

Legislative Journal

WEDNESDAY, NOVEMBER 28, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 83

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE FRANK A. SERAFINI, member of the House of Representatives and guest chaplain, offered the following prayer:

Almighty God, our Father, you have charged us with the task of building on this earth a home where all the nations dwell in unity, liberty and justice. We pray for strength and purpose to make officers in every branch of government accountable to all the people, fulfilling roles of service and responsibility, that they may seek justice and protect the weak and lead us in constructing institutions for our peace and mutual aid. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, November 27, 1979, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of June 19, 20, 21, 22, 25, 26 and 27, 1979?

If not, and without objection, the Journals are approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SB 478, PN 1244

Referred to Committee on Health and Welfare.

SB 604, PN 1318

Referred to Committee on Local Government.

SB 605, PN 1338

Referred to Committee on Local Government.

SB 606, PN 1339

Referred to Committee on Local Government.

SB 607, PN 1340

Referred to Committee on Local Government.

SB 608, PN 1341

Referred to Committee on Local Government.

SELECT COMMITTEE APPOINTED

In the House of Representatives,
November 28, 1979.

Pursuant to authority contained in House Resolution No. 127, adopted October 30, 1979, the Speaker appoints the following Select Committee:

The gentleman from Franklin, Mr. Bittle, chairman; The gentleman from Jefferson, Mr. Smith; The gentleman from Montgomery, Mr. Polite; The gentleman from Mercer, Mr. Wilt; The gentleman from Blair, Mr. Geist; The gentleman from Lawrence, Mr. Fee; The gentleman from Beaver, Mr. Laughlin; The gentleman from Luzerne, Mr. Musto; The gentleman from Allegheny, Mr. Trello.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HB 485, PN 2392.

The SPEAKER. The bill will appear on the calendar.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Mrs. CLARK and Mr. THOMAS for today's session.

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

Mr. FEE. Mr. Speaker, I request leave of absence for Mr. GRAY for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll. Only those members in their seats will be recorded.

The following roll call was recorded:

YEAS—186

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

NAYS—0

NOT VOTING—16

Brunner	Gray	O'Brien, D.	Salvatore
Clark, R.	Hayes, D. S.	Petrarca	Street
DeMedio	Helfrick	Pievsy	Thomas
Foster, A.	Levi	Richardson	Weidner

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1845, PN 2271

By Mr. ZORD

An Act prohibiting the utilization of the terms "mongolism" or "mongoloid" as a synonym for the genetic disorder known as Down's Syndrome.

Health and Welfare.

HB 1933, PN 2535 (Amended)
(Unanimous)

By Mr. ZORD

A Supplement to the act of April 11, 1974 (P. L. 252, No. 62), entitled "An act authorizing the indebtedness, with approval of the electors, of one hundred million dollars for the repair, reconstruction and rehabilitation of nursing homes and providing the allotment of proceeds from borrowing hereunder," authorizing, with approval of the electors, part of the funds for nursing homes to be used for loans to repair, reconstruct and rehabilitate boarding homes.

Health and Welfare.

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1574, PN 2516; HB 1997, PN 2508; and SB 825, PN 1275.

CALENDAR BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1904, PN 2518**, entitled:

An Act amending the act of July 16, 1979 (No. 14A), entitled "An act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors," increasing certain appropriations.

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

The question is, shall the bill pass finally?

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

YEAS—183

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

Cimini	Harper	Mullen, M. P.	Swift
Clark, B.	Hasay	Murphy	Taddonio
Cochran	Hayes, S. E.	Musto	Taylor, E.
Cohen	Hoeffel	Nahill	Taylor, F.
Cole	Honaman	Novak	Telek
Cornell	Hutchinson, A.	Noye	Trello
Coslett	Hutchinson, W.	O'Brien, B.	Vroon
Cowell	Irvis	O'Donnell	Wachob
Cunningham	Itkin	Oliver	Wagner
Davies	Johnson, E.	Perzel	Wargo
Dawida	Johnson, J.	Peterson	Wass
DeVerter	Jones	Piccola	Wenger
DeWeese	Kanuck	Pistella	White
DiCarlo	Kernick	Pitts	Williams
Dietz	Klingaman	Polite	Wilson
Dininni	Knepper	Pott	Wilt
Dombrowski	Knight	Pratt	Wright, D.
Donatucci	Kolter	Pucciarelli	Wright, J. L.
Dorr	Kowalshyn	Punt	Yahner
Duffy	Kukovich	Pyles	Yohn
Dumas	Lashingier	Rappaport	Zeller
Durham	Laughlin	Reed	Zitterman
Earley	Lehr	Rieger	Zwikl
Fee	Letterman	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Lewis	Rodgers	Speaker
Foster, W.			

NAYS—0

NOT VOTING—19

Brunner	Gray	Petrarca	Street
Cessar	Hayes, D. S.	Pievsky	Thomas
Clark, R.	Helfrick	Rhodes	Weidner
DeMedio	Levi	Richardson	Zord
Foster, A.	O'Brien, D.	Salvatore	

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

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

REMARKS ON VOTE

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

Mr. CESSAR. Mr. Speaker, I was not in my seat when HB 1904, PN 2518, was voted. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 309, PN 2184**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the sale or removal of State buildings.

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

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

The question is, shall the bill pass finally?

(Members proceeded to vote)

The SPEAKER. For what purpose does the minority leader rise?

Mr. IRVIS. I have just been reminded that the calendars were marked "Amend — Sweet" to HB 309. Would you delay the vote a moment until we can ascertain whether or not there is actually an amendment to be offered by the gentleman, Mr. Sweet?

The SPEAKER. The Chair asked Mr. Sweet if he had an amendment to offer. Mr. Sweet did not respond. The amendment clerk has not received any amendment from Mr. Sweet. The Chair's calendar is marked the same as the minority leader's calendar.

Mr. IRVIS. Would the Chair do me the favor of passing the bill over temporarily until we can locate Mr. Sweet and see if he actually has an amendment?

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

HB 309 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have now been informed and I am informing the Chair that Mr. Sweet has ordered an amendment to HB 309. He ordered it late yesterday afternoon and apparently it has not yet come down and that is the reason no one had a record of it.

The SPEAKER. The Chair thanks the gentleman. HB 309 will be passed over temporarily.

HB 2000 REMOVED FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2000, presently on the table, be removed from the table and recommitted to the Appropriations Committee for a fiscal note.

The SPEAKER. It has been moved by the gentleman, Mr. Ryan, that HB 2000 be removed from the table and recommitted to the Committee on Appropriations.

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

BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED

HB 1083, PN 2536 (Amended) By Mr. YOHN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to product liability actions.

Insurance.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1512, PN 1771**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), redefining the term of

“county employe,” and providing for members of the employe’s retirement system in certain cases.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments:

Amend Sec. 1 (Sec. 1701), page 2, line 11, by inserting a colon after “Act”

Amend Sec. 1 (Sec. 1701), page 2, lines 11 through 15, by striking out “and except participants in on-the-job training,” in line 11, and all of lines 12 through 15

Amend Sec. 1 (Sec. 1701), page 2, line 19, by removing the period after “employment” and inserting and shall not include any participant in on-the-job training, work experience or public service employment whose employment with the county is funded in whole or in part by the Federal “Comprehensive Employment and Training Act,” as amended, unless the retirement board has provided for the membership of such participants in accordance with the provisions of section 1710.1.

Amend Sec. 2 (Sec. 1718), page 3, lines 3 through 17, by striking out all of said lines and inserting

Section 1710.1. Exclusion of Certain Persons.—A participant in on-the-job training, work experience and public service employment whose employment with the county is funded in whole or in part by the Federal “Comprehensive Employment and Training Act,” as amended, shall not be or become a member of the employees’ retirement system as established and maintained under Article XVII of this act unless provisions are approved and implemented by the retirement board, in accordance with regulations adopted pursuant to the “Comprehensive Employment and Training Act,” as amended, whereby all costs of providing for membership or service credits in the retirement system attributable to CETA participation are payable from funds provided under the “Comprehensive Employment and Training Act.”

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this is the same amendment that was offered yesterday. I urge the members to vote for it.

This particular piece of legislation only affects Allegheny County. It does not affect the rest of the state one iota. Both sides of the aisle from Allegheny County support this amendment.

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

Mr. RITTER. Mr. Speaker, while that is true, unfortunately these things have a way of trickling down from second class counties to third, fourth, fifth, and so on.

I think the principle that we are talking about is whether or not those people who were temporary employes and now became permanent employes of the county and want to buy back that temporary time, whether or not the taxpayers ought to pick up the cost of that buy-back. And I do not care whether you call it Federal funds or state funds or county funds, you are talking about taxpayers’ money.

What I am suggesting, Mr. Speaker, is that these temporary employes, who were temporary employes, and at the time they became a temporary Comprehensive Employment and Training Act employe, there was no guarantee of any job. There was no promise that they would be hired. If they now want to join the pension system and buy back that so-called temporary time, I have not any objections. But I do think, in that instance, the employe should pick up both his share and the employer’s share.

I will give you a for instance: If you worked for Allegheny County and you worked 8 years, not long enough to be vested, and you left the employ and you withdrew whatever contribution you might have made to that fund and then subsequently were rehired by the county and wanted to buy back those 6 years or 7 years or 8 years, my understanding is that you as the employe would have to pay not only those 6 years or 7 years that you had paid as the employe but you would then have to pay the county’s 6 years or 7 years.

All I am suggesting is that we ought to be doing the same thing with somebody who was a CETA employe who was really hired on a temporary basis. I do not understand the logic of saying that in that instance, because you were temporary and because somehow the Federal regulations allow you to use Federal money on that buy-back provision for the employer’s share, because that is there, we are going to take it.

If you are talking and you are concerned about the spending of money, here is a good example of what happens. Why should we have somebody in Washington say that here is all this money, and if you want to do it, go ahead and take the employer’s share for your employes and pay their buy-back provisions.

The CETA program is in trouble. It is in a lot of difficulty. I am not even sure it is going to be reinstated by Congress. I am saying that what we should do—and I do not know how I am going to do it. I guess my next point—is to raise a parliamentary inquiry with you.

PARLIAMENTARY INQUIRY

Mr. RITTER. Mr. Speaker, may I raise a parliamentary inquiry?

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. RITTER. Mr. Speaker, I have an amendment prepared which, except for the last few lines, is identical to Mr. Itkin’s.

The difference is that where Mr. Itkin’s says that “all costs of providing for membership . . .” et cetera, may be taken from the funds provided by the Comprehensive Employment and Training Act, my amendment simply would say that except that all costs of providing for the membership for service credits that are attributable to CETA, participation shall be paid by the employe.

My parliamentary inquiry is, how can I work that amendment, because I know our rules are not going to allow an amendment to an amendment? Might I ask you this, Mr. Speaker, if we accept the Itkin amendment and I would then offer my amendment, would that in effect—obviously, I think, it would—supersede the Itkin amendment, but is it possible to

do that, Mr. Speaker, to adopt the Itkin amendment and then offer mine which is basically the same except for the last sentence?

The SPEAKER. Is the gentleman, Mr. Itkin, still on the floor of the House? Will the gentleman come to the desk, please?

HB 1512 AND AMENDMENT TABLED

The SPEAKER. Without objection, the Chair will lay HB 1512 and the amendment on the table temporarily while the members interested in this amendment can attempt to get together and resolve the difference.

The Chair hears no objection. The bill and the amendment are laid on the table temporarily.

The House proceeded to third consideration of **HB 1457, PN 1831**, entitled:

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), making it a discriminatory practice to discriminate between high school diplomas and general education development certificates.

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

HB 1457 RECOMMITTED TO LABOR RELATIONS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I move that HB 1457 be recommitted to the Committee on Labor Relations.

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

Mr. DAWIDA. I would like to point out to the members of this House that there is absolutely—

The SPEAKER. The gentleman is recognized to debate the recommittal motion.

Mr. DAWIDA. That is what I am doing.

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

Mr. DAWIDA. I just wanted to point out to the members of this House that there is no reason to recommit HB 1457 other than to keep my amendment from coming up for consideration, dealing with busing. I would request a "no" vote on the recommittal.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, ordinarily we do not explain the reason to all members when we ask for a recommittal, but I have consulted with the majority leader and I have consulted with the prime sponsor of this bill. The prime sponsor is interested in having the bill passed in its pristine form, "pristine" meaning the way it was born, naked. It cannot be so passed for there are amendments to be offered. Now you understand it? And we have asked that the bill be recommitted.

The gentleman, Mr. Dawida, will have an opportunity to offer his amendment to another bill, on the Human Relations Commission, which is currently on the calendar. If he will look on the next page, he will see the bill. He is not going to be denied his opportunity. I ask that the bill be recommitted.

The SPEAKER. The Chair recognizes the gentleman from

Allegheny, Mr. Chess.

Mr. CHESS. I would suggest that we vote against recommitment on this bill. I have an adjoining district to Mr. Dawida, and we have been fighting the busing problem in Allegheny County and in the city of Pittsburgh since I took office here. We have been trying to get this bill—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, the members are discussing now possible amendments to a bill. The question before the House is recommitment; not what may or may not be amended into a bill.

The SPEAKER. The gentleman, Mr. Chess, is in order to debate the motion to recommit. The gentleman may proceed.

Mr. CHESS. I will limit the discussion then to recommitment. As much as it is nice to have pristine or naked bills out on the floor, it has certainly not been our procedure since day one when I came here, and I am concerned that we are suddenly making new rules for this particular bill. I feel that yesterday, when the bill came up, it was the understanding of everyone on this floor that it would be brought up and voted on today, and I would strongly oppose any move to recommit.

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

The following roll call was recorded:

YEAS—138

Alden	Fischer, R. R.	Lynch, F.	Schmitt
Anderson	Fisher, D. M.	Mackowski	Schweder
Armstrong	Freind	Madigan	Serafini
Arty	Gallagher	Manderino	Shadding
Barber	Gallen	Manmiller	Shupnik
Belardi	Gannon	McCall	Sieminski
Beloff	Gatski	McClatchy	Smith, E.
Bennett	Geesey	McIntyre	Smith, L.
Berson	George, M.	McKelvey	Spencer
Bittle	Giammarco	McMonagle	Stairs
Bowser	Goodman	Michlovic	Steighner
Brandt	Grabowski	Micozzie	Stewart
Brown	Grieco	Miller	Stuban
Burd	Gruppo	Moehlmann	Sweet
Burns	Halverson	Mullen, M. P.	Swift
Caltagirone	Harper	Musto	Taylor, E.
Cappabianca	Hoeffel	Nahill	Taylor, F.
Cimini	Honaman	Noye	Vroon
Cochran	Hutchinson, A.	O'Brien, B.	Wachob
Cohen	Irvis	O'Donnell	Wagner
Cole	Itkin	Oliver	Wargo
Cornell	Johnson, J.	Perzel	Wass
Cowell	Jones	Peterson	Wenger
Davies	Knepper	Piccola	White
DeVerter	Kolter	Polite	Williams
DeWeese	Kowalishyn	Pott	Wilson
DiCarlo	Kukovich	Pratt	Wilt
Dininni	Lashinger	Pucciarelli	Wright, J. L.
Dombrowski	Laughlin	Pyles	Yahner
Donatucci	Lehr	Rappaport	Yohn
Dorr	Letterman	Reed	Zeller
Dumas	Levin	Rieger	Zwikel
Durham	Lewis	Ritter	
Earley	Livengood	Rocks	Seltzer.
Fee	Lynch, E. R.	Ryan	Speaker

NAYS—46

Austin	Gamble	Knight	Scheaffer
Borski	Geist	McVerry	Scirica
Cessar	George, C.	Milanovich	Seventy
Chess	Gladeck	Mowery	Sirianni
Clark, B.	Goebel	Mrkonic	Spitz
Coslett	Hasay	Murphy	Taddonio
Cunningham	Hayes, S. E.	Novak	Telek
Dawida	Hutchinson, W.	Pistella	Trello
Dietz	Johnson, E.	Pitts	Wright, D.
Duffy	Kanuck	Punt	Zitterman
Foster, W.	Kernick	Rodgers	Zord
Fryer	Klingaman		

NOT VOTING—18

Brunner	Greenfield	Petrarca	Salvatore
Clark, R.	Hayes, D. S.	Pievsky	Street
DeMedio	Helfrick	Rhodes	Thomas
Foster, A.	Levi	Richardson	Weidner
Gray	O'Brien, D.		

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **HB 1673, PN 2213**, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2896, No. 1), further providing for ineligibility for compensation.

On the question,

Will the House agree to the bill on third consideration?

Miss SIRIANNI offered the following amendments:

Amend Sec. 1, (Sec. 402), page 2, line 6, by striking out "306(C)(23)" and inserting 306(C)

Amend Sec. 1, (Sec. 402), page 2, line 8, by inserting after "ACT." "Nothing contained in this provision shall apply to medical or hospital payments or similar services."

On the question,

Will the House agree to the amendments?

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

Miss SIRIANNI. Mr. Speaker, I am offering an amendment to HB 1673 which states nothing contained in this provision shall apply to medical or hospital payments or similar services.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment offered by Miss Sirianni does a little more than Miss Sirianni tells the House that it does. I am sure that she is not intentionally misleading this House, but in addition to providing that it would not affect the medical payments and hospital charges, her amendment also takes out of the prohibition of collecting unemployment compensation all those people who are collecting under the Workmen's Compensation Act for specific losses.

In its pristine form—I learn fast—this bill did exempt from the prohibition of collecting both workmen's compensation and unemployment compensation, persons who are covered under the Workmen's Compensation Act, section 306(c)23. That section had to do with persons collecting workmen's compensation because they had suffered a loss of both hands or both arms or

both feet or both legs or both eyes. They would be considered totally disabled under the Workmen's Compensation Act, but in the pristine form of the bill, they would not be prohibited from collecting unemployment compensation should they—even though they had the loss of eyes or limbs, et cetera—become employed gainfully thereafter and be laid off from that employment.

