania memorializes Congress to take the necessary action that may be necessary to provide for the election of the Federal District Court Judges by the electors of the district.

Referred to Committee on Federal-State Relations.

No. 17
(Concurrent) By Messrs. WEIDNER, BURNS, WILSON, J. L. WRIGHT, SCHEAFFER, LEVI, GEESEY, BOWSER, DIETZ, W. W. FOSTER and CIMINI

The General Assembly urges the Governor to proclaim December 7 of every year "Pearl Harbor Day."

Referred to Committee on Rules.

No. 18 By Mr. GALLEN

The House of Representatives of the Commonwealth of Pennsylvania directs the Joint State Government Commission to conduct an in-depth study for the purpose of determining an effective means of temporary care and custody of "disoriented individuals" who are in need of supervision and care but who should not be subjected to arrest or to involuntary commitment at a mental health facility.

Referred to Committee on Rules.

No. 19 By Messrs. LAUGHLIN, D. M. FISHER, PETRARCA, B. F. O'BRIEN, GEESEY, WAGNER, WILSON and KOLTER

The House of Representatives directs the Subcommittee on Highways of the House Transportation Committee to investigate the current Department of Transportation specifications for road resurfacing with particular attention to be given to the use of the existing asphalt mix and thickness in western Pennsylvania.

Referred to Committee on Rules.

BILLS REPORTED FROM COMMITTEES

HB 11, PN 518 (Amended) By Mr. R. R. FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for intermediate unit board of directors.

Education.

HB 25, PN 25 By Mr. F. J. LYNCH

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), adding certain transfers not subject to tax.

Finance.

HB 35, PN 519 (Amended) By Mr. F. J. LYNCH

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), providing an additional filing period for certain claimants.

Finance.

HB 36, PN 37

By Mr. BURNS

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for field trips, and making editorial changes.

Education.

HB 140, PN 152

By Mr. CUNNINGHAM

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for work to be done under contract let on bids and making an editorial change.

Education.

HB 141, PN 153

By Mr. DIETZ

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing contract bids on certain leases of buildings constructed or altered for school use.

Education.

HB 147, PN 159

By Mr. R. R. FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949, (P. L. 30, No. 14), further providing for the causes and criteria for suspension, and providing for waiver of certification requirements in certain instances.

Education.

HB 207, PN 219

By Mr. F. J. LYNCH

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), removing an exemption from taxation.

Finance.

HB 215, PN 520 (Amended)

By Mr. GEESEY

An Act amending the "Bureau of Professional and Occupational Affairs Fee Act," approved July 1, 1978 (No. 124), permitting payment of fees by personal check and providing for temporary suspension of licenses in certain cases.

Professional Licensure.

HB 223, PN 241

By Mr. GOEBEL

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), increasing the level for exemption from the per capita tax.

Education.

SENATE MESSAGE**JOINT SESSION**

The Senate presented the following resolution for concurrence:

In the Senate,
March 6, 1979.

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Wednesday, March 7, 1979 at twelve o'clock noon for the purpose of hearing an address by His Excellency, Governor Dick Thornburgh; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to escort His Excellency, the Governor of the Commonwealth, to the Hall of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

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

HB 56, PN 440**HOUSE SCHEDULE**

The SPEAKER. The Chair recognizes the majority leader.

The majority leader is going to make a few announcements about the schedule for today's session.

Mr. RYAN. Mr. Speaker, I am going to attempt to talk over the roar of the crowd.

I am going to suggest, Mr. Speaker, at this time that we break for caucus and caucus immediately and return to the floor at 1 o'clock.

Now, in caucus I would hope that both parties would address the concurrence or nonconcurrence in HB 56, the deficiency appropriation. We will take that up at 1 o'clock when we come back on the floor. In the interval the pages will distribute or have distributed copies of HB 56, and I suggest that the members take those copies to the caucus room with them.

In addition, I am calling at this time a meeting of the Rules Committee as soon as we break. It will take us only a short while for the Rules Committee to meet for the purpose of reporting bills from the table and also suggesting that some bills be moved to the Appropriations Committee.

At 2 o'clock we possibly expect a joint session for the purpose of honoring one of the constituents of Mr. Polite, and I would hope that all of the members are here at that time.

Mr. Speaker, if there are no other announcements, and I have none, I am going to ask that the Republicans go immediately to caucus; that we caucus promptly so that the members have an opportunity to get lunch and be back on the floor by 1 o'clock.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, it will be absolutely necessary for the Democrats to caucus immediately on HB 56. I point out to the Democrats that a number of changes in HB 56 have been made by the Senate. Some of those changes are of vital importance to your particular districts, and HB 56 is going to be called up for a vote this afternoon. I would urge the Democratic members to report promptly to the caucus room. Mr. Manderino and I will be going to the Rules Committee meeting for about 10 minutes. Then we will both report to the caucus room. The caucus chair-

man will be in place, and we have asked that the discussion of HB 56 begin immediately. Thank you, Mr. Speaker.

STATEMENT BY MR. ZELLER

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

Mr. ZELLER. Mr. Speaker—

The SPEAKER. Will the gentleman yield?

I would hope that the members of the House would show respect to a fellow member. We are all entitled to be heard sometime during the day or during the year. Conversation will cease; the members will be seated. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, with all respect to you, about 11 o'clock I thought I heard you state that we shall come to the floor for the purpose of not only gathering but for a roll call. Now I was just hoping that we could have a roll call, because I know I drove down from Allentown this morning and I really kept within the law, I hope, trying to get here in time. I wanted to be here in time for that roll call, and not only that but to act on legislation, but I was hoping that we could have these roll calls so we all know where we stand, and I say that respectfully. Thank you.

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

RECESS

The SPEAKER. Without objection, the Chair declares a recess until 1 p.m. The Chair hears none. This House stands in recess.

AFTER RECESS

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

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please come to the floor. The Chair is about to take a master roll call. The members will please be seated. Only those members in their seats will record their presence.

The following roll call was recorded:

YEAS—195

Alden	Foster, W.	Lewis	Rocks
Anderson	Freind	Livengood	Rodgers
Armstrong	Fryer	Lynch, E. R.	Ryan
Arty	Gallagher	Lynch, F.	Salvatore
Austin	Gallen	Mackowski	Scheaffer
Barber	Gamble	Madigan	Schmitt
Belardi	Gatski	Manderino	Schweder
Beloff	Geesey	Manmiller	Scirica
Berson	Geist	McCall	Serafini
Bittle	George, C.	McClatchy	Seventy
Borski	George, M.	McIntyre	Shadding
Bowser	Giammarco	McKelvey	Shupnik
Brandt	Gladeck	McMonagle	Sieminski
Brown	Goebel	McVerry	Sirianni
Brunner	Goodman	Michlovic	Smith, E.
Burd	Grabowski	Micozzie	Smith, L.

Burns	Gray	Milanovich	Spencer
Caltagirone	Greenfield	Miller	Spitz
Cappabianca	Grieco	Mowery	Steighner
Cessar	Gruppo	Mrkonjic	Stewart
Chess	Halverson	Mullen, M. P.	Stuban
Cianciulli	Harper	Murphy	Sweet
Cimini	Hasay	Musto	Swift
Clark, B.	Hayes, D. S.	Nahill	Taddonio
Clark, R.	Hayes, S. E.	Novak	Taylor, E.
Cochran	Helfrick	Noye	Taylor, F.
Cohen	Hoeffel	O'Brien, B.	Telek
Cole	Honaman	O'Brien, D.	Thomas
Cornell	Hutchinson, A.	O'Donnell	Trello
Coslett	Hutchinson, W.	Oliver	Vroon
Cowell	Irvis	Perzel	Wachob
Cunningham	Itkin	Peterson	Wagner
Davies	Johnson, E.	Petrarca	Wargo
Dawida	Johnson, J.	Piccola	Wass
DeMedio	Jones	Pievsky	Weidner
DeVerter	Kanuck	Pistella	Wenger
DeWeese	Kernick	Pitts	White
DiCarlo	Klingaman	Polite	Wilson
Dietz	Knepper	Pott	Wright, D.
Dininni	Knight	Pratt	Wright, J. L.
Dombrowski	Kolter	Pucciarelli	Yahner
Donatucci	Kowalyszyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Durham	Lehr	Rhodes	Zwilk
Earley	Letterman	Richardson	
Fee	Levi	Rieger	Seltzer,
Fisher, D. M.	Levin	Ritter	Speaker
Foster, A.			

NAYS—0

NOT VOTING—8

Bennett	Gannon	Stairs	Williams
Fischer, R. R.	Moehlmann	Street	Wilt

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

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 160, PN 172

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 34, PN 35, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the posting of certain private property.

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?

(A rollcall vote was taken)

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

Mr. DININNI. Mr. Speaker, the bill that we just voted on, HB 34, I was out of my seat on the vote and I just got back, but there was a hold on that bill for just today only.

The SPEAKER. There is no notation on the Chair's calendar to hold.

Mr. DININNI. I think someone made an error there.

VOTE STRICKEN

HB 34 PASSED OVER

The SPEAKER. Without objection, the Chair will strike the vote, and HB 34 will be passed over.

Mr. DININNI. Thank you.

The SPEAKER. Will the gentleman, Mr. Dininni, identify the bill which he wanted held?

Mr. DININNI. HB 34.

If it is in order, I would move to reconsider what we have just done, Mr. Speaker.

The SPEAKER. Without objection, the roll will be stricken and the bill will be passed over for today.

The Chair hears none. HB 34 is passed over.

Mr. DININNI. Thank you, Mr. Speaker.

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

Mr. DOMBROWSKI. If we are holding the bill until tomorrow, there is a possibility that I might have an amendment drawn this afternoon. But I would like to alert the chairman of each party that I may have an amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I recognize the problems the Speaker is involved in, having been in there myself. But may I ask: I have on my calendar, HB 160 marked as a hold, Mr. Dininni's; is that how the Speaker's calendar is marked? Is that correct?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, that was the error. The wrong bill was marked for hold.

Mr. IRVIS. Thank you very much.

The House proceeded to third consideration of **HB 98, PN 109**, entitled:

An Act amending the act of May 27, 1937 (P. L. 926, No. 249), referred to as the Bedding and Upholstery Law, removing provisions relating to quilted clothing.

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

Alden	Fryer	Lynch, E. R.	Ryan
Anderson	Gallagher	Lynch, F.	Salvatore
Armstrong	Callen	Mackowski	Scheaffer
Arty	Gamble	Madigan	Schmitt
Austin	Gatski	Manderino	Schweder
Belardi	Geesey	Manmiller	Scirica
Beloff	Geist	McCall	Serafini
Bennett	George, C.	McClatchy	Seventy
Berson	George, M.	McIntyre	Shadding
Bittle	Giammarco	McKelvey	Shupnik
Borski	Gladeck	McMonagle	Sieminski
Bowser	Goebel	McVerry	Sirianni
Brandt	Goodman	Michlovic	Smith, E.
Brown	Grabowski	Micozzie	Smith, L.
Brunner	Gray	Milanovich	Spencer
Burd	Greenfield	Miller	Spitz
Burns	Grieco	Mowery	Stairs
Caltagirone	Gruppo	Mrkonic	Steighner
Cappabianca	Halverson	Mullen, M. P.	Stewart
Cessar	Harper	Murphy	Stuban
Chess	Hasay	Musto	Sweet
Cianciulli	Hayes, D. S.	Nahill	Swift
Cimini	Hayes, S. E.	Novak	Taddonio
Clark, B.	Helfrick	Noye	Taylor, E.
Clark, R.	Hoeffel	O'Brien, B.	Taylor, F.
Cochran	Honaman	O'Brien, D.	Telek
Cole	Hutchinson, A.	O'Donnell	Thomas
Cornell	Hutchinson, W.	Oliver	Trello
Coslett	Irvis	Perzel	Vroon
Cowell	Itkin	Peterson	Wachob
Cunningham	Johnson, E.	Petrarca	Wagner
Davies	Johnson, J.	Piccola	Wargo
Dawida	Jones	Pievsky	Wass
DeVerter	Kanuck	Pistella	Weidner
DiCarlo	Kernick	Pitts	Wenger
Dietz	Klingaman	Polite	White
Dininni	Knepper	Pott	Wilson
Dombrowski	Knight	Pratt	Wilt
Donatucci	Kolter	Pucciarelli	Wright, D.
Dorr	Kowalshyn	Punt	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Durham	Lashinger	Rappaport	Yohn
Earley	Laughlin	Reed	Zeller
Fee	Lehr	Rhodes	Zitterman
Fischer, R. R.	Letterman	Richardson	Zord
Fisher, D. M.	Levi	Rieger	Zwinkl
Foster, A.	Levin	Ritter	
Foster, W.	Lewis	Rocks	Seltzer,
Freind	Livengood	Rodgers	Speaker

NAYS—0

NOT VOTING—9

Barber	DeWeese	Gannon	Street
Cohen	Dumas	Moehlmann	Williams
DeMedio			

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 Philadelphia, Mr. Cohen. For what purpose does the gentleman rise?

