

Legislative Journal

MONDAY, MAY 7, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 26

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE HARRY YOUNG COCHRAN, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray: Speak to our world, O Christ, and bring us to penitence and peace. Teach us how to live with one another. Point our eyes to things that are pure, our hearts to things that are holy, and our wills to things that are good. Make us to love your voice, and suffer us not to fall from your guidance. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, May 2, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1150 By Messrs. DAWIDA, MURPHY, ITKIN, PISTELLA, SEVENTY, TRELLO, GRABOWSKI, KNIGHT, NOVAK, COWELL, MICHLOVIC, MRKONIC, DUFFY and GAMBLE

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the penalty of the owner of dogs killing deer and elk.

Referred to Committee on Game and Fisheries.

No. 1151 By Mr. McCLATCHY, Mrs. CLARK, Messrs. GLADECK, KNEPPER, PITTS, L. E. SMITH, NOYE, Miss SIRIANNI, Messrs. TELEK, PERZEL, ALDEN, SALVATORE and VROON

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for contributions by the Commonwealth.

Referred to Committee on Appropriations.

No. 1152 By Mr. McCLATCHY, Mrs. CLARK, Messrs. TELEK, KNEPPER, L. E. SMITH, NOYE, Miss SIRIANNI, Messrs. PERZEL, SALVATORE and VROON

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for Commonwealth payments.

Referred to Committee on Appropriations.

No. 1153 By Mr. McCLATCHY, Mrs. CLARK, Messrs. TELEK, WASS, GLADECK, SERAFINI, L. E. SMITH, NOYE, Miss SIRIANNI and Mr. SALVATORE

An Act amending the act of December 21, 1977 (P. L. 520, No. 15A), entitled, as amended, "An act making an appropriation to the Governor, and further providing for allocations of appropriations by the Governor for disaster relief and assistance for the Great Flood of July 1977," extending the lapse date of the funds.

Referred to Committee on Appropriations.

No. 1154 By Messrs. McCLATCHY, GLADECK, ZORD, PITTS, Miss SIRIANNI, Messrs. LASHINGER and PERZEL

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), deleting certain authorized services provided to persons eligible for medical assistance.

Referred to Committee on Health and Welfare.

No. 1155 By Messrs. YOHN, VROON, KOWALYSHYN, MADIGAN, HALVERSON, BURD, TAYLOR, FRYER and GANNON

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Law," approved July 19, 1974 (P. L. 489, No. 176), redefining certain terms; imposing a maximum limit on basic loss benefits; authorizing temporary suspension of coverage;***.

Referred to Committee on Insurance.

No. 1156 By Messrs. POTT, ZORD, PYLES, GLADECK, Mrs. TAYLOR, Messrs. LASHINGER, MILLER, PETERSON, BURD, PERZEL, ZELLER, MADIGAN, GRUPPO, SALVATORE, Mrs. ARTY, Mrs. CLARK, Messrs. ALDEN, MRKONIC, GANNON, McVERRY, D. M. FISHER and CESSAR

An Act empowering the Department of Health, Department of Labor and Industry and Department of Welfare to contract with local municipalities to enforce administrative standards for certain facilities involving adult care and providing for enforcement by such departments in certain cases.

Referred to Committee on Health and Welfare.

No. 1157 By Messrs. PRATT, SCHMITT, KOWALYSHYN, WAGNER, HELFRICK, BENNETT, FEE, LEVI, STEIGHNER, ZITTERMAN, COCHRAN, CALTAGIRONE and PUNT

An Act amending "The Administration Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), creating the Office of the Consumer Advocate for Insurance and prescribing its powers and duties.

Referred to Committee on Insurance.

No. 1158 By Messrs. GREENFIELD, GALLAGHER and BURNS

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), including research assistants within the term "professional employees."

Referred to Committee on Education.

No. 1159 By Messrs. THOMAS, HELFRICK and MOWERY

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

Referred to Committee on Labor Relations.

No. 1160 By Messrs. SCIRICA, RHODES and D. M. FISHER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the confidentiality of certain communications with sexual assault counselors.

Referred to Committee on Judiciary.

No. 1161 By Messrs. D. M. FISHER, REED, SCHEAFFER, COWELL, PETERSON, DORR, Mrs. ARTY, Messrs. ALDEN, LASHINGER, BURD, POTT, NOYE, MILLER, CIMINI and Miss SIRIANNI

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 the administration and enforcement of the act.

Referred to Committee on State Government.

No. 1162 By Messrs. D. M. FISHER, REED, PETERSON, SWEET, PERZEL, VROON, LASHINGER, BURD, POTT, NOYE, MILLER, Miss SIRIANNI and Mr. CIMINI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, abolishing the insanity defense, restricting the introduction of evidence relating thereto and making a repeal.

Referred to Committee on Judiciary.

No. 1163 By Mr. DININNI

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951 P. L. 1965, No. 550), further providing for the rate of the tax on aviation fuels.

Referred to Committee on Transportation.

No. 1164 By Mr. DININNI

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), increasing the rate of the tax on aviation fuels.

Referred to Committee on Transportation.

No. 1165 By Mr. DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing an annual use fee on certain trailers not registered in the Commonwealth and providing penalties.

Referred to Committee on Transportation.

No. 1166 By Messrs. MOEHLMANN, BRANDT, DeWEESE and WENGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of motorcycles with lighted head lamps and requiring all motorcycles to be equipped with devices to automatically keep the head lamps lighted while the motorcycles are in operation.

Referred to Committee on Transportation.

No. 1167 By Mrs. ARTY, Messrs. F. J. LYNCH, FREIND, GANNON, EARLEY, MICOZZIE, ALDEN, Mrs. DURHAM, Messrs. RYAN, KLINGAMAN, E. H. SMITH, SPITZ, ZORD, PITTS, E. R. LYNCH, Mrs. TAYLOR, Messrs. GLADECK and PETERSON

An Act making an appropriation to the Department of Health for payment of home use of ventilators.

Referred to Committee on Health and Welfare.

No. 1168 By Messrs. CORNELL, NAHILL, Mrs. LEWIS, Messrs. GLADECK, McKELVEY and VROON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from income the gain from the sale of the principal residence by an individual age fifty-five or over.

Referred to Committee on Finance.

No. 1169 By Messrs. MOEHLMANN, BRUNNER, POTT, PYLES and SPITZ

An Act amending the "Local Tax Collection Law," approved May 25, 1945 (P. L. 1050, No. 394), further providing for penalties.

Referred to Committee on Finance.

No. 1170 By Messrs. VROON, MOEHLMANN, WEIDNER and BRUNNER

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), changing a definition.

Referred to Committee on Local Government.

No. 1171 By Messrs. KOWALSHYN, WILSON, KOLTER and A. C. FOSTER

An Act amending Title 75 (Vehicles) of the Pennsylvania

Consolidated Statutes, providing for special amateur radio operator plates.

Referred to Committee on Transportation.

No. 1172 By Messrs. POTT, VROON, PYLES, MOEHLMANN, KNEPPER and BRUNNER

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

Referred to Committee on Finance.

No. 1173 By Messrs. MOEHLMANN, POTT, WEIDNER, VROON, PYLES and BRUNNER

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), providing for the fixing of compensation for certain persons; providing for the payment of compensation and expenses from the General Fund; and making a repeal.

Referred to Committee on Finance.

No. 1174 By Messrs. POTT, MOEHLMANN and BRUNNER

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), requiring reports by collectors of certain taxes.

Referred to Committee on Local Government.

No. 1175 By Messrs. MRKONIC, GAMBLE, MICHLOVIC, DAWIDA and KNIGHT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly composed of 135 members.

Referred to Committee on State Government.

No. 1176 By Messrs. PITTS, THOMAS, Miss SIRIANNI, Messrs. YAHNER, E. R. LYNCH, E. H. SMITH, Mrs. TAYLOR, Messrs. ARMSTRONG, HELFRICK, FRYER, STUBAN and WENGER

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

Referred to Committee on Agriculture and Rural Affairs.

No. 1177 By Messrs. DeVERTER, WEIDNER, LETTERMAN, LIVENGOD, J. L. WRIGHT, NOYE, SIEMINSKI, Mrs. TAYLOR, Messrs. PRATT, D. R. WRIGHT and THOMAS

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), authorizing townships to use the provisions of the Local Government Unit Debt Act for financing construction of sewers and drains.

Referred to Committee on Local Government.

No. 1178 By Mrs. TAYLOR and Mr. PICCOLA

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing an additional State supplement for certain blind persons.

Referred to Committee on Health and Welfare.

No. 1179 By Mrs. TAYLOR and Mr. PICCOLA

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), allocating money in the State Lottery Fund to the payment of special State supplements for certain blind persons sixty-five years of age or older.

Referred to Committee on Health and Welfare.

No. 1180 By Messrs. MRKONIC, GAMBLE, DUFFY, COLE, KNIGHT, GRAY, DUMAS, McMONAGLE, ZORD, D. M. FISHER, CESSAR, PETRARCA, MANDERINO, CIMINI, SCHMITT and J. J. JOHNSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring all passenger cars to be equipped with a rear window defogger or defroster.

Referred to Committee on Transportation.

No. 1181 By Messrs. MRKONIC, DUFFY, COLE, DAWIDA, MURPHY, PISTELLA, SEVENTY, KNIGHT, NOVAK, ITKIN, GRAY, DUMAS, McMONAGLE, ZORD, TADDONIO, CESSAR, MANDERINO, SCHMITT, REED, CIMINI and J. J. JOHNSON

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), exempting from taxation the first five thousand dollars of assessed value of real estate owned by certain senior citizens.

Referred to Committee on Local Government.

No. 1182 By Messrs. MRKONIC, DUFFY, COLE, DAWIDA, SEVENTY, KNIGHT, NOVAK, ITKIN, GRAY, DUMAS, McMONAGLE, ZORD, TADDONIO, CESSAR, MANDERINO, SCHMITT, REED, CIMINI and J. J. JOHNSON

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), exempting from taxation, the first five thousand dollars of assessed value of real estate owned by senior citizens.

Referred to Committee on Local Government.

No. 1183 By Messrs. WILSON, WEIDNER and BURNS

An Act regulating the costs of and reimbursement for official travel by officers and employees of the Commonwealth and its political subdivisions.

Referred to Committee on State Government.

No. 1184 By Mrs. HARPER, Messrs. GIAMMARCO, ITKIN, KOWALYSHYN, BORSKI,

SALVATORE, COHEN, BROWN,
KUKOVICH, Mrs. GEORGE, Messrs.
ZITTMAN, RICHARDSON, BARBER
and DUMAS

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing for the disclosure of certain information and imposing certain powers and duties on the commissioner.

Referred to Committee on Insurance.

No. 1185 By Messrs. CIMINI, REED, PETERSON,
PUNT, PERZEL, McCLATCHY and DORR

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring able bodied recipients to assist others in emergencies and disasters.

Referred to Committee on Health and Welfare.

No. 1186 By Messrs. CIMINI, REED, PUNT, PERZEL,
McCLATCHY and DORR

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

Referred to Committee on Health and Welfare.

No. 1187 By Messrs. CIMINI, REED, SIEMINSKI,
GOEBEL, PETERSON, PUNT, PERZEL,
McCLATCHY and DORR

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring a residency of two years for general assistance.

Referred to Committee on Health and Welfare.

No. 1188 By Messrs. CIMINI, REED, PETERSON,
PUNT, PERZEL, McCLATCHY and DORR

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), prohibiting public assistance payments on account of or on behalf of unborn children.

Referred to Committee on Health and Welfare.

No. 1189 By Messrs. CIMINI, REED, PETERSON,
PUNT, PERZEL, McCLATCHY and DORR

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing that persons who voluntarily quit their employment are not eligible for public assistance.

Referred to Committee on Health and Welfare.

No. 1190 By Messrs. REED, PETERSON, PUNT,
PERZEL, McCLATCHY and DORR

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for the deduction of the cost of unauthorized ambulance use from assistance benefits.

Referred to Committee on Health and Welfare.

No. 1191 By Mr. CIMINI

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding the imposition of sales taxes on Federal excise taxes on the sale of tires.

Referred to Committee on Finance.

No. 1192 By Mr. CIMINI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing defenses to certain utility billings.

Referred to Committee on Consumer Affairs.

No. 1193 By Mr. CIMINI

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), further providing for temporary tax exemption for improvements or additions to residential property.

Referred to Committee on Local Government.

No. 1194 By Mr. CIMINI

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for temporary tax exemption for improvements or additions to residential property.

Referred to Committee on Local Government.

No. 1195 By Mr. CIMINI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the issuance of firearms licenses.

Referred to Committee on Judiciary.

No. 1196 By Mr. CIMINI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the manufacture, sale or possession of certain fireworks.

Referred to Committee on Judiciary.

No. 1197 By Mr. CIMINI

An Act amending the "Juvenile Act," approved December 6, 1972 (P. L. 1464, No. 333), permitting any person to see the court files and records of a child charged with committing certain offenses.

Referred to Committee on Judiciary.

No. 1198 By Mr. CIMINI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the public availability of the law enforcement records of certain children.

Referred to Committee on Judiciary.

No. 1199 By Mr. CIMINI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of previous judicial determinations in subsequent proceedings relating to certain children.

Referred to Committee on Judiciary.

No. 1200 By Mr. CIMINI

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for exemptions from taxation.

Referred to Committee on Local Government.

No. 1201 By Mr. CIMINI

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), restricting reassessments on property of certain senior citizens.

Referred to Committee on Local Government.

No. 1202 By Mr. CIMINI

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), further providing for reimbursement of claims.

Referred to Committee on Health and Welfare.

No. 1203 By Mr. CIMINI

An Act providing for the termination of all agencies, *** departments and similar units of State Government

Referred to Committee on State Government.

No. 1204 By Mr. CIMINI

An Act providing for the periodic expiration of all agencies and establishing a system for periodic review to determine which shall be reestablished.

Referred to Committee on State Government.

No. 1205 By Messrs. KOWALYSHYN, ZORD, MILLER, KUKOVICH, ZITTERMAN, WACHOB, WILSON, BRUNNER, BURNS, LIVENGOOD, REED, DeMEDIO, McClATCHY, Mrs. HARPER, Messrs. GIAMMARCO, SCHMITT, HOEFFEL, IRVIS, MANDERINO, J. L. WRIGHT, WHITE, ZWIKL, PIEVSKY, Mrs. ARTY, Messrs. BRANDT, A. K. HUTCHINSON, GALLAGHER, MURPHY, BERSON, Mrs. GEORGE, Messrs. SCIRICA, ITKIN, RITTER, MICHLOVIC, DAWIDA, DiCARLO, SWEET, MACKOWSKI, HASAY and CESSAR

An Act requiring certain mandatory policy provisions in accident and sickness insurance policies to provide benefits for substance abuse treatment.

Referred to Committee on Insurance.

No. 1206 By Mr. POTT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), removing tax preference items from the definition of "taxable income."

Referred to Committee on Finance.

No. 1207 By Mr. McClATCHY

A Supplement to the act of , entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost;***.

Referred to Committee on Appropriations.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 66 By Mrs. KERNICK, Messrs. COHEN, PETRARCA, McCALL, CHESS, KNIGHT, GRABOWSKI, CLARK, ITKIN, IRVIS, COWELL, AUSTIN, PISTELLA, MANDERINO, MICHLOVIC, SHUPNIK and WARGO

The House of Representatives of the Commonwealth of Pennsylvania petitions the Governor, the Honorable Dick Thornburgh, to take whatever action is necessary to remove William Green from his position in the Department of Transportation.

Referred to Committee on Rules.

No. 67 By Messrs. SCEAFFER, DeMEDIO, GEESEY, MANMILLER, MOEHLMANN, MOWERY, SELTZER and BRANDT

The House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to take appropriate legislative action to prevent the moves planned by the Department of Defense.

Referred to Committee on Federal-State Relations.

No. 68 By Messrs. ZWIKL, GRUPPO, FRYER, DAVIES, MANMILLER, PUNT, MOWERY and KLINGAMAN

The General Assembly of the Commonwealth of Pennsylvania in order to focus additional public attention on birds of prey and the need for their conservation, memorialize the Congress of the United States to pass an act establishing a "National Hawk Watching Week" during the first full week of each October.

Referred to Committee on Federal-State Relations.