She is also now expanding the category of people who can claim both workmen's compensation and unemployment compensation to those who, under the Workmen's Compensation Law, have suffered specific losses — the loss of a hand, the loss of a foot, the loss of a thumb, the loss of a finger, et cetera; specific losses, permanent disfigurements. If you are collecting workmen's compensation for those purposes — and under the act they are categorized as total disabilities — you will still be able to collect unemployment compensation, and I agree with that portion of the amendment, Mr. Speaker. I think it is a good amendment to the bill. I think the bill is bad—and I will speak on that later—but I think that the amendment ought to be adopted.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

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

Dumas	Kukovich	Pyles	Zwinkl
Durham	Lashinger	Reed	
Earley	Laughlin	Ritter	Seltzer,
Fee	Lehr	Rocks	Speaker
Fischer, R. R.	Letterman	Rodgers	

NAYS—2

Stuban	Wargo
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NOT VOTING—19

Brunner	Hayes, D. S.	Pievsky	Salvatore
Clark, R.	Helfrick	Rappaport	Street
DeMedio	Levi	Rhodes	Thomas
Foster, A.	O'Brien, D.	Richardson	Weidner
Gray	Petrarca	Rieger	

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

REMARKS ON VOTE

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

Mr. RAPPAPORT. I was locked out. May I be recorded in the affirmative on the Sirianni amendment to HB 1673?

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

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 minority whip.

Mr. MANDERINO. Mr. Speaker, we had some discussion about Miss Sirianni's amendment and this bill yesterday and since that time I have had some research done. I have talked to the Department of Labor and Industry's representatives there. I have talked to people familiar with the Federal statutes covering black lung, and I am convinced, Mr. Speaker, from the research that I have done and the conversations that I have had since yesterday, that with Miss Sirianni's amendment just adopted, this particular bill will have very little effect on persons in Pennsylvania who happen to be claiming workmen's compensation under Pennsylvania law and attempt to get unemployment compensation under Pennsylvania law. And I say that, Mr. Speaker, because I think the terms "total disability" and "available for work" become mutually exclusive except for those categories of people who have suffered a specific loss, and Miss Sirianni has already written them out by her amendment. But the kind of people who will be affected by this act, if it becomes an act, are those people who are presently under the Federal program receiving payments for black lung, because under the black lung statutes of the Federal Government, and you will notice Miss Sirianni in her original bill, in its pristine form—I like that word—

Miss SIRIANNI. Mr. Speaker, I object to his term.

The SPEAKER. He is speaking Italian.

Miss SIRIANNI. What is he doing? Calling me a naked lady?

Mr. IRVIS. I just warned him about that, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. I was not saying that she was naked.

Miss SIRIANNI. Just checking.

Mr. MANDERINO. The bill speaks to an individual who is receiving compensation for temporary total disability or permanent total disability under the Workmen's Compensation Act of any state or under similar law of the United States, and that is the kind of person who is going to get cut.

We are recognizing, by the adoption of the Sirianni amendment, that workers can lose something of themselves in an arm, a leg, two eyes and permanent disfigurement, and that kind of a person should not be denied unemployment compensation if, even with the loss that they have suffered, they go out and get themselves employed and are thereafter laid off through no fault of their own, we will still allow them, because of the Sirianni amendment, to collect unemployment compensation. But the bill, if it is adopted, will take that person who has lost lung capacity, who has suffered a dreaded disease of black lung and who has given that of themselves, as compared to a loss of a finger or a scarred face which he has exempted, it will take that person and say, if you are fortunate enough—although the Federal law allows you to go out and earn money and not have your black lung benefits diminished—to go out and get that job and are able to do some kind of work, and if you are in the labor pool and if your work at that factory or that place of employment causes your employer to pay into that unemployment compensation fund as he does for any other worker, you will not be able to claim unemployment compensation if you are laid off through no fault of your own at that time.

It is a bad bill; it is a bad concept; it is almost unconscionable. I do not think there is any difference in someone who has lost lung capacity as compared to a person who has lost a finger or a thumb whom we are going to allow to continue to collect. This bill is opposed by labor, Mr. Speaker. I support labor's position. I ask for a negative vote on the bill.

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

Miss SIRIANNI. Mr. Speaker, I yield to Mr. Armstrong and Mr. Mowery.

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

Mr. ARMSTRONG. Mr. Speaker, the intent of this bill is not to deprive anyone of any funds that they would receive for workmen's compensation or unemployment compensation. The sole purpose of this bill is to stop people who are basically double-dipping. There are a few isolated cases where this is happening, and I think we are all against that principle of double-dipping.

There are several cases here. One is a foundry. An employe had an injury and he was laid off and had workmen's compensation payments, and after several months the doctor said, you can return to work on a light-duty status. So he returned to work and there was no work available on a light-duty status, so he then asked for unemployment compensation on top of workmen's compensation, and in some cases this is being granted. We have cases here where the person is making more than he did originally, and it is 100 percent tax free. The person is not

paying any taxes at all. Unemployment compensation and workmen's compensation are tax free. In this particular case an employe was making \$322 a week, which was taxable to Federal, state, and social security taxes, FICA — Federal Insurance Contributions Act — taxes. In this case he received \$213 in workmen's compensation, and then he received \$148 in unemployment compensation, and he also got supplemental unemployment benefits of \$70. So he was making \$431, 100 percent tax free, versus \$322 a week taxable. Well, this is not right, and this is what we are trying to stop.

This is not a bill that is going to affect that many people, and it is probably just a drop in the bucket, but here we are talking about principle. This will not make any impact at all on any of the benefits, but it is the principle here, and I think we have to stand up and say the principle is wrong; you cannot double-dip; and you cannot take advantage of the system. So I urge the adoption of this bill.

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

Mr. MOWERY. Mr. Speaker, I would just like to first say that I do agree with the comments that Mr. Armstrong made, and I do not believe that this should be a labor bill that everybody is against. I think that we have a very serious problem in the State of Pennsylvania that I think many or most of our legislators are aware of, and that is the extreme, high cost today of both unemployment compensation and workmen's compensation in the State of Pennsylvania, making it very unattractive for us to attract the industry that is necessary for the labor to have high employment in this state. I think we are all aware of the fact that we are currently \$1.2 billion-plus in debt to the Federal Government on unemployment compensation. These are two very major bills that— Let me back up for just a minute here, because the unemployment of the \$1.2 billion is one obligation that we have today in Pennsylvania, both labor and industry together, and I received a letter this morning from a company in my area, and this is how the first paragraph reads, and I think that this is what it is all about.

Today we received our 1980 Workmen's Compensation bill. We initially mistook it for the national defense budget as it is over \$200,000.00. Our insurance company advised that \$70,000.00 of this amount was due to legislated increase in benefits. Now that means that it gets into the average weekly wage, which, of course, goes up according to each previous year's average.

Mr. Speaker, as far as what was spoken to about black lung, I would like to think with you for a moment, because this should not be an appeal to emotions. This should be a very serious decision on all of our parts, because we are all in this thing together; it is not one side or the other. Under the Workmen's Compensation Act, section 204, it very clearly, in regard to Pennsylvania workmen's compensation, reads that unemployment benefits will be offset against any worker's compensation benefit. That is for any occupational disease, including black lung, that is given on that type of award. Now if it is good for us to have this in our law in the State of Pennsylvania, then I do not understand what our previous speaker, Mr. Manderino, meant when he said that the Federal, which is where it could

be, an area that might affect some but a very few— The point that I am trying to make is, what is wrong with taking away a benefit when a man is no longer unemployed to the degree that he is considered to be totally disabled? You know, the only way that we can collect that under workmen's compensation is assumed to be totally and permanently disabled under the occupational disease law. Now if he is claiming and receiving benefits on that basis, how is he entitled to be on the market for a job when he is totally unable to perform any duties?

I would like and hope that we would take this bill in the light that it is being offered. It is not to take away from those who are deserving, but it is to prohibit the double-dipping of people receiving from two sources out of two funds that are today in very difficult financial position in the State of Pennsylvania. Unemployment compensation, a debt of \$1.2 billion over its head; workmen's compensation going sky-high; and hearings being held and a big look here in the state as to why and how we can control it. All that this bill does is eliminate the double-dipping, and I would ask that you make a good decision on this and not look at it as taking away something that somebody should have. It is my understanding that we already have a pension program for those of our people who are disabled as a result of black lung disease in the State of Pennsylvania. In addition to that, they have workmen's comp; in addition, if they are totally disabled, they get social security benefits.

Mr. Speaker, I think this just makes sense, and it is one small step in maybe trying to bring business and labor together to a very serious point of discussion and show some evidence of good faith on all parties. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly so far as the point that Mr. Mowery was trying to make about persons who are totally disabled, unfortunately, total disability under the state law and total disability under the Federal black lung law do not mean exactly the same thing. If you are totally disabled in the State of Pennsylvania so far as our Workmen's Compensation Act is concerned, it means that you cannot be gainfully employed, even a little bit, none, zero, and that is why I say that there is no way under Pennsylvania law that you can be enjoying—if that is the way to put it, enjoying—a total disability and still get unemployment compensation where you have to be available to work. The only cases where that would be possible under Pennsylvania law are where there are specific losses.

Now obviously we all voted for the Sirianni amendment, that when you have a specific loss we do not think that is double-dipping. Why? Why is it not double-dipping? If you lose an arm and you get workmen's compensation for the rest of your life because of that arm or for 150 weeks or how many weeks it is, and during that period of time when you are receiving the workmen's compensation payments, you are also employed at another job and laid off, we have all just said by adopting the Sirianni amendment, we do not think that fellow is double-dipping. He suffered a specific loss, and it is okay for him to get workmen's compensation and unemployment, too. I agree with that. I agree with that. I voted for the Sirianni amendment, but I do not see any difference between that person and the person

who has lost not an arm or not a thumb or not been disfigured with scarring of the face but has lost lung capacity, perhaps almost totally the ability to breathe except at a sedentary occupation; why we do not consider that person having lost something and not consider him to be double-dipping if he also happens to get unemployment compensation if he becomes employed in that condition.

And it is not only the worker. You are also, with this bill, going to deny the widow of a worker, who under the Federal system continues to receive payments. Those payments are being received under a workmen's compensation-type law of the Federal Government, and you are saying in here that that widow, if she goes out and works, although she is being compensated because of her husband's illness as a widow or his black lung disease that permanently disabled him under the Federal definition, will not be able to receive unemployment compensation if she is laid off from a job that she is out doing.

I think it is ridiculous. Especially is it ridiculous, Mr. Speaker, when the only thing you can point to that you are trying to correct are isolated cases that you talk about. You are going to create all this havoc for isolated cases, and I have not even been able to determine where these isolated cases are. The only thing I have heard so far is Mr. Armstrong said that there is some case where a foundry worker was totally disabled and then he got a little better and was able, by his doctor, to return to light-duty work. Well, the moment his doctor said that he was able to return to light-duty work, he is no longer totally disabled under Pennsylvania law. He then becomes partially disabled. He is able to work, even a little bit, and once he is able to work even a little bit, he is not totally disabled under Pennsylvania's law having to do with workmen's compensation, except in those categories of cases that we have already excluded by the Sirianni amendment.

Mr. Speaker, I can urge you in no stronger terms not to wreak havoc upon those unfortunate people who happen to be suffering a loss of their earning capacity because of injury or occupational disease and are fortunate enough to find some sort of employment after suffering that loss, whether it be black lung or whether it be the arm or the leg or the eyes which we have already excepted. We should not write them out of the possibility of receiving unemployment compensation if they are fortunate enough to be employed in our economy thereafter. I urge a negative vote on the bill, Mr. Speaker.

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

Miss SIRIANNI. Mr. Speaker, I urge an affirmative vote. I think this legislature has to start someplace to stop double-dipping, and this would be a meager beginning. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, will Mr. Manderino agree to brief interrogation?

The SPEAKER. The gentleman, Mr. Manderino, indicates that he will. Mr. Gannon may proceed.

Mr. GANNON. Just for some clarification, Mr. Speaker, you

had stated earlier that if a person had lost the use of a limb as a result of an occupational injury or disease, he could collect workmen's compensation benefits—and you correct me if I am wrong—but he could return to work to his old employer, perhaps at the same or a different job, and be receiving his same or perhaps higher wages and still collect workmen's compensation for that specific loss. Is that correct?

Mr. MANDERINO. Are you saying, can he do that presently?

Mr. GANNON. Yes.

Mr. MANDERINO. Yes; he can do that presently.

Mr. GANNON. But if a person has—

Mr. MANDERINO. He will be able to do that also, Mr. Speaker, if you adopt this bill.

Mr. GANNON. Okay. I understand that.

Mr. MANDERINO. Okay.

Mr. GANNON. But if I understand you correctly, you also said that if a person had a disease, say black lung, and was incapacitated, you analogize that to the loss of a limb or an eye or something, so that he would be receiving his compensation benefits and unable to return to work because of his lung condition but would be denied the unemployment compensation. Your position was that he should also be entitled to unemployment compensation.

Mr. MANDERINO. You are talking about occupational disease payments under Pennsylvania law. Okay?

Mr. GANNON. Okay.

Mr. MANDERINO. That is already taken care of because, as noted by several speakers, there is already a setoff so far as Pennsylvania law is concerned. This particular piece of legislation, HB 1673, makes them ineligible for unemployment compensation in Pennsylvania if they are receiving moneys under a Federal law, and I simply say to you that I compare the black lung disease and the loss of lung capacity or breathing capacity that those miners suffer at least equal to a disfiguring scar or the loss of a finger or the loss of a thumb which we are allowing to collect both by the Sirianni amendment.

Mr. GANNON. Yes, but my understanding is that the Workmen's Compensation Act provides a scheduled loss payment for the loss of use of a limb or an eye or disfigurement. However, there is no scheduled payment loss for black lung disease.

Mr. MANDERINO. Yes, but even the Federal Government—that is why I say the definition is different—even the Federal Government recognizes that although that person is totally disabled and receiving black lung payments, they tell that person how much they can go out and earn before they begin to lose black lung benefits. They recognize that there are people going to go out, even after they are receiving the black lung, and try to get some job that they can do, and they tell them, you will not begin to lose benefits—I think under the old Social Security Act before the 1977 amendments, they could earn something like \$4,000 before they would begin to lose 50 cents on every dollar that they earned after that. Even though we are calling them totally disabled, there was an anticipation that they were still going to go out and try to earn money.

What you are saying here is that if they do go out and try to earn money, which they are allowed to do, and they take a job

and they get laid off, they are not going to enjoy the same benefits as the guy sitting right next to them doing the same job who does not have black lung. It does not make sense to me.

Mr. GANNON. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—69

Alden	Foster, W.	Madigan	Sirianni
Anderson	Freind	Manmiller	Smith, E.
Armstrong	Gallen	McClatchy	Smith, L.
Arty	Geesey	McVerry	Spencer
Bittle	Geist	Moehlmann	Spitz
Bowser	Gladeck	Mowery	Swift
Brandt	Grieco	Nahill	Taddonio
Burd	Gruppo	Noye	Taylor, E.
Cessar	Hayes, S. E.	Peterson	Vroon
Cimini	Honaman	Piccola	Wagner
Cornell	Johnson, E.	Pitts	Wass
Cunningham	Kanuck	Polite	Wenger
Davies	Knepper	Pott	Wilt
DeVertter	Lashingier	Punt	Zord
Dietz	Lewis	Pyles	
Dininni	Lynch, E. R.	Ryan	Seltzer,
Dorr	Lynch, F.	Scheaffer	Speaker
Fisher, D. M.	Mackowski	Scirica	

NAYS—114

Austin	Fryer	Lehr	Rocks
Barber	Gallagher	Letterman	Rodgers
Belardi	Gamble	Levin	Schmitt
Beloff	Gannon	Livengood	Schweder
Bennett	Gatski	Manderino	Serafini
Berson	George, C.	McCall	Seventy
Borski	George, M.	McIntyre	Shadding
Brown	Giammarco	McKelvey	Shupnik
Burns	Goebel	McMonagle	Sieminski
Caltagirone	Goodman	Michlovic	Stairs
Cappabianca	Grabowski	Micozzie	Steighner
Chess	Greenfield	Miller	Stewart
Clark, B.	Halverson	Milanovich	Stuban
Cochran	Harper	Mrkonic	Sweet
Cohen	Hasay	Mullen, M. P.	Taylor, F.
Cole	Hoeffel	Murphy	Telek
Coslett	Hutchinson, A.	Musto	Trello
Cowell	Hutchinson, W.	Novak	Wachob
Dawida	Irvis	O'Brien, B.	Wargo
DeWeese	Itkin	O'Donnell	White
DiCarlo	Johnson, J.	Oliver	Williams
Dombrowski	Jones	Perzel	Wilson
Donatucci	Kernick	Pistella	Wright, D.
Duffy	Klingaman	Pratt	Wright, J. L.
Dumas	Knight	Pucciarelli	Yahner
Durham	Kolter	Rappaport	Zeller
Earley	Kowalshyn	Reed	Zitterman
Fee	Kukovich	Ritter	Zwilk
Fischer, R. R.	Laughlin		

NOT VOTING—19

Brunner	Hayes, D. S.	Pievsky	Street
Clark, R.	Helfrick	Rhodes	Thomas
DeMedio	Levi	Richardson	Weidner
Foster, A.	O'Brien, D.	Rieger	Yohn
Gray	Petrarca	Salvatore	

Less than the majority required by the Constitution having

voted in the affirmative, the question was determined in the negative and the bill falls.

REMARKS ON VOTE

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

Mr. WARGO. Mr. Speaker, on the Sirianni amendment to HB 1673, I wish to be recorded as voting in the affirmative.

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee off the floor of the House at the break.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Wilt.

Mr. WILT. Mr. Speaker, an inquiry of the Chair: When we recess for lunch, when will we reconvene?

The SPEAKER. Three o'clock.

Mr. WILT. Three o'clock. Okay. Then I would ask that the members of the Labor Relations Committee meet at 2:45 in the minority caucus room, please.

The SPEAKER. The chairman of the House Appropriations Committee, Mr. McClatchy, calls a meeting of the Committee on Appropriations immediately upon the declaration of the recess. The gentleman, Mr. Wilt, chairman of the House Labor Relations Committee, calls a meeting of the Labor Relations Committee at 2:45 p.m. in the minority caucus room.