Mr. COHEN. Mr. Speaker, I was at the desk when the vote was taken on HB 98. I would like to be recorded in the affirmative.

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

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

Mr. DeMEDIO. Mr. Speaker, I, too, was out of my desk when the vote was taken on HB 98. I would like the record to show that 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.

The House proceeded to third consideration of **HB 39, PN 223**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the general monetary exemption.

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

Mr. CHESS offered the following amendment

Amend Sec. 1 (Sec. 8123), page 2, line 16, by inserting after "MORTGAGE." The exception to the general monetary exemption provided for in this paragraph (5) shall be limited to the real property secured by the mortgage. The exception shall not apply to any deficiency judgment.

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

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

Mr. CHESS. Mr. Speaker, the amendment that I offer just makes it clear that in the case of a deficiency judgment, that the exemption spoken to in HB 39 would not apply. There is case law which suggests this result, and we are just trying to make sure that the intention of the House is clear.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I would like to support the Chess amendment. All we are doing in the amendment is allowing the personal exemption of \$300 not to apply in the in rem proceeding when they are taking the property back. If they go beyond that and try to execute on the debtor's personal property, beyond taking the property back, then they would have to honor the exemption that exists throughout the law and given to debtors.

I think it is a very good amendment, it makes it clear what was intended by the bill. It makes it clear that we do not go further than the court cases have indicated. I think it deserves the support of the members of the Assembly.

On the question,
Will the House agree to the amendment?
Amendment was agreed to.

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

RESOLUTION ADOPTED

Mr. WILSON called up **HR 1, PN 29**, entitled:

Joint State Government Commission appoint a task force to study alternate methods of financing public schools in the House, January 22, 1979.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Alden	Foster, A.	Livengood	Ryan
Anderson	Foster, W.	Lynch, E. R.	Salvatore
Armstrong	Freind	Lynch, F.	Scheaffer
Arty	Fryer	Mackowski	Schmitt
Austin	Gallagher	Madigan	Schweder
Barber	Gallen	Manmiller	Scirica
Belardi	Gamble	McCall	Serafini
Beloff	Gatski	McClatchy	Seventy
Berson	Geesey	McIntyre	Shadding
Bittle	Geist	McKelvey	Shupnik
Borski	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Giammarco	Michlovic	Smith, E.
Brown	Gladeck	Micozzie	Smith, L.
Brunner	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Mowery	Stairs
Caltagirone	Gray	Mrkonic	Steighner
Cappabianca	Greenfield	Mullen, M. P.	Stewart
Cessar	Grieco	Murphy	Stuban
Chess	Gruppo	Musto	Sweet
Cianciulli	Halverson	Nahill	Swift
Cimini	Harper	Novak	Taddonio
Clark, B.	Hasay	Noye	Taylor, E.
Clark, R.	Hayes, D. S.	O'Brien, B.	Taylor, F.
Cochran	Hayes, S. E.	O'Brien, D.	Telek
Cohen	Helfrick	O'Donnell	Thomas
Cole	Hoeffel	Oliver	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Itkin	Petrarca	Wagner
Cunningham	Johnson, E.	Piccola	Wargo
Davies	Johnson, J.	Pievsky	Wass
Dawida	Jones	Pistella	Weidner
DeMedio	Kanuck	Pitts	Wenger
DeVerter	Kernick	Polite	White
DeWeese	Klingaman	Pott	Wilson
DiCarlo	Knepper	Pratt	Wilt
Dietz	Knight	Pucciarelli	Wright, D.
Dininni	Kolter	Punt	Wright, J. L.
Dombrowski	Kowalyszyn	Pyles	Yahner
Donatucci	Kukovich	Rappaport	Yohn
Dorr	Lashinger	Reed	Zeller
Duffy	Laughlin	Rhodes	Zitterman
Dumas	Lehr	Richardson	Zord
Durham	Letterman	Rieger	Zwilk
Earley	Levi	Ritter	
Fee	Levin	Rocks	Seltzer,
Fischer, R. R.	Lewis	Rodgers	Speaker
Fisher, D. M.			

NAYS—0

NOT VOTING—8

Bennett	Hutchinson, W.	Manderino	Street
Gannon	Irvis	Moehlmann	Williams

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

SUPPLEMENTAL CALENDAR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 56, PN 440, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 58, 116, 251, 352, 439 Printer's No. 440

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 56

Session of 1979

INTRODUCED BY MR. McCLATCHY, FEBRUARY 5, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 5, 1979.

An Act

to further provide for the expenses of the Executive, and Legislative AND JUDICIAL Departments of the Commonwealth for the fiscal period July 1, 1978 to June 30, 1979, and to make additional appropriations FROM THE MOTOR LICENSE FUND; AND from the Federal augmentation of the Executive and Legislative Departments for the fiscal period July 1, 1978 to June 30, 1979.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. This act shall be known and may be cited as the "Supplemental Appropriation Act of 1978."

Section 2. The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive and Legislative Departments of the Commonwealth for the payment of salaries, wages or other compensation and travel expenses of the duly elected or appointed officers and employees of the Commonwealth, for payment of fees of contractual services rendered, for the purchase or rental of goods, services, printing, equipment, land and buildings and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal period beginning July 1, 1978 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1978.

I. Executive Department

To the Governor

For the salaries, wages and all necessary expenses for the following purposes and activities, including the maintenance of the Executive Mansion, the expense of entertainment of official guests and members of the General Assembly and the Judiciary, participation in the Governor's Conference, the expenses of the Executive Board, and for the payment of traveling expenses of persons other than employees of the Commonwealth appointed by the Governor to represent or otherwise serve the Commonwealth.

Table with 2 columns: Description and Amount. Includes Administration of the Office of Governor (\$2,497,000), TO THE AUDITOR GENERAL, ADMINISTRATION OF THE BOARD OF ARBITRATION AND CLAIMS (\$287,000), TO THE DEPARTMENT OF HEALTH, FOR THE PURPOSE OF DEVELOPING, OPERATING AND PURCHASING RENAL DISEASE SERVICES (\$4,911,000).

FOR ADDITIONAL PAYMENTS TO THE UNITED NEIGHBORHOOD FACILITIES AND HEALTH CARE CORPORATION \$57,000

FOR SALARIES, WAGES, AND ALL NECESSARY EXPENSES FOR THE PROPER ADMINISTRATION OF THE QUALITY ASSURANCE PROGRAM WITHIN THE DEPARTMENT OF HEALTH WHICH IS DESIGNED TO IMPROVE CONDITIONS AND TO ASSURE APPROPRIATE CARE IN HEALTH CARE FACILITIES IN PENNSYLVANIA \$3,167,000

To the Department of Justice For general government operations: Civil Law \$1,668,000

TO THE DEPARTMENT OF MILITARY AFFAIRS FOR ADDITIONAL EMERGENCY MAINTENANCE AND REPAIRS OF THE SOLDIERS' AND SAILORS' HOME AT ERIE: PROVIDED, HOWEVER, THAT NO ONE SPECIFIC PROJECT SHALL EXCEED THE SUM OF \$99,000 \$480,000

To the Department of Public Welfare For county administration \$100,217,000

For administration of the State mental health and mental retardation legislation exclusive of capital improvements; for payments to reimburse counties, county institution districts and private institutions; and for the care of mental patients boarded out by the State institutions for the mentally ill and mentally retarded \$106,349,000

Supplemental grants — aged, blind and disabled \$59,552,000

For the purpose of developing, operating and purchasing day care services for children from State approved facilities \$10,516,000

To the Department of Health For the Chronic Renal Dialysis Program \$1,278,000

TO THE PENNSYLVANIA STATE POLICE FOR SALARIES, WAGES AND ALL NECESSARY EXPENSES FOR THE PROPER ADMINISTRATION OF THE PENNSYLVANIA STATE POLICE, INCLUDING JUVENILE CRIME PREVENTION, CRIMINAL LAW ENFORCEMENT, PREVENTION, AND CONTROL OF CIVIL DISORDERS, EMERGENCY DISASTER ASSISTANCE AND FIRE PREVENTION. NO STATE POLICE SUBSTATION SHALL BE CLOSED UNTIL THE STATE POLICE HAVE PRESENTED JUSTIFICATION AND RECEIVED APPROVAL FOR SUCH ACTION BEFORE A PUBLIC HEARING OF THE APPROPRIATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE \$53,028,000

II. LEGISLATIVE DEPARTMENT

TO THE STATE ETHICS COMMISSION

FOR THE SALARIES, WAGES AND NECESSARY EXPENSES INCURRED PURSUANT TO THE ACT OF OCTOBER 4, 1978 (P. L. 883, NO. 170) REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW \$100,000

III. JUDICIAL DEPARTMENT

COURTS OF COMMON PLEAS

FOR THE PAYMENT OF A PER DIEM SALARY, MILEAGE, AND MISCELLANEOUS EXPENSES TO RETIRED OR ACTIVE VISITING JUDGES FOR THE PERFORMANCE OF THEIR OFFICIAL DUTIES \$750,000

IV. MOTOR LICENSE FUND

THE FOLLOWING SUMS OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED FROM THE MOTOR LICENSE FUND TO THE

HEREINAFTER NAMED AGENCIES OF THE COMMONWEALTH FOR THE PAYMENT OF SALARIES, WAGES AND OTHER COMPENSATION AND TRAVEL EXPENSES OF THE DULY ELECTED OR APPOINTED OFFICERS AND EMPLOYEES OF THE COMMONWEALTH, FOR CONTRACTUAL SERVICES AND OTHER EXPENSES NECESSARY FOR THE PROPER CONDUCT OF THE DUTIES, FUNCTIONS AND ACTIVITIES FOR THE PURPOSE HEREINAFTER SET FORTH FOR THE FISCAL PERIOD BEGINNING JULY 1, 1978 AND FOR THE PAYMENT OF BILLS INCURRED AND REMAINING UNPAID AT THE CLOSE OF THE FISCAL PERIOD ENDING JUNE 30, 1978.

TO THE DEPARTMENT OF TRANSPORTATION

FOR THE SALARIES, WAGES AND ALL NECESSARY EXPENSES FOR THE OPERATION OF THE HIGHWAY AND SAFETY CONSTRUCTION PROGRAMS, INCLUDING PLANNING AND RESEARCH, DESIGN, ENGINEERING, RIGHT-OF-WAY ACQUISITION AND THE OPERATION OF THE ENGINEERING DISTRICT FACILITIES AND LIAISON SERVICES WITH COMMUNITIES ON LOCAL ROAD ENGINEERING AND CONSTRUCTION ACTIVITIES.....

\$1,500,000

CONSTRUCTION ACTIVITIES OF THE AMOUNT APPROPRIATED, \$4,200,000 IS TO BE USED SPECIFICALLY FOR COSTS ASSOCIATED WITH THE SAFETY CONSTRUCTION PROGRAM AND \$300,000 IS TO BE USED SPECIFICALLY FOR COSTS ASSOCIATED WITH BRIDGE DESIGN.....

\$51,356,000

FOR HIGHWAY RECONSTRUCTION AND PAVING IN ALLEGHENY COUNTY ON L. R. 736; T.R. 837 FROM STATION 1007+82 TO STATION 1054+67.....

\$355,000

FOR THE SALARIES, WAGES AND ALL NECESSARY EXPENSES FOR THE ADMINISTRATION AND OPERATION OF THE MAINTENANCE PROGRAM FOR STATE ROADS, BRIDGES, TUNNELS AND STRUCTURES, INCLUDING THE OPERATION OF THE COUNTY MAINTENANCE DISTRICT FACILITIES.....

9,600,000
\$354,032,000

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE ADDITIONAL \$9,600,000 \$25,000,000 AND ANY OTHER FUNDS NOT IMMEDIATELY REQUIRED FOR ORDINARY MAINTENANCE OR CONSTRUCTION BE USED TO MAKE ALL NECESSARY REPAIRS OR REHABILITATION OF ROAD DAMAGES CAUSED BY THE SEVERE WINTER OF 1978-1979.