No. 69 By Messrs. PITTS, LEHR, E. R. LYNCH and Mrs. TAYLOR

The House of Representatives direct the Speaker of the House to appoint a select committee consisting of five members, three from the majority and two from the minority, for the purpose of investigating and examining the need for a uniform Commonwealth policy with respect to the fingerprinting of juveniles arrested in connection with delinquent offenses.

Referred to Committee on Rules.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. D. S. HAYES. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Messrs. DUFFY and PIEVSKY for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's roll call. The members will please be seated and remain in their seats.

The sergeant at arms will clear the area behind the rail. Members will proceed to vote.

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—10

Beloff	Duffy	Pievsky	Street
Bennett	Giammarco	Pratt	Williams
Donatucci	Hutchinson, A.		

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

RESOLUTIONS REPORTED FROM COMMITTEES

HR 34, PN 1356 (Amended) By Mr. D. S. HAYES
(Concurrent)

The General Assembly of the Commonwealth of Pennsylvania memorializes the Congress of the United States to establish centralized responsibility in one agency for the testing of consumer goods to establish standards of performance and safety and to abolish the plethora of overlapping and conflicting agencies, laws and regulations in this area.

Federal-State Relations.

SR 203 By Mr. D. S. HAYES

The General Assembly memorialize the President of the United States and the United States Congress to urge the German Federal Republic and the legislators of that nation to abolish or extend the statute of limitations relating to Nazi War crimes.

Federal-State Relations.

SR 207 By Mr. D. S. HAYES

The General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress to maintain speciality steel import limitations under the provisions of the Trade Act of 1974.

Federal-State Relations.

CALENDAR BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 190, PN 443**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), eliminating straight party voting.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I move that HB 190, PN 443, be recommitted to the Committee on State Government.

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

The House proceeded to second consideration of **HB 324, PN 446**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for confirmation of gubernatorial appointees.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I move that HB 324, PN 446, be recommitted to the Committee on State Government.

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

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 780, PN 846**, entitled:

An act changing the name of the Rehabilitation Center at Johnstown to the Hiram G. Andrews Center.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, I would like to address myself to HB 780.

There are several reasons why the Rehabilitation Center at Johnstown should be renamed the Hiram G. Andrews Center. The first and most important is that the name Rehabilitation denotes many things, such as drugs, alcoholism, and the like. However, the people who enroll in this school are there for physical and vocational rehabilitation after which most are placed in employment.

This center now issues an associate degree in two areas of business education, accounting and medical stenography, and in two areas of drafting, mechanical and structural drafting. Graduate students have been known to actually avoid using the name rehabilitation when filling out applications for jobs.

The director of the Bureau of Vocational Rehabilitation, John Hagan, of the Department of Labor and Industry and the administrator of the Johnstown Center, Adolph Latz, are favorably disposed to the change that would eliminate the name Rehabilitation. They are also in favor of naming the center in honor of Hiram G. Andrews since the center became a reality in the Johnstown area because of H. G. Andrews' efforts in his promotion and successful accomplishment in the building of it.

A former director of the Bureau of Vocational Rehabilitation, Charles Eby and the director of Engineering and Architecture which the General State Authority at the time of the construction, Allen Jones, are wholeheartedly supporting the name of Hiram G. Andrews Center.

The Honorable Hiram G. Andrews spent 24 years as a legislator in this House of Representatives. He was elected Speaker of the Assembly three times, 1955, 1959, and 1961. It was he who successfully pledged to construct the first comprehensive rehabilitation center in the United States at Johnstown. It was Representative Andrews who influenced legislators, architects and three Governors that the Pennsylvania Rehabilitation Center should be the best and most modern in the rehabilitation world.

I add, the Honorable Hiram G. Andrews held a prominent place in this House of Representatives. He maintained and established dignity of this House as a body. He insisted upon his position as a coequal in legislative matters and he protected the rights and dignities of the individual membership. He was known for his participation, his integrity and his zeal for justice for all.

The Honorable H. G. Andrews was the person most instrumental in giving Pennsylvanians the most modern facility in the rehabilitation world, and so I ask you to honor this former

member, to give him this long delayed honor and rename the rehabilitation center to the Hiram G. Andrews Center. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—190

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

NAYS—0

NOT VOTING—13

Beloff	Giammarco	Pievsky	Sirianni
Bennett	Greenfield	Pratt	Street
Donatucci	Hutchinson, A.	Rhodes	Williams
Duffy			

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.

SB 208 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I am wondering if SB 208, on page 8, could be passed over temporarily and returned later for amendments?

The SPEAKER. SB 208 will be passed over temporarily.

RESOLUTION ADOPTED

Mr. RYAN called up **HR 53, PN 1293**, entitled:

Rules of the House of Representatives.

On the question recurring,

Will the House adopt the resolution as amended?

Mr. KUKOVICH offered the following amendment:

Amend Resolution, page 63, by inserting between lines 14 and 15

RULE 65(a)

Professionals-Legislators

(1) Except as hereinafter provided, any member or employee of the House or its agencies shall not be retained for compensation to appear in his or her professional capacity to represent the interest of any client in any proceeding before any Commonwealth department, board, agency, bureau or commission, except that such member or employee is authorized to represent the interest of a client at any stage of a proceeding before the Commonwealth or its agencies where such proceeding was initially taken or brought as a ministerial action, as defined by this rule, and as originally taken was not initially adverse in nature to the interest of the Commonwealth or its agencies.

(2) The provisions of this rule shall not be applicable to professionals-legislators:

(a) Representing clients on criminal matters before the courts of the Commonwealth.

(b) Representing clients on civil matters before the courts of the Commonwealth.

(c) Representing clients in all stages of a proceeding before the Commonwealth or its agencies which was initially commenced as a ministerial action. The term "ministerial action" means and includes any proceeding or action before the Commonwealth or its agencies where the proceeding, as initially commenced involved solely:

(i) The uncontested or routine action by the Commonwealth's administrative officers or employees in issuing or renewing licenses, charters, certificates or any other documents of a similar nature; or

(ii) The preparation, filing and review of tax returns and supporting documents required by law; or

(iii) The preparation, filing and review of engineering and architectural plans, drawings, specifications and reports; or

(iv) Any other initially routine or uncontested preparation, filing, review or other action not enumerated above and considered and normally handled by the Commonwealth or its agencies as a ministerial action.

(3) This rule shall not apply to the other members of the firm of such member and/or employee.

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Mr. Speaker, this is a very controversial amendment. After about seven or eight changes in a problem with some of the language, I think we have reached a compromise that is reasonable and that will meet my original intent,

which was to preclude lawyers from representing clients for pay in front of state boards, commissions and various other agencies. I think with some of the very specific language we have put in here, we have solved the problem that would have affected some attorneys who might have had their practice adversely affected in an unfair way, and I think we have a situation that we can all live with and it will be applied equitably across the board.

The only major difference between what I originally intended and what we will end up with in this amendment is that if a lawyer-legislator begins a typically ministerial function, whether it is filing or recording, in some rare instances that could end up before state boards, but if it has begun in a ministerial manner that a lawyer-legislator could still represent the client, that is some weakening but very slight. So the original intent is still there.

I think it is a reasonable amendment. I think it is time that this chamber stood up and faced this issue which we have not for a long time. We have taken some criticism, some of it perhaps undue, but I think this will solve that problem and I would urge your support of the amendment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I have gone over the language very carefully to the Kukovich amendment and I agree with the gentleman from Westmoreland that this is an improvement over the current state of the rule and I do support it.

In making that statement, Mr. Speaker, I want to read into the record something that I said last week. I said last week concerning the Rappaport amendment and the Kukovich amendment the following: "Mr. Speaker, I do support the Rappaport amendment and I have also seen the amendment of Mr. Kukovich. . . and I will also support it." That is in the record. When I went back home, Mr. Speaker, and read what the newspapers said I said, the newspapers chose to omit the fact that I had promised to support such an amendment and all the newspapers quoted was the fact that I said I very deeply resent it being implied or inferred that because I am a legislator, I am not to be trusted as an attorney.

It is a perfect example of condemnation by omission, for the newspapers did not reveal to the people in western Pennsylvania that Leroy Irvis had said in the beginning that even though he thought the amendments might be unfair to lawyer-legislators, he would support those amendments.

I trust, Mr. Speaker, that I have made myself very clear this time. I think the present Kukovich amendment is a good one. I think it is required in this day and time and I strongly support it and urge the other members of the House of Representatives so to do. Thank You, Mr. Speaker.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker. Mr. Speaker, I join with the minority leader. I think that this amendment as it presently reads is fair and equitable and yet provides an improvement over the present regulations and it spells out in detail what can and what cannot be done. I compliment the sponsor on the drafting of this particular amendment.

I would much rather—in fact it is the only way that I would do it—that it enables us to do what we are permitted to do openly and aboveboard as a matter of public record and it does not have the temptation, unfortunately, to which some people succumb, to do things by the back door. I, therefore, urge the passage of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, may I interrogate the author of the amendment, Mr. Kukovich?

The SPEAKER. Will the gentleman from Westmoreland, Mr. Kukovich, permit himself to be interrogated? The gentleman indicates that he will. The lady from Delaware may proceed.

Mrs. ARTY. Mr. Speaker, in the second section of the amendment, "The provisions of this rule shall not be applicable to professionals-legislators:", would Mr. Kukovich elaborate on that content?

Mr. KUKOVICH. I am not sure that I understand what the question is.

Mrs. ARTY. Would you elaborate, what do you mean by professionals-legislators?

Mr. KUKOVICH. That means—

Mrs. ARTY. Any professionals?

Mr. KUKOVICH. That is right.

Mrs. ARTY. Then this would only apply to lawyers?

Mr. KUKOVICH. Not necessarily. I guess it could apply to anyone who would be classified as a professional, such as a certified public accountant, who would accept payment from a client and represent them in some capacity before a state agency.

Mrs. ARTY. Is there any other exception that would come to your mind?

Mr. KUKOVICH. Well, whoever might be classified as a professional. Somebody maybe like Ted Stuban.

Mrs. ARTY. Thank you, Mr. Speaker.

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

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

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, indicates that he will, and the gentleman from Berks may proceed.

Mr. DAVIES. Mr. Speaker, if I may cite a personal concern, and you will have to bear with me as I pride myself in a profession—if you want to recognize it as a profession or not remains to be seen—but I am an educator.

I appear in front of the PUC — Public Utility Commission — to request the PUC to consider a rate increase offered by a gas company from my district, who is requesting the PUC for consideration of increasing rates to enhance the drilling and exploration for natural gas in this Commonwealth. Would I be disqualified by this particular rule or could I appear and make such a request on behalf of that as an interested person in the development of the resources of the Commonwealth, holding no stocks or economic consideration from the corporation? Would I be able to do that?

Mr. KUKOVICH. Mr. Speaker, unless the gentleman was

operating in a professional capacity and receiving compensation, then obviously he could most certainly, as a citizen and as a legislator, go before that board. And to further clarify it for the previous individual who interrogated me, and to clear this up, the language is, professionals-legislators. It is not professional legislators. I do not know if that was unclear or not, but it is those individuals who are legislators who operate as professionals in the private sector.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, would Mr. Kukovich consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Kukovich, indicates that he will, and the gentleman from Lehigh may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, on the term "professionals-legislators," what if I have clients—I am not in the business, but what if I am, hypothetically—in notary work, picking up licenses for people for a couple of dollars and I consider myself then in a professional office by handling such things. I would be allowed then to continue that work of going before PennDOT'S Vital Statistics Department and getting birth certificates and licenses for people? Would that stop me from doing that?

Mr. KUKOVICH. Certainly not.

Mr. ZELLER. But that person who would not have a notary office could not do it. Is that right? That person, that legislator, would not be considered professional then? I do not get the term of why a professional legislator, meaning a doctor legislator, lawyer legislator, certified public accountant legislator would be any different from a poor little old ordinary common-ground legislator. What is the difference?

Mr. KUKOVICH. There is absolutely no difference when it comes to performing the regular constituent services.

Mr. ZELLER. But if you can charge, why could I not? If you can charge that client for doing that work, then why could I not charge? For instance, if you as an attorney would go before the PUC on a problem for a community and you got paid for it?

Mr. KUKOVICH. That is prohibited by this rule.

Mr. ZELLER. That is prohibited?

Mr. KUKOVICH. Yes.

Mr. ZELLER. I just cannot find it.

Mr. KUKOVICH. Any professional—and let us face it, 99.9 percent of the time we are talking about lawyers under this rule—is precluded from representing a client for compensation in their professional capacity before any state agency, commission, board, et cetera.

Mr. ZELLER. You are not allowed to do that and get paid?

Mr. KUKOVICH. That is right.

Mr. ZELLER. That is why I did not interpret it properly and I am sorry. Thank you very much. Thank you.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, may I interrogate the gentleman?

The SPEAKER. The gentleman, Mr. Kukovich, indicates that

he will accept interrogation, and the lady may proceed.

Mrs. TAYLOR. I would just ask, Mr. Speaker, a very pointed question, and that is, would this include when it says "its agencies," does that include state colleges? State-related colleges?

Mr. KUKOVICH. No, I would not include that.

Mrs. TAYLOR. Does it exclude them?

Mr. KUKOVICH. No; I do not think that there is any language that speaks to state-related universities.

Mrs. TAYLOR. No. I did not say state-related. I am asking about state-owned colleges.

Mr. KUKOVICH. No.

Mrs. TAYLOR. The 14 state-owned colleges.

Mr. KUKOVICH. No.

Mrs. TAYLOR. There is nothing then in this particular rule as you are presenting it to the House that prevents a member, a professional, who is serving in the House of Representatives from also collecting a salary at a state-owned college?

Mr. KUKOVICH. No. That is not the intent of this amendment.

Mrs. TAYLOR. Are you saying that under this amendment as you have identified "professionals" that an individual can accept two salaries, one from a state-owned college as a professor from a state revenue and also accept a salary as a legislator?

Mr. KUKOVICH. Mr. Speaker, I think you are talking about two very separate and distinct problems. If you want an amendment that will deal with every conflict of interest within this body, this is not it. This is for those who would represent clients for compensation in an adversary-type relationship before a state board; not someone who is employed by some state-related agency.

Mrs. TAYLOR. Mr. Speaker, I understand that. I think the thing that is confusing here is the terminology of professionals. There are people in the House who do have the good fortune or the misfortune of collecting two state salaries, and I am saying, are they included as you see it under this rule so that that may not any longer occur?

Mr. KUKOVICH. No, not under this rule because this rule deals with representing clients for compensation.

Mrs. TAYLOR. So it really then includes only lawyers?

Mr. KUKOVICH. I think for the most part, although there are other individuals who could be included. I cited an example previously of perhaps a certified public accountant.

Mrs. TAYLOR. Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, may I interrogate the author of the amendment?

The SPEAKER. The gentleman indicates that you may, and the gentleman from Chester may proceed.

Mr. VROON. Mr. Speaker, with respect to lawyers who file tax returns for their clients with the State Department of Revenue, are these lawyers then permitted to represent their clients before this department?

Mr. KUKOVICH. The way it is now worded, if the original work product is typically filing, ministerial in nature and, if at

some point there would be a conflict—this is what I alluded to when I first made my presentation. That is the one point in this bill which, in my opinion, does weaken it a bit in this amendment—they would then be allowed to represent them. Under this amendment no attorney could, at the inception, represent a client for compensation before any state boards.

However, if an action started as one that is ministerial in nature and at some point down the road—and this would be a rare instance but it could happen—that the state board would become involved, then they could represent them at that point.

Mr. VROON. Correct me. I get the assumption therefore that all the lawyers in this House here who file income tax returns for their clients in the State Department of Revenue are engaging in ministerial actions in so doing and, consequently, whenever a contest arises they are perfectly free, under this amendment, to represent those clients before that state board.

Mr. KUKOVICH. That is the way that I read it. Of course that is the way that it is now, too.

Mr. VROON. All right. Let us go to the next situation. Suppose a lawyer helps a client to get a liquor board license, a liquor license from the liquor board. Then is he free to represent his client before the liquor board?

Mr. KUKOVICH. I am not sure exactly how that would happen because if there was a conflict, it would be before the court, not before the board. The Liquor Control Board would have counsel represent them before the court, so the Liquor Control Board would not be involved anyway except as an adversary. They would not be making the decision, in other words, which is what we are trying to arrive at.