RULES COMMITTEE MEETING AND REPUBLICAN CAUCUS

The SPEAKER. Does the majority leader have any announcements to make?

Mr. RYAN. Mr. Speaker, I would request a meeting of the Rules Committee on the declaration of the recess. I would request that the caucus chairman call a caucus for 1:45, a Republican caucus, and I would urge our members to attend that caucus as there are at least two bills of special importance to the members that will be discussed as well as certain policy decisions that the caucus would like to review, and we would like 100 percent attendance at the time of that discussion as well.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I, too, would urge the members to attend caucus on this side. The caucus for the Democrats will begin at 1:45. It will be an extremely important caucus. There are policy matters to be discussed, and there are controversial issues coming up. We would urge your attendance. Democratic caucus at 1:45.

Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 3 p.m. The Chair hears none.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

HB 2010 By Representative TRELLO.

An Act declaring and adopting the song "I'll Take Pennsylvania," music by Lillian E. Rich and lyrics by Walter H. Morgan.

Referred to State Government, Nov. 28, 1979.

HB 2011 By Representatives DININNI and KOLTER.

An Act amending the act of August 14, 1951 (P. L. 1232, No. 282), referred to as the Pennsylvania Turnpike System Financing Act, increasing the salaries of members of the commission.

Referred to Appropriations, Nov. 28, 1979.

HB 2012 By Representative J. L. WRIGHT, JR.

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), requiring the issuance of certified birth certificates.

Referred to Health and Welfare, Nov. 28, 1979.

HB 2013 By Representatives VROON and F. TAYLOR.

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further providing for uniform policy provisions for contracts of annuities and pure endowment contracts and providing for policy provisions for individual deferred annuities.

Referred to Insurance, Nov. 28, 1979.

HB 2014 By Representatives B. D. CLARK, KOLTER, DININNI, GATSKI, PETRARCA, A. K. HUTCHINSON, FRYER, GRABOWSKI, LIVENGOOD and D. R. WRIGHT.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the voluntary reexamination of certain handicapped drivers.

Referred to Transportation, Nov. 28, 1979.

HB 2015 By Representatives GANNON and ALDEN.

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing for commissions for insurance agents in certain cases.

Referred to Insurance, Nov. 28, 1979.

HB 2016 By Representatives MURPHY, GOEBEL, McVERRY, POTT, CESSAR, GRABOWSKI, CHESS, COWELL,

KNIGHT, SEVENTY, DAWIDA, DUFFY and IRVIS.

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Transportation, to sell and convey certain tracts of land with improvements thereon, known as Saint Boniface Church Complex, situate in the north side of the City of Pittsburgh, Allegheny County.

Referred to State Government, Nov. 28, 1979.

HB 2017 By Representative MOWERY.

An Act declaring and adopting the song "Pennsylvania," by J. W. Yoder, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Nov. 28, 1979.

HB 2018 By Representatives MOWERY and SCHEAFFER.

An Act declaring and adopting the song "Pennsylvania," by Merian Davis and Ed Davis, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Nov. 28, 1979.

HB 2019 By Representatives SWEET, C. GEORGE, KOLTER and WACHOB.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring annual refresher courses for school bus drivers and transferring vehicle inspection functions and the supervision of official inspection stations to the Department of Transportation.

Referred to Transportation, Nov. 28, 1979.

HB 2020 By Representative CORNELL.
PN 2552

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Ethel Lodge, as the State song of the Commonwealth.

Referred to State Government, Nov. 28, 1979.

SENATE MESSAGES

HOUSE AMENDED SENATE BILLS CONCURRED IN

The Senate informed that it has concurred in House amendments to the following bills:

SB 210, PN 1312; SB 276, PN 1260; and SB 502, PN 1321.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

HB 830, PN 2523; and HB 1531, PN 2326.

The SPEAKER. The bills will appear on the calendar.

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair lays before the House a monthly

lobbyist registration report.

The following report was read:

Mark Gruell, Jr.
Secretary
Harrisburg, Pa. 17120
Senate of Pennsylvania

November 28, 1979.

To the Honorable, the Senate of the Commonwealth of Pennsylvania

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 712 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from November 1, 1979 through November 27, 1979 for the 163rd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELL, JR.
Secretary of the Senate

CHARLES F. MEBUS
Chief Clerk
House of Representatives

PENNSYLVANIA REGISTERED LOBBYISTS

- Bloom, George I., Esq., Suite 107, Grayco Building, 115 North Street, Harrisburg, PA 17101
- Motion Picture Association of America, Inc., 522 Fifth Avenue, New York, New York 10036
- Ellenberger, Floyd M., 124 Blair Street, Grove City, PA 16127
- Peoples Natural Gas Company, The, Two Gateway Center, Pittsburgh, PA 15222
- Flick, Harry L., Jr.
- Associated Builders and Contractors, Inc., Pennsylvania, 240 North Third Street, Harrisburg, PA 17101
 - Associates in Downtown Lancaster, P. O. Box 1558, Lancaster, PA 17604 (withdrew 11/7/79)
- Kline, Ernest P., 127 State Street, Harrisburg, PA 17101
- General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, New Jersey 07054
 - Metropolitan Edison Company, P. O. Box 542, Reading, PA 19603
 - Pennsylvania Electric Company, 1001 Broad Street, Johnstown, PA 15907
- Knopf, Eugene F., 127 State Street, Harrisburg, PA 17101
- General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, New Jersey 07054
 - Metropolitan Edison Company, P. O. Box 542, Reading, PA 19603
 - Pennsylvania Electric Company, 1001 Broad Street, Johnstown, PA 15907
- Lincoln, Carl E.
- Builders Association, Pennsylvania, 119 Pine Street, Harrisburg, PA 17101
- Oesterling, Donald O., Westwood Village, 851 Melissa Court, Enola, PA 17025
- Environmental Management Services, Inc., Pennsylvania, 325 Pine Street, Philadelphia, PA 19106 (withdrew 11/1/79)
 - Federation of Fraternal and Social Organizations, Pennsylvania, 824 Hillside Drive, Camp Hill, PA 17011
 - H. D. Yingling Jr. Real Estate, 4140 William Penn Highway, Murrysville, PA 15668 (withdrew 11/1/79)
 - Pittsburgh Environmental & Energy Systems, Inc., 67 Old

- Clairton Road, Pittsburgh, PA 15236 (withdrew 11/1/79)
- Packer, Herbert M., Jr., 701 Payne Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101
- Environmental Management Services, Inc., Pennsylvania, 325 Pine Street, Philadelphia, PA 19107 (withdrew 11/16/79)
 - Tenants Assn. Of S. E. Pa., Council of, c/o Allen J. Beckman, Esq., 700 Widener Building, Philadelphia, PA 19107
 - Travel Pennsylvania Association Inc., P. O. Box 822, Harrisburg, PA 17108 (withdrew 11/16/79)
- Pierce, Joseph K., Tive, Hetrick & Pierce, Post Office Box 1265, Harrisburg, PA 17108
- Ashland Petroleum Company (reregistered 11/26/79), P. O. Box 391, Ashland, Kentucky 41101
 - Automatic Merchandising Association, Pa. (reregistered 11/26/79), 421 Friendship Road, Harrisburg, PA 17111
 - Brewers' Association, Pennsylvania State (reregistered 11/26/79), 234 Bryn Mawr Avenue, Bryn Mawr, PA 19010
 - Central Pennsylvania Business School, College Hill, Summerdale, PA 17093
 - Delaware Valley Rental Association (Eastern) (reregistered 11/26/79), Box 203, Spring House, PA 19477
 - Green Tree School (reregistered 11/26/79), 143 West Walnut Lane, Philadelphia, PA 19144
 - Keystone Rental Association (reregistered 11/26/79), 940 Cornwall Road, Lebanon, PA 17042
 - Mechanical Contractors Assn. of Eastern Pa. (reregistered 11/26/79), 1422 Chestnut Street, Philadelphia, PA 19102
 - Mechanical Contractors Assn. of Western Pa. (reregistered 11/26/79), 1904 Investment Building, Pittsburgh, PA 15222
 - Montgomery Ward (reregistered 11/26/79), 800 Geipe Road, Catonsville, Maryland 21228
 - National Assn. of Independent Insurers (reregistered 11/26/79), 226 Main Street, Annapolis, Maryland 21401
 - National Association of Theatre Owners (reregistered 11/26/79), 107 Sixth Street, Pittsburgh, PA 15222
 - Old Republic Life Insurance Company (reregistered 11/26/79), 307 North Michigan Avenue, Chicago, Illinois 60601
 - Optometric Association, Pennsylvania (reregistered 11/26/79), 218 North Street, Harrisburg, PA 17101
 - Philadelphia College of Art (reregistered 11/26/79), 320 Broad Street, Philadelphia, PA 19101
 - Philadelphia College of the Performing Arts (reregistered 11/26/79), 250 South Broad Street, Philadelphia, PA 19102
 - Philadelphia Mortgage Bankers (reregistered 11/26/79), 121 North Broad Street, Philadelphia, PA 19107
 - Psychological Association, Pennsylvania (reregistered 11/26/79), 209 North Craig Street, Pittsburgh, PA 15213
 - Rental Association, Pennsylvania (Western) (reregistered 11/26/79), 4036 Monroeville Street, Monroeville, PA 15146
 - Robert Sheridan & Partners, 5415 North Sheridan Road, Chicago, Illinois 60640
 - Tobacco and Candy Dist., Inc., Pa. Assn. of (reregistered 11/26/79), Room 104, Host Inn, 4751 Lindle Road, Harrisburg, PA 17111
 - Tobacco Institute, Inc., The (reregistered 11/26/79), Suite 800, 1875 I Street, N.W., Washington, D. C. 20006
 - Tobacco Tax Council (reregistered 11/26/79), P. O. Box 8269, 5407 Patterson Avenue, Richmond, Virginia 23226
- Previc, Thomas F., 701 Payne Shoemaker Building, Harrisburg, PA 17101
- Environmental Management Services, Inc., Pennsylvania, 325 Pine Street, Philadelphia, PA 19107 (withdrew 11/16/79)
 - Travel Pennsylvania Association Inc., P. O. Box 822,

Harrisburg, PA 17108 (withdrew 11/16/79)
St. John, Robert L., 124 Blair Street, Grove City, PA 16127
 — Peoples Natural Gas Company, The, Two Gateway Center,
 Pittsburgh, PA 15222 (withdrew 11/1/79)
Werner, Anne P., Suite 905, 1730 K Street, N. W., Washing-
ton, D. C. 20006
 — Direct Mail/Marketing Association, 6 East 43rd Street,
 New York, New York 10017
Yancheff, Lynn S., Tive, Hetrick & Pierce, Post Office Box
1265, Harrisburg, PA 17108
 — Ashland Petroleum Company, P. O. Box 391, Ashland,
 Kentucky 41101
 — Automatic Merchandising Association, Pennsylvania, 421
 Friendship Road, Harrisburg, PA 17111
 — Brewers' Association, Pennsylvania State, 234 Bryn Mawr
 Avenue, Bryn Mawr, PA 19010
 — Central Pennsylvania Business School, College Hill, Sum-
 merdale, PA 17093
 — Delaware Valley Rental Association (Eastern), A-2 Rental
 Center, Box 203, Spring House, PA 19477
 — Green Tree School, 143 West Walnut Lane, Philadelphia,
 PA 19144
 — Keystone Rental Association, 940 Cornwall Road, Leba-
 non, PA 17042
 — Mechanical Contractors Association of Eastern Pennsylva-
 nia, 1422 Chestnut Street, Philadelphia, PA 19102
 — Mechanical Contractors Association of Western Pennsyl-
 vania, 1904 Investment Building, Pittsburgh, PA
 15222
 — Montgomery Ward, 800 Geipe Road, Catonsville,
 Maryland 21228
 — National Assn. of Independent Insurers, 226 Main Street,
 Annapolis, Maryland 21401
 — National Association of Theatre Owners, 107 Sixth Street,
 Pittsburgh, PA 15222
 — Old Republic Life Insurance Company, 307 North Michi-
 gan Avenue, Chicago, Illinois 60601
 — Optometric Association, Pennsylvania, 218 North Street,
 Harrisburg, PA 17101
 — Philadelphia College of Art, 320 Broad Street,
 Philadelphia, PA 19101
 — Philadelphia College of the Performing Arts, 250 South
 Broad Street, Philadelphia, PA 19102
 — Philadelphia Mortgage Bankers, 121 North Broad Street,
 Philadelphia, PA 19107
 — Psychological Association, Pennsylvania, 209 North Craig
 Street, Pittsburgh, PA 15213
 — Rental Association, Pennsylvania (Western), 4036
 Monroeville Street, Monroeville, PA 15146
 — Robert Sheridan & Partners, 5415 North Sheridan Road,
 Chicago, Illinois 60640
 — Tobacco and Candy Distributors, Inc., Pennsylvania Asso-
 ciation of, Room 104, Host Inn, 4751 Lindle Road,
 Harrisburg, PA 17111
 — Tobacco Institute, Inc., Suite 800, 1875 I Street, N.W.,
 Washington, D. C. 20006
 — Tobacco Tax Council, P. O. Box 8269, 5407 Patterson
 Avenue, Richmond, Virginia 23226

PENNSYLVANIA REGISTERED LOBBYISTS

NUMBER OF LOBBYISTS REGISTERED: 13

PENNSYLVANIA REGISTERED LOBBYISTS
 BY ORGANIZATION

Ashland Petroleum Company

Yancheff, Lynn S.

Ashland Petroleum Company (reregistered 11/26/79)

Pierce, Joseph K.

Associated Builders and Contractors, Inc., Pennsylvania

Flick, Harry L., Jr.

Associates in Downtown Lancaster

Flick, Harry L., Jr., (withdrew 11/7/79)

Automatic Merchandising Association, Pa. (reregistered
11/26/79)

Pierce, Joseph K.

Automatic Merchandising Association, Pennsylvania

Yancheff, Lynn S.

Brewers' Association, Pennsylvania State

Yancheff, Lynn S.

Brewers' Association, Pennsylvania State (reregistered
11/26/79)

Pierce, Joseph K.

Builders Association, Pennsylvania

Lincoln, Carl E.

Central Pennsylvania Business School

Pierce Joseph K.

Yancheff, Lynn S.

Delaware Valley Rental Association (Eastern)

Yancheff, Lynn S.

Delaware Valley Rental Association (Eastern) (reregistered
11/26/79)

Pierce, Joseph K.

Direct Mail/Marketing Association

Werner, Anne P.

Environmental Management Services, Inc., Pennsylvania

Oesterling, Donald O. (withdrew 11/1/79)

Packer, Herbert M., Jr. (withdrew 11/16/79)

Previc, Thomas F. (withdrew 11/16/79)

Federation of Fraternal and Social Organizations, Pennsylva-
nia

Oesterling, Donald C.

General Public Utilities Corporation

Kline, Ernest P.

Knopf, Eugene F.

Green Tree School

Yancheff, Lynn S.

Green Tree School (reregistered 11/26/79)

Pierce, Joseph K.

H. D. Yingling Jr. Real Estate

Oesterling, Donald O. (withdrew 11/1/79)

Keystone Rental Association

Yancheff, Lynn S.

Keystone Rental Association (reregistered 11/26/79)

Pierce, Joseph K.

Mechanical Contractors Assn. of Eastern Pa. (reregistered
11/26/79)

Pierce, Joseph K.

Mechanical Contractors Assn. of Western Pa. (reregistered
11/26/79)

Pierce, Joseph K.

Mechanical Contractors Association of Eastern Pennsylvania

Yancheff, Lynn S.

Mechanical Contractors Association of Western Pennsylvania

Yancheff, Lynn S.

Metropolitan Edison Company

Kline, Ernest P.

Knopf, Eugene F.

Montgomery Ward

Yancheff, Lynn S.

Montgomery Ward (reregistered 11/26/79)

Pierce, Joseph K.

Motion Picture Association of America, Inc.

Bloom, George I., Esq.

National Assn. of Independent Insurers

Yancheff, Lynn S.

National Assn. of Independent Insurers (reregistered 11/26/79)

Pierce, Joseph K.

National Association of Theatre Owners
 Yancheff, Lynn S.
National Association of Theatre Owners (reregistered 11/26/79)
 Pierce, Joseph K.
Old Republic Life Insurance Company
 Yancheff, Lynn S.
Old Republic Life Insurance Company (reregistered 11/26/79)
 Pierce, Joseph K.
Optometric Association, Pennsylvania
 Yancheff, Lynn S.
Optometric Association, Pennsylvania (reregistered 11/26/79)
 Pierce, Joseph K.
Pennsylvania Electric Company
 Kline, Ernest P.
 Knopf, Eugene F.
Peoples Natural Gas Company, The
 Ellenberger, Floyd M.
 St. John, Robert L. (withdrew 11/1/79)
Philadelphia College of Art
 Yancheff, Lynn S.
Philadelphia College of Art (reregistered 11/26/79)
 Pierce, Joseph K.
Philadelphia College of the Performing Arts
 Yancheff, Lynn S.
Philadelphia College of the Performing Arts (reregistered 11/26/79)
 Pierce, Joseph K.
Philadelphia Mortgage Bankers
 Yancheff, Lynn S.
Philadelphia Mortgage Bankers (reregistered 11/26/79)
 Pierce, Joseph K.
Pittsburgh Environmental & Energy Systems, Inc.
 Oesterling, Donald O. (withdrew 11/1/79)
Psychological Association, Pennsylvania
 Yancheff, Lynn S.
Psychological Association, Pennsylvania (reregistered 11/26/79)
 Pierce, Joseph K.
Rental Association, Pennsylvania (Western)
 Yancheff, Lynn S.
Rental Association, Pennsylvania (Western) (reregistered 11/26/79)
 Pierce, Joseph K.
Robert Sheridan & Partners
 Pierce, Joseph K.
 Yancheff, Lynn S.
Tenants Assn. of S. E. Pa., Council of
 Packer, Herbert M., Jr.
Tobacco and Candy Dist., Inc., Pa. Assn. of (reregistered 11/26/79)
 Pierce, Joseph K.
Tobacco and Candy Distributors, Inc., Pennsylvania Association of
 Yancheff, Lynn S.
Tobacco Institute, Inc.
 Yancheff, Lynn S.
Tobacco Institute, Inc., The (reregistered 11/26/79)
 Pierce, Joseph K.
Tobacco Tax Council
 Yancheff, Lynn S.
Tobacco Tax Council (reregistered 11/26/79)
 Pierce, Joseph K.
Travel Pennsylvania Association Inc.
 Packer, Herbert M. Jr., Jr. (withdrew 11/16/79)

Previc, Thomas F. (withdrew 11/16/79)

PENNSYLVANIA REGISTERED LOBBYISTS
 BY ORGANIZATION

NUMBER OF ORGANIZATIONS: 59

**BILLS REPORTED FROM COMMITTEES,
 CONSIDERED FIRST TIME, AND TABLED**

HB 1850, PN 2539 (Amended) By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for certain provisions relating to juveniles.