TO THE PENNSYLVANIA STATE POLICE

FOR TRANSFER TO THE GENERAL FUND TO FINANCE THE TRAFFIC CONTROL AND THE TRAFFIC SAFETY FACILITIES PROGRAM OF THE PENNSYLVANIA STATE POLICE.....

\$72,542,000

H. V. Federal Augmentation Funds

The following sum SUMS, or as much thereof as may be necessary, ~~is~~ ARE hereby specifically appropriated from the Federal augmentation funds to the following agency of the Executive Department of the Commonwealth for the payment of the expenses of implementing and carrying out the program PROGRAMS stated herein for the fiscal year beginning July 1, 1978:

Executive Department

TO THE DEPARTMENT OF HEALTH

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM OF \$9,667,000 APPROPRIATED FROM COMMONWEALTH REVENUES FOR GENERAL GOVERNMENT OPERATIONS:

FEDERAL COMPREHENSIVE PUBLIC HEALTH SERVICES — SUPPLEMENTAL FORMULA GRANTS ARE

SPECIFICALLY APPROPRIATED TO THE FOLLOWING AGENCIES:

- (1) TO THE PHILADELPHIA DEPARTMENT OF HEALTH \$114,000
- (2) TO THE ALLEGHENY COUNTY HEALTH DEPARTMENT..... \$61,000

To the Department of Public Welfare

The following Federal augmentation AUGMENTATION amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum of \$8,715,000 appropriated from Commonwealth revenues for services for the aging:

Food Distribution (Food Donation Program)..... \$2,500,000

The following Federal Title XX Social Services augmentation amount, or as much thereof as may be necessary, is hereby specifically appropriated to supplement the sum of \$19,244,000 appropriated from Commonwealth revenues for day care:

"Title XX—Social Services"—for provision of social services to eligible persons in day care programs \$59,477,000

III. LEGISLATIVE DEPARTMENT

To the State Ethics Commission

For the salaries, wages and necessary expenses incurred pursuant to the act of October 4, 1978 (No. 170) referred to as the Public Official and Employees Ethics Law.....

\$100,000

Section 3. It is the intent of the General Assembly that any appropriation under the provisions of this act which is the same or similar to an appropriation under the act of May 31, 1978 (No. 16A), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1978 to June 30, 1979, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1978," as amended, OR THE ACT OF JULY 1, 1978 (NO. 55A), KNOWN AS THE "MOTOR LICENSE FUND SUPPLEMENT TO THE GENERAL APPROPRIATION ACT OF 1978," AS AMENDED, or the act of July 1, 1978 (No. 56A), entitled "An act appropriating the Federal augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1978 to June 30, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1978," shall replace such appropriations.

Section 4. (a) The act of May 31, 1978 (No. 16A), known as the "General Appropriation Act of 1978," as amended, is repealed insofar as it is inconsistent herewith.

(B) THE ACT OF JULY 1, 1978 (NC. 55A), KNOWN AS THE "MOTOR LICENSE FUND SUPPLEMENT TO THE GENERAL APPROPRIATION ACT OF 1978," AS AMENDED, IS REPEALED INSOFAR AS IT IS INCONSISTENT HEREWITH.

(C) The act of July 1, 1978 (No. 56A), known as the "Federal Augmentation Appropriation Act of 1978," is repealed insofar as it is inconsistent herewith.

Section 5. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I ask that the House concur in the amendments inserted by the Senate.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. McClatchy, consent to interrogation?

The SPEAKER. The gentleman, Mr. McClatchy, indicates he

will consent to interrogation. The gentleman, Mr. Ritter, is in order and may proceed.

Mr. RITTER. Mr. Speaker, are there any capital projects embraced in HB 56?

Mr. McCLATCHY. Mr. Speaker, the only item that appears to be somewhat of a capital project would be the Soldiers' and Sailors' Home in Erie, and it is my understanding—I think the item is for \$480,000—that the proposed capital budget will have a figure somewhat higher for the Soldiers' and Sailors' Home, so that this figure really is not necessary.

Mr. RITTER. Mr. Speaker, on page 5 of the bill, lines 19 through 21, is that not also a capital project?

Mr. McCLATCHY. Yes, Mr. Speaker, it is.

Mr. RITTER. Mr. Speaker, the appropriations to the Department of Transportation in general, it would appear to me, do contain some other capital projects.

One final question to the gentleman, Mr. Speaker, and that is, to the best of your knowledge, have we ever put into a general appropriation bill capital projects?

Mr. McCLATCHY. It is my understanding, Mr. Speaker, that last year we put a road in.

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

Mr. Speaker, obviously we are all concerned with the question of potholes, and it was very nice of the Senate to find \$25 million for the pothole program and in effect hold this House of Representatives hostage to do something which I believe we will live to regret. If we accept the Senate amendments, we are in effect embarking on a program which I believe is not in the best interests of the people of this Commonwealth, and that is, to intermingle capital projects, which best should be put into a capital budget, with general appropriations. If we continue to do this, I see the day coming when we will have the entire capital budget contained within the general appropriation budget, and we will be in the same fix as the United States Congress is in by doing the same thing. We will have an imbalanced budget, and in order to satisfy the constitutional requirement, we will have to levy taxes on the people of this state to the extent that they have not even seen before or even dreamed of, because if you take the 100-or-so millions of dollars that we appropriate in the capital budget and include that in a general operating budget, you are going to have to raise the revenues necessary to fund that, and you have to do it now. You cannot put it off on a bond program.

Whether or not it is constitutional I am still debating. I probably will raise that question, but aside from the question of constitutionality, I think it is the wrong approach to take. This bill, when it left the House some 3 weeks ago, contained deficiency appropriations. I interrogated the gentleman from Montgomery, Mr. McClatchy, as to where the money was coming from, and they were all accounted for. There was a problem with the county boards of assistance in that I understand they will run out of money by Thursday, and once again—and in my 14 years of experience up here, this has happened time and time again—once again, we are being put under the gun by the Senate of Pennsylvania in saying, in effect, if you do not pass this bill today, those people will not be paid. Regardless of whether or not what they did was prudent, morally right, or even in

fact constitutional, we are forced with the decision of taking it or leaving it. Mr. Speaker, as reluctant as I may be, I am extremely concerned about the dangerous precedent we are going to set by accepting these amendments by the Senate and I am going to vote in the negative.

I appreciate the problem with the potholes, and I think we can address ourselves to that in some other fashion, but the danger comes in putting capital projects in this budget, and if those of us who are here today are here long enough, I think you will, if you accept this today, live to regret it. I can see the day—and the minority leader will probably mention this, but I am going to mention it—when we are working on a general fund budget and we need to get the votes to pass it. People say, I have got a bridge in my area; I need to get a hospital in my area; I need to get something else which ought to be in a capital budget, and we say, well, all right, we will give it to you in the general fund budget. And if we do that time and time and time again, I tell you we will end up with one budget in this Commonwealth, and we will fund projects which really take 8, 9, or 10 years to build out of current revenues and we will have to raise the taxes to make sure the money is there so the Governor can sign that balanced budget, and the people of this state are going to pay and pay and pay for money that is going to sit idly by. It is the wrong thing to do.

We ought to amend this bill and get those capital projects out of here. Failing that, then we ought to nonconcur and send the monkey back to the Senate. They are the ones who started it. We ought to send it back to them; tell them to give us a bill which is all right, which meets the test of constitutionality, and which will do the job that we had intended it to do, and stop trying to confuse the issue. I am not content to let this thing go through and depend on whether the Governor is going to veto it or whether the Governor is going to cut out those projects which should not be in there, because what happens if he does not? What happens if he says, all right, you people decided to do this. Why should I object? Why should I take the political heat? I am going to let it go through. Then next year and the year after, when people ask about putting capital projects in a general fund bill, where is the answer going to come from then? You are not going to be able to say, well, we have never done that before; we cannot start that now.

I think we are taking a step backwards. We are going in the wrong direction, and if you want to end up with the kind of budgeting procedures that the Federal Congress has, then you concur in the Senate amendments, and then a couple of more years from now, we are going to be in the same fix that they are. I do not want that. I do not want it especially for my children.

CONSTITUTIONALITY OF SENATE AMENDMENTS QUESTIONED

Mr. RITTER. Mr. Speaker, under Article VIII, sections 12 and 13, may I raise the question of the constitutionality of the amendments inserted by the Senate?

The SPEAKER. The question has been raised by the gentleman from Lehigh, Mr. Ritter, as to the constitutionality of cer-

tain amendments inserted into HB 56 by the other body.

Mr. RITTER. Mr. Speaker, one further point, if I may.

The SPEAKER. The gentleman may proceed.

Mr. RITTER. The other concern I have about constitutionality is that we have taken a general appropriation bill and we have intermingled with that Federal augmentations. I raised that question when the Federal augmentations part was in it before and I was not really completely satisfied with the answer, but I thought that there was some validity to it. But now we have taken restricted moneys from the motor license fund and intermingled that with the general appropriation bill. So in addition to the capital projects that are enumerated in this bill, I base my issue of unconstitutionality on the fact that they have taken restricted moneys and intermingled that with general operating revenues, and on that basis I would ask that we vote that the Senate amendments are unconstitutional.

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

Mr. McCLATCHY. Mr. Speaker, on the constitutionality, it is my understanding that constitutionally we are permitted to put money into this kind of an appropriation bill. That does not mean that the money will be spent for a capital budget until the item is placed in the capital budget and approved by this House. I think that is the constitutional question. We are not doing anything unconstitutional by putting the money in this bill. It does not authorize us to go ahead with the project. That is the difference.

I think, also, on a point of order, Mr. Speaker, if we adjudge this item to be unconstitutional, then the bill is dead. That is the end of this bill.

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

Mr. DeVERTER. Mr. Speaker, the Appropriation Committee chairman has indicated that if we would declare this bill unconstitutional by a vote here in the House, the bill would be dead. Would that necessarily be the case or could the bill be stripped of those measures which the members feel are unconstitutional?

The SPEAKER. In response to the inquiry made by the gentleman from Lehigh, Mr. Ritter, the constitutionality of the bill, as amended, will be decided by the members of this House. In response to Mr. DeVerter's question, as I understood it to be, if this House were to declare this bill unconstitutional as amended by that action, we would not be amending out those unconstitutional amendments.

In further response, the House cannot amend this bill as amended unless it would suspend the appropriate rule of the House, and the additional alternative would be for the House to nonconcur and refer the bill back to the Senate with a notation that, in the opinion of this House, certain amendments were unconstitutional if the majority of the members of this House so decided.

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

Mr. DeVERTER. Mr. Speaker, as a follow-up to that, if, in

fact, the House would declare the bill unconstitutional, is it, in fact then no longer a viable piece of legislation?

The SPEAKER. Before I respond to that question, I would want to take it under advisement because that has deep significance and I do not feel capable of responding to that question immediately.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, what was the answer to the question of whether or not the bill would be dead from that point?

The SPEAKER. That is the inquiry that I have not responded to.

Mr. MANDERINO. Is it possible to suggest the unconstitutionality of the amendment placed by the Senate so that the bill would not be dead?

The SPEAKER. It is the responsibility of this House to make a determination once the question is raised as to whether or not in their opinion this bill as constituted is constitutional.

Mr. MANDERINO. Mr. Speaker, my question specifically is, rather than raise the question of constitutionality of the bill, is it possible to raise the specter of the unconstitutionality of the amendments placed in the bill by the Senate?

The SPEAKER. That again is a rephrasing of a question very similar to that asked by Mr. DeVerter, which I feel I am not capable of responding to immediately.

It would be the suggestion of the Chair that the House vote on the constitutionality of the bill as constituted currently as being raised by Mr. Ritter.

Mr. RITTER. Point of clarification, Mr. Speaker. I raised the question of constitutionality on the amendments inserted by the Senate, not on the bill itself.

PARLIAMENTARY INQUIRY

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

Mr. RAPPAPORT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Assuming for a moment that the constitutionality of this bill is raised and this House votes that it is unconstitutional, will the Speaker then entertain various amendments to the bill so that we can later determine that in a further amended form, assuming we suspend the rules, that the bill would be constitutional?