Mr. VROON. I am trying to get at a very specific situation here where a legislator-lawyer is instrumental in getting liquor licenses for clients and then somewhere along the line these clients get into trouble and are brought up for some kind of violation before the Liquor Control Board, and then that lawyer is perfectly free because he began his action as a ministerial action, is that not true?

Mr. KUKOVICH. No, that is not the case; only if the action was related to the actual ministerial duty—if a paper was filed and there was a dispute over the form of the paper or the properness of that—then he could, but if there is a separate abuse, if a client has violated the Liquor Control Board law in some way, then they could not be represented before that board. I am not concerned who started it. The lawyer-legislator could not, in a different action, represent that client.

Mr. VROON. Mr. Speaker, thank you for this information, but it just appears to me that what you just said is an interpretation of what you have written here, and that could very well be interpreted by somebody else as being a license to go ahead and practice before the Liquor Control Board and the state departments.

Mr. KUKOVICH. Well, in response to that, I would suggest, with the complexity that this amendment has brought up, and trying to be fair to as many people as possible, I do not think we should lose sight of what we are trying to do here. We are trying to prevent the potential of an abuse before state agencies and we do not want to work an undue hardship on individual legislators, no matter what their profession. While in trying to

do that, it is a very difficult job, and with any amendment that you draft, it can be interpreted many ways. I think this is probably about the fairest way we can arrive at this decision and still have some restrictions against the advantages of the undue influence that could possibly arise with lawyer-legislators. I think this is probably the most reasonable way to do it.

Mr. VROON. Thank you, Mr. Speaker. May I make a brief statement?

The SPEAKER. The gentleman, Mr. Vroon, is in order and may proceed.

Mr. VROON. I just want to make one very brief observation to the members of this House: This amendment has been so doctored now as to make it quite innocuous to all the legislators who are also lawyers in this House. Now I really have no fault to find with our legislator-lawyers, because I think on the whole they are highly ethical and they are doing a good job, and I certainly do not want to prevent them from doing something which is perfectly valid, but, in my opinion, the wording of this amendment as it now appears is so highly decorated as to make it almost as useless as none at all.

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

Mr. ZELLER. Thank you, Mr. Speaker. Would the gentleman, Mr. Kukovich, consent to another interrogation?

The SPEAKER. The gentleman indicates that he will, and the gentleman from Lehigh may proceed.

Mr. ZELLER. Thank you, Mr. Speaker. The last two speakers brought out the point I was trying to get at. With my illegal mind or whatever you want to call it, I could not quite fit it together. But this word "ministerial"—and I am going back to that notary again—and I want to say, Mr. Speaker, that I probably—and I am not saying this to be bragging—do as many cases, if not more, as the average lawyer in the House, and I can document that, because I get the cases after the lawyers—and I am serious—have lost them. In other words, before the Liquor Control Board I have cases on vital statistics, strange ones; I mean strange ones, real strange ones; before PennDOT, I have cases on titles, out-of-state titles and state titles, all kinds of crazy ones—and before revenue—after they have lost the cases—also before unemployment compensation; and we have got one going right now with an insurance deal with a volunteer fireman, and we are going to win this one where the lawyers lost it. What I am getting at is this: Is that, you say, ministerial which means that if a community started a project going, say like you people did, and I pick it up, that is ministerial? I am following up after someone had the case going with that particular department. Is that what you mean by ministerial? It has been already proceeding?

Mr. KUKOVICH. No.

Mr. ZELLER. No? That is the point I am trying to get.

Mr. KUKOVICH. The term ministerial has been the major problem from the inception of this amendment. Ministerial basically means something that is done in a nondiscretionary manner and is a typical nonadvocacy function. Now that interpretation leaves open a lot of problems. It has nothing to do with continuing a process. The key point to remember is still

the original language which precludes anybody from representing a client in their professional capacity for remuneration before a state agency. That is still the case. The other language—and this goes back to answering Mr. Vroon—is only in there to explain ministerial and, except in one small way which I commented on, it really does not weaken the original intent whatsoever.

Mr. ZELLER. Well, for the benefit of the Fourth Estate, I do not get paid for this and I do not intend to, but what I am getting at is occasionally I will have to call a lawyer, naturally, where an agency expects to have a lawyer come in, but I do the leg work. Now that lawyer may get paid; I do not. But to me—and I say this respectfully to the sponsor, whom I respect, and I respect the lawyers in the House. I do. I have had good relationships with them. Maybe a bill or two we do not agree on, but generally I would say they are high caliber people, but the way I see it, this amendment is really no different than the present law. It could be interpreted almost any way you want to. It is really no different from what we have today, is it?

Mr. KUKOVICH. That is totally not true. It very blatantly does not allow lawyer-legislators to represent any clients before all of these state agencies. That is the basic point of this whole thing. It has not changed.

Mr. ZELLER. Well, I respect your saying that, but the point I get—and this will be the end of it—is, so far as I am concerned you can relate all you want to it, but you say they cannot, and then we turn around and, with a little technicality, you can. So I think with a play of words, the legal profession can just about do almost anything they want with a play of words, like the Fourth Estate there.

Mr. KUKOVICH. Mr. Speaker, if that was the case, I would not introduce this amendment. I have about seven or eight various versions of this amendment. I tried to arrive at one which is the most reasonable for all the people involved and still take care of my original intent, and I think this does that and I think this is an amendment which will pass this House. Thank you.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker. I rise in support of the Kukovich amendment that is before the House today. I think it is important to point out that this amendment certainly does bar professionals-legislators or lawyer-legislators—or however we are referring to them—from doing certain things that are permissible today under current law, and I think what Mr. Kukovich is attempting to do in this amendment is a reasonable approach. It is an approach which will prohibit the possible abuses which we have read about in the past that certain members in the past have been involved in, and that is, professional legislators or lawyers will not be able to appear before boards, agencies, or commissions on matters that are strictly adversary in nature. Now the ministerial functions that are accepted in this amendment just, except for the tax cases that Mr. Vroon has pointed out, are not going to end up before boards and commissions. These cases are cases that will end up being appealed to the courts and are not

the cases that have been the type that have given the appearance of impropriety in past years. Now the situation was raised, I believe by the previous speaker, Mr. Vroon, about Liquor Control cases. Liquor Control cases was one of those sensitive areas where we have heard of problems, but the Liquor Control cases, the citation cases where a licensee is cited by the Liquor Control Board, is an adversary action from the initial time of the citation. A member of the House of Representatives would not be able to handle that case. Now this is the area of law where we have had problems in the past. The Kukovich amendment prohibits that, and I think we ought to adopt this rule and get on with the business that is before the House. Thank you.

The SPEAKER. The Chair recognizes the minority whip, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, I rise in support of the Kukovich amendment. The problem that I had last week with the Kukovich amendment was the definition of "ministerial." If you remember, I went through a number of things that ordinarily, 99 and 44/100 percent of the cases, are ministerial or are viewed by the agencies as administrative functions and are viewed by the attorneys as routine matters that are not adverse to the Commonwealth. This amendment does take, though, a very large step forward. For instance, some of the things that come to mind: If presently an individual licensee is cited by the Liquor Control Board for a violation of the Liquor Code, presently an attorney can handle that particular citation in an adverse capacity to the lawyers from the Justice Department. Under the Kukovich amendment that will no longer be permitted. Presently if a person is assessed by the Commonwealth Department of Revenue a certain amount of money on his income tax, or his corporate net income tax, or any of the taxes collected by the Department of Revenue, and if that individual approached a professional who is a legislator, whether it be an accountant or an attorney, to handle that particular adversary proceeding, we would be permitted to handle it today because there is an appeal to court. Under the Kukovich amendment being offered at this time, that is no longer the situation; you would no longer be able to handle that. If the Real Estate Board presently cites a real estate agent for a violation of the real estate laws of the Commonwealth of Pennsylvania, presently that can be handled by a legislator because it is an appeal to court. Again, the Kukovich amendment writes you out of that.

The Kukovich amendment tries to define ministerial as what in 99 and 44/100 percent of the cases is purely a ministerial function: filing for articles of incorporation, handling an estate of a decedent in your county, although there may be an inheritance tax to pay, handling a real estate transaction, although there may be a realty transfer tax to pay. Those payments are ordinarily routine, ordinarily handled in an administrative matter without any adversary proceeding.

I think we do take a large step forward with the Kukovich amendment. We do not attack every instance of the practice of law as it deals with the Commonwealth of Pennsylvania, but we do attack and prohibit that conduct, whether it is by an at-

torney, by an accountant, by a real estate agent where you are apt to be and probably will be in an adversary situation with the Commonwealth of Pennsylvania.

Initially, Workmen's Compensation proceedings would not be able to be handled by a legislator. Initially, Workmen's Compensation proceedings would not be able to be handled by an attorney, because they are initially a claim on a fund that is adverse and that relationships would be adverse.

Mr. Speaker, I think that we come a large step forward, when we try to curb those abuses that can occur and yet allow the professional in the legislature to continue to practice his profession, even though in some manner and in some rare instance the Commonwealth touches upon that practice. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—181

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

NAYS—3

Cianciulli	Levin	McIntyre
------------	-------	----------

NOT VOTING—19

Beloff	Fischer, R. R.	Hutchinson, W.	Rieger
Bennett	Giammarco	Jones	Street
Donatucci	Greenfield	Pievsky	White
Duffy	Grieco	Pratt	Williams
Fee	Hutchinson, A.	Rhodes	

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

On the question recurring,

Will the House adopt the resolution as amended?

Mr. WAGNER offered the following amendments:

Amend House Rule No. 65, page 63, line 11, by inserting before "A" (a)

Amend House Rule No. 65, page 63, by inserting between lines 14 and 15

(b) A member who, for remuneration, represents any organization required to register under the Lobbying Registration and Regulation Act shall file a statement of that fact with the Chief Clerk.

On the question,

Will the House agree to the amendments?

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

Mr. WAGNER. Thank you, Mr. Speaker.

Presently, any group which lobbys for legislation must file a statement, a lobbying registration statement, in the chief clerk's office. What this amendment would do is say that any member who represents that particular group for remuneration would have to disclose that fact.

As an attorney, if I am a solicitor for one of the various lobbying groups, I would have to disclose that. I would not be prohibited, but I would have to disclose that so that the rest of the members would know that. If I am an insurance agent and I carry the insurance for one of the lobbying groups, either on a building or on a malpractice type of arrangement, I would have to disclose that likewise.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

Alden	Fryer	Mackowski	Schmitt
Anderson	Gallagher	Madigan	Schweder
Armstrong	Gallen	Manderino	Scirica
Arty	Gamble	Manmiller	Serafini
Austin	Gannon	McCall	Seventy
Barber	Gatski	McClatchy	Shadding
Belardi	Geesey	McIntyre	Shupnik
Berson	Geist	McKelvey	Sieminski
Bittle	George, C.	McMonagle	Sirianni
Borski	George, M.	McVerry	Smith, E.
Bowser	Gladeck	Michlovic	Smith, L.
Brandt	Goebel	Micozzie	Spencer
Brown	Goodman	Milanovich	Spitz
Brunner	Grabowski	Miller	Stairs
Burd	Gray	Moehlmann	Steighner
Burns	Gruppo	Mowery	Stewart
Caltagirone	Halverson	Mrkonic	Stuban
Cappabianca	Harper	Mullen, M. P.	Sweet

Cessar	Hasay	Murphy	Swift
Chess	Hayes, D. S.	Musto	Taddonio
Cimini	Hayes, S. E.	Nahill	Taylor, E.
Clark, B.	Helfrick	Novak	Taylor, F.
Clark, R.	Hoeffel	Noye	Telek
Cochran	Honaman	O'Brien, B.	Thomas
Cohen	Irvic	O'Brien, D.	Trello
Cole	Itkin	O'Donnell	Vroon
Cornell	Johnson, E.	Perzel	Wachob
Coslett	Johnson, J.	Peterson	Wagner
Cowell	Kanuck	Petrarca	Wargo
Cunningham	Kernick	Piccola	Wass
Davies	Klingaman	Pistella	Weidner
Dawida	Knepper	Pitts	Wenger
DeMedio	Knight	Polite	White
DeVerter	Kolter	Pott	Wilson
DeWeese	Kowalyshyn	Pucciarelli	Wilt
DiCarlo	Kukovich	Punt	Wright, D.
Dietz	Lashinger	Pyles	Wright, J. L.
Dininni	Laughlin	Rappaport	Yahner
Dombrowski	Lehr	Reed	Yohn
Dorr	Letterman	Richardson	Zeller
Dumas	Levi	Ritter	Zitterman
Durham	Levin	Rocks	Zord
Earley	Lewis	Rodgers	Zwilk
Fisher, D. M.	Livengood	Ryan	
Foster, A.	Lynch, E. R.	Salvatore	Seltzer,
Foster, W.	Lynch, F.	Scheaffer	Speaker
Freind			

NAYS—0

NOT VOTING—20

Beloff	Fee	Hutchinson, A.	Pratt
Bennett	Fischer, R. R.	Hutchinson, W.	Rhodes
Cianciulli	Giammarco	Jones	Rieger
Donatucci	Greenfield	Oliver	Street
Duffy	Grieco	Pievsky	Williams

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

On the question recurring,

Will the House agree to the resolution as amended?

Mr. FRYER offered the following amendment:

Amend House Resolution, page 63, by inserting between lines 14 and 15

RULE 65(a)

Lawyer-Legislators

(1) Any member who is also a lawyer shall not represent any client before any department, board, agency, bureau or commission of a political subdivision within his or her legislative district. This rule shall not prohibit or limit a lawyer from representing any client in court, including a court not of record.

On the question,

Will the House agree to the amendment?

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

Mr. FRYER. The amendment reads as follows: "Lawyer-Legislators Any member who is also a lawyer shall not represent any client before any department, board, agency, bureau or commission of a political subdivision within his or her legislative district. This rule shall not prohibit or limit a lawyer from representing any client in court, including a court not of record."

Mr. Speaker, if this rule were adopted, a lawyer-legislator could not represent a client before a township board of supervisors, commissioners or a borough council.

Mr. Speaker, I present the amendment for the consideration of the House.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the amendment. I really wish you people would pay attention to this because I—

The SPEAKER. The gentleman is so right. Will the members please be seated?

The gentleman may proceed.

Mr. RYAN. I was sitting here as Mr. Fryer was explaining his amendment and I was talking to someone and I really was not paying much attention to what was going on until I realized that it was Mr. Fryer at the microphone and I remembered seeing a copy of his amendment, two of them. He has changed the original one that I reviewed.

The Kukovich amendment went in a moment ago which took care of lawyers representing anyone in an adverse proceeding, initially, before state agencies, boards and commissions. Now what Mr. Fryer's amendment would do would prevent a lawyer from representing anyone with or without pay. If you look at the Fryer amendment, it does not matter whether a lawyer gets paid or not, it says that he shall not represent a person or group before any board, commission, department or agency of a political subdivision within his legislative district.

Now what that means is this: My legislative district happens to have the county courthouse in it. It means that I could not go before county planning; it means that I probably could not go before the support office representing a client; it means that I could not go before any county agency whatsoever, be it the commission on the aging, be it a county board of assistance, be it the county mental health board, if they just happen, if they happen to be located in my legislative district.

Now you go into the city of Philadelphia with some 30-odd Representatives, and the only person who would be precluded from representing people in city hall would be Norm Berson, because he happens to have city hall located in his legislative district. The other 20 or 30 House members from the city of Philadelphia could do anything that is permitted today by law, but because Norm Berson accidentally happens to be located in a legislative district that includes city hall, he cannot do it.

A rural legislator, such as Harry Bittle, who has the county courthouse in his district, is practically precluded from carrying on the business of law, despite the fact that Mr. Fryer's amendment does have an exception that states that it will not permit this lawyer from representing his client in court, including a court not of record, which I suppose he means the district justice located in your district.

I think it is unfair to impose this kind of a prohibition on lawyer-legislators. Now, Mr. Fryer, I know is—at least I am told Mr. Fryer is—now retired from business or has sold his beer distributor business. I think there is as much danger in a man who sells to other licensees as there is in any lawyer going before a public body representing someone. It is a public body out in the open.

Any of you who is in business or has a job outside of the legislature probably do work in your own legislative districts. Yet a lawyer, under the Fryer amendment, cannot do it. I cannot go to a zoning hearing board in my legislative district, representing a builder for pay. Nor can I, under the Fryer amendment, go before that zoning hearing board representing a civic association without pay.