Judiciary.

HB 1888, PN 2540 (Amended) By Mr. ZORD

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for temporary staffing in the local office.

Health and Welfare.

HB 1908, PN 2365 By Mr. McCLATCHY

An Act creating the Public Employee Retirement Study Commission to make a continuing study of all public employee retirement and pension systems; and making an appropriation.

Appropriations.

BILLS REREPORTED FROM COMMITTEES

HB 1, PN 2065 By Mr. McCLATCHY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and its political subdivisions.

Rereported from Committee on Appropriations.

HB 1108, PN 2538 (Amended) By Mr. WILT

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further providing for the payment of unemployment compensation to certain employes of institutions of higher education.

Rereported from Committee on Labor Relations.

HB 1252, PN 2459 By Mr. McCLATCHY

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting certain fish feed and related items from the sales tax.

Rereported from Committee on Appropriations.

HB 2000, PN 2511 By Mr. McCLATCHY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the appointment of eight additional judges to the Superior Court.

Rereported from Committee on Appropriations.

SB 915, PN 1274 By Mr. McCLATCHY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements.

Rereported from Committee on Appropriations.

SB 1011, PN 1242 (Unanimous) By Mr. McCLATCHY

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," exempting the manufacture of denatured ethyl alcohol for use in farm machinery from licensing requirements.

Rereported from Committee on Appropriations.

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

Mr. LETTERMAN. Mr. Speaker, I do not mind you fellows ruining one of the finest weeks of my life, but I sure as heck wish you would make better use of it and let us get something done if you want us down here. Thank you.

BILLS REMOVED FROM TABLE TO CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. The Rules Committee has instructed me to make a motion that the following bills be removed from the table to the active calendar, and I so move: HB 1544;

HB 1996; and SB 271.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1216, PN 1369, entitled:

An Act requiring certain hearings to be scheduled within a county.

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

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

The question is, shall the bill pass finally?

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

YEAS—182

Table listing names of members who voted 'YEAS' for HB 1216, PN 1369. Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Beloff, Bennett, Bittle, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Greenfield, Grieco, Gruppo, Halverson, Harper, Hasay, Lynch, E. R., Lynch, F., Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McIntyre, McKelvey, McMonagle, McVerry, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, M. P., Murphy, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taddonio.

Table listing names of members who voted 'NAYS' for HB 1216, PN 1369. Includes Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, Davies, Dawida, DeVerter, DeWeese, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Dumas, Durham, Earley, Fee, Fischer, R. R., Fisher, D. M., Foster, W., Freind, Hayes, S. E., Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, E., Johnson, J., Jones, Kanuck, Kernick, Klingaman, Knepper, Knight, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Letterman, Levin, Lewis, Livengood, Musto, Nahill, Novak, Noye, O'Donnell, Oliver, Perzel, Peterson, Piccola, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Reed, Rhodes, Rieger, Ritter, Rocks, Rodgers, Ryan, Taylor, E., Taylor, F., Telek, Trello, Vroon, Wachob, Wagner, Wargo, Wass, Wenger, White, Williams, Wilson, Wilt, Wright, D., Wright, J. L., Yahner, Yohn, Zeller, Zitterman, Zord, Zwinkl, Seltzer, Speaker.

NAYS—0

NOT VOTING—20

Table listing names of members who did not vote on HB 1216, PN 1369. Includes Berson, Borski, Brunner, Clark, R., DeMedio, DiCarlo, Foster, A., Gray, Hayes, D. S., Helfrick, Levi, O'Brien, B., O'Brien, D., Petrarca, Plevsky, Richardson, Salvatore, Street, Thomas, Weidner.

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

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

The House proceeded to third consideration of SB 921, PN 1055, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Executive Director of the Historical and Museum Commission to grant an easement on a tract of land in Lancaster County to the City of Lancaster Authority for the erection and use of a booster pumping station for a water system.

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

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

The question is, shall the bill pass finally?

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

YEAS—183

Table listing names of members who voted 'YEAS' for SB 921, PN 1055. Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Beloff, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, Lynch, F., Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McIntyre, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik.

Bennett	George, C.	McKelvey	Sieminski
Berson	George, M.	McMonagle	Sirianni
Bittle	Giammarco	McVerry	Smith, E.
Borski	Gladeck	Michlovic	Smith, L.
Bowser	Goebel	Micozzie	Spencer
Brandt	Goodman	Milanovich	Spitz
Brown	Grabowski	Miller	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruppo	Mrkonic	Stuban
Cappabianca	Halverson	Mullen, M. P.	Sweet
Cessar	Harper	Murphy	Swift
Chess	Hasay	Musto	Taddonio
Cimini	Hayes, S. E.	Nahill	Taylor, E.
Clark, B.	Hoeffel	Novak	Taylor, F.
Cochran	Honaman	Noye	Telek
Cohen	Hutchinson, A.	O'Brien, B.	Trello
Cole	Irvis	O'Donnell	Vroon
Cornell	Itkin	Oliver	Wachob
Cowell	Johnson, E.	Perzel	Wagner
Cunningham	Johnson, J.	Peterson	Wargo
Davies	Jones	Piccola	Wass
Dawida	Kanuck	Pistella	Wenger
DeVertter	Kernick	Pitts	White
DeWeese	Klingaman	Polite	Williams
Dietz	Knepper	Pott	Wilson
Dininni	Knight	Pratt	Wilt
Dombrowski	Kolter	Pucciarelli	Wright, D.
Donatucci	Kowalyshyn	Punt	Wright, J. L.
Dorr	Kukovich	Pyles	Yahner
Duffy	Lashinger	Rappaport	Yohn
Dumas	Laughlin	Reed	Zeller
Durham	Lehr	Rhodes	Zitterman
Earley	Letterman	Rieger	Zord
Fee	Levin	Ritter	Zwilk
Fischer, R. R.	Lewis	Rocks	
Fisher, D. M.	Livengood	Rodgers	Seltzer,
Foster, W.	Lynch, E. R.	Ryan	Speaker
Freind			

NAYS—0

NOT VOTING—19

Brunner	Foster, A.	Levi	Salvatore
Clark, R.	Gray	O'Brien, D.	Street
Coslett	Hayes, D. S.	Petrarca	Thomas
DeMedio	Helfrick	Pievsky	Weidner
DiCarlo	Hutchinson, W.	Richardson	

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

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

The House proceeded to third consideration of **HB 1623, PN 2454**, entitled:

An Act providing additional funds to several agencies of the Executive Department for bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 3, lines 3 through 19, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment deletes three appropriations, deficiency appropriations allegedly, to the Department of Justice — one for legal services, one for correctional institutions, and one for consumer protection.

What we are eliminating by this amendment is that fifth-quarter social security payment which continues to come back to this House time and time again. This House turned down these specific deficiency appropriations in the past by a vote of this House. They were taken out of the last deficiency bill that went through this House, and I urge you to take them out again. They are extra payments being made, not payments necessitated by law. They are payments not due in fiscal year 1978-79 but due in this fiscal year, and we have provided the money to pay for them.

I urge the adoption of this amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. The minority whip is perfectly right; we have dealt with this issue before. On this occasion, however, we are getting to the point where this bill is due. The money was set aside in the budget we passed, some \$81 million, and part of that \$81 million was to take care of this. We could either pay it now or later. I suggest we get it over with and have it over and done with once and for all. It is a bill that is not due at exactly this moment but will be due very shortly.

I oppose the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, it seems the only justification I can hear for this deficiency appropriation is it has been here so often that we might as well pass it because we are going to keep bringing it here until you pass it, not that it is needed, not that it was due during the fiscal year. I thought I heard Mr. McClatchy say it is becoming due now. He is talking about a fifth-quarter social security payment that, yes, is due in this fiscal year, and this bill amends the General Appropriation Act which went out of existence June 30, 1979. That money was not needed during that fiscal year, and we ought not to pump additional moneys into the agencies, because when you do, they are going to find a way to spend it.

Mr. Speaker, I urge the adoption of the amendment which deletes these fifth-quarter payments.

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

Mr. COWELL. Will Mr. McClatchy consent to interrogation, please?

The SPEAKER. The gentleman indicates that he will. Mr. Cowell may proceed.

Mr. COWELL. Mr. Speaker, I guess I am probably a little confused or I fail to appreciate certain aspects of this.

It is my understanding that, as I think both of the previous speakers have agreed, you and Mr. Manderino, this money for what is being called a fifth-quarter social security payment could be paid anytime until probably the end of this fiscal year. I believe it was July 1, 1980. I further understand that there

may be some extraordinary circumstances under which we might have to sort of go back into history 4½ months and amend last year's appropriation bill or at least provide deficiency appropriations for last fiscal year. But why do you propose and why do you insist that we go back and amend last year's budget, last fiscal year, to provide for this payment when we could just as easily take care of it this year, when it would seem to make more sense? Is there some compelling reason to do that?

Mr. McCLATCHY. Mr. Speaker, we reserved in the budget process during this past year \$81 million, and part of that \$81 million is the \$506,000 figure for the fifth-quarter social security. The gentleman is absolutely right; if we do not pay it out of those funds, those funds will be transferred eventually, part of that \$81 million, into this year's money, and we can certainly appropriate it later on. I am suggesting that the money be set aside. We can do it in that bookkeeping manner that I am suggesting now. It is not bothering anybody, hurting anyone. It is a bill that is going to become due. It is money set aside, reserved, and I suggest this is the simplest, cleanest way to do it.

Most departments have already paid their fifth quarter. There are only a few that have not, and that is why these bills appear in last year's budget. These are the only few that did not have enough money in their departments to set aside for this fifth-quarter payment, and we are trying to set aside the money in the \$81 million through a surplus or through an ending surplus last year.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, may I make a brief comment, please?

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

Mr. COWELL. I would urge that we adopt the Manderino amendment.

Mr. Speaker, I think it is extremely extraordinary that we would even be considering deficiency appropriations for a fiscal year that ended 5 months ago. Perhaps in certain instances that is absolutely necessary. Perhaps in certain cases we have no other choice. But I think in terms of this so-called fifth-quarter social security payment, we have other options. If it is really necessary, we ought to pursue the rational approach, and that is providing the money and providing the payment during the current fiscal year rather than retroactively going back 5 months and providing additional dollars for a budget that expired quite some time ago. I would urge that we adopt the Manderino amendment.

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

Mr. McCLATCHY. Mr. Speaker, I think there is some general misinformation here. We appropriate money for past years many, many times. We have done it all the time in the past. If we do not appropriate this money that we have set aside for last year's deficiencies, they will appear later on this year. We could do it now or we could do it later, and you will see as we go through this bill, this small one is just a poor example of some of the better examples. It is a bill that is due now. It is last year's bill. In our estimation, I think it should be paid out of last year's funds. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—90

Austin	Fryer	Letterman	Ritter
Barber	Gallagher	Levin	Rodgers
Beloff	Gamble	Livengood	Schmitt
Bennett	Gatski	Manderino	Schweder
Berson	George, C.	McCall	Seventy
Borski	George, M.	McIntyre	Shadding
Brown	Giammarco	McMonagle	Shupnik
Callagirone	Goodman	Michlovic	Steighner
Cappabianca	Grabowski	Milanovich	Stewart
Chess	Greenfield	Mrkonic	Stuban
Clark, B.	Harper	Mullen, M. P.	Sweet
Cochran	Hoefel	Murphy	Taylor, F.
Cohen	Hutchinson, A.	Musto	Trello
Cole	Irvis	Novak	Wachob
Cowell	Itkin	O'Brien, B.	Wargo
Dawida	Johnson, J.	O'Donnell	White
DeWeese	Jones	Oliver	Williams
DiCarlo	Kernick	Pistella	Wright, D.
Dombrowski	Knight	Pratt	Yahner
Donatucci	Kolter	Pucciarelli	Zeller
Duffy	Kowalyshyn	Rappaport	Zitterman
Dumas	Kukovich	Reed	Zwinkl
Fee	Laughlin		

NAYS—94

Alden	Foster, W.	Mackowski	Serafini
Anderson	Freind	Madigan	Sieminski
Armstrong	Gallen	Manmiller	Sirianni
Arty	Gannon	McClatchy	Smith, E.
Belardi	Geseey	McKelvey	Smith, L.
Bittle	Geist	McVerry	Spencer
Bowser	Gladeck	Micozzie	Spitz
Brandt	Goebel	Miller	Stairs
Burd	Grieco	Moehlmann	Swift
Burns	Gruppo	Mowery	Taddonio
Cessar	Halverson	Nahill	Taylor, E.
Cimini	Hasay	Noye	Telek
Cornell	Hayes, S. E.	Perzel	Vroon
Coslett	Honaman	Peterson	Wagner
Cunningham	Hutchinson, W.	Piccola	Wass
Davies	Johnson, E.	Pitts	Wenger
DeVerter	Kanuck	Polite	Wilson
Dietz	Klingaman	Pott	Wilt
Dininni	Knepper	Punt	Wright, J. L.
Dorr	Lashingier	Pyles	Yohn
Durham	Lehr	Rocks	Zord
Earley	Lewis	Ryan	
Fischer, R. R.	Lynch, E. R.	Scheaffer	Seltzer,
Fisher, D. M.	Lynch, F.	Scirica	Speaker

NOT VOTING—18

Brunner	Hayes, D. S.	Pievsky	Rieger
Clark, R.	Helfrick	Salvatore	Street
DeMedio	Levi	Rhodes	Thomas
Foster, A.	O'Brien, D.	Richardson	Weidner
Gray	Petrarca		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 2, lines 12 and 13, by striking out both of said lines

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this is another attempt to amend the general appropriation bill that expired June 30, 1979. It is an attempt to add \$3.3 million to the pupil transportation line item in that budget.

Mr. Speaker, we have asked the Department of Education to furnish us specifically 4½ months after the fiscal year has ended with the names and amounts of the school districts to which payments must yet be made for the budget year 1978-79 for pupil transportation. We have not received the information. They have indicated to us that they are unable to furnish the information, and they are simply saying that this is our estimate of how much is yet due. We are not talking about 30 days after the fiscal year; we are not talking about 45 days after the fiscal year has ended; we are not talking about 90 days after the fiscal year has ended; we are talking about 4½ months after the fiscal year has ended that they cannot furnish us with the information on why they need \$3.3 million more than we gave them during that fiscal year.

In addition, if you look at the status of appropriations at the end of the fiscal year, they ended with a \$3.4-million balance which has not been spent. So they are holding inappropriately \$3.4 million 4½ months after the fiscal year has ended and are asking for another \$3.3 million, which is \$6.7 million that they are asking for in additional appropriations to a budget that expired 4½ months ago with no detail and no documentation on where the money is to be paid, to whom, in what amount. I say to you that we should not provide the money until we know what it is going to be paid for, and there is no harm done. There is no one out there holding unpaid bills and screaming. You have heard from no school districts; I have heard from no school districts about unpaid bills for pupil transportation, because had you heard or had I heard, the department would have heard sooner and they would have furnished us with the bills when we asked them.

I have no idea why they have not given us the information. I know that we have not gotten the information. It certainly puts large doubt on the credibility of the statements which say that \$6.7 million in additional moneys are needed for a budget that ended 4½ months ago. Mr. Speaker, just as with the fifth-quarter social security payment and just as with some of the other amendments which I will offer, you will see that what I believe is happening is that the administration is squirreling money which they will spend at their discretion, when they see fit, which is not needed at the present time.

Mr. Speaker, I urge that we not allow the Department of Education, in the line item for pupil transportation, to sit on \$3½ million of money unspent and give them \$3.3 million more over and above what they are sitting on illegally or inappropriately by passing this appropriation. I ask you to support the amendment which deletes it. If in fact they are able to detail for us at any future time the school districts that have the money coming, if there are any, we certainly can provide the money at that time, because as Mr. McClatchy has said, we are not spending it; it is in reserve. Mr. Speaker, I ask that we not provide

this deficiency until the information that we have asked for and are entitled to as an equal partner in government with the executive branch is provided to the General Assembly and the legislature. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, for the members in general, to explain what pupil transportation is about, the Commonwealth reimburses school districts, intermediate units, and area vocational-technical schools for part of the cost of providing pupil transportation. The Commonwealth also reimburses school districts for at least 50 percent of the cost of transporting nonpublic school students. The actual amount of the subsidy is determined by a complex formula which includes a maximum allowable transportation cost, an aid ratio, the market value of real estate in the district, a hazardous route adjustment, and a cost-of-living adjustment. A further complication in the formula was introduced by the practice of paying to intermediate units in August of each year an advance payment of one-half of their estimated subsidy and in the following August paying the remaining one-half of their estimated subsidy plus or minus any adjustment for the difference between the estimated cost of transportation and the actual cost of transportation to the intermediate unit.

The deficiency of \$3.3 million results from a cut from the budget recommendation way back in the year 1977 when we had such dire fiscal straits. Although the cut was actually \$11.3 million, an error in the request caused the budget recommendation to be too high, so the resulting deficiency was only \$3.3 million. This \$3.3 million has been listed in the budget document since early last February or March. It has been known by us all. It is part of last year's budget, last year's bill. It is the best estimate that the department can come up with. This bill should be paid out of last year's funds. That is when it is due. If it is not, then we will have to pay it out of this year's funds. Sooner or later this bill will have to be paid. Since the money has been put aside from last year, I suggest we pay it now from that amount of money.