The SPEAKER. The Chair would suggest a more proper way would be a motion to nonconcur with a memo attached—assuming that it was nonconcurrent in by this House—sending it back to the Senate why they nonconcurrent. In further response to the question: If we, this House, determine that it was unconstitutional as before us, before we can amend the Senate amendments, we would have to suspend the rules of the House which does not permit us to amend a Senate amendment. So we do have several alternatives.

The Chair would like to dispose of the question of constitutionality as quickly as possible, so that may determine what action should be taken next.

Mr. RAPPAPORT. I thank the Speaker.

The SPEAKER. On the question on the constitutionality of HB 56, those—

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

Mr. RITTER. Mr. Speaker, I reiterate what I had said. I challenge the constitutionality of the amendments inserted by the Senate; not on the total bill itself, but on the amendments inserted by the Senate. I think that if we reject it, if we say that they are unconstitutional, it seems to me that it would be the same thing as nonconcurring and we would send it back to the Senate. I would question only the constitutionality of the amendments inserted by the Senate.

The SPEAKER. The question raised by the gentleman from Lehigh, Mr. Ritter, is the constitutionality of the amendments inserted in HB 56 by the other body.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, it occurs to me that we are perhaps getting all wound up in ethical procedures which are really unnecessary. If the speaker would allow me the privilege of speaking briefly on this matter.

The only matter really before the House is the matter of, Shall the House concur in the Senate amendments to HB 56 or nonconcur? It seems to me that what the gentleman, Mr. Ritter, should have done is to argue for nonconcurrence on the basis of the fact that in his belief the amendments inserted by the Senate are unconstitutional. That is a legitimate basis for nonconcurrence. Then you settle the question of, Shall the House concur or nonconcur?, without getting involved in, Will the House destroy the bill or will it destroy merely the amendments?

If the House nonconcur, for whatever reason, the bill goes back to the Senate. If the House does concur, for whatever reason, the bill then goes on to the Governor. The reason for nonconcurring should be the argument that the amendments inserted by the Senate are unconstitutional. And if they prevail, then, of course, the House would nonconcur because it would not agree to concur in nonconstitutional amendments.

May I suggest that it be placed in that frame, if the gentleman, Mr. Ritter, is in agreement, and that might simplify our procedures.

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

Mr. RITTER. Mr. Speaker, it is a very important issue. It is something that I think we need to address ourselves to, and I am not going to question or call for a nonconcurrence. I think the principle is wrong. I think they did it the wrong way and I think we ought to establish once and for all whether or not we are going to allow unconstitutional amendments to be placed in the bill. Just simply taking a vote on concurrence or nonconcurrence does not indicate anything. I am sorry to disagree with my minority leader, but I am going to insist that we take a vote on the constitutionality of the amendments inserted by the Senate.

PARLIAMENTARY INQUIRY

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

Mr. DeVERTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DeVERTER. Is it not a fact that the only thing that this House—and this is only for the benefit of the new members—is considering today are the amendments that were inserted by the Senate? Is that not the case, sir?

The SPEAKER. The gentleman is correct that the question before the House is the concurrence in the amendments inserted by the Senate.

Mr. DeVERTER. Mr. Speaker, if I may, I agree with Mr. Ritter then that we ought to once and for all settle the issue as to permitting one body or the other to insert those things therein that are not pertinent, germane or constitutional to a piece of legislation. Regardless of whether we go the nonconcurrence or the concurrence route, we have got to settle the issue once and for all as to whether or not those amendments are acceptable to this body; and in lieu of our being able to amend Senate amendments, which I hope this House will take up when we adopt rules. I think we ought to take the issue as presented by Mr. Ritter. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, in view of the fact that the gentleman, Mr. Ritter, has refused the method that I offered here at the microphone, has the Chair ruled as to what will happen to HB 56 if the House votes that it is unconstitutional? This is on the bill itself as amended. What happens to the bill?

The SPEAKER. It is the opinion of the Chair that a vote on the amendments which would indicate their being unconstitutional would not resolve the problem. There is further action that would have to be taken on the bill — either the suspension of the rules to permit the Senate amendments to be amended or a motion to nonconcur be adopted. The vote on the constitutionality would, in effect, be advisory to ourselves.

Mr. IRVIS. I thank the Speaker.

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

Mr. BURNS. Mr. Speaker, just one short question: Would you explain the vote now just exactly what a “yea” vote means and a “nay” vote means?

The SPEAKER. The “yea” vote would support the constitutionality of the bill as before us. A “nay” vote would indicate that in your opinion the bill as before us is unconstitutional.

On the question,

Will the House sustain the constitutionality of the Senate amendments?

The following roll call was recorded:

YEAS—110

Armstrong	Durham	Lashingier	Scheaffer
Arty	Earley	Levi	Scirica
Austin	Fischer, R. R.	Lynch, E. R.	Seventy

Bennett	Fisher, D. M.	Lynch, F.	Sieminski
Bittle	Foster, A.	Mackowski	Smith, E.
Brandt	Foster, W.	Madigan	Smith, L.
Brown	Freind	McClatchy	Spencer
Burd	Gallen	McKelvey	Stairs
Burns	Gamble	McVerry	Swift
Caltagirone	George, C.	Michlovic	Taddonio
Cappabianca	Gladeck	Mowery	Taylor, E.
Cessar	Goebel	Mrkonic	Taylor, F.
Chess	Grabowski	Murphy	Telek
Cianciulli	Grieco	Novak	Trello
Cimini	Gruppo	Noye	Vroon
Clark, B.	Halverson	O'Brien, D.	Wachob
Clark, R.	Hasay	Perzel	Wagner
Cochran	Hayes, D. S.	Peterson	Wass
Cornell	Hayes, S. E.	Pistella	Weidner
Coslett	Honaman	Pitts	Wenger
Cowell	Hutchinson, W.	Polite	Wilson
Cunningham	Itkin	Pott	Wilt
Davies	Kernick	Pratt	Wright, J. L.
Dawida	Klingaman	Punt	Yohn
DiCarlo	Knight	Reed	Zord
Dombrowski	Knepper	Rocks	
Dorr	Kowalyshyn	Ryan	Seltzer,
Duffy	Kukovich	Salvatore	Speaker

NAYS—88

Alden	Geesey	Livengood	Richardson
Anderson	Geist	Manderino	Rieger
Barber	George, M.	Manmiller	Ritter
Belardi	Giammarco	McCall	Rodgers
Beloff	Goodman	McIntyre	Schmitt
Berson	Gray	McMonagle	Schweder
Borski	Greenfield	Micozzie	Serafini
Bowser	Harper	Milanovich	Shadding
Brunner	Helfrick	Miller	Shupnik
Cohen	Hoeffel	Mullen, M. P.	Sirianni
Cole	Hutchinson, A.	Musto	Steighner
DeMedio	Irvis	Nahill	Stewart
DeVerter	Johnson, E.	O'Brien, B.	Stuban
DeWeese	Johnson, J.	O'Donnell	Sweet
Dietz	Jones	Oliver	Thomas
Dininni	Kanuck	Petrarca	Wargo
Donatucci	Kolter	Piccola	White
Dumas	Laughlin	Pievsky	Wright, D.
Fee	Lehr	Pucciarelli	Yahner
Fryer	Letterman	Pyles	Zeller
Gallagher	Levin	Rappaport	Zitterman
Gatski	Lewis	Rhodes	Zwikl

NOT VOTING—5

Gannon	Spitz	Street	Williams
Moehlmann			

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the Senate amendments was sustained.

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

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

Mr. KUKOVICH. Mr. Speaker, I am not going to urge the members of this House to concur or to nonconcur, but I spoke briefly in caucus today and, for the purpose of the record, I think that it is important that I place my feelings on that record.

In the short time that I have been here in Harrisburg, I have been a bit distressed by the manner in which almost every appropriation bill has been handled. It appears that many times it has been the fault of the other chamber, and I dislike the fact that we always seem to be put into an emergency situation, a situation where we cannot handle important appropriations in a more thoughtful process, but, rather, we are forced to handle them under the gun.

Although I am in agreement with most of the individual line items in this particular bill, I will have to vote for nonconcurrency and hope that by doing that that we at least begin to send a message back to the Senate and begin to conduct our appropriations business in a more proper way. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker. Mr. Speaker, I feel constrained to make some comments about the bill that is before us today. I am not sure what the conclusion of my remarks will be, but I think that it is important to point out to the members, and there are many new members here, that what we are doing today is something, at least in part, that has never been done before, to the best of my knowledge. Some things that we are doing in this bill we have done before, and I think that we were wrong when we did them and I said that we were wrong when we did them before.

We, ordinarily, in every session have a general appropriation bill which funds state government in its general operations, funds each department of this government, and the constitution clearly says that nothing will be contained in that general appropriation bill except those general appropriations to those departments and to the legislature and to the judiciary.

Today, we are mixing in one bill what ought to be the subject matter of four different bills. We are mixing the appropriation of Federal funds, which is ordinarily handled in a separate bill, with the appropriation of funds from the general treasury of the Commonwealth, which is ordinarily handled in the general appropriation bill.

We are mixing moneys from a restricted fund, the motor license fund, with both of those other two that I mentioned and we are beginning to put capital projects in a general appropriation bill, or in a bill that contains appropriations that are ordinarily in the general appropriation bill, with appropriations that are in the Federal fund bill and with the motor license fund appropriations.

It is my belief that if we continue this kind of doings in legislation and if we allow this to be a precedent on how we are going to do business, I predict that the fiscal impacts and the fiscal impasses and the budgetary impasses that this Commonwealth has suffered in the past will be magnified in the future. Can you imagine the bartering, the bargaining, that will go on in the adoption of the general appropriation bill if I or you or any group of members from any specific areas of this Commonwealth unite to decide that certain capital improvements, which are ordinarily in a separate bill, will go into the general appropriation bill? And I think that the concerns that Mr. Ritter expressed about the spending in this Commonwealth and

how it will affect the spending of moneys in this Commonwealth, his concern, I think, is entirely proper and entirely valid.

I think what is being done here today is something akin to what is done at the Federal level where they mix everything together and we end up with deficit after deficit after deficit — and we may not end up with deficit after deficit after deficit because we are restricted in Pennsylvania to having a balanced budget, but we will certainly be placing pressures, in my opinion, to continue to increase the budget and increase the spending when the people at home are talking about spending limitations and fiscal constraints.

I have mixed emotions about talking about these things because the subject matter of those four bills that should be before us are all meritorious. We all want to see this Commonwealth and the Governor and the new Department of Transportation embark upon fixing the roads, getting rid of the potholes, allowing us to travel roads without losing hubcaps and bending rims and sending the cars out of alignment, and we all want to see that the county boards of assistance get the moneys that they need to meet payrolls on March 8, which, again, should be the subject matter of a separate bill.

I have no quarrel with the capital projects specifically that have been placed in this bill, nor do I have any quarrel with the manner in which the motor license fund has transferred money to the general fund or in the manner in which we are appropriating Federal funds in this bill, if it were all the subject matter of four separate bills. And it is going to be very difficult to cast a vote for nonconcurrency because of the position of merit that each of these items would have if they were in a separate bill, but I, personally, as Mr. Ritter has indicated, will vote for nonconcurrency. I think that every member is going to have to make up his own mind on the effect, down the line, of what we do today by accepting such a mishmash from the Senate.

We sent this bill to the Senate in plenty of time. If they had wanted to talk in terms of capital-budget projects, in terms of expenditures out of the motor license fund, in terms of Federal fund expenditures, that they could have drafted and sent to us for consideration this week three separate bills, and I am sure that sometime during this session we are going to address in bills the items outside of the deficiency appropriations that the bill originally intended to provide for in the general fund. But this House has decided that what we are doing here in mixing the four bills, that I believe ought to be before us, is constitutional, which gives me only further difficulty in casting that vote for nonconcurrency. But, Mr. Speaker, I will cast a vote for nonconcurrency.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I agree with the minority whip as to his feelings to the bill, and with Mr. Ritter, in that sometimes we fail to learn through history and through experience. I would like to go back a little bit, to years ago—and I say this with respect to the good Governor—during Governor Scranton's administration, they went into authority financing for maintenance, which was wrong, because authority bonds

should only go into capital improvement; but they did not. But there again they mixed it the wrong way, and we are paying for it today.

A lot of you folks who ran for office harped about it, cried about it, yelled about it, and now you are walking yourselves right back into the same sort of mixture, and you are going to answer for it some day. Some guy or gal running against you is going to tell the same story about what you did today, if you do it, and they will be right.