I think Mr. Fryer goes entirely too far. I frankly believe that the Kukovich amendment goes rather far. If lawyers are being singled out, I say to you: Why not insurance men? Why not barbers? Why not salesmen? Why not builders? Why not any number of other people? But to preclude a person from earning that portion of his livelihood that he earns outside of the legislature, to prevent him from practicing law or earning that livelihood in his legislative district where he is well-known, I think, is outrageous, and it is a terrible imposition to place on those of us who are lawyers. The next step, perhaps, is saying a real estate man cannot rent houses or sell houses within his legislative district; you cannot sell insurance within your legislative district. I mean, I think it just goes entirely too far.

I really would welcome the comments of any others who are affected. I know I am affected only in that, for instance, I cannot go to my own courthouse for practically any purpose other than to try cases, and with the legislative schedule that we have today, there are very, very few of us lawyers in this House today who are trying cases, because our time is spent up here in Harrisburg. We are unable to schedule trials. I cannot remember the last trial I had, it has been so many years.

I think to restrict us this way, particularly when it is so indiscriminate in the restrictions—and I cite Philadelphia as the example. There could be 30 lawyers in Philadelphia, but the only one affected by the Fryer amendment is Mr. Berson. I do not know who represents city hall in the city of Pittsburgh or in Allegheny County, but of the 20 or 30-odd members from Allegheny County, the only person affected is that person, Leroy Irvis, who happens to represent city hall and the county offices in the county of Allegheny.

I just think the amendment is ill-conceived, improperly drafted, and entirely unnecessary.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I, too, rise in opposition to the Fryer amendment. This amendment is ill-conceived, and it is an affront to me personally, because it affects me without regard to whether I practice law or do not practice law. It affects me because I happen to have had the initiative to attend law school, to get my degree, and to pass the bar exam.

Let me give you an example of something that happened to me which I would have been prevented from doing if this amendment were the rule of the House during the last session. About a year and a half ago I decided, because I needed more space and my family was growing, to add an addition onto my house, and to do that I decided to enclose the porch that lies at the side of my house. My home is about 35 years old, Mr. Speak-

er, and it was constructed prior to the enactment of the current zoning ordinance in my township. Because of that fact, the porch lies within about 4½ feet of the side boundary line of my property. If my home were constructed today or if, as I propose to do, I enclose that porch, I would be in violation of the zoning ordinance, and it required that I seek a variance from my local township through the zoning hearing board. Mr. Fryer's amendment requires that I go out and hire someone else to represent me to do that when in fact any homeowner, as a matter of course, on a routine matter such as a variance for a side boundary to the zoning ordinance, does this on his own.

Now, I applied for my variance. My property was posted like everyone else's. Notices were sent to all my neighbors. A public hearing was held before the zoning hearing board, open to all members of the public, announced in the local press, and I had to wait 45 days, the maximum amount of time for a decision by that board, until I was granted the variance to construct my home and to be given a building permit to add the addition to my home. Now if Mr. Fryer's amendment goes in, I am not allowed to do that, but Mr. Fryer can still do it.

I think this is an affront to those of us who have decided to seek a profession which happens to be the law, and I would urge that every member of this House vote in the negative.

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

Mr. MICOZZIE. Mr. Speaker, I stand to urge the membership to defeat the Fryer amendment.

I think what is happening to the House, being a freshmen member of the House, I am concerned about the direction in which the House has gone in the past few years. I understand the ethics bill that last year was enacted, began as a bill to curb the legislators, and before you knew it, it went down into the local government, the school boards, and every Tom, Dick, and Harry they could have thought of at the time. I think we are becoming paranoid as far as the behavior of the legislators.

Because the press in their wisdom continues to badger and write about a legislator, we fail to realize what this type of amendment will do as far as us legislators being able to govern. Before you know it, a real estate person will not be able to sell a house in his district or an insurance broker will not be able to write insurance in his district. Mr. Speaker, if we continue, we are going to become legislators who are going to be full-time legislators because we will not be able to do anything else if we keep putting amendments to this. I urge the defeat of this bill.

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

Mr. FRYER. Mr. Speaker, the opponents of this proposed amendment refer to the point that this will go on into insurance agents; it will go on to this business activity and that activity. They appear rather sensitive to the charge that this is a punitive action against attorneys. Let me assure the members of the House that I have great respect for the legal fraternity. And when the gentleman from Dauphin stated he would not be permitted to represent himself in front of the zoning board, this was not actually correct. There is nothing in this proposed

amendment. It would prevent the gentleman, however, from representing a client, but he could appear representing himself.

Now, Mr. Speaker, the concern that I have is, let us take the hypothetical situation in which an attorney-legislator goes before a township board of supervisors or commissioners or a borough council representing, let us say, a developer, and this is in the same legislative district that this person represents. We have, let us say, the board of supervisors there. Standing before them is a gentleman or a lady who wears two hats — one, representing a developer for a fee and, two, their state Representative. It would seem to me that that board would be in a rather embarrassing position. On one hand, they would prefer a cordial relationship with their state Representative, and on the other hand, here is that lawyer-Representative who is representing a client for a fee.

In my opinion, Mr. Speaker, this is a situation that should not be permitted. Does anyone really believe that possibly that developer or another interested party has picked that lawyer-legislator because he was the most competent legal talent or did he pick him or her because the feeling was that that was where the political influence was?

That is my concern, Mr. Speaker. I am not seeking to be punitive towards the legal profession, but I do believe that that is an uncomfortable position, a conflict of interest, and it is one that I do not believe should be allowed to exist.

This amendment was passed some years ago by myself in a bill. It went to the Senate, and there, unfortunately, it died. It is for that reason that I have put this subject to the House rules. In my opinion, I believe the amendment should be supported. More important, Mr. Speaker, I think this is an issue that must be decided by a vote on the House floor. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, would Mr. Fryer consent to brief interrogation?

The SPEAKER. The gentleman from Berks, Mr. Fryer, indicates that he will, and the gentleman from Delaware, Mr. Ryan, may proceed.

Mr. RYAN. Mr. Speaker, one of the members from the other side just asked me a question that I was really unable to answer. I think I know the answer, but I am not sure.

The question was, under this amendment would I be permitted to be a solicitor for the zoning hearing board or the board of supervisors of one of the municipalities in my district? In other words, could I represent the township?

Mr. FRYER. My answer would be that you would be allowed to.

Mr. RYAN. This is not an end run, but I have been at public meetings at a zoning hearing board where the township appears before the zoning hearing board through its attorney. The solicitor for the township or borough, whatever, appears before the zoning hearing board and says, I am here on behalf of the township supervisors or the township commissioners who oppose this application. Do you understand my hypothetical?

Mr. FRYER. Yes; I believe so.

Mr. RYAN. At that point—and I represent no townships; this is purely hypothetical—I am appearing before the zoning hearing board saying that my client, the township of X, has passed a resolution through its board of supervisors opposing this application. At this point I am representing a client, township of X, before a zoning hearing board in my district. Am I permitted to do that?

Mr. FRYER. I believe you would be, Mr. Speaker.

Mr. RYAN. How am I able to do that when your wording is that I cannot appear for a client before any board or commission? It does not say who the client is, and that township happens to be my client.

Mr. FRYER. Mr. Speaker, the case that the gentleman has illustrated happens quite infrequently, and I would say that I have yet to see the first rule or the first law that is 100 percent perfect.

Mr. RYAN. Mr. Speaker, the gentleman is evasive with his answer. His initial answer to me was that I would be permitted to represent a township, the township commissioners, before the zoning hearing board to tell them the feelings of the township when the zoning hearing board is considering a matter. The second response I get from the gentleman is that it happens so infrequently that it is not necessary to worry about it. It appears, Mr. Speaker, that you are qualifying your answer. I either can or cannot appear before the zoning hearing board representing the borough or township fathers.

Mr. FRYER. Mr. Speaker, there were two separate answers. One, as I stated, the matter happens very infrequently that the gentleman referred to, his so-called hypothetical case, and on the other hand, I did say that I thought that the gentleman could so practice.

The gentleman is aware that I am a layperson and he is a very skilled attorney. If the gentleman has the answers, let him so inform the ladies and gentlemen of the House.

Mr. RYAN. Mr. Speaker, it is my opinion that under the wording of your amendment, a client is a client, be it a political subdivision or not, and that I would not be able to come before the zoning hearing board representing the township fathers because they would be my client that I would be appearing before. That is my opinion, and I think any layperson who reads your proposed amendment can read into it exactly what I have said. If you agree that my representation of a political subdivision is that of a client-lawyer relationship and that that political subdivision wants its thoughts known to another political subdivision, then, in fact, they are being represented by me before them, and this is in further substantiation of my earlier comment that I believe this particular amendment is ill-conceived.

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

Mr. FRYER. Mr. Speaker, once again I will state that the hypothetical case that Mr. Ryan pointed to happens so very infrequently.

I would further point out, as I did earlier, exactly what I am seeking to prevent. It seems to me, Mr. Speaker, that the members of the House have to measure the matter — on one hand, the good that it does, and on the other hand, the possible ill ef-

fects that it would do — and on balance I believe it calls for support of the amendment, Mr. Speaker.

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

Mr. CHES. Mr. Speaker, will the gentleman from Berks submit to interrogation?

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

Mr. CHES. Mr. Speaker, it is my understanding from reading this amendment that certainly the gentleman from Berks' intention is not to eliminate the lawyer-legislator but just to limit his possibilities of undue influence.

My question, I guess, is, from the other people in your position who have had attorneys, is it their practice to switch horses in the middle of a stream? My question arises because I have been an attorney for 2 years now, although I gave up my practice when I took this job. I have appeared in the last 2 years in court, I think, twice. Almost all of my practice consisted of before boards and agencies of the county and of the various municipalities within my district, and what little court work I did was the result of appeals from zoning hearings, from various hearings we had dealing with custody, et cetera. My concern is that if the intention here is to eliminate lawyer-legislators, maybe we should say that, and if our intention is to eliminate any outside income for any legislator, which I might support, let us say that. I am not sure I really understand your intention here.

Mr. FRYER. Mr. Speaker, I have already told the members of the House what my intention is. For the gentleman from Allegheny to state, am I trying to do this or that to attorneys, the answer is obviously no. I think the amendment speaks for itself.

I told you about situations that I was concerned about, that influence was used in the form of a lawyer-legislator who appears in front of subdivisions in the legislative district that he or she represents. I happen to think that that is wrong. I believe it is unethical. I do not believe it should be permitted to continue, and that is the intent of this proposed amendment.

If I wanted to direct a broadside against attorneys, I assure you that the Legislative Reference Bureau would follow my wish. That is not the intent, and I would hope it is not an attempt to invoke sympathy upon and for a noble profession.

Mr. CHES. Mr. Speaker, another question: In some districts I can understand where the legislative district may be actually larger than the county, where the legislator may not have influence.

In my district, being a ninth of the city and one twenty-seventh of the county, my influence in both of those bodies is next to nil. The only place I conceivably might have the kind of influence you are talking about is in one borough which is part of my district. Is there any possibility of a rewrite of this amendment just to limit it to districts that are wholly encompassed within my district? I do not feel where I have that much influence on either the city or the county planning board where I am such a minor portion of the total area.

Mr. FRYER. Mr. Speaker, I fear any other change in the amendment would draw the same fire. We are in a sensitive area. I am well aware of that, but any amendment along these lines would draw the same fire.

Mr. CHESS. Thank you,

Mr. Speaker, may I make a brief statement?

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

Mr. CHESS. Mr. Speaker, I would recommend that members of this House oppose this amendment for the simple reason that this amendment would probably eliminate the lawyer-legislator or most of their practice.

If it is the intention of this House that no member should have any outside income, then that should be the amendment before us. This amendment, unfortunately, zeroes in on a small body of legislators and in effect will put them totally out of business, I believe. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, it is not my intention to ascribe motives to Mr. Fryer, but Mr. Fryer's son is an attorney and it seems to me that he is trying to discourage his lawyer-son from pursuing the same folly that he has pursued for about 17 years, that being a legislative career. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I cited an example, a personal example, earlier, and Mr. Fryer dismissed it out-of-hand, and I would like to respond to his response because this amendment would have applied in the case that I cited. Any member—I am a member—who is also a lawyer—I happen to be a lawyer—shall not represent any client. In that case the client would have been myself and my wife as landowners involved. His amendment refers to no compensation whatsoever. I do not see the word "compensation" even mentioned. The lawyer-client relationship does not come about because there is compensation, and a lawyer can also be his own client and represent himself, and himself and his wife. So, this supposed rule would have applied in my instance, and I would urge all members, out of fair-mindedness, to vote in the negative on this amendment. Thank you Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—30

Austin	Geist	Kolter	Oliver
Brown	Grabowski	Kukovich	Pistella
Cappabianca	Gruppo	Laughlin	Reed
Cowell	Harper	Livengood	Schweder
DeWeese	Irvis	Michlovic	Stewart
Dietz	Johnson, J.	Mrkonic	Swift
Fryer	Kernick	Musto	Telek
Gamble	Knight		

NAYS—154

Aiden	Gallagher	McClatchy	Seventy
Anderson	Gallen	McIntyre	Shadding

Armstrong	Gannon	McKelvey	Shupnik
Arty	Gatski	McMonagle	Sieminski
Barber	Geesey	McVerry	Sirianni
Belardi	George, C.	Micozzie	Smith, E.
Berson	George, M.	Milanovich	Smith, L.
Bittle	Gladeck	Miller	Spencer
Borski	Goebel	Moehlmann	Spitz
Bowser	Goodman	Mowery	Stairs
Brandt	Gray	Mullen, M. P.	Steighner
Brunner	Grieco	Murphy	Stuban
Burd	Halverson	Nahill	Sweet
Burns	Hasay	Novak	Taddonio
Caltagirone	Hayes, D. S.	Noye	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, B.	Taylor, F.
Chess	Helfrick	O'Brien, D.	Thomas
Cianciulli	Hoefel	O'Donnell	Trello
Cimini	Honaman	Perzel	Vroon
Clark, B.	Hutchinson, W.	Peterson	Wachob
Clark, R.	Itkin	Petrarca	Wagner
Cochran	Johnson, E.	Piccola	Wargo
Cole	Kanuck	Pitts	Wass
Cornell	Klingaman	Polite	Weidner
Coslett	Knepper	Pott	Wenger
Cunningham	Kowalyszyn	Pucciarelli	White
Davies	Lashinger	Punt	Wilson
Dawida	Lehr	Pyles	Wilt
DeMedio	Letterman	Rappaport	Wright, D.
DeVerter	Levi	Richardson	Wright, J. L.
Dininni	Levin	Ritter	Yahner
Dombrowski	Lewis	Rocks	Yohn
Dorr	Lynch, E. R.	Rodgers	Zeller
Durham	Lynch, F.	Ryan	Zitterman
Earley	Mackowski	Salvatore	Zord
Fisher, D. M.	Madigan	Scheaffer	Zwikl
Foster, A.	Manderino	Schmitt	
Foster, W.	Manmiller	Scirica	Seltzer,
Freind	McCall	Serafini	Speaker

NOT VOTING—19

Beloff	Duffy	Greenfield	Rhodes
Bennett	Dumas	Hutchinson, A.	Rieger
Cohen	Fee	Jones	Street
DiCarlo	Fischer, R. R.	Pievsky	Williams
Donatucci	Giammarco	Pratt	

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

REMARKS ON VOTES

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

Mr. COHEN. I ask to be recorded in the negative on the Fryer amendment to HR 53.

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

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

Mr. DUMAS. I would like to be recorded in the negative on the Fryer amendment to HR 53.

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

RECONSIDERATION OF VOTE ON DOMBROWSKI AMENDMENT

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

Mr. DOMBROWSKI. Mr. Speaker, I move that the vote by which my amendment to HR 53, PN 1240, was defeated on the 2d day of May be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. I second the motion.

On the question,
Will the House agree to the motion?
The following roll call was record:

YEAS—184

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

NAYS—0

NOT VOTING—19

Beloff	Fee	Hutchinson, W.	Rieger
Bennett	Fischer, R. R.	Jones	Rocks
DiCarlo	Giammarco	Pievsky	Street
Donatucci	Greenfield	Pratt	Williams
Duffy	Hutchinson, A.	Rhodes	

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

On the question recurring,
Will the House adopt the resolution as amended?
Mr. DOMBROWSKI offered the following amendment:

Amend House Rule No. 43, page 34, by inserting between lines 4 and 5 22. Aging

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

The SPEAKER. For the information of the members, the amendment that was defeated was A889; the amendment being considered today is A919.