It is not unusual, Mr. Speaker, to not know exactly what these deficiencies are until after the budget year is finished. I have no qualm nor has the other side had a qualm in the past with running deficiencies beyond the June 30 date. We were in a summer recess; we have been in a fall legislative session. We may have been slow, but it should be aware to most members that most of these deficiencies are paid out of current operating funds, but those funds will run short toward the end of the year. If we do not replace them with the funds that should have been paid out of last year, it will be a deficiency this year. So it is just a rolling over of the problem, and since we set aside the \$81 million already in our budget to pay for these last year's bills, again I suggest that we defeat the amendment and go ahead and pay last year's bills as it should be. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would agree with Mr. McClatchy that this is simply a rollover situation. Please roll over, General Assembly, and play dead — is what it is.

Mr. Speaker, the only justification that Mr. McClatchy gave us for this appropriation is that several years ago this General Assembly had the temerity to cut a budget in the Department of Education, and they still have not forgiven us for it, and they still want the money that we cut them several years ago. They are sitting on \$3½ million in this specific line item in the status of appropriations. There has been no activity regarding that \$3½ million for 4½ months. If there were bills to pay, there would have been activity in that account. There would have been subtractions. There would have been some attempt to pay the bills. There are no bills that have been able to be demonstrated to this General Assembly, and when there are, we can pay them, if there are. We ought not to roll over and play dead because some department simply says, but, gentlemen, we asked you for X number of dollars several years ago and you did not give us what we asked you for, and that is the only justification we have for this deficiency of \$3.3 million to be added to a surplus which already exists in the pupil transportation account of \$3½ million, which account has not been active at all, no activity whatsoever, since the close of the fiscal year.

Mr. Speaker, I urge the adoption of my amendment deleting this as a deficiency.

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

Mr. McCLATCHY. Mr. Speaker, I still insist this is last year's bill. It should be paid out of last year's money. I ask for a "no" vote on the amendment.

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

The following roll call was recorded:

YEAS—90

Austin	Gallagher	Levin	Ritter
Barber	Gamble	Livengood	Rodgers
Beloff	Gatski	Manderino	Schmitt
Bennett	George, C.	McCall	Schweder
Berson	George, M.	McIntyre	Seventy
Borski	Giammarco	McMonagle	Shadding
Brown	Goodman	Michlovic	Shupnik
Caltagirone	Grabowski	Milanovich	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Chess	Harper	Mullen, M. P.	Stuban
Clark, B.	Hoeffel	Murphy	Sweet
Cochran	Hutchinson, A.	Musto	Taylor, F.
Cole	Irvis	Novak	Trello
Cowell	Itkin	O'Brien, B.	Wachob
Dawida	Johnson, J.	O'Donnell	Wargo
DeWeese	Jones	Oliver	White
DiCarlo	Kernick	Pistella	Williams
Dombrowski	Knight	Pratt	Wright, D.
Donatucci	Kolter	Pucciarelli	Yahner
Duffy	Kowalyszyn	Rappaport	Zeller
Dumas	Kukovich	Reed	Zitterman
Fee	Laughlin	Rhodes	Zwikel
Fryer	Letterman		

NAYS—93

Alden	Foster, W.	Madigan	Sieminski
Anderson	Freind	Manmiller	Sirianni
Armstrong	Gallen	McClatchy	Smith, E.
Arty	Gannon	McKelvey	Smith, L.
Belardi	Geesey	McVerry	Spencer

Bittle	Geist	Micozzie	Spitz
Bowser	Gladeck	Miller	Stairs
Brandt	Goebel	Moehlmann	Swift
Burd	Grieco	Mowery	Taddonio
Burns	Gruppo	Nahill	Taylor, E.
Cessar	Halverson	Noye	Telek
Cimini	Hasay	Perzel	Vroon
Cornell	Hayes, S. E.	Peterson	Wagner
Coslett	Honaman	Piccola	Wass
Cunningham	Hutchinson, W.	Pitts	Wenger
Davies	Johnson, E.	Polite	Wilson
DeVerter	Klingaman	Pott	Wilt
Dietz	Knepper	Punt	Wright, J. L.
Dininni	Lashinger	Pyles	Yohn
Dorr	Lehr	Rocks	Zord
Durham	Lewis	Ryan	
Earley	Lynch, E. R.	Scheaffer	Seltzer,
Fischer, R. R.	Lynch, F.	Scirica	Speaker
Fisher, D. M.	Mackowski	Serafini	

NOT VOTING—19

Brunner	Gray	O'Brien, D.	Salvatore
Clark, R.	Hayes, D. S.	Petrarca	Street
Cohen	Helfrick	Pievsky	Thomas
DeMedio	Kanuck	Richardson	Weidner
Foster, A.	Levi	Rieger	

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 2, line 26, by striking out "2,300,000" and inserting 1,400,000

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this deficiency is being asked for to cover a shortage in the payment made to the Social Security Administration for public school employes for the quarter which ended June 30, 1979. That was in the last fiscal year. They were short in making that payment by \$2.3 million, and this appropriation is for \$2.3 million. Mr. Speaker, that payment, my understanding is, was made, and \$900,000 of the needed money was taken from a reserve account which is an interest account. The interest account that the money was taken from is an account in which all of the social security payments made for the public school employes are accumulated and earn interest until they are due at the Federal Treasury. This account only exists for the purpose of earning interest on the account, on account of the moneys deposited therein which are accumulated for payment when the payment is due. That account is used, insofar as the interest earned is concerned, to make adjustments to the social security payments that must be made to the Federal Government when estimates do not match actualities and in this case it was used to make up \$900,000 that was needed in the payment. That fund accumulates money year after year after year and, as I say, is used for adjustment that must be made in the payment when we estimate a certain amount and a different amount is payable, and we may have to take from that fund the interest earned on the moneys that have been deposited.

What you are being asked to do here is return to that interest account the \$900,000 that we took from the account, which account was set up for the purpose of helping us make that adjustment, and that is what we should have done and we did do. We made that \$900,000 adjustment out of the interest that is in that account, and there is no reason to tap the General Fund and the taxpayers of this Commonwealth to put \$900,000 back in that account, because the account cannot be used for any other purpose except to be lapsed to the General Fund or to make the adjustments that are necessary, and there is still in that fund excess money that anyone can estimate will be needed to make the adjustments that we make from time to time.

Mr. Speaker, I have therefore proposed an amendment which reduces the amount of the deficiency needed from \$2.3 million to \$1.4 million and propose that we not return the \$900,000 interest to the interest-bearing account, because it cannot be used for anything there except the reserve and there is already enough money there for a reserve. We use the reserve for the purpose for which it was intended, and we ought not, with taxpayers' moneys, replace the moneys which we took from the interest-bearing account, and I move the adoption of the amendment.

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

Mr. McCLATCHY. Mr. Speaker, at least this time the minority whip agrees that we do have a deficiency. The main thing we disagree on is the figures.

The 1978-79 budget resulting from our impasse in 1977 was cut \$3.16 million by the legislature, and I do not blame those in the majority at that time. I probably would have done the same thing. Of that deficiency, \$1.3 million was absorbed by the reserve in the contribution fund, leaving a \$2.3-million deficiency. This figure increased to \$2.7 million when current year data became available in relationship to that year. The \$400,000 can be covered by reserves in the contribution fund. I suggest that we are using the reserves as properly as we can and that we by necessity have to put back that which we can afford out of the General Fund and that which we set aside as last year's bill.

Mr. Speaker, I suggest that we defeat the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, we have a letter in our possession dated July 3, 1979, from Mr. Ronald R. Hoover, chief accountant for the Bureau of Social Security for Public Employees, Department of Labor and Industry, which indicates that the amount needed over and above what was taken from the reserve account was \$1.4 million, and to use any more than \$1.4 million, he indicates, you are returning money to the interest-bearing account when it is not necessary to do so.

Mr. Speaker, I urge the adoption of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Austin	Gamble	Levin	Ritter
Beloff	Gatski	Livengood	Rodgers
Bennett	George, C.	Manderino	Schmitt
Borski	George, M.	McCall	Schweder
Brown	Giammarco	McIntyre	Seventy
Caltagirone	Goodman	McMonagle	Shadding
Cappabianca	Grabowski	Michlovic	Shupnik
Chess	Greenfield	Milanovich	Steighner
Clark, B.	Harper	Mrkonic	Stewart
Cochran	Hoefel	Mullen, M. P.	Stuban
Cohen	Hutchinson, A.	Murphy	Sweet
Cole	Irvis	Musto	Taylor, F.
Cowell	Itkin	Novak	Trello
Dawida	Johnson, J.	O'Brien, B.	Wachob
DeWeese	Jones	O'Donnell	Wargo
DiCarlo	Kernick	Oliver	White
Dombrowski	Knight	Pistella	Williams
Donatucci	Kolter	Pratt	Wright, D.
Duffy	Kowalshyn	Pucciarelli	Yahner
Dumas	Kukovich	Rappaport	Zeller
Fee	Laughlin	Reed	Zitterman
Fryer	Letterman	Rhodes	Zwikl
Gallagher			

NAYS—94

Alden	Fisher, D. M.	Lynch, F.	Scirica
Anderson	Foster, W.	Mackowski	Serafini
Armstrong	Freind	Madigan	Sieminski
Arty	Gallen	Manmiller	Smith, E.
Barber	Gannon	McClatchy	Smith, L.
Belardi	Geesey	McKelvey	Spencer
Bittle	Geist	McVerry	Spitz
Bowser	Gladeck	Micozzie	Stairs
Brandt	Goebel	Miller	Swift
Burd	Grieco	Moehlmann	Taddonio
Burns	Gruppo	Mowery	Taylor, E.
Cessar	Halverson	Nahill	Telek
Cimini	Hasay	Noye	Vroon
Cornell	Hayes, S. E.	Perzel	Wagner
Coslett	Honaman	Peterson	Wass
Cunningham	Hutchinson, W.	Piccola	Wenger
Davies	Johnson, E.	Pitts	Wilson
DeVertter	Kanuck	Polite	Wilt
Dietz	Klingaman	Pott	Wright, J. L.
Dininni	Knepper	Punt	Yohn
Dorr	Lashinger	Pyles	Zord
Durham	Lehr	Rocks	
Earley	Lewis	Ryan	Seltzer,
Fischer, R. R.	Lynch, E. R.	Scheaffer	Speaker

NOT VOTING—19

Berson	Gray	Petrarca	Sirianni
Brunner	Hayes, D. S.	Pievsky	Street
Clark, R.	Helfrick	Richardson	Thomas
DeMedio	Levi	Rieger	Weidner
Foster, A.	O'Brien, D.	Salvatore	

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

REMARKS ON VOTE

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

Mr. BARBER. Mr. Speaker, on the vote to the Manderino amendment, A4005, to HB 1623, I was recorded in the negative. I would like to be recorded in the affirmative, please.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 3, lines 25 and 26, by striking out both of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this is an amendment that deletes the requested deficiency appropriation of \$29 million; \$29,800,000 in the line item in the 1978-79 budget of medical assistance in the Department of Public Welfare.

Mr. Speaker, the Department of Public Welfare has been processing medical assistance claims for 4½ months in this fiscal year. The argument made at the time of the budget when the deficiency was asked for was that we had to catch up; that we were behind in our medical assistance payments and that we were going to have to roll bills over into the new year for payment. So we needed to put aside \$29 million or at least we had to appropriate \$29 million for those bills.

Mr. Speaker, we are now 4½ months into the fiscal year. If we had rolled those bills over, if there were \$29 million in bills that we did not have the money at the end of the last fiscal year to pay, then presumably in the first 4½ months of this year we would have made those payments and also the current payments because we appropriated enough money and they still have plenty of money in the account. So that we would have been paying heavier in the first part of the fiscal year than we did in the last months of the fiscal year.

I checked the status of appropriations under medical assistance expenditures for fiscal year 1979-80. That is the one that we are in now. Four and a half months into the fiscal year after the first 3 months, one-fourth of the fiscal year, we had spent 25.65 percent of what we appropriated for the fiscal year. Pretty well on target. At the end of October, which is another month and one-third now of the fiscal year, we had spent 33.46 percent of what we appropriated, which means that either there were no bills at the end of the fiscal year that had to be paid or they could not be paid mechanically, and 4½ months into the new fiscal year they still cannot be paid mechanically, and at the end of this fiscal year they still will not be able to be paid mechanically through the procedures of the department, and that the \$29-million deficiency appropriation being asked for is not needed to pay providers of medical assistance for the Department of Welfare and the welfare recipients.

There is no provider out there. If you pass this deficiency, who is going to get a bill paid that he has had in his pocket or on his desk or on his spindle since the end of the last fiscal year? He is being paid as quickly for providing services to medical assistance recipients, being paid as quickly as it is possible to pay in. And in a third of the fiscal year we have spent one-third of the appropriations in this fiscal year, and by the end of the fiscal year we will have spent somewhere near 100 percent of the appropriations which we gave to them, and they will end up

again with a surplus of \$29 million, if you give it to them, if in fact they do not find some other way to spend it.

What do I mean by that? The administration has techniques to spend money that is given to them that is not needed to pay current bills. They can decide to pay, by executive order, a higher percentage on bills. They can decide to provide moneys to providers of medical assistance services at a higher rate than has been provided in the past and they can decide that at a time when they have extra money. I am telling you, do not give them \$29.8 million extra or they will find a way to spend it. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, it is Christmas time. I think we ought to pay our past bills.

The medical assistance problem is one that existed last year. We were short and these people were not paid in May and June. When the new budget came into existence, yes, we paid those bills out of this year's money. We are still short roughly \$29 million and we will end up short at the end of this year and we will run a deficiency.

In fact, to compound the problem, when we decided to pass a budget—and in the conference committee we compromised, rightly or wrongly, and said we would take \$25 million out of medical assistance and put it into highways. The budget secretary thought, well, with a little scrimping and saving and close administration, maybe I will take that cut and hope for the best, because this is an open-ended program. We cannot tell people you cannot go to a hospital. They go to a hospital and they get paid. We get the bill. Anybody on medical assistance, if they want to go, they go. We get the bill. We cannot stop them. That is what builds these programs, and as we go into recessions—and we will be going into one—we could be heading for a problem this year. What I would like to see done is to have this \$29 million that was owed last year paid out of the moneys that we set aside so that, come May or June, these hospitals will not again run out of money and contact both Democrats and Republicans as they did this past year.

I think that this is an extremely legitimate deficiency to pay, Mr. Speaker. It is overdue. The bills certainly have been paid from current funds, but they are owed as last year's bills and will still haunt us next May or June unless we go about our business and pay it now.

Again, it is Christmas time, Mr. Speaker. It is time to pay our past bills. I suggest we vote "no" on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Merry Christmas, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. McClatchy, consent to interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. McClatchy has indicated, Mr. Speaker, that the bills were due at the end of the last fiscal year and they had to be paid and that we were behind and we paid them out of this year's money. Is that a correct statement, Mr. Speaker?

Mr. McCLATCHY. To the best of my knowledge, yes.

Mr. MANDERINO. All right. And have we also stayed current on paying this year's bills in this fiscal year?

Mr. McCLATCHY. To the best of my knowledge, yes.

Mr. MANDERINO. Then can you explain to me why, after 3 months of operation, we had only spent one-third of this year's appropriation and after 3 months we had spent 25 percent of this year's appropriation, which is one-fourth of the fiscal year, and after 4 months, which is one-third of the fiscal year, we had only spent 33 percent of this year's appropriation, if in fact we were paying current bills and last year's bills, too? Can you explain that to me?

Mr. McCLATCHY. Mr. Speaker, I am not following your figures very carefully. You are always very adept at jumping around. Let me finish.

Mr. MANDERINO. I would like to give you sufficient information so that you can follow my figures more easily.

Mr. McCLATCHY. All we are saying is that the \$29 million are last year's bills. They should be paid out of last year's money. It has nothing to do with the current bills or bills that will become current. If we do not pay it, it will become due later in May or June, and that is a fact and we cannot escape it, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, I have an additional question for the gentleman.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, during the budget debate, is it not a fact that this deficiency claimed at that time was as high as \$61 million?

Mr. McCLATCHY. I cannot recall looking at the figures. I do not know whether it is that figure or not.

Mr. MANDERINO. Have you looked at the Governor's budget document lately?

Mr. McCLATCHY. I could get it—

Mr. MANDERINO. Well, if you would look at the Governor's budget document, you will find that he said that the deficiency was going to be \$61 million.

I have no further questions, Mr. Speaker.

Mr. McCLATCHY. I think we paid some of that off, too.

Mr. MANDERINO. Mr. Speaker, I still have the floor. I have no further questions of the gentleman, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate the amendment?

Mr. MANDERINO. Yes, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, what I am suggesting is that at the end of the fiscal year or quite near the end of the fiscal year we were talking about a \$61-million deficit, and then it went down to a \$48-million deficit. It is now down to a \$29-million deficit, and if we let them wait until the end of the fiscal year, it may disappear altogether, because they have not been able to give us bills specifically on what has to be paid. They have not been able to show us that they are behind on paying the providers and they have not been able to show us that in paying last year's bills, as they claimed, they are spending money in the first 4 months of the year at a rate that will break the fund before the end of the year.

In the first 4 months of detailed expenditures in that account in the first one-third of the fiscal year, we have spent only one-third of the money. Now it is obvious that if we continue at that rate—and I have got to assume that we paid last year's bills in those 4 months—we certainly would not have waited until now to pay them. I have got to assume that we are on target with the money that we appropriated, that the deficiency is not needed and that if you give them the money, they will certainly find a way to spend it. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I can see where the minority whip is coming from. But, Mr. Speaker, I have watched the board over there and it is all red, so I will be frank and call a spade a spade.