There is \$45,000 in this for Lehigh County—and we worked hard to get into this mental health-mental retardation program—and I will have to vote against it.

As to the county assistance welfare employes, there is going to be a lot of gnashing of teeth and wailing and carrying on, and we are going to have to stand the brunt of that one. We are going to have to stand the heat and we will have to stand up and take it.

On the hot issue of potholes, the Governor has said himself, and Mr. Larson, that they have found \$10 million, \$9.4 million, which I am happy for. So, rather than throwing any more money away, an additional \$15 million, let them get out there and fill the holes the best they can, because under the present weather conditions you cannot do a good job. You have to have at least a week of decent weather, dry, certain temperature, to be able to make it hold. So they are only going to do, I would say, a postage-stamp job now anyway until the weather is right when they can really do a job. So why throw more money away and put the Governor in another bind? I see this move as aiding and abetting a political move. You are aiding and abetting a political move against your own Governor.

Now I could say, politically this is a good deal, and stand up here and say, hey, let us give it to him. But I cannot do that because I do not want to hurt myself politically in my county, because they are going to say that Zeller is against filling potholes. But, also, they are going to say, you know, here he is, my Democratic stronghold up there, here he is aiding and abetting a Republican Governor. Well, I respect the Governor and I do not think we should do it to him.

I agree with Mr. Kukovich. We always have these last-minute, crises-bases operations. They did it in 1977 and they are doing it to us again. And you people out here who are going to vote for this, be sure you get your press releases right; get in there and tell the gang what great heroes you are, and be sure they are beautiful releases, because you are going to sound good. But be ready to answer your constituents about a month from now, or maybe two, when those same beautiful potholes are going to be open again and you are going to have to ask for more money. And I do not know where it is going to come from.

All I can say is, we are throwing good money to bad. And it is a darn shame that we cannot learn from history and say, hey, wait a minute now, let us tell that gang across the building here that we are sick and tired of their using us for robots over here. Yes, the word is puppets, right. Let us knock it off. If they want to play political games over there, let them play them. But I am not about to walk our Governor into this kind of situation. It is wrong; it is wasteful, and you had better think it over. Let us vote this darn issue down. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, I wish to beg a difference with the remarks of the minority leader. I think that as the law is written and the advice I have been given that each one of these funds are supplements to each other under state law. I have in front of me last year's motor license bill as a separate bill. And we do, as the minority leader said, put them in a separate bill. But it is titled a supplement, and it is a supplement to the general appropriation bill.

It is my advice that what we have done today in grouping these together is not wrong and is permissible. And, again, I would go back to SB 1471, the motor license vehicle bill of the 1978-79 session, and it is titled a supplement. I can go on and read the act and specify to you what it says. But each one of these sections are supplements to one another, and what we are doing today is proper and legal.

Mr. Speaker, I would also like to make just a few remarks on what we are trying to do today. We are faced with a very serious problem. Mr. Speaker, we are talking about a very, very serious situation. It is not one that I certainly asked for and I do not think it is one that House tried to work towards. We face again the irresponsibility of the other body in bringing us to a crisis situation. And believe me, it is a crisis situation.

I think there has been a misunderstanding by some by a remark I made earlier today about emergencies, emergency funds or an emergency pool being available to take care of checks going out to county boards of assistance. This is not true. The Governor's office has set into action emergency procedures so that the checks can go out immediately or as quickly as possible after we, in our good wisdom concur in this piece of legislation. Without this bill and without this money, the county boards of assistance will close and no checks will go out on Thursday and welfare checks will begin to grind to a halt throughout the State of Pennsylvania, and we will have a beginning crisis with the buses and with people coming and talking and lobbying us to do something. And we are not talking with people who can afford to pay for their food immediately or have funds available. They need the check this week or shortly after this week.

Mr. Speaker, we are also talking about a serious problem of our roads falling apart. And I think it gives us a chance today to give the public an indication that this General Assembly is willing to take immediate action to try and do something with that awful mess that the potholes are creating.

Lastly, Mr. Speaker, if we nonconcur in this legislation today, it is my suggestion to you that it will not change the problem one iota. We will go to a conference committee with the Senate and that conference committee can take a week, 10 days, 2 weeks. And I suggest to you that it will probably take that long. I would suggest to you that two Senators, two Democratic Senators from the other side, and two Republican House members from this side will argue with the help of their minority members, a Republican from the Senate and a minority House member from our body, we will argue in what is going to be in this bill. And I suggest to you that we are going to have to compromise after a week, 2 weeks, 10 days, what have you, after the county boards close, after the checks do not go out. And I

will suggest to you that when this bill comes back for our final approval by the conference committee, it will not be that different than what we are looking at today. What we are going to do then is approve it and send it to the Governor, and with his desires and wishes, he may "x" out some of the things that he thinks is not appropriate. It will not be, again, too much different from what we are facing here today. And I think it is foolish, giving the seriousness of the problem with the county boards of assistance closing down this Thursday, to continue to delay this action. I would beseech and plead with both the members on my side and the members on the minority side to vote concurrence.

Mr. Speaker, we have as much trouble on our side concurring as you do on your side. And it is unfortunate. I think we did our job and we resisted amendments here on the floor of the House. We were responsible, the House as a whole, both Democrats and Republicans. And I regret that we are in this position today, but I suggest that position is not going to change by delay. Again, Mr. Speaker, I urge concurrence.

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

Mr. WHITE. Thank you, Mr. Speaker.

Mr. Speaker, I have heard an awful lot of the discussion which I agree with. I agree that we are in a crisis situation, but I hasten to remind the members of this House that it is a crisis situation which we ourselves created. We created that crisis situation, Mr. Speaker, by the action which we took in last year's budget adoption, when we knew at that time that we were shortchanging many of the departments and areas of funding in this appropriation bill that we are now considering today. I also agree, Mr. Speaker, that we have really no choice but to concur in the Senate amendments.

I understand fully the problem of potholes. I think people seem to think that out of all the bad things that happen in Philadelphia, the one problem that we do not have is a pothole problem, but we have serious problems as well on streets and roads that are to be maintained by the Pennsylvania Department of Transportation. But I also submit, Mr. Speaker, that in the balance of what we do this afternoon is the talent and the commitment of thousands of state employees who labor day in and day out with the indigents of the this state, who are charged with the responsibility of seeing to it that the needy are in fact fed. It is also our responsibility, Mr. Speaker, to see to it that we do all that we can not to further demoralize the department, the county boards of assistance in particular. You are talking about a department which is already understaffed; you are talking about caseworkers and income maintenance workers who are in fact over worked but who are called upon day in and day out to meet their moral and social commitment as well as their employment obligations, and I would hope that the bottom line of this entire mess that we find ourselves in is an overwhelming vote in the positive in concurring in the Senate amendments. I thank you, Mr. Speaker.

HB 56 PASSED OVER TEMPORARILY

The SPEAKER. Without objection, the Chair would like to

temporarily pass over HB 56 for the specific purpose of recognizing Mr. Polite for a special award ceremony. The Chair hears none.

SERGEANT KENNETH L. KRAUS PRESENTED

The SPEAKER. The Chair asks the gentleman from Montgomery, Mr. Polite, to come to the rostrum.

Mr. POLITE. Thank you, Mr. Speaker.

Members of the House, it is my pleasure and honor to present to you today United States Marine Corps Sergeant Kenneth Kraus and to present him with a citation honoring his presence and the heroic service to our great country.

Sergeant Kraus is indeed a hero, but he is more than that. His devotion and dedication to duty in the face of extreme personal danger stands out as an example of the kind of courage that we and all Americans must endure in these troubled times when all nations and their peoples are threatened with war and economic turmoil.

Sergeant Kraus stands out as a different kind of hero and inspiration. Traditionally members of our military forces are honored as heroes because of outstanding performance in the heat of battle, defending our country against its enemies in armed combat. Sergeant Kraus did not fire a single shot in the heat of battle. He did not kill or wound anyone. While under armed attack by rebel Iranians, Sergeant Kraus obeyed orders at great personal risk and withheld firing upon the attackers of the American Embassy in Tehran. By diligently following his orders, Sergeant Kraus made a major contribution to maintaining the peace and keeping America out of a serious and potentially embarrassing armed conflict in the Middle East tinderbox. Such a display of courage and personal strength is indeed the stuff of which heroes are made.

Sergeant Kraus stands before us today so that we may honor him for the hero he is, not a war hero of the kind we have honored in the past but a hero of peace, a hero, an inspiration for tomorrow.

Sergeant Kraus, front and center. I have a citation from the House of Representatives. (Reading:)

Commonwealth of Pennsylvania Citation by The House of Representatives

WHEREAS, The Commonwealth of Pennsylvania as well as the United States of America, extends a warm welcome home to Sergeant Kenneth L. Kraus, who has exemplified the highest traditions of the United States Marine Corps during the siege of the United States Embassy in Tehran by Iranian leftists on February 14, 1979; and

WHEREAS, Sergeant Kraus, a graduate of the Valley Forge Military Academy, displayed tremendous courage and self-discipline while maintaining his post, in a manner that helped to prevent a massacre at the United States Embassy. Sergeant Kraus was wounded and held captive by the Iranian revolutionaries until his release through intervention with the new Iranian government by the United States and France; and

WHEREAS, Sergeant Kraus received the Purple Heart and Navy Commendation Medal for heroic achievement. Through his willingness to honorably serve his country and steadfast devotion to the principles of freedom, Sergeant Kraus has exemplified the finest of American military traditions.

Now therefore, the House of Representatives of the Common-

wealth of Pennsylvania pays tribute to Marine Sergeant Kenneth L. Kraus for his valor and wisdom and for the pride and honor he has brought to himself, his family, this Commonwealth and his Nation; and further directs that a copy of this citation be delivered to Sergeant Kenneth L. Kraus, Garfield Avenue, Upper Gwynedd Township, Montgomery County, Pennsylvania.

Submitted by:

ROOSEVELT I. POLITE,
Sponsor

H. JACK SELTZER
Speaker of the House
of Representatives

Attest:
CHARLES F. MEBUS
Chief Clerk of the House
of Representatives

March 2, 1979.

Congratulations.

RESPONSE

SERGEANT KRAUS. Thank you, Rip.

Mr. Speaker, members of the House of Representatives of my State of Pennsylvania, you really do not know what it is like to be honored here. It truly is an honor and a privilege. I have never seen anyone before like this. I have never come before anyone.

When I went to the Embassy in Tehran, I had just a regular job to do. You all know what it is like to put in long hours and hard work and sometimes not even understanding, really, what is going on, but we all get paid to do a job. While I was there, I did what I thought was right, what was right for me, for the people who were around me, and for my Country and my Marine Corps. It was just my job to do. You pay me and you train me.

I am so glad, but it is more than glad; it is almost like a feeling of love to be able to come home to the United States, where we are free to speak and to talk and to feel, where you members right here can sit and discuss how this country can be worked. A lot of people do not have that freedom. They are persecuted for it. It feels so good to come home to you all, just to come home alive, and to be able to have served you, and that you can look into my actions and the way I performed and find some kind of spirit, some kind of feeling that gives you pride, that makes you feel that I did a good job for you. I mean, that is why I was there. That is the whole reason why we have the Marine Corps and the armed services. You can talk all you want, but when push comes to shove—and sometimes it does—nobody likes to fight, but somebody has to know how. You have got to fight for what you want; you have got to fight to get it and fight to keep it.

For the last half hour I have been sitting here watching you all fight among yourselves.

Many of you have been in military service know what it is like to come home to loved ones and family and just to be hugged, to see the ones you care for. Then to come home as a hero, to be decorated, to be put in the news, I am humbled, but I am honored. It is something I will never forget as long as I live,

and as long as I live, I will continue to serve you, our God, my Marine Corps, and our Country.

Thank you for letting me be your hero.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is very unusual for me to try and be serious, because I have attained a reputation of a sort, I suppose, as a cutup in many cases, and I was trying to think of something appropriate and light to say at the conclusion of the remarks of the sergeant—perhaps dealing with, if his registration is right and Rip wants to get out, we can find a replacement—but as I listened to the sergeant, I was truly moved by his remarks. I was in the Marine Corps and I understand to some extent the feeling of the sergeant, and I expect that that is true of most people who have been in the service. The esprit de corps of the Marine Corps is not unlike the same spirit, I believe, that is shared by most members of this body; that is, we can criticize one another, but damn it, nobody else had better criticize us. I think that was the spirit of the Marine Corps that I knew when I was in, and it is the spirit that prevails today.