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

Mr. DOMBROWSKI. Mr. Speaker, I will not take too much time on the floor of the House, but I just want to remind the members on both sides that the Committee on Youth and Aging is indeed a standing committee in the Senate. The United States House of Representatives has a Committee on the Aging, chaired by Congressman Pepper from Florida, and I think it is no more than fitting that this House should also have a committee on the aging. I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I once again oppose it, not because I think that this is not an important subject; it is. It is recognized as an important subject. It is the subject of a separate subcommittee. I think at this time to create a new committee would be to create new problems, not only of membership participation but of staffing, and I respectfully request a "no" vote on the amendment.

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

Mr. REED. Mr. Speaker, I serve as minority chairman of the Subcommittee on Youth and Aging. I rise to support the Dombrowski amendment, however, because I believe that it is necessary. I have no problem with the Subcommittee on Youth and Aging. I think it does a good job. The chairman on the majority side is Marvin Miller who is a thoroughly competent and conscientious legislator. I believe, however, that the demographic information in Pennsylvania, as one of the northeastern states, one with an industrial deterioration, one with a population exodus of our middle class and our young people to the south and to the west, indicates very clearly that Pennsylvania's aged population is rapidly increasing. Moreover, the population patterns of this country indicate that we are at just about population growth zero, which means that the large middle-aged and young-adult-aged segments of our population, presently the majority of our population, are very rapidly, of course, getting older and are going to cause a complete shift in the emphasis of government, government programs, taxation, and the whole structure of how government responds to those things.

I really think that for the purposes of advanced planning, if nothing else, that Pennsylvania and its General Assembly

ought to establish a specific committee which deals solely with that subject area, because, Mr. Speaker, this is not something that is going to go away. It is a problem that is going to get bigger and bigger. I believe that it deserves attention. Unfortunately, although the Senate is normally behind us in most matters, in this they happen to be ahead of us, and that is to say, they have a standing Committee on Aging. I think we should do the same and I respectfully suggest that members on both sides of the aisle would be doing their senior citizens in their respective districts a favor in giving them additional attention and priority by approving the Dombrowski amendment, and that is my personal opinion.

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

Mr. ZELLER. Mr. Speaker, at the recent symposium we had, the Benjamin Franklin Symposium, a Dr. Webber of the Carnegie-Mellon Institution gave a tremendous address in regard to this very subject. If any of you remember, Dr. Webber said that with the population of senior citizens rising and the population of the work force diminishing, there is a day coming when there are going to be a few who are working for a whole lot, and that means with the pill and abortions and everything else, and the move of zero population, and family-planning programs that are going on, we are going to have very few people going to work for an awful lot, and that means those who are retired and those senior citizens who are well deserving in their golden years to retire and enjoy their life. Therefore, this population is going to be so large that really there has to be some direction, not only with the Commission on the Aging, but also a committee in the House which will look into these matters, and that is why I can support the Dombrowski amendment.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman, Mr. Dombrowski, rise for a brief interrogation?

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

Mr. CUNNINGHAM. Mr. Speaker, I would like to ask the gentleman, Mr. Dombrowski, if the proposed committee on aging could serve any useful purpose that is not now currently being served by the Subcommittee on Youth and Aging?

Mr. DOMBROWSKI. Well, Mr. Speaker, it is difficult for me to answer that question. All I know is what Mr. Reed stated, with the increasing population of these elderly citizens, I think they deserve a place by themselves. We have a cabinet member, you know; he does the job in the cabinet. We have the committee in the Senate. They must have seen fit for a committee such as this. So all I can say is, I think the committee is a worthy committee and it should be adopted.

Mr. CUNNINGHAM. Mr. Speaker, may I speak to the bill itself?

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

Mr. CUNNINGHAM. Mr. Speaker, there is, in my judgment,

and I am sure every member of this House agrees, no more critical problem facing this Commonwealth than the problems of the aged. I am very concerned, however, that we are in a situation in which we are encouraging a proliferation of committees that is merely contributing to the rapid growth and size of government at this time in the legislative branch.

There was very recently published in the U. S. News and World Report a detailed account of the situation that is occurring in Congress in terms of the massive proliferation of committees and subcommittees designed to meet the needs of special-interest groups, who are putting increased pressure on our Federal legislative body, and I submit that the very same thing is happening here at the state level. I think it is very clear that a committee on aging could serve no useful purpose not now currently being served by the Subcommittee on Youth and Aging, but our costs would go up substantially if a staff were hired and all of the other aspects that appertain to the creation of a new standing committee have to be brought into being.

I would encourage a negative vote on this amendment, again, not because I do not believe that this is a very serious issue—the problems of the aged are of paramount importance in my mind—but because I am afraid we would merely be duplicating an agency that is already doing a very excellent job, the Subcommittee on Youth and Aging, to the service of no useful purpose. Thank you, Mr. Speaker.

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

Mr. DiCARLO. Yes, Mr. Speaker.

Just in response to Mr. Cunningham's questions, I would have been more than happy to address his interrogation.

I have served 8 years on the Health and Welfare Committee, most of that time being in the majority, and for the information of the new members of the legislature, the Health and Welfare Committee has been overburdened. The issues, not only in health care, medical assistance, reform of public assistance and welfare in total has completely overburdened that committee. We have had a subcommittee on Youth and Aging, and you are absolutely right, it is Youth and Aging. We have not had the time; we have not had the resources—and you are right, we are probably going to need more resources to staff this new committee, but we have not had the resources—in the past either to do what I think is a very important task and a very important function, and that is, coming out with good solid legislation to deal, not with problems of the special-interest group, those who are elderly who live in Pennsylvania, but to deal with the social problems in trying to comprehend the needs and, more importantly, to set the social policy of those who are elderly who do reside in the Commonwealth of Pennsylvania.

I think if the new member were in this legislature a little bit of time, he would realize that and I certainly hope that he reorients himself and hopefully supports us on Mr. Dombrowski's amendment.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, would I be in order to ask

the chairman of the Subcommittee on Youth and Aging to rise for a brief interrogation?

The SPEAKER. Would the gentleman from Lancaster, Mr. Miller, present himself to be interrogated? The gentleman indicates that he will. The gentleman from Centre may proceed.

Mr. CUNNINGHAM. Mr. Speaker, I am concerned, especially as a new member who has not had the opportunity to meet with this subcommittee as a consequence of not being a member of that subcommittee, that the House received the benefit of the thinking of the gentleman, Mr. Miller, who chairs this subcommittee and I would like to ask Mr. Miller, specifically, if the \$500,000, or whatever the cost of staffing this new committee would be, could be better spent dealing directly with the problems of the aged?

Mr. MILLER. Mr. Speaker, in response to the gentleman's question, I have done no preliminary work on the suggested amendment that is before us today.

It is my gut feeling that since this is the first year of the first term of the subcommittee, that perhaps with the existing membership of the committee and the full cooperation we have had from both the majority and the minority chairmen of the full Health and Welfare Committee, that we should be able to get through the year with the usual proper attention to the important pieces of legislation that are before us. We did have some preliminary difficulties with research and staff help and we have a number of very detailed bills, but we have received cooperation from both the minority and majority staff, once again, and things seem to be going pretty well.

Is that sufficient for the gentleman?

Mr. CUNNINGHAM. Mr. Speaker, I have no further questions. Thank you.

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

The following roll call was recorded:

YEAS—90

Alden	Gallagher	Manderino	Rocks
Austin	Gamble	McCall	Rodgers
Barber	Gatski	McIntyre	Schmitt
Berson	Geesey	McKelvey	Schweder
Borski	George, C.	Michlovic	Seventy
Brown	George, M.	Milanovich	Shadding
Brunner	Goodman	Mrkonic	Shupnik
Caltagirone	Grabowski	Mullen, M. P.	Steighner
Cappabianca	Gray	Murphy	Stewart
Chess	Harper	Musto	Stuban
Cianciulli	Hoeffel	Novak	Sweet
Clark, B.	Irvis	O'Brien, B.	Taylor, F.
Clark, R.	Itkin	O'Donnell	Telek
Cochran	Johnson, J.	Oliver	Trello
Cohen	Kernick	Perzel	Wachob
Cole	Knight	Petrarca	Wargo
Cowell	Kolter	Pistella	White
Dawida	Kowalshyn	Pucciarelli	Wright, D.
DeMedio	Kukovich	Rappaport	Yahner
DeWeese	Laughlin	Reed	Zeller
DiCarlo	Letterman	Richardson	Zitterman
Dombrowski	Levin	Ritter	Zwilk
Fryer	Livengood		

NAYS—97

Anderson	Freind	Mackowski	Sieminski
Armstrong	Gallen	Madigan	Sirianni

Arty	Gannon	Manmiller	Smith, E.
Belardi	Geist	McClatchy	Smith, L.
Bittle	Gladeck	McMonagle	Spencer
Bowser	Goebel	McVerry	Spitz
Brandt	Grieco	Micozzie	Stairs
Burd	Gruppo	Miller	Swift
Burns	Halverson	Moehlmann	Taddonio
Cessar	Hasay	Mowery	Taylor, E.
Cimini	Hayes, D. S.	Nahill	Thomas
Cornell	Hayes, S. E.	Noye	Vron
Coslett	Helfrick	O'Brien, D.	Wagner
Cunningham	Honaman	Peterson	Wass
Davies	Hutchinson, W.	Piccola	Weidner
DeVerter	Johnson, E.	Pitts	Wenger
Dietz	Kanuck	Polite	Wilson
Dininni	Klingaman	Pott	Wilt
Dorr	Knepper	Punt	Wright, J. L.
Dumas	Lashingier	Pyles	Yohn
Durham	Lehr	Ryan	Zord
Earley	Levi	Salvatore	
Fisher, D. M.	Lewis	Scheaffer	Seltzer,
Foster, A.	Lynch, E. R.	Scirica	Speaker
Foster, W.	Lynch, F.	Serafini	

NOT VOTING—16

Beloff	Fee	Hutchinson, A.	Rhodes
Bennett	Fischer, R. R.	Jones	Rieger
Donatucci	Giammarco	Pievsky	Street
Duffy	Greenfield	Pratt	Williams

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

On the question recurring,
Will the House adopt the resolution as amended?
Mr. COHEN offered the following amendments:

- Amend House Rule No. 43, page 32, line 11, by striking out "nine" and inserting ten
- Amend House Rule No. 43, page 32, line 13, by striking out "eleven" and inserting twelve
- Amend House Rule No. 45, page 40, line 1, by striking out "ten" and inserting eleven
- Amend House Rule No. 46, page 41, line 6, by striking out "three" and inserting four

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

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

Mr. COHEN. Mr. Speaker, this amendment deals with the subject we discussed last week, the ratio of minority to majority members on committees. After discussions with some members of the Republican caucus, I have come up with a new version of this amendment which adds one Democrat to each committee and it adds one to the number of votes needed to report a bill out of committee. So that if the Democrats are the majority of those who are present at any meeting of any committee, they would still need at least some Republican support to get a bill out of that committee.

I think this is a step forward. It is not as great of a step forward as I and others had hoped, but it is a significant step. I am very grateful that there are Republicans who are willing to support this amendment and I urge everybody to vote for it. Thank you.

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

Mr. IRVIS. Mr. Speaker, I support the amendment offered by the gentleman from Philadelphia, Mr. Cohen, and I believe it has general support on the part of the Republican leadership. I would urge all members to vote in the affirmative.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—169

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

NAYS—16

Anderson	Cornell	Hayes, D. S.	Swift
Arty	Earley	Madigan	Thomas
Bowser	Gallen	Sirianni	Vroom
Burd	Gannon	Stairs	Wilt

NOT VOTING—18

Beloff	Fischer, R. R.	Lynch, F.	Rhodes
Bennett	Giammarco	Pievsky	Rieger
Donatucci	Greenfield	Pratt	Street
Duffy	Hutchinson, A.	Pyles	Williams
Fee	Jones		

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

On the question recurring,

Will the House adopt the resolution as amended?

Mr. COHEN offered the following amendment:

Amend House Rule 18, page 16, by inserting between lines 8 and 9

For any bill which would insert existing law into the Pennsylvania Consolidated Statutes or which codifies the existing law, a supplement to the bill shall be printed with each provision of current law to be codified (including the section number), adjacent to the section or sections of the bill which would codify such provision of the current law. Any provision of the current law which is deleted or repealed in the bill shall be so noted at the end of the supplement.

On the question,

Will the House agree to the amendment?

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

Mr. COHEN. Mr. Speaker, this could be known as the School Code recodification memorial amendment.

Every once in a while somebody gets the idea that we ought to recodify the law in a very complex area. When that happens, *what is done is a bill is introduced saying all of the existing law in this area is repealed and here is the new law*, and then we are confronted with a document of 300, 400, 500 pages and we say, here is a new law. It takes a tremendous amount of effort to sit down and compare the old law with the new law. It takes hours and hours of committee meetings, and then when the bills are reported out, it takes many weeks of delay because everybody else in the House who is approached by a constituent is interested in doing the same thing. As a result, recodifications occur very, very rarely, and the business of the House is seriously delayed.

What this seeks to do is to mandate that when a House bill is introduced, the Legislative Reference Bureau is in charge of comparing the new law with the old law. Therefore, each member will be able to get this document very quickly, and any member who is so interested can compare and then there will not be very much deception and, because there is not deception, there will be a lot more trust and we will be able to expedite the business of the House. That is the reason for this amendment, and I urge its support.

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

Mr. BURNS. Mr. Speaker, I would like to oppose this amendment and I would like to explain to the members why.

I can only speak to the School Code. It has been the only amendment to recodify the law that I have been directly involved with in committee work. The proposed recodification of the School Code itself is some 475 pages. That alone, if we were to print—just think for a minute if we were to print—the old law alongside the new law, we now would have a document that would be at least, I would suggest, some 900 to 1,000 pages. To do that for every member, just the printing would increase the cost significantly. I suggest that it would be about double, and I do not know what the cost was to print the recodification bills

that we have reprinted on the School Code, but it would be a considerable amount of money.

I also suggest that any plan like this, to have a person sit down and look from one to the other, can be accomplished right now by getting a copy of the present School Code, sitting down and going through it section by section with the proposed one. I suspect that is the same whether it be the Vehicle Code or the Criminal Code or any other of the codes that are considered by this legislature. I just think it would be a tremendous burden on the printing costs, and it would also be a type of thing that I think we would have to begin to carry around. If we carried more than one copy, we would probably need a container on wheels of some sort to pull it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I agree with Mr. Burns.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—64

Austin	Dombrowski	Kowalyszyn	Ritter
Barber	Dumas	Kukovich	Rodgers
Brown	Gallagher	Manderino	Schmitt
Brunner	Gamble	Michlovic	Schweder
Caltagirone	Gatski	Milanovich	Seventy
Cappabianca	George, M.	Mrkonic	Shadding
Chess	Goodman	Murphy	Steighner
Cianciulli	Grabowski	Musto	Stewart
Clark, B.	Harper	O'Brien, B.	Stuban
Cochran	Hoefel	O'Donnell	Taylor, F.
Cohen	Irvis	Oliver	Trello
Cole	Itkin	Petrarca	Wachob
Cowell	Johnson, J	Pistella	White
Dawida	Kernick	Pucciarelli	Zeller
DeMedio	Klingaman	Reed	Zitterman
DeWeese	Kolter	Richardson	Zwinkl

NAYS—119

Alden	Geesey	Manmiller	Shupnik
Anderson	Geist	McCall	Sieminski
Armstrong	George, C.	McClatchy	Sirianni
Arty	Gladeck	McIntyre	Smith, E.
Belardi	Goebel	McKelvey	Smith, L.
Berson	Gray	McMonagle	Spencer
Bittle	Grieco	McVerry	Spitz
Bowser	Gruppo	Micozzie	Stairs
Brandt	Halverson	Miller	Sweet
Burd	Hasay	Moehlmann	Swift
Burns	Hayes, D. S.	Mowery	Taddonio
Cessar	Hayes, S. E.	Nahill	Taylor, E.
Cimini	Helfrick	Novak	Telek
Clark, R.	Honaman	Noye	Thomas
Cornell	Hutchinson, W.	O'Brien, D.	Vroon
Coslett	Johnson, E.	Perzel	Wagner
Cunningham	Kanuck	Peterson	Wargo
Davies	Knepper	Piccola	Wass
DeVerter	Knight	Pitts	Weidner
Dietz	Lashinger	Polite	Wenger
Dininni	Laughlin	Pott	Wilson
Dorr	Lehr	Punt	Wilt
Durham	Letterman	Pyles	Wright, D.
Earley	Levi	Rappaport	Wright, J. L.
Fisher, D. M.	Lewis	Rocks	Yahner
Foster, A.	Livengood	Ryan	Yohn

Foster, W.	Lynch, E. R.	Salvatore	Zord
Freind	Lynch, F.	Scheaffer	
Fryer	Mackowski	Scirica	Seltzer,
Gallen	Madigan	Serafini	Speaker
Gannon			

NOT VOTING—20

Beloff	Duffy	Hutchinson, A.	Pratt
Bennett	Fee	Jones	Rhodes
Borski	Fischer, R. R.	Levin	Rieger
DiCarlo	Giammarco	Mullen, M. P.	Street
Donatucci	Greenfield	Pievsky	Williams

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

RECONSIDERATION OF VOTE ON DAWIDA AMENDMENT

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

Mr. GALLAGHER. I move that the vote by which the Dawida amendment to HR 53 was passed on the 2d day of May 1979 be reconsidered.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I second the motion.