These are Shapp bills. They are from the past, and I understand what he is trying to do, but we would like to get rid of them. We are trying to start off with a clean slate. As last year's bills, as Governor Shapp's bills, I think they should be paid out of last year's fund. Mr. Speaker, I suggest a "no" on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Austin	Fryer	Letterman	Rhodes
Barber	Gallagher	Levin	Ritter
Beloff	Gamble	Livengood	Rodgers
Bennett	Gatski	Manderino	Schweder
Berson	George, C.	McCall	Seventy
Borski	George, M.	McIntyre	Shadding
Brown	Giammarco	McMonagle	Shupnik
Caltagirone	Goodman	Miehlovic	Steighner
Cappabianca	Grabowski	Milanovich	Stewart
Chess	Greenfield	Mrkonie	Stuban
Clark, B.	Harper	Mullen, M. P.	Sweet
Cochran	Hoeffel	Murphy	Taylor, F.
Cohen	Hutchinson, A.	Musto	Trello
Cole	Irvis	Novak	Wachob
Cowell	Johnson, J.	O'Brien, B.	Wargo
Dawida	Jones	O'Donnell	White
DeWeese	Kernick	Oliver	Williams
DiCarlo	Knight	Pistella	Wright, D.
Dombrowski	Kolter	Pratt	Yahner
Donatucci	Kowalshyn	Pucciarelli	Zeller
Duffy	Kukovich	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zwilk
Fee			

NAYS—95

Alden	Freind	Madigan	Serafini
Anderson	Gallen	Mammiller	Sieminski
Armstrong	Gannon	McClatchy	Sirianni
Arty	Geesey	McKelvey	Smith, E.
Belardi	Geist	McVerry	Smith, L.
Bittle	Gladeck	Micozzie	Spencer
Bowser	Goebel	Miller	Spitz
Brandt	Grieco	Mochlmann	Stairs
Burd	Gruppo	Mowery	Swift
Burns	Halvorson	Nahill	Taddonio

Cessar	Hasay	Noye	Taylor, E.
Cimini	Hayes, S. E.	Perzel	Telek
Cornell	Honaman	Peterson	Vroon
Coslett	Hutchinson, W.	Piccola	Wagner
Cunningham	Itkin	Pitts	Wass
Davies	Johnson, E.	Polite	Wenger
DeVerter	Klingaman	Pott	Wilson
Dietz	Knepper	Punt	Wilt
Dininni	Lashingner	Pyles	Wright, J. L.
Dorr	Lehr	Rocks	Yohn
Durham	Lewis	Ryan	Zord
Earley	Lynch, E. R.	Scheaffer	
Fischer, R. R.	Lynch, F.	Schmitt	Seltzer,
Fisher, D. M.	Mackowski	Scirica	Speaker
Foster, W.			

NOT VOTING—18

Brunner	Hayes, D. S.	Petrarca	Salvatore
Clark, R.	Helfrick	Pievsy	Street
DeMedio	Kanuck	Richardson	Thomas
Foster, A.	Levi	Rieger	Weidner
Gray	O'Brien, D.		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 3, lines 21 through 24, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment seeks to delete \$14.7 millions of dollars of the deficiency appropriation claimed for the MH-MR — Mental Health-Mental Retardation — institutions.

Mr. Speaker, in this instance I would think that there may well be a \$14-million deficiency. There are no unpaid bills because those bills are being paid out of a current appropriation. The MH-MR institutions in Pennsylvania, when we count their Federal funds and their state funds and all of the other augmentation, patient reimbursements, et cetera, they spend somewhere around \$900 million. That may be a rough estimate, but it is somewhere in that neighborhood. State funds are in the neighborhood of \$300 million, \$350 million.

Several years ago the budget secretary told us that we should be receiving from patients at these institutions certain payments toward their keep which we were prevented from receiving because of a court decision, which has commonly come to be referred to as the Vecchione decision in Pennsylvania. What that decision said was, yes, Commonwealth of Pennsylvania, you probably are able to get reimbursed from the patient from checks that they received. Some of them are on retirement; some of them are on social security or different other kinds of payments, and they ought to reimburse the Commonwealth in some part for the care that they receive. But until you have guardians appointed for every one of these people, you cannot touch their checks or their money.

The budget secretary, several years ago, said that we were going to receive \$14 million from those patient reimburse-

ments because he was going to get all of those guardians appointed all over and we could count on the revenues in those reimbursements. The fact of the matter is that for a number of years nothing was done to appoint those guardians, for several years.

Presently, in the eastern district, very little has been done so far as appointing guardians. The western district has proceeded, the central district has proceeded, the northeastern district has proceeded, and, by and large, have appointed guardians for 80 to 90 percent. Very few guardians have been appointed in the eastern districts so far as the Welfare Department is concerned, and we are losing the patient reimbursement that we ought to be receiving in that area, and I have asked in my amendment that we not provide the department with the moneys from the general tax moneys of the Commonwealth to help pay this small portion of their operating expenses and keep the pressure on them to get the rest of those guardians appointed which total perhaps 30 to 40 percent of the guardians that they have to appoint.

I simply say to you that as long as we keep taking general fund moneys to supplement their budgets when the patient reimbursement ought to be supplementing their budget, they will continue to drag their feet on appointing those guardians. I think we ought to apply some pressure and I ask for the adoption of the amendment.

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

Mr. McCLATCHY. Mr. Speaker, the minority whip is absolutely correct. The problem extends from the Vecchione case. There has been a slowness on the department to appoint the guardians. We have not been able to gather in money what they should have gotten, and I think we are slow. Those years are past. That money is gone. That administration that missed the chance, missed the chance. I certainly hope that the present administration does not continue to miss the chance. This is a back bill, not a current bill. It is one that the department is short on. It is one that the Mental Health and Mental Retardation institutions are short on. It is money that is owed, and I suggest that we go ahead and pay that bill, Mr. Speaker, and defeat this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Austin	Fryer	Letterman	Ritter
Barber	Gallagher	Levin	Rodgers
Bennett	Gamble	Manderino	Schmitt
Berson	Gatski	McCall	Schweder
Borski	George, C.	McIntyre	Seventy
Brown	George, M.	McMonagle	Shadding
Callagirono	Giammarco	Michlovic	Shupnik
Cappabianca	Goodman	Milanovich	Steighner
Chess	Grahowski	Mrkonje	Stewart
Clark, B.	Greenfield	Mullen, M. P.	Stuban
Cochran	Harper	Murphy	Sweet
Cohen	Hoeffel	Musto	Taylor, F.
Cole	Hutchinson, A.	Novak	Trello
Cowell	Irvis	O'Brien, B.	Wachob

Dawida	Johnson, J.	O'Donnell	Wargo
DeWeese	Jones	Oliver	White
DiCarlo	Kernick	Pistella	Williams
Dombrowski	Knight	Pratt	Yahner
Donatucci	Kolter	Pucciarelli	Zeller
Duffy	Kowalyszyn	Rappaport	Zitterman
Dumas	Kukovich	Reed	Zwinkl
Fee	Laughlin	Rhodes	

NAYS—97

Alden	Freind	Mackowski	Sieminski
Anderson	Gallen	Madigan	Sirianni
Armstrong	Gannon	Manmiller	Smith, E.
Arty	Geesey	McClatchy	Smith, L.
Belardi	Geist	McKelvey	Spencer
Bittle	Gladeck	McVerry	Spitz
Bowser	Goebel	Micozzie	Stairs
Brandt	Grieco	Miller	Swift
Burd	Gruppo	Moehlmann	Taddonio
Burns	Halverson	Mowery	Taylor, E.
Cessar	Hasay	Nahill	Telek
Cimini	Hayes, S. E.	Noye	Vroon
Cornell	Honaman	Perzel	Wagner
Coslett	Hutchinson, W.	Peterson	Wass
Cunningham	Itkin	Piccola	Wenger
Davies	Johnson, E.	Pitts	Wilson
DeVerter	Kanuck	Polite	Wilt
Dietz	Klingaman	Pott	Wright, D.
Dininni	Knepper	Punt	Wright, J. L.
Dorr	Lashinger	Pyles	Yohn
Durham	Lehr	Rocks	Zord
Earley	Lewis	Ryan	
Fischer, R. R.	Livengood	Scheaffer	Seltzer,
Fisher, D. M.	Lynch, E. R.	Scirica	Speaker
Foster, W.	Lynch, F.	Serafini	

NOT VOTING—18

Beloff	Gray	Petrarca	Salvatore
Brunner	Hayes, D. S.	Pievsky	Street
Clark, R.	Helfrick	Richardson	Thomas
DeMedio	Levi	Rieger	Weidner
Foster, A.	O'Brien, D.		

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. MANDERINO offered the following amendment:

Amend Sec. 1, page 2, lines 5 through 8, by striking out all of said lines

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment seeks to delete the deficiency appropriation of \$2.7 million to the Department of Education for the state colleges and universities.

When we ended the last fiscal year, Mr. Speaker, there was, as there has been perennially to this General Assembly, a statement on the part of the colleges and universities that are state owned that we had not given them enough money to operate on.

We have continuously, Mr. Speaker, engaged in a process of appropriating deficiency after deficiency to the state-owned

colleges and universities. We appropriate money, we give reasonable increases and then we always end up giving them a deficiency and sometimes two deficiencies, and every year that we do it, whether the Republicans are in control of this House or whether the Democrats are in control of this House, we resolve that we are not going to do it again; that we are tired of appropriating money and making a budget for the colleges and universities and providing reasonable increases and then having them spit in our faces. They spend whatever they want and come back here knowing that we are going to vote another deficiency for them, and that is what we do, and every year someone gets up and tries to explain that we have got to stop doing this, and that is my chore this year. We have to stop doing this.

One half of this deficiency appropriation, more than one half of this deficiency appropriation, is going to go to one of those colleges and that particular college has a pupil-teacher ratio, as best I can determine, of 1 to 12—one teacher for every 12 students. And if we continue to grant deficiency appropriations, we will have that same kind of pupil-teacher ratio in several other colleges in the years to come because enrollment has been dropping, and we will be throwing good state tax dollars after professors who are doing some kind of research because they cannot be teaching 12 kids.

We do this instead of facing the problem and realizing that our state-college system is such that the taxpayers are willing to support it and will continue to be willing to support it as long as we operate it in an efficient manner, and we have given them increases each year. There has been no year that we have lowered their appropriation. We have increased their appropriation. We have increased their appropriation percentage-wise over and above what we increased the state-related schools and they will not live within the budget. It is rumored that they are already preparing—it is more than rumored—that the Department of Education is already preparing an \$8-to-\$10-million request for a deficiency appropriation in this fiscal year, and you give them the \$2.7 million and we will probably give them the \$8 to \$10 million that they will ask for because we are building a track record.

Let us look at how they ended last fiscal year. They ended last fiscal year with \$13 million in the bank and they encumbered it, legitimate encumbrances in most cases, and they certainly had salaries that had to be paid that were going to be paid in the next fiscal year for time worked during the ending fiscal year, and that was legitimate, and there were other things that were legitimate. But the practice has been in this Commonwealth that the encumbered moneys at the end of the fiscal year will be lapsed into the general fund if they have not been spent by August 31. When August 31 of 1979 came, the state colleges had a surplus yet of \$2.3 million, and it could not be spent because they had paid every penny of the bills they said had to be paid and for which they encumbered the money. So instead of paying this operating deficiency at the state colleges, which was about \$2.3 million that they had, they encumbered the additional \$2.3 million with a new encumbrance for other things which they have not been able to explain to us and never paid the operating deficiency at the state colleges.

This has never been done in the past before, ever, that I can recall or that the staff of the Appropriations Committee can recall or that other senior staff can recall — that an encumbrance was made, a brand new encumbrance was made after the fiscal year had ended and, in fact, some 60 days after the fiscal year had ended when the original encumbrance expired, not by time, but by the payment of all of the bills listed in that encumbrance.

Mr. Speaker, I know the political realities of voting against college students and college and education, but because we have looked in that direction and acted in the manner that we have acted in the past, these groups of state spenders continue to ignore the mandates of the General Assembly and do whatever they want, knowing that we will bail them out. And I am sure that I am making a plea today that will go unheeded as others who pleaded the same case in the past have gone unheeded; but sooner or later we are going to have to stop; we are going to have to begin running a more efficient system, because the taxpayers are beginning to demand it even in those areas of God, country, motherhood and education. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I share the minority whip's concern about the increasing costs of our state colleges.

I think that one of the things that caused this deficiency was done—and I am not too happy about it, but it was done—again, by the last administration with their salary and wage benefits that the colleges had to eat.

We have attempted, during this administration, during this budget year, to retrench. We have already sent out letters for 130 permanent positions to be reduced. We also, in the budget, cut \$3 million out of what the state colleges had requested. So not only were they short the \$3-million deficiency, we cut \$3 million out of the budget that they wanted.

In addition, we told them that they could not raise the tuition. I think we have been pretty hard on them, Mr. Speaker. I think that members on both sides of the aisle have heard from their institutions. I think we are trying in this present budget year to be frugal. Again, we have sent out 130 position reductions. I would hope it is a beginning step in retrenchment and that cost containment can become a realism in the state college system.

The deficiency, unfortunately, is a real one. All we seem to do is to roll it over year after year. I think it should be paid out of the funds we set aside from last year's money, when it was due, and I would certainly hope that this does not happen again. I will do all in my power to see that it does not. Mr. Speaker, I would vote "no" on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there are six of those colleges in the state system that did run their colleges within the money given to them that are not asking for one single dime in a deficiency appropriation, and those colleges do not have, necessarily, increasing enrollments. In some cases just as the others, they had decreasing enrollments, but they were willing to make the hard decisions to cut in areas they could cut

when they were restricted from cutting by union contracts in the personnel area. But all of the schools were not willing to make those tough decisions, and they are not going to be willing to make those tough decisions until we force them to make those tough decisions by not giving them every penny they ask for.

Mr. Speaker, Mr. McClatchy wants to blame the last administration. Mr. McClatchy, I am going to make a prediction for you — you will be before this General Assembly asking for a deficiency in this line item for this fiscal year, and you will not be able to say it was the last administration.

Mr. McCLATCHY. Mr. Speaker, no way.

Mr. MANDERINO. No way? Remember that.

Mr. Speaker, I urge the adoption of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—50

Austin	Giammarco	Letterman	Rappaport
Beloff	Grabowski	Levin	Schmitt
Berson	Greenfield	Manderino	Schweder
Borski	Harper	McMonagle	Seventy
Clark, B.	Hoeffel	Michlovic	Shadding
Cochran	Hutchinson, A.	Mrkonic	Stewart
Dawida	Irvic	Mullen, M. P.	Sweet
DeWeese	Johnson, J.	Murphy	Taylor, F.
Donatucci	Jones	Novak	Trello
Duffy	Kanuck	O'Donnell	White
Freind	Kernick	Oliver	Williams
Gamble	Kolter	Pistella	Yahner
George, M.	Kukovich		

NAYS—130

Alden	Earley	Lynch, E. R.	Ryan
Anderson	Fee	Lynch, F.	Scheaffer
Armstrong	Fischer, R. R.	Mackowski	Scirica
Arty	Fisher, D. M.	Madigan	Serafini
Barber	Foster, W.	Manmiller	Sieminski
Belardi	Fryer	McCall	Sirianni
Bennett	Gallagher	McClatchy	Smith, E.
Bittle	Gallen	McIntyre	Smith, L.
Bowser	Gannon	McKelvey	Spencer
Brandt	Gatski	McVerry	Spitz
Brown	Geesey	Micozzie	Stairs
Rurd	Geist	Milanovich	Steighner
Burns	George, C.	Miller	Stuban
Caltagirone	Gladeck	Mochlmann	Swift
Cappabianca	Goebel	Mowery	Taddonio
Cessar	Goodman	Musto	Taylor, E.
Chess	Grieco	Nahill	Vroon
Cimini	Gruppo	Noye	Wachob
Cohen	Halverson	O'Brien, B.	Wargo
Cole	Hasay	Perzel	Wass
Cornell	Hayes, S. E.	Peterson	Wenger
Coslett	Honaman	Piccola	Wilson
Cowell	Hutchinson, W.	Pitts	Wilt
Cunningham	Itkin	Polite	Wright, D.
Davies	Johnson, E.	Pott	Wright, J. L.
DeVerter	Klingaman	Pratt	Yohn
DiCarlo	Knepper	Pucciarelli	Zeller
Dietz	Knight	Punt	Zitterman
Dininni	Kowalshyn	Pyles	Zord
Dombrowski	Lashinger	Reed	Zwikl
Dorr	Lehr	Rhodes	
Dumas	Lewis	Ritter	Seltzer,
Durham	Livengood	Rocks	Speaker

NOT VOTING—22

Brunner	Helfrick	Richardson	Street
Clark, R.	Laughlin	Rieger	Telek
DeMedio	Levi	Rodgers	Thomas
Foster, A.	O'Brien, D.	Salvatore	Wagner
Gray	Petrarca	Shupnik	Weidner
Hayes, D. S.	Pievsky		

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

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked the gentleman from York, Mr. Anderson, to preside temporarily.

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR

The SPEAKER pro tempore. Are there any other amendments to the bill? Does Mr. Manderino have another set of amendments?

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Laughlin. For what purpose does the gentleman rise?

Mr. LAUGHLIN. Mr. Speaker, I was out of my seat on the last vote on Mr. Manderino's amendment No. 4006 to HB 1623. Would you please record me in the affirmative?

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

The House will be at ease for just a moment.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I stand here now to urge a negative vote on this deficiency bill. Mr. Speaker, in all of the amendments that I had offered to the bill, I was trying to demonstrate to this House that what this administration is doing is placing money into the administration's area of control and away from the General Assembly's area of control across the board by making fifth quarter social security payments by setting aside \$29 million for medical assistance payments which are not needed 4½ months after the fiscal year has ended, whose general appropriation bill we are trying to amend. And, I suppose, in all these areas that I have discussed, if, in fact, the moneys are not needed, they should show up at the end of the fiscal year as a surplus in these line items and, if they do, perhaps no harm will have been done. But, Mr. Speaker, we have seen time and again, especially in some of the areas that are in question here today, that if there is more money than is needed currently within the control of the execu-

tive branch, somehow it gets spent, and the old axiom that I spoke about here at budget time a number of month ago, a saying about deficiencies, comes forth, if you do not pay them, and you do not pay them, they go away. And it can be, I think, seen in the large deficiency of medical assistance here that went down from \$61 million to \$48 million, and it is now down to \$29 million. And I think it would be down a lot further, if not disappear at all, if we chose not to pay it today.