The remarks of the sergeant were given in such a way that I do not think there is any person here who was not moved and touched by those remarks. His willingness to serve family, God, country, and service, I think, is an inspiration to any listener, and I would hope that public television sees fit to properly circularize the remarks of the gentleman.

I am proud to have once worn the uniform that you are wearing today, Sergeant. I know there are many others in this hall who share that feeling, and I think every member of this body is truly proud of you, your accomplishments, and the fact that you honored us by being here today.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Sergeant, there is very little more I can add to what the majority leader has said except to remind all of us that the most important thing which the sergeant said, and he said it not only here but he said it when he was interviewed when he first landed in Pennsylvania: "What I did was my duty." Those are words which ought to ring clearly throughout this land.

If each one of us, Sergeant, whether he be a Marine or a civilian, does his or her duty by his God, by his country, by his beliefs in freedom, there may come a time in this world when it will be no longer necessary for a brave, young sergeant to be wounded in the defense of peace. Congratulations, Sergeant.

CONSIDERATION OF HB 56 RESUMED

The SPEAKER. The Chair returns to HB 56. The Chair recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Thank you, Mr. Speaker.

I would like to speak to the point of the pothole money. Around here it is not too bad. I do not know about the eastern part of the state. I do not get over there too much, but the western part of the state looks like it has been in a war. It look like it has been bombed very thoroughly, believe me.

Our main arteries are not main arteries anymore; they are roads that you can hardly get across, and what is happening, in Allegheny County specifically, you have traffic backing up that

cannot move 10 miles an hour on main arteries feeding in and out of the city, causing big traffic jams every morning and every evening. You have people hitting potholes, breaking axles, blowing out tires, losing their hubcaps, and Port Authority buses hitting potholes that are cracking their rear ends at \$1,500 a crack. We have pictures of firemen standing in potholes up to their waists, and they cannot get fire trucks through on roads. It is a crisis situation in Allegheny County. There are people dodging potholes and causing accidents.

The bottom line is this, gentleman, and just remember this one sentence: The bottom line is, you cannot fill potholes with words. It does not work. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, I had intended to question Mr. McClatchy on a number of the issues that he had brought up earlier, but in view of what has been said here today, there is only one real question I have of you, Mr. Speaker. Would you please stand for interrogation?

Mr. McCLATCHY. Yes, I will.

Mr. LAUGHLIN. Mr. Speaker, you said earlier that the Senate, in amending this bill, put together some of the so-called pork-barrel issues, such as bridges, roads, and so on that were added to it. You may recall, sir, that when he had the bill in the House, we were requested to hold back on amendments and to refrain from adding any additional costs to this because of the budgetary problem that the Governor was faced with. I spoke to you personally on that issue, if you recall, on the floor of the House that day, and you conveyed to me your very sincere feelings that we were in a position of possibly putting the Governor under a further burden of red ink in order to meet this budget that is coming up and the lapsed funds that were involved. Now today, Mr. Speaker, you stand before us, and although I proposed legislation to remove the state police from the motor license fund and put it in the general fund budget, and this legislation does remove, in fact, \$15 million of that cost and puts it in the general fund budget, nonetheless, Mr. Speaker, you now tell us to vote for this issue on the very basis that you yourself told me was wrong and you opposed. I would just like to hear your explanation of that, sir. That is my only question.

Mr. McCLATCHY. Mr. Speaker, I am not defending this piece of legislation as it appears today. The words I spoke to you, Mr. Speaker, previously, 3 weeks ago, I would still agree with. It is certainly my hope that the Governor takes a good, long, hard look at this piece of legislation. In fact, he has to blue-line some of it whether he wants to leave almost all of it in or not.

Right now the bill totals \$36,769,000, and we have in unappropriated money only \$35,539,000, leaving a deficit appropriation in this bill of \$1,230,000. So he has to, by law, blue-line that much out. In addition, I would hope he takes a good, long, hard look, considering the posture that the House took that we tried to keep out as much as we possibly could from this legislation, that he takes a good, long, hard look at this bill and blue-lines out what he feels appropriate.

Mr. LAUGHLIN. Mr. Speaker, one more question to the

gentleman. Mr. Speaker, you indicated that the Governor would have to take a good, hard look at it, and I agree, and you indicate that there would be certain blue-lined items. Mr. Speaker, do you have any idea of exactly what the Governor does intend to blue-line?

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

Mr. LAUGHLIN. Mr. Speaker, do you feel that the Governor will be looking for additional lapsed funds within the administration of our state in the next few weeks prior to maybe signing this legislation, if it is passed, and then still sign it using those lapsed funds to make up that difference?

Mr. McCLATCHY. Mr. Speaker, the Governor cannot use lapsed funds to make up a deficit that may appear in this bill. He can certify to us lapsing. He can certify to us the amount of lapses. It is then up to us, as a House or a Senate, to then appropriate those lapsed moneys that he certifies. So he cannot use those moneys without coming before us again and getting into the same rigmarole we are in right now.

Mr. LAUGHLIN. That is exactly what I meant, Mr. Speaker. I am aware of what the Governor can do. What I am saying is that he does have a majority in this House, and we are going to be called on to initiate that type of activity. Is it a possibility in your mind that the Governor would be doing just that in order to justify what you are saying today?

Mr. McCLATCHY. Mr. Speaker, I do not believe that there will be sufficient lapsed moneys within the next few short weeks or month to do the kind of job you are talking about. I think you will find in the budget message—and I have not seen it in its entirety; all I have seen is a bit of a briefing—that the lapsed moneys are somewhat more than we originally estimated, and coupled with higher revenue estimates, I think the year-end deficit will be somewhat smaller. But to get back, the lapsed moneys that will appear to be somewhat higher and available to us at the end of this fiscal year, June 30, I do not think will be available to us within the next few short weeks.

Mr. LAUGHLIN. Thank you, Mr. Speaker, and just for a brief clarification, in no way is that a reflection on yourself, Mr. Speaker. I believe you have handled your job in an excellent fashion. Thank you.

The SPEAKER. The Chair recognizes the minority leader, Mr. IRVIS.

Mr. IRVIS. Mr. Speaker, I am always pleased to hear the lectures that we get on the constitutionality of bills on the floor of this House whenever this House makes a decision. If you will note, Mr. Speaker, I did vote in the opinion that I felt what the Senate had added to this bill caused the bill to be unconstitutional and I was overruled, together with the rest who joined with me. The House has now declared, in its wisdom, that HB 56, as amended by the Senate, is constitutional. The judicial body may have some different opinions on that if ever it comes before the judiciary, but for today we face a constitutional effort.

I agree and concur entirely with those members who are irritated with the members of the Senate for having delayed as long as they have and then sending back to us, as an emergency measure at the last moment, a bill which contains such a complexity of character that it makes it very difficult for us to de-

cide which way we ought to vote. But I have gone through the bill, Mr. Speaker, in the last few moments and noted that if I vote to nonconcur, I am not just voting against the Department of Public Welfare, I am also voting against the supplemental grant to the aged, the blind and the disabled. I would also be voting against day-care services for children. If I vote to nonconcur, I will be not just voting against the pothole maintenance, but I would be voting against a program of maintenance for state roads, bridges and tunnels. And I come from western Pennsylvania where the bridges are falling down at the rate of about one each month. If I vote to nonconcur, I find that I am voting against the food-distribution plan and I am voting against social services for eligible persons in the day-care program.

Mr. Speaker, I have been called many things since I have been here. Some of them complimentary and many of them not, but rarely have I been called successfully a fool. I come from western Pennsylvania and I have driven on the roads of western Pennsylvania, and I have been stopped on the highways by people who recognize my legislative license plate and I have heard some language from them which have caused me to go home and look in the unabridged dictionary of the English language to see if I understood clearly what they were calling me. And I, for one, do not intend to go back home and offer those people, who have lost their tempers and, but the fact that they do not have enough guns, they would have erected another whiskey rebellion over there, I am not going back home and feed them a dose of the constitution. I am not going to talk to them about capital budgets and appropriation bills. I am not going back and tell them that you cannot fix these potholes anyway because someone told me that there was a difference between a hot patch and a cold patch. I do not intend to go back home and say to any of those people that because I thought that maybe later on the Governor is going to take care of this little problem of the war zones on the roads of western Pennsylvania that I voted to nonconcur. I intend to vote to concur. You vote to suit yourselves, but when I go back home and people ask me, what did you do about the potholes, you may be sure that I am going to tell them that I voted for 25 million dollars worth of repairs, and if we do not get it, I am going to put the blame on the rest of you who voted the other way. Thank you, Mr. Speaker.

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

Mr. NOVAK. Mr. Speaker, I stand before you today with much concern and many frustrations. Before I get into my concerns and frustrations, what I say to you—and I am not very much proud of it right now—I believe that we in western Pennsylvania come from the pothole capital of the world. Now, why do I say that?

Just the other day I picked up one of our local newspapers. It had quoted a figure of 90 million potholes in the United States of America. I personally dispute that figure. I believe in my legislative district that we have 90 million potholes. From the phone calls that I get and on-sight inspections, I sincerely believe that my highways and our highways in western Pennsylvania are bleeding to death. Now, what do you do when you

have a bleeding problem? You get a Band-Aid or you rush somebody to the emergency room, primarily, to save one more life. Now why do I say that?

In the past 2 months on the road in my district, route 51, a young couple, 27 years of age were killed because we cannot change our driving habits. A young man was killed avoiding a pothole. I simply ask you this: Let us use the Band-Aid approach; concur. I ask all of you to support concurrence. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Would the gentleman, Mr. McClatchy, stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will and the gentleman, Mr. Dombrowski, may proceed.

Mr. DOMBROWSKI. Mr. Speaker, I am somewhat confused by the figures I hear from you today. When this bill was originally drafted, what was the total cost of the package?

Mr. McCLATCHY. The general fund expenditure was \$32 million.

Mr. DOMBROWSKI. What was the total cost of the package though?

Mr. McCLATCHY. \$32 million.

Mr. DOMBROWSKI. Did we not amend this bill in the Appropriations Committee to reduce it by \$13 million?

Mr. McCLATCHY. Mr. Speaker, we amended it to reduce the county boards of assistance appropriation by that amount.

Mr. DOMBROWSKI. What did it come down to?

Mr. McCLATCHY. It was \$32 million as it passed the House.

Mr. DOMBROWSKI. Okay, but what was it originally drafted for?

Mr. McCLATCHY. \$44.9.

Mr. DOMBROWSKI. Okay. That is the figure I wanted to hear. Now today I hear that after all of the amendments, the total cost of this package is \$37 million?

Mr. McCLATCHY. That is correct.

Mr. DOMBROWSKI. All right. You claim that we only have \$35.6 million in ready cash?

Mr. McCLATCHY. Mr. Speaker, the county boards of assistance's appropriation was \$44.9. What we did to help pay for that appropriation and reduce the expenditure in the bill as it originally left the House at \$32 million, was to reduce some other state moneys; specifically, the supplemental grants for the aged, blind and disabled and day-care moneys—They were state moneys—and replace them with Federal moneys so that the total package that we had available, the moneys that we had available was \$32 million.

Mr. DOMBROWSKI. Are you saying now that if we vote for this that we are going to vote for deficit spending? How about if we were to pass the bill the way you originally drafted it for \$44 million?

Mr. McCLATCHY. Well, I am saying, Mr. Speaker, that the total cost of the bill was not \$44.9 million. The appropriation for the county boards was \$44.9 million. If you look at the entirety of the bill, you have to figure out how we are going to pay for the \$44.9 million, and I think that it was \$32 million in

state moneys and you had the extra four and eight in Federal augmentation funds.

Mr. DOMBROWSKI. I think I am still confused on that. What you are saying is that we did not have \$44 million?

Mr. McCLATCHY. That is correct.

The net effect was that we had enough to pay for the county boards, using Federal moneys to pay a couple other funds, which was day-care and supplemental.

Mr. DOMBROWSKI. Is there not in this piece of legislation now \$10 million that was lapsed in the Transportation Department?

Mr. McCLATCHY. That is correct.

Mr. DOMBROWSKI. It seems that we should have enough money to pay this bill at \$37 million.