The SPEAKER. For the information of the members, that is the smoking amendment.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

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

Mr. DAWIDA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAWIDA. Mr. Speaker, this bill has been reconsidered twice already. May it be reconsidered a third time?

The SPEAKER. For the information of the gentleman, it has been the policy of this House to reconsider a motion that has not been twice defeated. The motion before us has been once defeated and twice passed.

The Chair recognizes the gentleman from Mifflin, Mr. DeVerter. For what purpose does the gentleman rise?

Mr. DeVERTER. Mr. Speaker, to direct some comments to the reconsideration motion, if I am in order.

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

Mr. DeVERTER. Mr. Speaker, we talked last week at great length about the delays on the floor of this House and what took place on various issues and how it came about. I think that this is one prime example. At the risk of incurring the wrath of my fellow smokers, of which I am, I would ask this body not to reconsider this vote again.

The Speaker is absolutely right, on the first consideration of the amendment, it was defeated, but subsequent to that it was passed on two different reconsideration motions. I think it is ludicrous for us to continue with this kind of a situation. I real-

ize how the smoking members of this body feel. I will be among you in the back room, but I would hope that for the sake of the House, its business agenda, that we move forward and not reconsider this amendment for the fourth time. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I, too, share the feelings of Mr. DeVerter. The simple reason is that we could continue and continue and continue to challenge votes on this floor and it would be just everlasting. If this House on two occasions have voted that they do not want it and the opponents are going to keep bringing it up and watching the seats of who are not here and playing games, if this is the way we are going to run this House, then the statement I made during the hearings on Act 170 is exactly as I said. We are worried about high quality people that we are going to lose in government. I think it is about time, since we are in an awful mess, this state, that maybe some low quality people had better start running it. The problem is here that we are going to keep playing games. These high quality people are going to watch the seats and play what you call this domino theory.

I think it is about time that we knock off these games and take the advice of the people who voted "no" or "yes"; it is over with and it is done. Otherwise, we are going to have nothing but continued chaos in this House of Representatives.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would be perfectly willing to take the first vote that we took on this matter and let it stand.

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

Mr. TRELLO. Mr. Speaker, the last previous speaker said that he finds this ridiculous, taking this over and over and wasting time. If he remembers, in 1977, I think we reconsidered the budget about 54 times before it was finally passed. You talk about some fine gentlemen wasting their time on the floor, but you must remember another fine gentleman by the name of Sir Walter Raleigh who invented the cigarettes. I think we should honor the man's motion.

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

The following roll call was recorded:

YEAS—109

Alden	Freind	Livengood	Rappaport
Anderson	Fryer	Lynch, F.	Rhodes
Arty	Gallagher	Madigan	Richardson
Austin	Gallen	Manderino	Ritter
Belardi	Gannon	Manmiller	Rocks
Berson	Gatski	McCall	Ryan
Bittle	Geesey	McClatchy	Salvatore
Borski	George, C.	McIntyre	Scheaffer
Bowser	Goodman	McKelvey	Schmitt
Brandt	Gray	McMonagle	Schweder
Brunner	Grieco	Milanovich	Shadding
Burd	Halverson	Miller	Shupnik

Burns	Hayes, D. S.	Moehlmann	Spencer
Caltagirone	Hayes, S. E.	Mowery	Spitz
Cessar	Helfrick	Mullen, M. P.	Steighner
Cianciulli	Honaman	Musto	Stewart
Clark, B.	Hutchinson, W.	Nahill	Stuban
Cochran	Irviss	Novak	Taylor, F.
Cohen	Itkin	O'Brien, B.	Trello
Cornell	Johnson, J.	O'Brien, D.	Wachob
Coslett	Kernick	O'Donnell	Wargo
Davies	Kolter	Oliver	Wass
DeMedio	Laughlin	Perzel	Weidner
Dietz	Lehr	Polite	White
Dininni	Letterman	Pott	Wright, J. L.
Dombrowski	Levi	Punt	Yahner
Earley	Levin	Pyles	Zitterman
Foster, A.			

NAYS—76

Armstrong	George, M.	Micozzie	Sweet
Barber	Gladeck	Mrkonic	Swift
Brown	Goebel	Murphy	Taddonio
Cappabianca	Grabowski	Noye	Taylor, E.
Chess	Gruppo	Peterson	Telek
Cimini	Hasay	Petrarca	Thomas
Clark, R.	Hoeffel	Piccola	Vroon
Cole	Johnson, E.	Pistella	Wagner
Cowell	Kanuck	Pitts	Wenger
Cunningham	Klingaman	Pucciarelli	Wilson
Dawida	Knepper	Reed	Wilt
DeVerter	Knight	Rodgers	Wright, D.
DeWeese	Kowalshyn	Serafini	Yohn
Dorr	Kukovich	Seventy	Zeller
Dumas	Lashinger	Sieminski	Zord
Durham	Lewis	Sirianni	Zwilk
Fisher, D. M.	Lynch, E. R.	Smith, E.	
Foster, W.	Mackowski	Smith, L.	Seltzer,
Gamble	McVerry	Stairs	Speaker
Geist	Michlovic		

NOT VOTING—18

Beloff	Fee	Hutchinson, A.	Rieger
Bennett	Fischer, R. R.	Jones	Scirica
DiCarlo	Giammarco	Pievsky	Street
Donatucci	Greenfield	Pratt	Williams
Duffy	Harper		

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

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

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

Mr. DAWIDA. Thank you.

Mr. Speaker, several times now on the floor of this House, I have asked that those people in this House who smoke refrain from so doing just on the floor of this House. There are people in this House of Representatives who suffer from asthma and other respiratory ailments. I would ask that everyone in this House consider those people.

In a world where consideration and gracefulness and style have gone out of fashion, I ask all of you to consider those of us who do not smoke, and refrain from so doing on the floor of the House. So I will ask you once more to ban smoking on the floor of the House. Thank you.

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

Mr. BRANDT. Mr. Speaker, would the maker of the amendment consent to a brief interrogation?

The SPEAKER. The gentleman from Allegheny, Mr. Dawida, indicates that he will accept interrogation. The gentleman from Lancaster may proceed.

Mr. BRANDT. Thank you, Mr. Speaker.

I do not have the amendment before me anymore, Mr. Speaker, but this amendment, if we ban smoking, would it also ban the chewing of tobacco?

Mr. DAWIDA. No. The critical element that I wanted everyone to consider is the difference between this habit and some others and that the smoking habit affects others.

Mr. BRANDT. Thank you, Mr. Speaker.

Mr. DAWIDA. Chewing tobacco is just offensive to yourself.

Mr. BRANDT. Well, I take issue with that if it affects others. I sat beside Ted Stuban for 2 years and I think that chewing tobacco affects others also.

Mr. DAWIDA. We will draft an extra amendment.

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

Mr. STUBAN. Mr. Speaker, my name was mentioned on the floor, and I would like to tell the Speaker that chewing tobacco is a damned dirty habit and I have gotten rid of that devil and do not chew tobacco any more.

The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Ted sat right beside me. Ted, you can chew any time you want. You know, this thing about smoking, it seems like a waste of time. There are so many important things to do here, and we are talking about smoking. Well, I used to be a smoker myself one time, and, finally, after quitting a hundred times, I did give it up, but some of the talk was about it affecting paintings. Well, I am sure most of us believe it does affect the paintings. If most of us could stop right now, I am sure most of us would do it, if we had enough willpower to do it. By doing this I think many of us will probably stop or slow down smoking, because if we have to walk to the back of the hall, we are going to probably stop smoking a few extra times a day, and we smoke too much in here. We all know that. I like my job. I enjoy coming up here, but after being here a couple of hours, my eyes burn, my lungs burn, and my sinuses are affected.

Mr. Trello the other day talked about his 89- or 86-year-old grandfather—God bless him. I hope he lives to be 120—how he smokes these very powerful cigars and everything else, and it did not affect his health. Let me tell you about another gentleman whom I knew. As a small boy, I saw him have a smoking cough. I saw a smoking cough develop and be aggravated, and the doctor told him to quit, and he did not. I saw it affect his health until he could no longer golf. He loved to golf. I was there one time when he collapsed in my arms, and the only thing I could do was pray that the ambulance would get there. I visited him in the hospital and saw a weak man, frail, with tubes sticking into his nose, and gasping for air. He cannot walk when he gets out more than 15 feet without stopping. That is what emphysema will do. I grew up with it. My father

has emphysema. I do not want any parts of it. I do not like cigarette smoking now. It affects me, so I say no to smoking in the hall. If you want to smoke, go back there and smoke. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I do not repeat arguments that have already been made, but I would like to emphasize a few points that I think are very important to get into the record.

Smoking for many people in this House being forced to sit in close proximity to others who are smoking is more than a minor irritant. It is more than having your clothes smelled up by cigarettes. It is more than having your eyes irritated by cigarette smoke. It is more than the general inconvenience of having to breathe stale air. There are people on the floor of this House in substantial numbers who are made sick by being forced to breathe cigarette smoke. As a matter of courtesy, as Mr. Dawida said, if nothing else, as a matter of courtesy, if you are not concerned about your own health, please be concerned about the health of people who have emphysema on the floor of the House—and we have them—who have bronchitis on the floor of this House—and we have those—who have asthma on the floor of this House—and we have those.

I had an opportunity on Friday to talk to the conservator at the Smithsonian Institution, and I asked him specifically what the effect of cigarette smoking was on the art in this hall, and I need not remind you, as I said last week, the art in this hall does not belong to us. This is a national treasure; it is a treasure that belongs to the people of this Commonwealth, and we are desecrating it. It is not ours to destroy. I would like to direct the attention of every member of this House, for just a moment, forward to the mural that hangs behind the Speaker and I would like you to look at two things. The first thing I would like you to observe is the high intensity spotlights on both sides of the mural and I would like you to look at the shaft of light being illuminated onto the mural itself, and I would like you to look at the smoke, even at that level, that is hanging in that air. Then I would like you to look at the mural itself in the lower 10 feet of the mural and I would like you to look at the loss of detail. I would like you to consider the fact that the mural has been darkened, it has lost detail, it has lost its luster, and that darkening effect is going to move up over time, and the gentleman who is the conservator at the Smithsonian Institution advised me that we are doing irreparable damage to this artwork. The gentleman with whom I spoke was called upon to restore the artwork in the Virginia House of Representatives and in the halls of the Virginia Senate, and he explained to me that not only was this restoration process very expensive and very time consuming, but that irreparable damage had been done to that artwork as the result of smoke, and that no amount of restoration could in fact restore this work to its original luster.

Even if the members of this House who voted against the ban on smoking earlier are not persuaded by our obligation to preserve the art in this chamber that does not belong to us, I will hope that they will prove incorrect the gentleman who said to

me last week that there was no hope of banning smoking on the floor of the House because people who do not care enough about their own health to not smoke are certainly not going to care enough about the health of those around them, to not smoke, and I hope that is incorrect, Mr. Speaker. I hope those who smoke for the reasons just mentioned, as a matter of common courtesy to their colleagues and as a matter of common courtesy to the people of this Commonwealth, will exercise some restraint during the brief period of time that they are on the floor of this House. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, about 16 years ago in the Allentown Hospital, Dr. James Rex, one of the best heart and lung specialists I believe we have in the east, called my family and me, naturally, and told me, Joe, I am sorry to tell you this, but it does not look good. I was in and had four lung operations, and they found spots and they said he was afraid I had it. After many more tests I was told that I had sarcoidosis and he said it is the next thing to cancer. Now I used to smoke about 11, 12 cigars a day. As a matter of fact, I loved them. I smoked cigarettes. I inhaled very little but some of it did go in, and I had to knock it off altogether. I used to work with the Papago Indians in Arizona for several summers. The last time was 1973, on my last trip. I could not stand the dry weather because dryness closed my lungs up. I have to have moisture. Now smoke does bother me, but not as much as it used to. It does not bother me. If you fellows want to smoke, and gals, that is entirely up to them. I do not raise a big issue on this, but I know there are people who are worse off than I am. I know it irritates my lungs. It is not good for them. I do not claim to be living forever. I got to go some time. I do not worry about it, but there are some people in here who I know it affects. I have fellows who sit alongside of me; it is just terrible for them.

I do not like to take this issue, but I am going to at this time. We had a bill, an amendment, here on the floor of the House today, and with all respect to the individual who introduced it, we are talking about fairness. It would have isolated a certain profession, and the individual who introduced it, with all respect, was zeroing in on one group. There are other professionals, but that same individual wants to smoke and cares less about the people sitting around him. I cannot understand this double standard. It zeros in on certain professions; they cannot do this and they cannot do that, but I am going to smoke any time I want to and to heck with my neighbor. Now that kind of thinking, I think, is wrong. If we are going to live together as individuals and work together, then let us respect our neighbors. As a matter of fact, you can smoke if you want to. If I do not like it, I will tell you where to go, but the thing is, respect some of the guys who are really in bad shape. I am getting better and, as a matter of fact, on my recent visit—I have to go in every once in a while; go into the hospital and they put that tube on me and breathe that green liquid down into my lungs, inhale it, and get a cleansing. That is okay, guys and gals, I will keep going back, and I will make it, but there are a lot of people in here who cannot stand it. Think about that once. What I am

telling you, and the Fourth Estate can check it out if they do not believe me—half the time they do not—but check it out. They challenged me in the last election, they challenged me, as a matter of fact, on the condition of my health. Why are you not back out with the Indians, Zeller? They wanted to get me back out to Arizona. The Fourth Estate said that. As a matter of fact, they are sitting over there. But the thing I am getting at, they can check it out with Dr. James Rex if they do not believe what I am talking about, and, as a matter of fact, I will be in there very soon to possibly have a rib removed, because I still have a problem, and if they do not believe me on that one, check him out on that one, too, but this is the kind of condition I have, and I am telling you the truth. Let us respect our neighbors, and let us go along with Dawida and say, no more smoking in here. As a matter of fact, I suggested to Marvin, my good friend, in my field, electrical all my life, we can set up a little tube, you have a plenum underneath, a big plenum, crawled in there already—as a matter of fact, we had a problem with the board, with the mechanics, showing them how to set up the *locking-out device*, and as a matter of fact all you have to have is a little tube there, with a little motor on it, and put the carbon filters in it, you guys can smoke all you want, blow into the damned tube, it will drag you down, shoot it down below. If you want to smoke real bad, set up your own device, and do not bother the rest of us. Thank you very much.

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

Mr. TRELLO. Mr. Speaker, in spite of being a former altar boy, a Columbian squire and a fourth-degree knight, I still have a few bad virtues and one of them happens to be smoking. Now in spite of hearing this very sad story—and I can assure you that it is a very sad story—about this young boy being afflicted by cigarettes and being crippled, so to speak. I have a neighbor of mine who never smoked a cigarette a day in his life. He has been an outdoor salesman all of his life and he has emphysema.

There has been talk around here about destroying the artwork. Well, I do not know if anybody here has been to Italy, but they have some of the finest artwork in the world in Milan and Florence, and so forth. And I have been told by some of the experts over there that, because of the smoking in that place, it puts a protective covering—

The SPEAKER. Hey, Freddie, you are reaching pretty high for that one.