Mr. Speaker, the amendments that I had offered spoke to some \$50 million in unnecessary spending at this time or in an unnecessary appropriation to the executive branch of government to place those moneys in their control instead of ours. Because, if I am right, the money is always there to be spent for other purposes and, if I am wrong, the money would always be there to pay the bills that became a burden and had to be paid for any reason. But placing that beyond our control is what we do by passing this deficiency appropriation. We no longer will make the decision. If there is a surplus, how that surplus will be spent, that decision will then be made by the executive branch of government, and I do not think we ought to give away our power over the purse strings of the Commonwealth so easily.

I expect, Mr. Speaker, that this bill will pass and I expect that at a later date we will know who was right and who was wrong. And I guess we will argue if the surplus does show up, whether it is because we gave them more money by \$81 million in the deficiency process or whether it was sound fiscal management of the new administration that created the surplus. But, Mr. Speaker, we make a mistake by taking and handing away and rolling over, so to speak, the decision on the spending of money to the executive branch of government instead of keeping the dollars here for appropriation by this General Assembly when all of us are convinced that it is necessary to appropriate the money. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—123

Alden	Earley	Mackowski	Shadding
Anderson	Fisher, D. M.	Madigan	Shupnik
Armstrong	Foster, W.	Manmiller	Sieminski
Arty	Freind	McCall	Sirianni
Barber	Fryer	McClatchy	Smith, E.
Bennett	Gallagher	McKelvey	Smith, L.
Bittle	Gallen	McVerry	Spencer
Borski	Gannon	Micozzie	Spitz
Bowser	Geesey	Milanovich	Stuban
Brandt	Geist	Miller	Swift
Brown	George, C.	Moehlmann	Taddonio
Burd	Gladeck	Mowery	Taylor, E.
Burns	Goebel	Musto	Telek
Caltagirone	Goodman	Nahill	Vroon
Cappabianca	Grieco	Noye	Wachob
Cessar	Gruppo	O'Brien, B.	Wagner
Cimini	Halverson	Perzel	Wargo
Cohen	Hasay	Peterson	Wass
Cole	Hayes, S. E.	Piccola	Wenger
Cornell	Honaman	Pitts	White
Coslett	Hutchinson, W.	Polite	Wilson

Cowell	Itkin	Pott	Wilt
Cunningham	Johnson, E.	Pucciarelli	Wright, D.
Davies	Johnson, J.	Punt	Wright, J. L.
DeVerter	Jones	Pyles	Yahner
DiCarlo	Klingaman	Rocks	Yohn
Dietz	Knepper	Rodgers	Zitterman
Dininni	Lehr	Ryan	Zord
Dombrowski	Livengood	Scheaffer	
Dorr	Lynch, E. R.	Schmitt	Seltzer,
Dumas	Lynch, F.	Scirica	Speaker
Durham			

NAYS—62

Austin	Giammarco	Levin	Reed
Belardi	Grabowski	Lewis	Rhodes
Beloff	Greenfield	Manderino	Ritter
Berson	Harper	McIntyre	Schweder
Chess	Hoefel	McMonagle	Serafini
Clark, B.	Hutchinson, A.	Michlovic	Seventy
Cochran	Irvis	Mrkonic	Stairs
Dawida	Kanuck	Mullen, M. P.	Steighner
DeWeese	Kernick	Murphy	Stewart
Donatucci	Knight	Novak	Sweet
Duffy	Kolter	O'Donnell	Taylor, F.
Fee	Kowalyszyn	Oliver	Trello
Fischer, R. R.	Kukovich	Pistella	Williams
Gamble	Lashinger	Pratt	Zeller
Gatski	Laughlin	Rappaport	Zwinkl
George, M.	Letterman		

NOT VOTING—17

Brunner	Hayes, D. S.	Petrarca	Salvatore
Clark, R.	Helfrick	Pievsky	Street
DeMedio	Levi	Richardson	Thomas
Foster, A.	O'Brien, D.	Rieger	Weidner
Gray			

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

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman. For what purpose does the gentleman rise?

Mr. LETTERMAN. Mr. Speaker, I would like to have my vote on HB 1623 changed to the affirmative, please?

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for presiding temporarily.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1873, PN 2317**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs in civil and criminal cases.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—181

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

NAYS—0

NOT VOTING—21

Alden	Gray	O'Brien, D.	Salvatore
Brunner	Hayes, D. S.	Petrarca	Street
Clark, R.	Helfrick	Pievsky	Thomas
DeMedio	Levi	Richardson	Weidner
Durham	McIntyre	Rieger	White
Foster, A.			

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

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

REMARKS ON VOTE

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

Mrs. DURHAM. Mr. Speaker, I was out of my seat on the vote on HB 1873. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

HB 1512 AND AMENDMENTS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I move that HB 1512 and amendments be removed from the table.

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

THIRD CONSIDERATION OF HB 1512 AND AMENDMENTS RESUMED

The SPEAKER. The Chair calls up HB 1512, and the House proceeds to resume consideration of the following Itkin amendments No. 3377:

Amend Sec. 1 (Sec. 1701), page 2, line 11, by inserting a colon after "Act"

Amend Sec. 1 (Sec. 1701), page 2, lines 11 through 15, by striking out "and except participants in on-the-job training," in line 11, and all of lines 12 through 15

Amend Sec. 1 (Sec. 1701), page 2, line 19, by removing the period after "employment" and inserting and shall not include any participant in on-the-job training, work experience or public service employment whose employment with the county is funded in whole or in part by the Federal "Comprehensive Employment and Training Act," as amended, unless the retirement board has provided for the membership of such participants in accordance with the provisions of section 1710.1.

Amend Sec. 2 (Sec. 1718), page 3, lines 3 through 17, by striking out all of said lines and inserting

Section 1710.1. Exclusion of Certain Persons.—A participant in on-the-job training, work experience and public service employment whose employment with the county is funded in whole or in part by the Federal "Comprehensive Employment and Training Act," as amended, shall not be or become a member of the employees' retirement system as established and maintained under Article XVII of this act unless provisions are approved and implemented by the retirement board, in accordance with regulations adopted pursuant to the "Comprehensive Employment and Training Act," as amended, whereby all costs of providing for membership or service credits in the retirement system attributable to CETA participation are payable from funds provided under the "Comprehensive Employment and Training Act."

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

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. If Mr. Itkin's amendment is accepted, I have an amendment, which, as I said, except for the last sentence, is identical to his. That is really all I want to change, the last sentence. Could I still offer that amendment after Mr. Itkin's amendment is accepted?

PARLIAMENTARY INQUIRY WITHDRAWN

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

Mr. RITTER. I will withdraw that inquiry, if you will recognize me.

The SPEAKER. Did the gentleman indicate that he wishes to withdraw his parliamentary inquiry?

Mr. RITTER. Yes, Mr. Speaker.

If I may make one comment? If Mr. Itkin's amendment is accepted tonight, and I would vote for it, I would ask, if I may, that you would hold the bill until tomorrow. I understand we will be in session tomorrow. I will prepare a simple amendment for that sentence I am referring to and offer that tomorrow.

The SPEAKER. It is the Chair's understanding that the gentleman, Mr. Ritter, is inquiring of the Chair, if the Itkin amendment is adopted, whether the Chair would have the bill reprinted with the Itkin amendment in and hold it over for final passage tomorrow. Is that the question?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER. The Chair is inclined to do that.

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

I will not offer my amendment tonight then. Thank you.

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

The following roll call was recorded:

YEAS—177

Alden	Fischer, R. R.	Livengood	Scheaffer
Anderson	Fisher, D. M.	Lynch, E. R.	Schmitt
Armstrong	Foster, W.	Lynch, F.	Schweder
Arty	Freind	Mackowski	Scirica
Austin	Gallagher	Madigan	Serafini
Barber	Gallen	Manderino	Seventy
Belardi	Gamble	Manmiller	Shadding
Beloff	Gannon	McCall	Shupnik
Bennett	Gatski	McClatchy	Sieminski
Berson	Geesey	McIntyre	Sirianni
Bittle	Geist	McKelvey	Smith, E.
Borski	George, C.	McVerry	Smith, L.
Bowser	George, M.	Michlovic	Spencer
Brandt	Giammarco	Micozzie	Spitz
Brown	Gladeck	Milanovich	Stairs
Burd	Goebel	Miller	Steighner
Burns	Goodman	Moehlmann	Stewart
Caltagirone	Grabowski	Mowery	Sweet
Cappabianca	Greenfield	Mullen, M. P.	Swift
Cessar	Grieco	Murphy	Taddonio
Chess	Gruppo	Musto	Taylor, F.
Cimini	Harper	Nahill	Telek

Clark, B.	Hasay	Novak	Trello
Cochran	Hayes, S. E.	Noye	Vroon
Cohen	Hoeffel	O'Brien, B.	Wachob
Cole	Honaman	O'Donnell	Wagner
Cornell	Hutchinson, W.	Oliver	Wargo
Coslett	Irvis	Perzel	Wass
Cowell	Itkin	Peterson	Wenger
Cunningham	Johnson, E.	Piccola	White
Davies	Johnson, J.	Pistella	Williams
Dawida	Jones	Pitts	Wilson
DeVerter	Kanuck	Polite	Wilt
DeWeese	Kernick	Pott	Wright, D.
DiCarlo	Klingaman	Pratt	Wright, J. L.
Dietz	Knepper	Pucciarelli	Yahner
Dininni	Knight	Punt	Yohn
Dombrowski	Kolter	Pyles	Zeller
Donatucci	Kowalshyn	Rappaport	Zitterman
Dorr	Kukovich	Reed	Zord
Duffy	Lashingner	Rhodes	Zwikl
Dumas	Laughlin	Ritter	
Durham	Lehr	Rocks	Seltzer,
Earley	Levin	Rodgers	Speaker
Fee	Lewis	Ryan	

NAYS—6

Fryer	Hutchinson, A.	McMonagle	Stuban
Halverson	Letterman		

NOT VOTING—19

Brunner	Hayes, D. S.	Petrarca	Street
Clark, R.	Helfrick	Pievsky	Taylor, E.
DeMedio	Levi	Richardson	Thomas
Foster, A.	Mrkonic	Rieger	Weidner
Gray	O'Brien, D.	Salvatore	

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

On the question,

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

Bill as amended was agreed to.

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

The House proceeded to third consideration of **SB 756, PN 811**, entitled:

An Act amending the act of June 12, 1968 (P. L. 173, No. 94), entitled "Cooperative Agricultural Association Act," further providing for the audits of certain cooperatives.

On the question,

Will the House agree to the bill on third consideration?

Mr. CHESSE offered the following amendment:

Amend Sec. 1 (Sec. 27), page 2, line 16, by removing the period after "board" and inserting however, only one of the three members shall be a member of the board of directors.

On the question,

Will the House agree to the amendment?

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

Mr. CHESSE. The intent of the bill is that if you have an agricultural association where the amount of money involved is \$100,000 or less, rather than going on and hiring an auditor, a

three-member committee could be formed to perform the audit.

All this amendment says is that the board of directors, when they create this auditing committee, this three-member auditing committee, cannot end up putting the treasurer, the secretary and the president on it. All this is is a fail-safe. What my amendment says is that of the three-member committee, only one member can be from the board of directors. It is just a way of trying to avoid any suspicion that this auditing committee is misusing the funds in one way or another.

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

Mr. DeVERTER. Mr. Speaker, would Mr. Chess consent to a brief question?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. DeVerter, may proceed.

Mr. DeVERTER. Is it not your intent that that board consist of someone other than those who belong to the co-op, however?

Mr. CHESSE. No, just that they be members of the co-op organization, but not the president, the treasurer, not the people who are actually spending the money from day to day in that organization. My intention is that the members that they pick for this auditing committee are not the same people who are spending the money. So they pick other members of the co-op and that is fine. That is the intent of the amendment.

Mr. DeVERTER. Okay. I am not certain that this says that, but I will take it.

Mr. CHESSE. The Legislative Reference Bureau said it would accomplish that, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—183

Alden	Foster, W.	Lewis	Ryan
Anderson	Freind	Livengood	Scheaffer
Armstrong	Fryer	Lynch, E. R.	Schmitt
Arty	Gallagher	Lynch, F.	Schweder
Austin	Gallen	Mackowski	Scirica
Barber	Gamble	Madigan	Serafini
Belardi	Gannon	Manderino	Seventy
Beloff	Gatski	Manmiller	Shadding
Bennett	Geesey	McCall	Shupnik
Berson	Geist	McClatchy	Sieminski
Bittle	George, C.	McIntyre	Sirianni
Borski	George, M.	McKelvey	Smith, E.
Bowser	Giammarco	McMonagle	Smith, L.
Brandt	Gladeck	Michlovic	Spencer
Brown	Goebel	Micozzie	Spitz
Burd	Goodman	Milanovich	Stairs
Burns	Grabowski	Miller	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chess	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Murphy	Taddonio
Clark, B.	Hasay	Musto	Taylor, E.
Cochran	Hayes, S. E.	Nabill	Taylor, F.
Cohen	Hoeffel	Novak	Telek
Cole	Honaman	Noye	Trello
Cornell	Hutchinson, A.	O'Brien, B.	Vroon
Coslett	Hutchinson, W.	O'Donnell	Wachob
Cowell	Irvis	Oliver	Wagner

Cunningham	Itkin	Perzel	Wargo
Davies	Johnson, E.	Peterson	Wass
Dawida	Johnson, J.	Piccola	Wenger
DeVerter	Jones	Pistella	White
DeWeese	Kanuck	Pitts	Wilson
DiCarlo	Kernick	Polite	Wilt
Dietz	Klingaman	Pott	Wright, D.
Dininni	Knepper	Pratt	Wright, J. L.
Dombrowski	Knight	Pucciarelli	Yahner
Donatucci	Kolter	Punt	Yohn
Dorr	Kowalyszyn	Pyles	Zeller
Duffy	Kukovich	Rappaport	Zitterman
Dumas	Lashingner	Reed	Zord
Durham	Laughlin	Rhodes	Zwikl
Farley	Lehr	Ritter	
Fee	Letterman	Rocks	Seltzer,
Fischer, R. R.	Levin	Rodgers	Speaker
Fisher, D. M.			

Davies	Johnson, E.	Perzel	Wass
Dawida	Johnson, J.	Peterson	Wenger
DeVerter	Jones	Piccola	White
DeWeese	Kanuck	Pistella	Wilson
DiCarlo	Kernick	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D.
Dininni	Knepper	Pratt	Wright, J. L.
Dombrowski	Knight	Pucciarelli	Yahner
Donatucci	Kolter	Punt	Yohn
Dorr	Kowalyszyn	Pyles	Zeller
Duffy	Kukovich	Rappaport	Zitterman
Dumas	Lashingner	Reed	Zord
Durham	Laughlin	Rhodes	Zwikl
Earley	Lehr	Ritter	
Fee	Letterman	Rocks	Seltzer,
Fischer, R. R.	Levin	Rodgers	Speaker
Fisher, D. M.	Lewis	Ryan	

NAYS—0

NAYS—2

NOT VOTING—19

Gannon Pott

Brunner	Hayes, D. S.	Petrarca	Street
Clark, R.	Helfrick	Pievsky	Thomas
DeMedio	Levi	Richardson	Weidner
Foster, A.	McVerry	Rieger	Williams
Gray	O'Brien, D.	Salvatore	

NOT VOTING—19

Berson	Gray	Petrarca	Street
Brunner	Hayes, D. S.	Pievsky	Thomas
Clark, R.	Helfrick	Richardson	Weidner
DeMedio	Levi	Rieger	Williams
Foster, A.	O'Brien, D.	Salvatore	

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

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

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

REMARKS ON VOTE

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

Mr. GANNON. Mr. Speaker, on the vote on SB 756, I inadvertently voted in the negative. I would like to be recorded in the affirmative.

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

The House proceeded to third consideration of **HB 1815, PN 2230**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—181

YEAS—183

Alden	Foster, W.	Livengood	Scheaffer
Anderson	Freind	Lynch, E. R.	Schmitt
Armstrong	Fryer	Lynch, F.	Schweder
Arty	Gallagher	Mackowski	Scirica
Austin	Gallen	Madigan	Serafini
Barber	Gamble	Manderino	Seventy
Belardi	Gatski	Manmiller	Shadding
Beloff	Geesey	McCall	Shupnik
Bennett	Geist	McClatchy	Sieminski
Bittle	George, C.	McIntyre	Sirianni
Borski	George, M.	McKelvey	Smith, E.
Bowser	Giammarco	McMonagle	Smith, L.
Brandt	Gladeck	McVerry	Spencer
Brown	Goebel	Michlovic	Spitz
Burd	Goodman	Micozzie	Stairs
Burns	Grabowski	Milanovich	Steighner
Caltagirone	Greenfield	Miller	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cessar	Gruppo	Mowery	Sweet
Chess	Halverson	Mrkonic	Swift
Cimini	Harper	Mullen, M. P.	Taddonio
Clark, B.	Hasay	Murphy	Taylor, E.
Cochran	Hayes, S. E.	Musto	Taylor, F.
Cohen	Hoeffel	Nahill	Telek
Cole	Honaman	Novak	Trello
Cornell	Hutchinson, A.	Noye	Vroon
Coslett	Hutchinson, W.	O'Brien, B.	Wachob
Cowell	Irvs	O'Donnell	Wagner
Cunningham	Itkin	Oliver	Wargo

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

NAYS—0

NOT VOTING—19

Berson	Gray	Petrarca	Street
Brunner	Hayes, D. S.	Pievsky	Thomas
Clark, R.	Helfrick	Richardson	Weidner
DeMedio	Levi	Rieger	Williams
Foster, A.	O'Brien, D.	Salvatore	

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

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

The House proceeded to third consideration of **HB 340, PN 2343**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pension for deceased soldier's dependents.

On the question,

Will the House agree to the bill on consideration?