I just want the record to show, when I cast my vote to concur, that I am not casting a vote for deficit spending. I think from all the figures that I have heard, there is plenty of money available and, therefore, I am going to vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I, too, am very happy to see my good friend, Dr. John, and the good Rabbi. In relating in HB 56—and I say this with respect to my minority leader, I have been called many things, too, but a fool, but I may be a political fool by voting “no”. There is no question about that, because in my county the good newspaper has come out with many articles about potholes, pictures, stories, that I sometimes wish the folks in the west, with all respect to them, would travel out east and through the central part of the state and find out that there is another portion of Pennsylvania. We have problems out in those areas, too.

Hearing Mr. Zemprelli speak to the press, radio, and TV about the three areas that are most vital for this money for potholes, he mentions Allegheny County. Why not? He is from Allegheny County. He mentions the Philadelphia area, and why not? He takes good care of his friends from that area. And why not speak about Luzerne, because the Pro tempore is from that area. Beautiful. Beautiful. This is a really good politics. No problem there at all.

I did not hear anybody mention Erie County, and Mr. Dombrowski is from up there and talking about it, but I did not hear anybody mention about the terrible conditions of Route 5 and 20. I traveled it. But they are concentrating on certain areas, and why not? Get those press releases out. They are beautiful and they will help you.

Now with all respect to my good friend, John White, from Philadelphia. Mr. White, we did not shortchange anybody last year. The bureaucrats have shortchanged us. They have taken upon themselves, with the money that we gave—which was more than we gave them before—to spend, spend, spend, hoping that we will tax, tax, tax, in order to take care of their irresponsibilities. No problem. Just spend it, bureaucrats, and we had to come down here like somebody's sad little puppets and take care of these people. No problem at all. that is beautiful.

But the Supreme Court yesterday has taken action that says

the legislature will make the decisions and not the bureaucrats in regards to Federal money coming in here. Now maybe we will get a turn here or a change, I hope, that we can be responsible to stand up here and instead of saying—and I say this respectfully, Mr. Irvis, but to say—that it is unconstitutional, it is wrong, but I am going to vote for it. Really we do not need that kind of leadership. We do not need it from either side. We need leadership. We need guys with guts who are going to stand up and say this is wrong and we are going to bite the bullet, we are going to get on it. That is the part that bothers me, and I have taken some very unpleasant and unsatisfactory and all kinds of adjectives that you would want to use in regard to legislation and I have taken the heat back home.

But Mr. McClatchy mentioned about some of the things that the Governor is going to have to—mind you, he is going to have to—blueline. Well, what are we doing it for if he has to do it? I cannot believe it, Brother McClatchy. We are telling them, we do not know what items they are going to be. They are telling them that it is just like the lottery; you take a chance and you might win. It sounds like the lottery bill. It sounds like the lottery deal here. So, in other words, the final line is this, this is the whole thing: We are setting that vicious and unpleasant later-to-come precedent. That is what you are setting. So if you want to take it and tell the folks back home you told when you ran that this was a business of responsibility—it sounds good when you are running, beautiful, but when you get to Harrisburg, you get the right kind of press releases, and they do not know what the hell is going on down here. You have got to give them a snow job. That beautiful, political snow job, and that is exactly what we are doing.

As Brother Kukovich said, we are right operating on these crises bases—let me use that word, Mr. Kukovich. It is always that last-minute stuff, put the pressure on these birds because they will have to come in then because, politically, it will be wrong and that is the kind of leadership we have to have. We are in one hell of a mess and unless we do something about it—as somebody says, we have got to start—it will never get done.

You guys who want to be leaders someday—and I will be out of here; I will be pushing up daisies—but you young guys and gals down here have a mess on your hands coming up. God bless you.

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

Mr. A. C. FOSTER. Mr. Speaker, I could find a lot of reasons for voting for nonconurrence on this bill. In fact, on almost any bill you can find some reason to vote against it and a negative vote is relatively easy to explain. But as I look at this situation in which we do not like the way we have received the bill back from the other chamber, I would say if we were playing baseball, our role today is that of the pivotman on the double play. If you do not like the way you got the ball from the shortstop or if it was too high or it was in the dirt, too wide, you are not going to solve anything by bad-mouthing the shortstop. You are not going to get anybody out by slamming the ball back at the shortstop. In this instance, first base is the Governor's Office, and if we are going to get anybody out, let us throw the ball to first base.

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

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

The SPEAKER. The gentleman indicates that he will stand for interrogation. The gentleman from Lehigh may proceed.

Mr. RITTER. Mr. Speaker, starting on page 3, the appropriation for the Pennsylvania State Police. My understanding is that has been increased by about \$15 million. Is that correct?

Mr. McCLATCHY. I cannot hear the gentleman. Do you want to repeat what you are saying?

Mr. RITTER. The appropriation for the Pennsylvania State Police out of the general fund has been increased by about \$15 million. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. RITTER. And that came from a transfer of motor license money appearing on page 6. Is that correct?

Mr. McCLATCHY. No; it takes the place of. We are transferring the state police money out of the motor vehicle fund into the general fund, and the money that is left in the motor license fund is then going for the potholes.

Mr. RITTER. Mr. Speaker, how much, on page 6, then of that \$72.5 million in the motor license fund are we transferring to the general fund? Are we transferring \$72.5 million?

Mr. McCLATCHY. That figure was reduced \$15 million, approximately.

Mr. RITTER. That was reduced from \$87 million to \$72?

Mr. McCLATCHY. That is correct.

Mr. RITTER. So that additional \$15 million that we transferred to the general fund represents that \$15 million that I am talking about?

Mr. McCLATCHY. That is correct.

Mr. RITTER. Mr. Speaker, just two more quick questions. You can give me the figures in the original budget document on page 5, from line 6 to line 18, for salaries, wages, et cetera, for the Department of Transportation at a \$51.3-million figure that is in this bill, but what was the motor license fund appropriation amount?

Mr. McCLATCHY. Would you repeat the page, please?

Mr. RITTER. On page 5, Mr. Speaker, the Department of Transportation motor license fund, there are two figures, the one \$51.356 million and the other one for maintenance \$354 million. What were the original figures, Mr. Speaker?

Mr. McCLATCHY. The original, before it went to \$51 million, it was \$49.550 million. And the other figure before it went to \$338.632 million was \$329.032 million.

Mr. RITTER. Wait a minute, Mr. Speaker. The amount in the budget document or this bill before us is \$354 million. Now what was the figure when the motor license fund was approved?

Mr. McCLATCHY. It is my understanding the original budget was \$329 million. There is \$25 million more in there.

Mr. RITTER. That is the \$25 million for the pothole crisis?

Mr. McCLATCHY. Yes.

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

Mr. Speaker, I am not going to repeat everything I have said earlier on the question of constitutionality. I still believe that

this is a very bad precedent to set. I frankly am very upset the way the Senate handles these things. I am going to vote to nonconcur. I have great faith that if we nonconcur, the conference committee can meet this afternoon and by dinner time tonight, after a nice meal, they can come up with an agreement and bring it back to us so we can vote it either this evening or the first thing tomorrow morning. The conference committee meeting and making a determination in a matter of minutes is not unusual. It has happened many times in my 14 years up here. It all depends on how sincere and how serious we are about trying to solve the problem.

I am asking for a vote to nonconcur and to send it to a conference committee, and I believe that before the week is out, we will have a bill before us that we can accept and that will do the job that we had intended it to do. So for that reason, Mr. Speaker, I am going to vote to nonconcur.

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—167

Anderson	Fisher, D. M.	Lynch, F.	Salvatore
Armstrong	Foster, A.	Mackowski	Scheaffer
Arty	Foster, W.	Madigan	Schmitt
Austin	Freind	Manmiller	Scirica
Barber	Gallagher	McCall	Seventy
Beloff	Gallen	McClatchy	Shadding
Berson	Gamble	McIntyre	Shupnik
Bittle	Gannon	McKelvey	Sieminski
Bowser	Gatski	McMonagle	Sirianni
Brandt	Geist	McVerry	Smith, E.
Brown	George, C.	Michlovic	Smith, L.
Brunner	Giammarco	Miller	Spencer
Burd	Goebel	Mowery	Spitz
Burns	Goodman	Mrkonic	Stairs
Caltagirone	Grabowski	Murphy	Steighner
Cappabianca	Gray	Musto	Stewart
Cessar	Greenfield	Nahill	Sweet
Chess	Grieco	Novak	Swift
Cianciulli	Gruppo	Noye	Taddonio
Cimini	Halverson	O'Brien, B.	Taylor, E.
Clark, B.	Harper	O'Brien, D.	Taylor, F.
Clark, R.	Hasay	Oliver	Telek
Cochran	Hayes, D. S.	Perzel	Thomas
Cohen	Hayes, S. E.	Peterson	Trello
Cole	Helfrick	Petrarca	Vroon
Cornell	Honaman	Pievsy	Wagner
Coslett	Hutchinson, A.	Pistella	Wargo
Cowell	Hutchinson, W.	Pitts	Wass
Davies	Irvis	Polite	Weidner
Dawida	Itkin	Pott	Wenger
DeMedio	Johnson, E.	Pratt	White
DeVerter	Johnson, J.	Pucciarelli	Wilson
DeWeese	Kernick	Punt	Wilt
DiCarlo	Klingaman	Pyles	Wright, D.
Dietz	Knepper	Rappaport	Wright, J. L.
Dombrowski	Knight	Reed	Yahner
Donatucci	Kowalyshyn	Rhodes	Yohn
Dorr	Lehr	Richardson	Zitterman
Duffy	Letterman	Rieger	Zord
Dumas	Levin	Rocks	
Durham	Livengood	Rodgers	Seltzer,
Earley	Lynch, E. R.	Ryan	Speaker
Fee			

NAYS—32

Alden	George, M.	Laughlin	Piccola
Belardi	Gladeck	Levi	Ritter
Borski	Hoeffel	Lewis	Schweder
Cunningham	Jones	Manderino	Serafini
Dininni	Kanuck	Micozzie	Stuban
Fischer, R. R.	Kolter	Milanovich	Wachob
Fryer	Kukovich	Mullen, M. P.	Zeller
Geesey	Lashingner	O'Donnell	Zwikl

NOT VOTING—4

Bennett	Moehlmann	Street	Williams
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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.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. GALEN. Mr. Speaker, there will be an immediate meeting of the Committee on State Government in room 402. Thank you, Mr. Speaker.

The SPEAKER. The Chairman of the Committee on State Government has asked that the members of the Committee on State Government proceed immediately to the committee room for a meeting.

The Chair recognizes the majority leader.

BILL REMOVED FROM TABLE

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to move the following bill from the table to the active calendar, and I so move:

HB 160, PN 172.

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

BILLS REMOVED FROM TABLE TO APPROPRIATIONS COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to move the following bills from the table to the Appropriations Committee for the purpose of a fiscal note, and I so move:

HB 300, PN 320; HB 44, PN 46; and HB 32, PN 33.

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

RULES SUSPENDED TO ADD AND DELETE SPONSORS

The SPEAKER. The Chair recognizes the majority leader,

who offers the following motion for deletions and additions to sponsors.