Mr. TRELLO. Seriously, and I will give you living proof of that. If I can have order, I will prove this to you. I was just asked if it is De Nobel Spondara, and I said yes. But it actually puts a protective coating on the painting. In your own homes, for you to smoke, if you smoke a lot in a certain room in your house, you will find that maybe your walls might turn yellow. If you wash those walls, you will find that after you take it off, the paint is not damaged one bit, not at all.

And one more thing, Mr. Speaker: This is my 5th year here, and I have never had a member ask me not to smoke because it affected him. If for 1 second he asked me not to smoke because it affected him, I can assure you that I would get right up and walk to the back of the room and smoke my cigarette.

Somebody was talking about smoke gets in your eyes. Well they wrote a song about that. And if smoke gets in your eyes, you are in love. That is all there is to it.

PARLIAMENTARY INQUIRY

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

Mr. ZITTERMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZITTERMAN. Mr. Speaker, in an effort to move the House along with some important business, I believe House rule 61 indicates that any member of this House, along with 20 seconds in the majority of this House, may move the previous question, and I so make that motion.

The SPEAKER. The gentleman rose and asked to make a point of parliamentary inquiry. For that purpose the Chair recognized him. The gentleman did not state a point of parliamentary inquiry; he made a motion. The Chair does not recognize the gentleman at this time for that motion. The Chair will recognize him at a later time.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, you know I do not really care whether they smoke or they do not. But I sat near Mr. Manmiller for 5 years and I did not know until last week that he smoked. I had to ask him if he did, and he smokes a pack a day. But I really do not care; I am just tired of all these excuses.

And see that picture up there? I hope all of you who are complaining about the smoke on it look that good after that many years.

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

Mr. POLITE. I wish to interrogate the prime sponsor of the amendment.

The SPEAKER. The gentleman from Allegheny, Mr. Dawida, indicates that he will consent to interrogation. The gentleman from Montgomery, Mr. Polite, may proceed.

Mr. POLITE. Thank you, Mr. Speaker.

Mr. Speaker, are you aware whether the guests in the balcony can smoke or not in the balcony?

Mr. DAWIDA. No, I am not aware.

Mr. POLITE. Can anyone answer that question? Are the guests permitted to smoke in the balcony?

Mr. DAWIDA. No, they are not.

Mr. POLITE. Thank you very much.

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

Mr. DAWIDA. As a courtesy to me and the other people in this hall, I urge you to vote "yes."

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

The following roll call was recorded:

YEAS—93

Armstrong	Gannon	Lewis	Seventy
Arty	Geist	Lynch, E. R.	Sieminski
Austin	George, C.	Mackowski	Smith, E.
Belardi	George, M.	McVerry	Smith, L.
Brandt	Gladeck	Michlovic	Spitz
Brown	Goebel	Micozzie	Swift
Caltagirone	Grabowski	Mrkonic	Taddonio
Cappabianca	Gruppo	Mullen, M. P.	Taylor, E.
Chess	Halverson	Murphy	Telek
Clark, B.	Harper	Noye	Thomas
Clark, R.	Hayes, S. E.	Peterson	Vroon
Cohen	Helfrick	Petrarca	Wachob
Cole	Hoeffel	Pistella	Wass
Cowell	Hutchinson, W.	Pitts	Wenger
Cunningham	Irvis	Pott	Wright, D.
Dawida	Kanuck	Pucciarelli	Yohn
DeVerter	Kernick	Reed	Zeller
DeWeese	Klingaman	Ritter	Zitterman
DiCarlo	Knepper	Rocks	Zord
Dumas	Knight	Rodgers	Zwick
Durham	Kowalshyn	Schmitt	
Foster, A.	Kukovich	Schweder	Seltzer,
Foster, W.	Lashinger	Scirica	Speaker
Gamble	Laughlin	Serafini	

NAYS—91

Alden	Freind	Manmiller	Richardson
Anderson	Fryer	McCall	Ryan
Barber	Gallagher	McClatchy	Salvatore
Berson	Gallen	McIntyre	Scheaffer
Bittle	Gatski	McKelvey	Shadding
Borski	Geesey	McMonagle	Shupnik
Bowser	Goodman	Milanovich	Sirianni
Brunner	Gray	Miller	Spencer
Burd	Grieco	Moehlmann	Stairs
Burns	Hasay	Mowery	Steighner
Cessar	Hayes, D. S.	Musto	Stewart
Cianciulli	Honaman	Nahill	Stuban
Cochran	Itkin	Novak	Sweet
Cornell	Johnson, J.	O'Brien, B.	Taylor, F.
Coslett	Kolter	O'Brien, D.	Trello
Davies	Lehr	O'Donnell	Wargo
DeMedio	Letterman	Oliver	Weidner
Dietz	Levi	Perzel	White
Dininni	Levin	Piccola	Wilson
Dombrowski	Livengood	Polite	Wilt
Dorr	Lynch, F.	Punt	Wright, J. L.
Earley	Madigan	Pyles	Yahner
Fisher, D. M.	Manderino	Rappaport	

NOT VOTING—19

Beloff	Fee	Johnson, E.	Rieger
Bennett	Fischer, R. R.	Jones	Street
Cimini	Giammarco	Pievsky	Wagner
Donatucci	Greenfield	Pratt	Williams
Duffy	Hutchinson, A.	Rhodes	

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

REMARKS ON VOTE

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

Mr. RITTER. Mr. Speaker, it will not change the vote any, but I did inadvertently vote in the affirmative. I would like to be recorded in the negative on the Dawida amendment No. A828 to HR 53.

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

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

Mr. E. G. JOHNSON. Mr. Speaker, on the Dawida amendment No. 828 to HR 53, I am recorded as not voting. I would like to be recorded in the affirmative, please.

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

On the question recurring,

Will the House adopt the resolution as amended?

Mrs. TAYLOR offered the following amendments:

Amend House Rule 65, page 63, line 11 by inserting before "A" (a)

Amend House Rule 65, page 63, by inserting between lines 14 and 15

(b) A member shall receive compensation from the Commonwealth of Pennsylvania only the amount that he or she is entitled to as a member of the General Assembly and shall not be entitled to receive compensation or other payment from any other branch or department of the Commonwealth of Pennsylvania.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I addressed earlier in the session some questions to Mr. Kukovich to see whether or not his amendment covered this situation and apparently it did not. The question has come before the House in various forms during the time that I have served in this House. The amendment is really a very simple one.

What it does is it says that those who serve in the House of Representatives will be entitled only to compensation as a member of the General Assembly and shall not be entitled to receive compensation or other payments from any other branch or department of the Commonwealth.

When we were debating the issue of lawyer-legislators, there was a great deal of debate on why they should be selected or pointed out and not others who are also serving, perhaps, in a dual capacity. I would urge the passage of this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, may I have a couple minutes recess to speak to the lady? I am trying to understand something about her amendment.

The SPEAKER. Will the gentleman yield? We are at ease.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, would the lady consent to interrogation?

The SPEAKER. The Chair recognizes the majority leader.

The lady from Chester, Mrs. Taylor, indicates that she will

stand for interrogation. The gentleman from Delaware may proceed.

Mr. RYAN. Mr. Speaker, this is, I guess, as much in the nature of a statement as it is a question. Does the lady understand that under Act 170 certain conduct is permitted by members of the General Assembly? For instance, a member of the General Assembly could enter into a contract with the Commonwealth of Pennsylvania provided that it is a bid contract, public bid, and that the effect of this rule would be to change Act 170?

AMENDMENTS WITHDRAWN

Mrs. TAYLOR. The intent of the amendment was toward those who receive a monthly salary. If this amendment is in conflict with statutory law, then I will seek to put the intent of the amendment into legislation at a later time.

Mr. RYAN. Thank you, Mr. Speaker.

It is my understanding then that you are withdrawing your amendment?

Mrs. TAYLOR. That is correct.

Mr. RYAN. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, could we have 2 minutes recess to confer with the leaders of the Democratic Party, right here on the floor?

The SPEAKER. Without objection, the House will stand at ease until 4:30 p.m. The Chair hears none.

The House will come to order.

On the question recurring,

Will the House adopt the resolution as amended?

Mr. GOEBEL offered the following amendment:

Amend House Rule No. 64, page 62, line 8, by inserting after "vote."

Each member who is present shall have his name recorded on the master roll call which shall be taken within 30 minutes of the commencement of the day's session. Immediately after the taking of the master roll call, the majority and minority caucus chairmen shall publicly read the names of the absent members of their respective caucuses into the legislative record. The electric voting switch of any member who is listed as absent and who is not recorded on the master roll call shall be electrically deactivated and shall not be made operative until such time as the absent member makes his presence personally known to the speaker and his name is added to the master roll call.

On the question,

Will the House agree to the amendment?

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

Mr. GOEBEL. Thank you, Mr. Speaker.

This amendment, I think, would do basically what was done today. I believe that quite a few of the members' switches were locked today until the members arrived in person and then they were activated. What this amendment would do would be to require roll call within 30 minutes of the commencement of the day's session. This would be a regular electronic roll call. Each caucus chairman would then read the names of the absent members into the record. The switch would then be locked.

When the member arrived, if he was a few minutes late, he would make his presence known and have it added into the legislative record. His switch would, therefore, be activated. That is it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, on the Goebel amendment as I understand it, we would still be making the initial roll call through the electronic device and thereafter the caucus chairman would announce those who were not present. If someone was voted on the electronic device prior to their attendance or prior to their being on the floor, it would seem to me that the situation that Mr. Goebel is trying to correct would not be corrected because they would already be on. The caucus chairman would be announcing names of those whose switch had not been pushed.

In the alternative, I am asking Mr. Goebel to take a look at today's session where the electronic machine was locked initially. We have had three or four of our members who came in late, advised the Speaker's rostrum or the chief clerk's office to put the member on the master roll call, and it seemed to work all right today. Now, I cannot say anymore about it than that. It seems to me that starting again a half hour after we have already begun once is a duplicate effort, and I do not know that any problem is solved with it. I am personally going to vote "no" and suggest that it is something that need not be done.

If, however, as this session progresses, there are violations or abuses of our system, then I think that we should address it and come up with an amendment to our rules that covers all contingencies and correct the problem, because I do not think any of us appreciate being present and watching someone who is not present get credit for the same attendance record that we get, who come up here everyday and stay for the session.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIES. Essentially, Mr. Speaker, is this not the same amendment or the same thing as amendments which had been defeated on the first day of our consideration of amendments to the rules, with the exception of the public pronouncement of those members absent?

The SPEAKER. For the information of the gentleman, the Chair has checked that amendment which was offered last week on the very subject and it is the Chair's opinion that this amendment is just dissimilar enough that it is a proper amendment to be offered.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—79

Armstrong	George, C.	Laughlin	Sieminski
Austin	George, M.	Letterman	Sirianni

Belardi	Gladeck	Levi	Smith, L.
Bowser	Goebel	Manderino	Steighner
Brown	Grabowski	Manmiller	Stewart
Burns	Gray	McKelvey	tuban
Cappabianca	Grieco	McVerry	Sweet
Chess	Gruppo	Michlovic	Swift
Clark, B.	Halverson	Mrkonic	Taylor, F.
Clark, R.	Hasay	Murphy	Telek
Cochran	Hoeffel	Novak	Wachob
Cowell	Irvis	Perzel	Wass
Dawida	Johnson, E.	Peterson	Wilson
DeWeese	Johnson, J.	Pistella	Wright, D.
Dietz	Kernick	Pott	Wright, J. L.
Foster, A.	Klingaman	Reed	Zeller
Foster, W.	Knight	Rodgers	Zitterman
Fryer	Kowalyshyn	Schweder	Zord
Gamble	Kukovich	Serafini	Zwikl
Gatski	Lashinger	Seventy	

NAYS—103

Alden	Earley	McCall	Rocks
Anderson	Fisher, D. M.	McClatchy	Ryan
Arty	Freind	McIntyre	Salvatore
Barber	Gallagher	McMonagle	Scheaffer
Berson	Gallen	Milanovich	Schmitt
Bittle	Gannon	Miller	Scirica
Borski	Geesey	Moehlmann	Shadding
Brandt	Geist	Mowery	Shupnik
Brunner	Goodman	Mullen, M. P.	Smith, E.
Burd	Harper	Musto	Spencer
Caltagirone	Hayes, D. S.	Nahill	Stairs
Cessar	Hayes, S. E.	Noye	Taddonio
Cianciulli	Helfrick	O'Brien, B.	Taylor, E.
Cimini	Honaman	O'Brien, D.	Thomas
Cohen	Itkin	O'Donnell	Vroom
Cole	Kanuck	Oliver	Wagner
Cornell	Knepper	Petrarca	Wargo
Coslett	Kolter	Piccola	Weidner
Cunningham	Lehr	Pitts	Wenger
Davies	Levin	Pucciarelli	White
DeMedio	Lewis	Punt	Wilt
DeVerter	Livengood	Pyles	Yahner
Dininni	Lynch, E. R.	Rappaport	Yohn
Dombrowski	Lynch, F.	Rhodes	
Dorr	Mackowski	Richardson	Seltzer,
Dumas	Madigan	Ritter	Speaker
Durham			

NOT VOTING—21

Beloff	Fischer, R. R.	Jones	Rieger
Bennett	Giammarco	Micozzie	Spitz
DiCarlo	Greenfield	Pievsky	Street
Donatucci	Hutchinson, A.	Pratt	Trello
Duffy	Hutchinson, W.	Polite	Williams
Fee			

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

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—166

Alden	Geist	McCall	Scirica
Armstrong	George, C.	McClatchy	Serafini
Arty	George, M.	McIntyre	Seventy
Austin	Gladeck	McMonagle	Shadding
Barber	Goebel	McVerry	Shupnik

Berson	Goodman	Michlovic	Sieminski
Bittle	Grabowski	Micozzie	Sirianni
Borski	Gray	Milanovich	Smith, E.
Bowser	Grieco	Miller	Smith, L.
Brandt	Gruppo	Mowery	Spencer
Brown	Halverson	Mrkonic	Stairs
Burns	Harper	Mullen, M. P.	Steighner
Caltagirone	Hasay	Murphy	Stewart
Cessar	Hayes, D. S.	Musto	Stuban
Chess	Hayes, S. E.	Nahill	Sweet
Cimini	Helfrick	Novak	Swift
Clark, R.	Hoeffel	Noye	Taddonio
Cochran	Honaman	O'Brien, B.	Taylor, E.
Cohen	Irvis	O'Brien, D.	Taylor, F.
Cole	Itkin	O'Donnell	Telek
Cornell	Johnson, E.	Oliver	Thomas
Coslett	Johnson, J.	Peterson	Trello
Cowell	Kanuck	Petrarca	Vroon
Cunningham	Kernick	Piccola	Wachob
Davies	Klingaman	Pistella	Wagner
Dawida	Knepper	Pitts	Wargo
DeMedio	Knight	Polite	Wass
DeVertter	Kolter	Pott	Wenger
Dietz	Kowalyszyn	Pucciarelli	White
Dininni	Kukovich	Pyles	Wilson
Dombrowski	Lashinger	Rappaport	Wilt
Dorr	Lehr	Reed	Wright, D.
Dumas	Letterman	Rhodes	Wright, J. L.
Durham	Levi	Richardson	Yahner
Earley	Levin	Ritter	Yohn
Fisher, D. M.	Lewis	Rocks	Zeller
Foster, A.	Livengood	Rodgers	Zitterman
Foster, W.	Lynch, E. R.	Ryan	Zord
Gallagher	Mackowski	Salvatore	Zwilk
Gamble	Madigan	Scheaffer	
Gannon	Manderino	Schmitt	Seltzer,
Gatski	Manmiller	Schweder	Speaker

by Mr. BRANDT, the House resumed third consideration of SB 208, PN 209, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the definition of "candidate."

On the question recurring,

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

Mr. BRANDT offered the following amendments:

Amend Title, page 1, line 11 by striking out "definition of" and inserting membership of county boards of election and further defining

Amend Bill, page 1, by inserting between lines 14 and 15 Section 1. Section 301, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," amended December 2, 1976 (P. L. 1221, No. 269) and subsection (b) amended June 1, 1978 (P. L. 456, No. 58), is amended to read:

Section 301. County Boards of Elections; Membership.—

(a) There shall be a county board of elections in and for each county of this Commonwealth, which shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of this act.