Mr. RYAN. Mr. Speaker, I move that the House of Representatives suspend its rules to permit additions and deletions of sponsors on the following bills:

ADDITIONS

HR-1, DeVerter; HB 1, Zwinkl; HB 1, Wilson; HB 4, Taylor, E. Z.; HB 4, Itkin; HB 5, Bowser; HB 5, Spitz; HB 14, Itkin; HB 14, Cohen; HB 14, Arty; HB 14, Gatski; HB 15, Cohen; HB 20, Itkin; HB 20, Hayes, D. S.; HB 21, Itkin; HB 24, Freind; HB 35, Itkin; HB 37, Itkin; HB 40, Clarke, R.; HB 44, Itkin; HB 45, Itkin; HB 46, Itkin; HB 62, Pitts; HB 64, Itkin; HB 64, Cohen; HB 71, McIntyre; HB 80, Cessar; HB 105, Itkin; HB 105, Caltagirone; HB 111, Itkin; HB 113, Itkin; HB 115, Itkin; HB 116, Itkin; HB 118, Itkin; HB 118, Arty; HB 118, Peterson; HB 119, Itkin; HB 120, Itkin; HB 123, Itkin; HB 172, Hayes, D. S.; HB 182, Hutchinson, A. K.; HB 211, Kernick; HB 211, Brown; HB 212, Kernick; HB 212, Brown; HB 213, Taylor, E. Z. 121—to be shown as 2nd sponsor; HB 215, Mrkonic; HB 225, McIntyre; HB 230, Knepper; HB 231, Knepper; HB 260, Reed; HB 265, Fischer; HB 265, Michlovic; HB 265, Peterson; HB 265, Pratt; HB 265, Sieminski; HB 265, Smith, E. H.; HB 265, Spitz; HB 265, Cimini; HB 266, fischer; HB 266, Michlovic; HB 266, Milanovich; HB 266, Peterson; HB 266, Pratt; HB 266, Sieminski; HB 266, Smith, E. H.; HB 266, Spitz; HB 266, Cimini; HB 268, Lashinger; HB 286, Hayes, D. S.; HB 286, McClatchy; HB 286, Salvatore; HB 287, Hayes, D. S.; HB 287, McClatchy; HB 287, Salvatore; HB 287, Fischer; HB 288, Hayes, D. S.; HB 288, McClatchy; HB 285, Hayes, D. S.; HB 285, McClatchy; HB 285, Chess; HB 289, Hayes, D. S.; HB 289, McClatchy; HB 289, Salvatore; HB 297, Arty; HB 297, Gatski; HB 299, McIntyre; HB 319, McIntyre; HB 319, Hasay; HB 319, Cimini; HB 320, McIntyre; HB 320, Helfrick; HB 320, Schmitt; HB 320, Clark, R.; HB 320, Cole; HB 32, McIntyre; HB 32, Helfrick; HB 32, Schmitt; HB 321, Clark R.; HB 321, Cole; HB 366, Giammarco; HB 366, Lynch; HB 366, Wenger; HB 383, Madigan; HB 383, Pyles; HB 402, McIntyre; HB 417, Perzel; HB 417, Gladeck; HB 417, Cornell; HB 417, Irvis; HB 417, Salvatore; HB 417, O'Brien, D. M.; HB 417, Durham; HB 417, Nahill; HB 417, Pyles; HB 417, Rocks; HB 417, White; HB 417, Richardson; HB 417, Barber; and HB 417, Dumas.

DELETIONS

HB 75, DeVerter; HB 103, Helfrick; HB 183, Wachob; HB 184, Wachob; HB 265, Cochran; HB 266, Cochran; HB 286, Wachob; HB 288, Wachob; HB 289, Wachob; HB 308, Richardson.

Mr. Speaker, after the House has acted on this, I would like to be recognized to make some comments on this practice.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

Alden Foster, A. Levin Rodgers

Anderson	Foster, W.	Lewis	Ryan
Armstrong	Freind	Livengood	Salvatore
Arty	Fryer	Lynch, E. R.	Scheaffer
Austin	Gallagher	Lynch, F.	Schmitt
Barber	Gallen	Mackowski	Schweder
Belardi	Gamble	Madigan	Scirica
Beloff	Gannon	Manderino	Serafini
Berson	Gatski	Manmiller	Seventy
Bittle	Geesey	McCall	Shadding
Borski	Geist	McClatchy	Shupnik
Bowser	George, C.	McIntyre	Sieminski
Brandt	George, M.	McKelvey	Sirianni
Brown	Giammarco	McMonagle	Smith, E.
Brunner	Gladeck	McVerry	Smith, L.
Burd	Goebel	Michlovic	Spencer
Burns	Goodman	Micozzie	Spitz
Caltagirone	Grabowski	Milanovich	Stairs
Cappabianca	Gray	Miller	Steighner
Cessar	Greenfield	Mowery	Stewart
Chess	Grieco	Mrkonic	Stuban
Cianciulli	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Telek
Cole	Helfrick	O'Brien, B.	Thomas
Cornell	Hoeffel	O'Brien, D.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Pievsky	Weidner
DeVerter	Johnson, J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kanuck	Polite	Wilt
Dietz	Kernick	Pott	Wright, D.
Diminni	Klingaman	Pratt	Wright, J. L.
Dombrowski	Knepper	Pucciarelli	Yahner
Donatucci	Knight	Punt	Yohn
Dorr	Kolter	Pyles	Zeller
Duffy	Kowalyshyn	Rappaport	Zitterman
Dumas	Kukovich	Reed	Zord
Durham	Lashinger	Rhodes	Zwilk
Earley	Laughlin	Richardson	
Fee	Lehr	Rieger	Seltzer,
Fischer, R. R.	Letterman	Ritter	Speaker
Fisher, D. M.	Levi	Rocks	

NAYS—2

Piccola Wilson

NOT VOTING—4

Bennett Moehlmann Street Williams

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

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, may I have a little bit of order just to really address myself to the practice of additions and deletions of sponsors to bills?

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, if I may historically reminisce for a moment, a number of years ago it was the practice, and I believe it may even have been the rule, that there were to be no

more than four sponsors on any one bill. Now at that time, when a member had an idea that ended up in bill form, a great deal of thought was given by the prime sponsor as to who could best help him accomplish his goal, that of enacting the bill into law, and he or she would go around and handpick the two or three or four additional members who could join on the bill. The rules were rarely suspended, as I recall, to add additional sponsors beyond the four-member limitation. At a later date—and I am guessing it was in the late 60's or maybe even the early '70's, that rule no longer prevailed and as many sponsors as cared to join the prime sponsor did, in fact, cosponsor legislation.

I believe it was only maybe 2 years or 3 years ago that the practice of numerous sponsors expanded further and additions were made to sponsorship and deletions were made to sponsorships by the suspension of the rules, and this, again, occurred infrequently.

Today I turned in, after a suspension of the rule, requests for additions and deletions of sponsors that I would guess numbered several hundred. I do not want to appear critical, but I think we are going too far with it and I believe to a great extent it is the fault, if you will, of the prime sponsor. The person who is going to turn a bill in, if he wants broad support, he should circulate his bill. At the conclusion of a day's session, he or she might even announce that a bill of general interest will be held here on the desk and if anyone wants to cosponsor it, come up and sign it, and this is done very frequently. I would ask that that be done at the conclusion of a session, however, if anyone cares to do it.

Many of you are of an opinion that when I turn in your name under a suspension of the rules to add you as a sponsor, that the following day the bill is going to appear in print with your name on it. That is not necessarily so. We do not reprint bills—at least this is my understanding, and I stand corrected if indeed I am wrong. We do not go to the expense of reprinting these bills—just to add or delete sponsors unless, in fact, there is an amendment to the bill and it has to be reprinted anyway, and I am not so sure that the document room, or whoever it is that does this printing, I am not so sure that they always catch up to the additions and deletions and that brings criticism down upon us, the chief clerk and the chief clerk's operation in the printing room.

I think what I am really saying is, to not abuse this practice. There are any number of times and situations that will occur when there are legitimate reasons to get off a bill or to get on a bill, and principally this takes place after a bill has been amended. A perfect example is the Compensation Commission resolution that we passed here earlier this year. The bill as originally introduced was for a total rejection of the Compensation Commission report and it was broadly sponsored. That was amended in the House by my amendments which in fact simply accepted the Compensation Commission report, but, as you recall, delayed the effective date of the increased compensation. Now at that time those principal sponsors and their ideas were entirely thwarted by my amendment, so it was proper at that time, when the central theme of what you intended to do was changed, that you request and in fact get off the bill; and be-

cause I was the one who offered the amendment, it was entirely proper for me to go on as a prime sponsor. I consider that a very legitimate reason to suspend the rules to add and delete sponsors.

We have rules. The idea of those rules is that we abide by them and that they control the conduct of the House and not that we automatically suspend them for reasons that are not good reasons, and I ask each person to guide themselves in their requests to be added as a sponsor and to be deleted as a sponsor. It is simply a request. If there is tremendous abuse, it may very well be that the House should address itself to it in some other fashion.

I thank the Speaker, and if I have unintentionally misstated the practice of the House with respect to the printing, I would appreciate being corrected, Mr. Speaker.

The SPEAKER. The remarks of the majority leader were correct.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. DAVIES. Mr. Speaker, to adhere to that request of the majority leader and also in keeping with that, I have here a bill which I intend to introduce tomorrow after session. I will hold it for anyone who is interested in signing it, and they will be given ample opportunity to sign it then, which would be a cost-of-living increase for retired teachers. Thank you, Mr. Speaker.

STATEMENT BY MR. D. R. WRIGHT

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

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I ask the indulgence of the House just for a minute. I am inclined to say that I am speaking in behalf of the bipartisan Democratic caucus after that last vote, but I will refrain from doing so. I speak only for myself.

After having worked through the calendar for today and for the past several days, unlike the gentleman, Mr. Street, from Philadelphia, who left our company yesterday, I find the pace of floor action bearable.

I trust, Mr. Speaker, that my comments will not be regarded as excessively partisan. There is a spirit of bipartisanship throughout this House and the Commonwealth as well. We have a minority whip and a minority leader who can disagree, one taking a position espoused by the other party. We have token Democrats in high places who feel prone to encourage Republicans to execrate Democrats. We have Democratic employes of the House who received letters welcoming them to the Republican team and only, incidentally, inviting them to contribute \$50 to the Grand Old Party, and I suppose, Mr. Speaker, that we can be thankful that they are not employes of a highway shed somewhere under the supervision of a political supervisor, for there it might be described as macing but here it is only loyalty, gratitude, and appreciation.

I tell you, Mr. Speaker, that I do not wish to disturb the sweet spirit of bipartisanship that is so pervasive in this chamber, but I do recall, Mr. Speaker, just a session ago, about this time 2 years ago, when there were large numbers of people describing our situation as one of inaction, that we were not moving ahead and that what we needed was perhaps a new Speaker or new leadership or even new committee chairmen.

Mr. Speaker, that situation calls to mind an incident of Mark Twain's in which he visited the home of a woman who was seriously ill. And Mr. Twain said, well what you must do is to give up eating so much rich food, and she said, I do not eat rich food. Well, in that case what you must do then is to quit drinking such strong liquor. She said, I do not drink strong liquor. In that case what you must do than is quit smoking those black cigars. She said, I do not smoke black cigars. Well, there she was. She was a sinking ship with no cargo to throw overboard. And here we are with no cargo to throw overboard. The changes have been made.

Let me suggest, Mr. Speaker, as gently and as bipartisanly as I can, that I hope that we will not and have not adopted a policy of benign neglect, of creative inactivity, of decision by indecision.

The SPEAKER. The Chair thanks the gentleman for the bipartisan remarks.

BILL SIGNED BY SPEAKER

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

HB 56, PN 440

An Act to further provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal period July 1, 1978 to June 30, 1979, and to make additional appropriations from the Motor License Fund; and from the Federal augmentation to the Executive and Legislative Departments for the fiscal period July 1, 1978 to June 30, 1979.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House a group of 10th, 11th and 12th grade students from Avon-Grove High School, Chester County, and their advisor, Dr.

Williams. They are the guests of the Representative from Chester County, Mr. Pitts.

The Chair also welcomes to the floor of the House a group of the Smaller Manufacturer's Council: Messrs. Murray Gibbs, Saxon, McDonough, Brown, Jewel, Walk, and Ms. Gabella. They are the guests of the gentleman from Allegheny County, Mr. Cessar.

The Chair also welcomes to the House, 30 senior citizens from Millerstown, Perry County, and they are the guests of Representative Noye.

The Chair welcomes to the hall of the House Mr. Mel Wingard, chairman of the board of supervisors, Richland Township, Cambria County, and Mr. Ross Weaver, chairman of the board of supervisors, Paint Township, Somerset County. They are here today as the guests of the gentleman, Mr. William Telek.

The Chair takes this opportunity to welcome to the hall of the House, Rabbi Morris Kipper, who is the founder of The High School In Israel Program; Dr. John McHugh, principal of Allen High School in Allentown; and Mr. John Clark, from the Call-Chronicle Newspaper in Allentown, who are here today as the guests of the delegation from Lehigh County.

The Chair welcomes to the floor of the House a group of employes and their wives from ARMCO, Inc., who are visiting Harrisburg for a period of 2 days. ARMCO, Inc. employs 5,000 people in Pennsylvania with plants in Butler, Beaver, Tioga, and Franklin Counties. They are now in the process of a \$50-million expansion project at the Butler plant, and we certainly want to welcome ARMCO and their employes to the House of Representatives. They are the guests of Messrs. Milanovich, Kolter, Laughlin, Brunner, Punt, Spencer, Steighner, and Burd.

ADJOURNMENT

Mr. BOWSER moved that this House of Representatives do now adjourn until Wednesday, March 7, 1979, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:27 p.m., e.s.t., the House adjourned.