(b) In each county of the Commonwealth, the county board of elections shall consist of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners, who shall serve without additional compensation as such. Except in counties of the first class, in counties which have adopted home rule charters or optional plans the board of elections shall consist of the members of the county body which performs legislative functions unless the county charter or optional plan provides for the appointment of the board of elections. In either case, there shall be minority representation on the board. The county body which performs legislative functions shall in the case where the board does not contain minority representation appoint such representation from a list submitted by the county chairman of the minority party.

(c) [Whenever the members of the board of county commissioners are candidates for nomination or election to any public office or whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the county commissioners shall not sit as the county board of elections. The President Judge of the Court of Common Pleas shall appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member, with the judges on the county board of elections.] Whenever a member of the board of county commissioners is a candidate for nomination or election to any public office, the President Judge of the Court of Common Pleas shall appoint a judge or an elector of the county to serve in his stead. Whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the President Judge of the Court of Common Pleas shall appoint judges or electors of the county to serve in the stead of the county commissioners.

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

Amend Sec. 1, page 1, lines 15 through 17 by striking out "act of June 3," in line 15, all of line 16 and "Code," in line 17 and inserting of the act,

On the question,

Will the House agree to the amendments?

NAYS—19

Anderson	Clark, B.	Geesey	Moehlmann
Belardi	DeWeese	Hutchinson, W.	Perzel
Burd	Freind	Laughlin	Punt
Cappabianca	Fryer	Lynch, F.	Weidner
Cianciulli	Gallen	McKelvey	

NOT VOTING—18

Beloff	Duffy	Hutchinson, A.	Rieger
Bennett	Fee	Jones	Spitz
Brunner	Fischer, R. R.	Pievsky	Street
DiCarlo	Giammarco	Pratt	Williams
Donatucci	Greenfield		

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

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

Mr. GALLEN. Mr. Speaker, I move that the rules be suspended in order that we can smoke.

The SPEAKER. For what purpose does the gentleman from York, Mr. Foster, rise?

Mr. A. C. FOSTER. Mr. Speaker, possibly we could allow the members to smoke if they would promise not to exhale.

CALENDAR BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar

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

Mr. BRANDT. Thank you, Mr. Speaker.

In a brief explanation of the amendment, numbered 851, the judges in Lancaster County court were concerned about the language in subsection (c) under section 301, particularly where it says, "Whenever the members of the board of county commissioners are candidates for nomination or election to any public office . . ." They felt that this language should be changed, because it was their opinion, depending on who would read this, that all commissioners would have to resign regardless of whether they were on the ballot or not, and in that specific instance the suggested amendment says, "Whenever a member . . ." so they can change that particular member.

Reading down further in that section, in current language under subsection (c) it says: "The President Judge of the Court of Common Pleas shall appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member . . ." In that language that we have incorporated into the amendment, it says: "Whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the President Judge of the Court . . . shall appoint judges or electors of the county to serve in the stead of the county commissioners."

This bill was presented in the Senate by Senator Snyder, and since we had a Senate bill on our calendar, with the urging of the Senator we have asked for the adoption of this amendment in the House.

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

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

The SPEAKER. The gentleman, Mr. Brandt, indicates that he will. The gentleman from Lehigh, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, under the present law the president judge shall appoint judges to act as the board of elections, and in the event there are an insufficient number of judges, then he can appoint an elector of the county to that board of elections. What your amendment is proposing, if I read it correctly, is you are not saying that only in the event there are insufficient judges. You are giving that president judge the option from the first instance to appoint either-or — either judges to sit as the board of elections or electors from the county.

Mr. BRANDT. That is correct, Mr. Speaker.

Mr. RITTER. Mr. Speaker, I am not so sure that I support that amendment. There are some legal questions that come up that the board of elections has to decide, and I can foresee the possibility of a president judge in any county saying, I do not want any of my judges to sit as the board of elections; we have a lot of other work to do; therefore, I will name all electors to sit on the county board of elections. If a dispute should arise or a particular legal question comes up, I am not so sure that they are going to be in a position to answer that.

Mr. Speaker, the gentleman answered my interrogation to

the point that I was correct that the judge will have the option of either-or — either appointing all electors or a combination thereof, whether there are insufficient judges or whether there are sufficient judges to act as the county board of elections. In that instance, Mr. Speaker, I am going to vote in the negative on the amendment. I think the present law is sufficient where it says that only when there are insufficient judges available to sit, that then the president judge can appoint an elector.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I believe the gentleman, Mr. Ritter, is incorrectly reading the amendment. The present law now provides an either-or situation. If there are enough judges available, the president judge may appoint judges. If there are not, he may appoint electors. That will not be changed at all as I read the amendment. The amendment only deals with the fact that when one member of the board of county commissioners becomes a candidate for any office, even though the other two may not seek any office, all three of them are automatically disqualified from serving as the board of elections. This amendment will correct that by saying that only that member who is a candidate for a public office is disqualified. If the other two choose not to run for any office or run for reelection, then they will not be disqualified from sitting as members of the board of elections. It has nothing to do with whom the judges will appoint in their place. That, I believe, remains the same in the amendment as it is in the existing law.

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

Mr. RITTER. Mr. Speaker, as I read the present language, the existing law, where it talks about members of the county board of commissioners who are candidates for nomination or election, in that instance, under present law, "The President Judge of the Court of Common Pleas shall appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member, with the judges on the county board of elections."

Mr. Brandt's amendment seeks to take that out, because there are brackets, Mr. Speaker, around subparagraph (c). The whole subparagraph (c) is going to be replaced by this language: "Whenever a member of the board of county commissioners is a candidate, . . . the President Judge of the Court of Common Pleas shall appoint a judge or an elector of the county to serve in his stead."

The difference is that under present law it is when there is an insufficient number of judges to take those places that an elector shall be appointed. Mr. Brandt's amendment takes the part out about an insufficient number of judges and gives the discretion automatically to the president judge that if you do not want to make judges sit on the board of elections, you can appoint anyone. My argument is that I think the present law is sufficient, and we ought to have the judges filling those vacancies only in the event where there are not enough judges. Then go out and take a qualified elector.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—126

Alden	Freind	Livengood	Scheaffer
Anderson	Gallagher	Lynch, E. R.	Schweder
Armstrong	Gallen	Lynch, F.	Scirica
Arty	Gamble	Mackowski	Serafini
Austin	Gannon	Madigan	Seventy
Belardi	Geesey	Manmiller	Sieminski
Bittle	Geist	McClatchy	Sirianni
Bowser	George, C.	McKelvey	Smith, E.
Brandt	George, M.	McVerry	Smith, L.
Burd	Gladeck	Michlovic	Spencer
Burns	Goebel	Micozzie	Stairs
Cessar	Grieco	Miller	Stuban
Chess	Gruppo	Moehlmann	Swift
Cimini	Halverson	Mowery	Taddonio
Clark, R.	Hasay	Mrkonic	Taylor, E.
Cole	Hayes, D. S.	Murphy	Telek
Cornell	Hayes, S. E.	Nahill	Thomas
Coslett	Helfrick	Novak	Trello
Cowell	Hoeffel	Noye	Vroon
Cunningham	Honaman	O'Brien, D.	Wachob
Davies	Hutchinson, W.	Perzel	Wagner
Dawida	Itkin	Peterson	Wass
DeVerter	Kantuck	Piccola	Weidner
DeWeese	Kernick	Pistella	Wenger
Dietz	Klingaman	Pitts	Wilson
Diminni	Knepper	Polite	Wilt
Dorr	Knight	Pott	Wright, J. L.
Durham	Kukovich	Punt	Yohn
Earley	Lashinger	Pyles	Zord
Fisher, D. M.	Lehr	Rocks	
Foster, A.	Levi	Ryan	Seltzer,
Foster, W.	Lewis	Salvatore	Speaker

NAYS—56

Barber	Fryer	McIntyre	Schmitt
Berson	Gatski	McMonagle	Shadding
Borski	Goodman	Milanovich	Shupnik
Brown	Grabowski	Musto	Steighner
Brunner	Gray	O'Brien, B.	Stewart
Caltagirone	Harper	O'Donnell	Sweet
Cappabianca	Irvis	Oliver	Taylor, F.
Cianciulli	Johnson, J.	Petrarca	Wargo
Clark, B.	Kolter	Pucciarelli	White
Cochran	Kowalshyn	Rappaport	Wright, D.
Cohen	Laughlin	Reed	Yahner
DeMedio	Levin	Rhodes	Zeller
Dombrowski	Manderino	Richardson	Zitterman
Dumas	McCall	Ritter	Zwinkl

NOT VOTING—21

Beloff	Fischer, R. R.	Jones	Rieger
Bennett	Giammarco	Letterman	Rodgers
DiCarlo	Greenfield	Mullen, M. P.	Spitz
Donatucci	Hutchinson, A.	Pievsky	Street
Duffy	Johnson, E.	Pratt	Williams
Fee			

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

On the question recurring,

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

Mr. COHEN offered the following amendments:

Amend Title, page 1, line 11, by striking out "the definition of" and inserting voting machines at primary elections in cities of the first class and further defining

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

Section 2. Subsection (a) of section 1104, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," amended to read:

Section 1104. Installation of Voting Machines.—(a) (1) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so. The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board may provide one voting machine for each three hundred and fifty registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein: Provided, however, That the courts of quarter sessions, upon petition presented by either the county election board or by ten or more qualified electors of any such election district, may order that one additional voting machine be provided for any such election district, if the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests.

(2) In any city of the first class, whenever there shall be a number of candidates in a primary election so great as to require voting machines limited to the candidates of one political party, there shall be two voting machines of the same kind in any district for any party which has more than three hundred and fifty (350) registered voters in that district.

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

Amend Sec. 1, page 1, lines 15 through 17, by striking out "1621, act of June 3," in line 15, all of line 16, and "Code," in line 17, and inserting 1621 of the act

Amend Sec. 2, page 2, line 14, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, those of you who are not from Philadelphia may have had the opportunity to see the Philadelphia sample ballot in this election. I know it was passed around, getting quite a lot of laughter. The Election Code does not foresee what happens when there are too many candidates on a voting machine so that each party has to vote on a different voting machine, which is the situation we have had for the first time ever in the city of Philadelphia this year.

Under the Election Code we have two voting machines in each election district. The theory behind that is that if one voting machine breaks down—and voting machines do break down rather frequently—then people have the other machine to vote

in. This theory runs hard into the new reality we have in Philadelphia, because there is only one Democratic machine and one Republican machine required by law in each polling place. What this does is it requires that there be two voting machines by law for each party which is over 350 in the very rare circumstance, which hopefully never will occur again, that there will be too many candidates to have both parties' candidates on the same voting machine.

I urge your support. I think we all, because of the statewide races, have an interest in having honest elections in Philadelphia where there are no people denied voting because of a voting machine breakdown. This only affects primary elections.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

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

NAYS—0

NOT VOTING—21

Beloff	Fisher, D. M.	Jones	Pratt
Bennett	Giammarco	Letterman	Rieger

Donatucci	Greenfield	Moehlmann	Spitz
Duffy	Hutchinson, A.	Mullen, M. P.	Street
Fee	Johnson, E.	Pievsky	Williams
Fischer, R. R.			

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

On the question recurring,

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.

RULES SUSPENDED TO ADD AND DELETE SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

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

ADDITIONS

HR 20, Bennett 43; HR 47, Dorr 15; HR 47, Mackowski 62; HR 47, Noye 16; HR 47, George 72; HR 47, Freind 39; HR 47, Polite 160; HR 47, Bowser 141; HR 47, Gladeck 159; HR 47, Punt 128; HR 47, Brandt 89; HR 47, Honaman 88; HR 47, Sieminski 162; HR 47, Foster, A. C. 93; HR 48, Borski 151; HR 55, Taylor, E. Z. 121; HB 44, Lynch, E. R. 123; HB 44, Pitts 122; HB 48, Alden 67; HB 230, Gruppo 163; HB 420, Pitts 122; HB 727, Belardi 19; HB 749, Miller 196; HB 1004, Dorr 15; HB 1021, Zeller 93; HB 1021, Kowalyshyn 130; HB 1022, Zeller 93; HB 1022, Kowalyshyn 130; HB 1023, Zeller 93; HB 1023, Kowalyshyn 130; HB 1024, Zeller 93; HB 1024, Kowalyshyn 130; HB 1047, Salvatore 165; HB 1047, Gamble 153; HB 1047, Williams 168; HB 1047, Pistella 154; HB 1048, Pratt 23; HB 1083, Gruppo 163; HB 1083, Pitts 122; HB 1096, Seventy 155; HB 1096, Itkin 174; HB 1099, Cohen 116; HB 1151, Taylor, E. Z. 121; HB 1152, Taylor, E. Z. 121; HB 320, Gruppo 163; HR 47, Pitts 122.

DELETIONS

HB 715, McVerry 182; HB 1096, Yahner 79.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Alden	Freind	Lynch, F.	Salvatore
Anderson	Fryer	Mackowski	Scheaffer
Armstrong	Gallagher	Madigan	Schmitt
Arty	Gallen	Manderino	Schweder
Austin	Gamble	Manmiller	Scirica
Barber	Gannon	McCall	Serafini
Belardi	Gatski	McClatchy	Seventy
Berson	Geesey	McIntyre	Shadding
Bittle	Geist	McKelvey	Shupnik
Borski	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Gladeck	Michlovic	Smith, E.
Brown	Goebel	Micozzie	Smith, L.

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

NAYS—1

Wilson

NOT VOTING—16

Beloff	Fee	Hutchinson, A.	Pratt
Bennett	Fischer, R. R.	Jones	Rieger
Donatucci	Giammarco	Letterman	Street
Duffy	Greenfield	Pievsky	Williams

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have no further votes scheduled for today. I would, however, ask that the members of the Rules Committee come to my office immediately on the adoption of the recess resolution.

It is my understanding that the House will recess for approximately half an hour to take a report from the Rules Committee. Other than that there will be no other voting business, and we will come in tomorrow morning at 11.

The SPEAKER. Does the majority leader have any further business? Does the minority leader have any further business?

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Senate returned the following House bill with amend-

ments in which concurrence of the House is requested:

HB 417, PN 1218.

The SPEAKER. The bill will appear on the calendar.

COMMUNICATION FROM SECRETARY OF EXECUTIVE BOARD

The SPEAKER. Communications from the Secretary of the Executive Board, which the clerk will read:

The following communication was read:

May 1, 1979.

Honorable H. Jack Seltzer
Speaker, House of Representatives
139 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Speaker:

The enclosed Annual Report To the General Assembly is forwarded to you in compliance with Act 225 of 1974. A copy has also been forwarded to the Honorable Martin L. Murray, President Pro Tempore of the Senate.

This Annual Report indicates changes in Annual Leave, Sick Leave, Leaves of Absence With Pay, and Holiday policies for Commonwealth employees. These changes were approved by the Executive Board in accordance with the powers delineated in Sections 222(b), 222(c), 709(e) and 709(e.1) of the Administrative Code of 1929, as amended by Act 225 of 1974.

Members of my staff or myself are available to discuss any information included in the Annual Report.

Sincerely,

ROBERT C. WILBURN
Secretary
Executive Board

Enclosure

The SPEAKER. The communication will be printed in its entirety in the Appendix of the Journal. (For Report, see Appendix.)

BILL SIGNED BY SPEAKER

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

HB 36, PN 1127.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for field trips, providing for the graduation of qualified students and for certain subsidies and reimbursements and for the emergency generated by the nuclear crises in relationship to the length of the school year, the compensation of employes and the graduation of qualified students, and making editorial changes.

BILLS PASSED OVER

The SPEAKER. Without objection, the remaining bills on today's calendar will be passed over.

The Chair hears none.

RECESS

The SPEAKER. Without objection, this House stands in recess until 5:30 p.m. The Chair hears no objection.

AFTER RECESS

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

BILLS REMOVED FROM TABLE TO CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the following bills be taken from the table and placed on the active calendar:

HB 230; HB 369; HB 595; and HB 713.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to remove from the table and to rerefer the following bill to the Appropriations Committee, and I so move:

HB 1108.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

Mr. SWIFT moved that this House of Representatives do now adjourn until Tuesday, May 8, 1979, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:47 p.m., e.d.t. the House adjourned.