Mr. SCHEAFFER offered the following amendments:

Amend Title, page 1, line 2, by striking out "further"
Amend Title, page 1, line 2, by striking out "the pension" and inserting pensions and tuition credits

Amend Sec. 1 (Sec. 3503), page 3, line 21, by removing the period after "credit" and inserting for children of deceased soldiers.

Amend Sec. 1 (Sec. 3503), page 3, line 22, by striking out "Children entitled to tuition credit" and inserting General rule

Amend Sec. 1 (Sec. 3503), page 3, line 27, by striking out "THE" and inserting this

Amend Sec. 1 (Sec. 3503), page 3, line 27, by striking out "OF PENNSYLVANIA"

Amend Sec. 1 (Sec. 3503), page 3, line 28, by removing the period after "years" and inserting, whichever is greater.

Amend Sec. 1 (Sec. 3503), page 3, line 29, by striking out "control" and inserting administer

Amend Sec. 1 (Sec. 3503), page 4, line 2, by striking out "herein" and inserting under this section

Amend Sec. 3, page 4, line 3, by striking out "3" and inserting 2

Amend Sec. 3, page 4, line 3, by inserting after "and" shall

Amend Sec. 3, page 4, line 4, by inserting after "year" where it appears the first time commencing

Amend Sec. 3, page 4, line 4, by striking out "1977" and inserting 1979

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Scheaffer.

Mr. SCHEAFFER. Mr. Speaker, these amendments are strictly editorial in nature, suggested by the Legislative Reference Bureau, and I think both caucuses have discussed them.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Alden	Foster, W.	Livengood	Scheaffer
Anderson	Freind	Lynch, E. R.	Schmitt
Armstrong	Fryer	Lynch, F.	Schweder
Arty	Gallen	Mackowski	Scirica
Austin	Gamble	Madigan	Serafini
Barber	Gannon	Manderino	Seventy
Belardi	Gatski	Manmiller	Shadding
Beloff	Geesey	McCall	Shupnik
Bennett	Geist	McClatchy	Sieminski
Bittle	George, C.	McIntyre	Sirianni
Borski	George, M.	McKelvey	Smith, E.
Bowser	Giammarco	McMonagle	Smith, L.
Brandt	Gladeck	McVerry	Spencer
Brown	Goebel	Micozzie	Spitz
Burd	Goodman	Milanovich	Stairs
Burns	Grabowski	Miller	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chess	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Murphy	Taddonio
Clark, B.	Hasay	Musto	Taylor, E.
Cochran	Hayes, S. E.	Nahill	Taylor, F.
Cohen	Hoeffel	Novak	Telek
Cole	Honaman	Noye	Trello
Cornell	Hutchinson, A.	O'Brien, B.	Vroon
Coslett	Hutchinson, W.	O'Donnell	Wachob
Cowell	Irvis	Oliver	Wagner

Cunningham	Itkin	Perzel	Wargo
Davies	Johnson, E.	Peterson	Wass
Dawida	Johnson, J.	Piccola	Wenger
DeVerter	Jones	Pistella	White
DeWeese	Kanuck	Pitts	Wilson
DiCarlo	Kernick	Polite	Wilt
Dietz	Klingaman	Pott	Wright, D.
Dininni	Knepper	Pratt	Wright, J. L.
Dombrowski	Knight	Pucciarelli	Yahner
Donatucci	Kolter	Punt	Yohn
Dorr	Kowalyshyn	Pyles	Zeller
Duffy	Kukovich	Rappaport	Zitterman
Dumas	Lashinger	Reed	Zord
Durham	Laughlin	Rhodes	Zwilk
Earley	Lehr	Ritter	
Fee	Letterman	Rocks	Seltzer,
Fischer, R. R.	Levin	Rodgers	Speaker
Fisher, D. M.	Lewis	Ryan	

NAYS—0

NOT VOTING—21

Berson	Gray	O'Brien, D.	Salvatore
Brunner	Hayes, D. S.	Petrarca	Street
Clark, R.	Helfrick	Pievsky	Thomas
DeMedio	Levi	Richardson	Weidner
Poster, A.	Michlovic	Rieger	Williams
Gallagher			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—183

Alden	Freind	Livengood	Ryan
Anderson	Fryer	Lynch, E. R.	Scheaffer
Armstrong	Gallagher	Lynch, F.	Schmitt
Arty	Gallen	Mackowski	Schweder
Austin	Gamble	Madigan	Scirica
Barber	Gannon	Manderino	Serafini
Belardi	Gatski	Manmiller	Seventy
Beloff	Geesey	McCall	Shadding
Bennett	Geist	McClatchy	Shupnik
Berson	George, C.	McIntyre	Sieminski
Bittle	George, M.	McKelvey	Sirianni
Borski	Giammarco	McMonagle	Smith, E.
Bowser	Gladeck	McVerry	Smith, L.
Brandt	Goebel	Michlovic	Spencer
Brown	Goodman	Micozzie	Spitz
Burd	Grabowski	Milanovich	Stairs
Burns	Greenfield	Miller	Steighner
<i>Caltagirone</i>	<i>Grieco</i>	Moehlmann	Stewart
Cappabianca	Gruppo	Mowery	Stuban
Cessar	Halverson	Mrkonjic	Sweet
Chess	Harper	Mullen, M. P.	Swift
Cimini	Hasay	Murphy	Taddonio
Clark, B.	Hayes, S. E.	Musto	Taylor, E.
Cochran	Hoeffel	Nahill	Taylor, F.
Cohen	Honaman	Novak	Telek
Cole	Hutchinson, A.	Noye	Trello

Cornell	Hutchinson, W.	O'Brien, B.	Vroon
Coslett	Irvis	O'Donnell	Wachob
Cowell	Itkin	Oliver	Wagner
Cunningham	Johnson, E.	Perzel	Wargo
Davies	Johnson, J.	Peterson	Wass
Dawida	Jones	Piccola	Wenger
DeVerter	Kanuck	Pistella	White
DeWeese	Kernick	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Dietz	Knepper	Pott	Wright, D.
Dininni	Knight	Pratt	Wright, J. L.
Dombrowski	Kolter	Pucciarelli	Yahner
Donatucci	Kowalyshyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Earley	Lehr	Rhodes	Zwilk
Fee	Letterman	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Lewis	Rodgers	Speaker
Foster, W.			

NAYS—0

NOT VOTING—19

Brunner	Gray	Petrarca	Street
Clark, R.	Hayes, D. S.	Pievsky	Thomas
DeMedio	Helfrick	Richardson	Weidner
Durham	Levi	Rieger	Williams
Foster, A.	O'Brien, D.	Salvatore	

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

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

REMARKS ON VOTE

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

Mrs. DURHAM. Mr. Speaker, my switch apparently is not in proper working order and my "yes" vote on HB 340 was not recorded. May I please be recorded as voting affirmatively on HB 340?

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

The House proceeded to third consideration of **SB 882, PN 1314**, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for rules for the use of highways and for penalties for damaging, destroying or injuring State highways and repealing certain bonding and reporting requirements.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—181

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

NAYS—1

Ritter

NOT VOTING—20

Brunner	Hayes, D. S.	O'Brien, D.	Salvatore
Clark, R.	Helfrick	Petrarca	Street
DeMedio	Levi	Pievsky	Thomas
Foster, A.	Milanovich	Richardson	Weidner
Gray	Mullen, M. P.	Rieger	Williams

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

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

The House proceeded to third consideration of **HB 434, PN 466**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. NOYE offered the following amendments:

Amend Title, page 1, lines 4 and 5, by striking out "requiring a certificate of" in line 4 and all of line 5 and inserting further providing for applications for hunting license.

Amend Sec. 1 (Sec. 301.1), page 1, line 11, by striking out the bracket after "Sixteen"

Amend Sec. 1 (Sec. 301.1), page 1, line 12, by striking out "Certificate of Competency"

Amend Sec. 1 (Sec. 301.1), page 1, line 13, by striking out the brackets before and after "under the age of sixteen years"

Amend Sec. 1 (Sec. 301.1), page 1, line 17, by inserting a bracket after "section"

Amend Sec. 1 (Sec. 301.1), page 1, lines 17 through 19; page 2, lines 1 and 2, by striking out the comma in line 17, all of lines 18 and 19, page 1; all of lines 1 and 2, page 2 and inserting Affidavit Attesting to Prior Licensing or Possession of Certificate of Competency Required for Licensing.—(a) No hunting license shall be issued to any applicant unless the applicant swears or affirms that he or she either (i) has held a hunting license issued by the Commonwealth of Pennsylvania or another state in a prior year, or (ii) has been issued a valid certificate of competency as provided in this section. The application for a hunting license shall contain the form for the affidavit required by this subsection. The completed application form with the affidavit shall be presented to a person authorized to issue hunting licenses by this act.

On the question,

Will the House agree to the amendments?

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I tried to get your attention before this bill, but following this action, could I have the floor for just a moment? It will not take long, please.

The SPEAKER. The Chair would hope that the gentleman would wait until we have completed the calendar. There are only a few bills left.

Mr. ZELLER. What I have to say, I do not want to say to an empty House. It is not against you or anything. It happens—no; I am serious, Mr. Speaker—it is about a certain group. Okay? I think you understand what I mean.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, to explain his amendment.

Mr. NOYE. The intent of the amendment is to make the procedure for purchasing a hunting license a little more simple than the present bill allows for. Under the present bill there would be no issuing of a hunting license until a person produced evidence that he has held a prior hunting license or a certificate of competency and a sworn statement that he has held such a hunting license.

The amendment is offered to simplify the procedure where a person would go in, sign a sworn statement to the fact that he has in previous years held a prior hunting license or completed the appropriate competency test. He does not have to carry the

documents in with him to prove it to the issuing agent. He makes a sworn statement, and if he falsely swears, he could be prosecuted under the present law. The procedure is that the application is to have a spot for the sworn statement, and that would alleviate, I think, a lot of paperwork and red tape.

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

Mr. LETTERMAN. May I interrogate Mr. Noye?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, does your amendment have anything to do with, say, a wife wanting to go in and sign that her husband had a license in the prior year? Does this cover it, and is that the intention of your amendment?

Mr. NOYE. My intention is not to change present law which allows anyone to purchase someone else's hunting license for them. That person then would still have to sign the sworn statement, if it is the wife, that her husband did have a prior hunting license or he did have the certificate, and, of course, if she swore falsely, she would then be subject to the penalty.

I do not intend to limit that procedure that is already under present law.

Mr. LETTERMAN. Thank you.

Mr. Speaker, may I make a statement, please?

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

Mr. LETTERMAN. I asked Mr. Noye that question for clarification, because we wanted that on the record so that there would be no argument about it at a later date. With that, I think that this is a pretty good amendment, and it makes it quite simple for a person to go in now and just sign an affidavit at the place of issuance. So it does make it a lot easier. Before, it would have required an affidavit to be certified by a notary and everything like that to be brought in. This makes it a lot more simpler, and the Game Commission has agreed to it this way. Thank you.

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

Mr. BRANDT. May I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Brandt, may proceed.

Mr. BRANDT. Mr. Speaker, would your amendment have any change or impact on the issue of the certification of our first-time hunters when they take the course in our game club?

Mr. NOYE. No; it will have no effect at all. We wanted to make sure that that would not happen. They still must complete the competency test; they still must obtain that certificate. If they do go in and it is the first license they are purchasing, yes, they still have to produce that. That is the only time that they would have to do that.

Mr. BRANDT. Are we saying in this amendment that regardless of age, you must complete a hunter safety course?

Mr. NOYE. Yes. That does not affect that. Yes; you still have to follow present law.

Mr. BRANDT. Regardless of age?

Mr. NOYE. Whatever the present law is. I cannot remember

whether we passed that bill which made it mandatory on all first-time hunters, but whatever the present law is, is the way it would remain.

Mr. BRANDT. Thank you, Mr. Speaker.

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

Mr. GRABOWSKI. I would like to interrogate Mr. Noye.

The SPEAKER. The gentleman, Mr. Noye, indicates he will stand for interrogation. The gentleman, Mr. Grabowski, may proceed.

Mr. GRABOWSKI. Mr. Speaker, it is my understanding that your amendment will make it much easier for people to obtain a hunting license than the bill is in its present form. Is that correct?

Mr. NOYE. It makes it more convenient for them in that they do not have to carry some documents in or worry about getting them in to make the purchase, yes.

Mr. GRABOWSKI. Do you know what will happen to these affidavits after they are filled out and submitted to the issuing agents?

Mr. NOYE. I would imagine the same thing that happens to them now when they fill in the other information on their application as to date of birth and so on and make a sworn statement.

Mr. GRABOWSKI. Well, it is my understanding that nothing happens with these affidavits. This concept of an affidavit for issuing a hunting license is virtually unenforceable, because the Game Commission does not maintain any records of licenses issued.

I am opposing this amendment. As a matter of fact, I have circulated an amendment myself that would strengthen this concept. It would eliminate the affidavit concept altogether.

I would encourage all members to oppose this. It is my intention to try to make hunting a little safer.

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

Mr. LETTERMAN. Mr. Speaker, one of the main reasons why we are asking for this amendment is that at the present time if a man would happen to lose his hunting license this year and he lost it after hunting season was over, and next year he moved to a new county or a new area and he went in to get a license from a distributor who did not know him, an issuing agent who did not know him, then he would really be asked to prove or go back to school again in order to get that hunting license. But by doing this, we have the affidavit, and if the Game Commission wants to check it, they can find out who had a license issued last year to them.

This really makes it a lot simpler for a man. Right now, if a guy wants to challenge you, you have to produce last year's license in order to get a new one. What we are trying to do is make it simpler so that people who lose these can go in with an affidavit and sign right there while they are getting their license issued, stating that they did have a license the prior year.

I think it is a little bit simpler. I do not think it takes anything away as far as being competent to hunt. I do not think it does anything at all except make it a little bit easier for the

man who would move to a new district and lose his license so that he can get a new one. Thank you.

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

The following roll call was recorded:

YEAS—159

Alden	Fryer	Livengood	Scheaffer
Anderson	Gallagher	Lynch, F. R.	Schmitt
Armstrong	Gallen	Mackowski	Schweder
Arty	Gamble	Madigan	Scirica
Austin	Gannon	Manderino	Serafini
Barber	Gatski	Manmiller	Shadding
Belardi	Geesey	McCall	Shupnik
Bennett	Geist	McClatchy	Sieminski
Berson	George, C.	McKelvey	Sirianni
Bittle	George, M.	McMonagle	Smith, E.
Borski	Giammarco	McVerry	Smith, L.
Bowser	Gladeck	Micozzie	Spencer
Brandt	Goebel	Milanovich	Spitz
Brown	Goodman	Miller	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruppo	Mrkonic	Sweet
Cessar	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Musto	Taddonio
Cochran	Hasay	Nahill	Taylor, E.
Cole	Hayes, S. E.	Noye	Taylor, F.
Cornell	Hoefel	O'Brien, B.	Telek
Coslett	Honaman	Oliver	Vroon
Cowell	Hutchinson, A.	Perzel	Wachob
Cunningham	Hutchinson, W.	Peterson	Wargo
Davies	Irvis	Piccola	Wass
DeVerter	Johnson, E.	Pistella	Wenger
DeWeese	Johnson, J.	Pitts	White
DiCarlo	Jones	Polite	Wilson
Dietz	Kanuck	Pott	Wilt
Dininni	Klingaman	Pratt	Wright, D.
Dombrowski	Knepper	Pucciarelli	Wright, J. L.
Donatucci	Kolter	Punt	Yohn
Dorr	Kowalshyn	Pyles	Zeller
Dumas	Kukovich	Rappaport	Zitterman
Durham	Lashingner	Reed	Zord
Earley	Laughlin	Ritter	Zwikl
Fischer, R. R.	Lehr	Rocks	
Fisher, D. M.	Letterman	Rodgers	Seltzer,
Foster, W.	Lewis	Ryan	Speaker
Freind			

NAYS—18

Cappabianca	Fee	Michlovic	Seventy
Chess	Grabowski	Murphy	Stuban
Clark, B.	Itkin	Novak	Trello
Dawida	Kernick	O'Donnell	Yahner
Duffy	Knigh		

NOT VOTING—25

Beloff	Hayes, D. S.	O'Brien, D.	Salvatore
Brunner	Helfrick	Petrarca	Street
Clark, R.	Levi	Pievsky	Thomas
Cohen	Levin	Rhodes	Wagner
DeMedio	Lynch, F.	Richardson	Weidner
Foster, A.	McIntyre	Rieger	Williams
Gray			

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

HB 434 AND AMENDMENTS TABLED

The SPEAKER. It has just been brought to the attention of the Chair that the gentleman from Washington, Mr. DeMedio, who is not present in the hall of the House, has an amendment to this bill.

Without objection, HB 434 with the amendment just adopted, offered by Mr. Noye, will be laid on the table. The Chair hears no objection.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I had a brief discussion with the minority leader and minority whip, and prior to our taking up the supplemental calendar, the minority leader indicates that he would like a 15-minute caucus.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.
Mr. IRVIS. Mr. Speaker, we are going to take up HB 1108, which is an important labor bill. It has been in controversy for a number of months, and before it is called on the floor, I do wish to have a 15-minute Democratic caucus for the benefit of those Democrats who wish to question our labor experts on the condition of the bill at this time. Then we will return promptly, Mr. Speaker, at the end of 15 minutes and be prepared to vote.

I ask for an immediate caucus of 15 minutes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I do not believe it necessary that the Republicans have a caucus. I would just ask that they be at ease but close by 15 minutes from now.

REPUBLICAN CAUCUS

Mr. RYAN. The members of the Republican caucus who would like a quick review of this bill should report to the Republican caucus room. If anyone is interested in a further explanation of the bill, they should go to the Republican caucus room at once.

RECESS

The SPEAKER. Without objection, this House will now stand in recess until 7 p.m. The Chair hears none.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

HB 2021 By Representatives PRATT and FEE.

An Act making an appropriation to the Department of Health.

Referred to Appropriations, Nov. 28, 1979.

HB 2022 By Representatives DININNI and ZELLER.

An Act declaring and adopting the song "Pennsylvania" by Hank Levine and Paul Crabtree as the official State song of the Commonwealth of Pennsylvania.

Referred to State Government, Nov. 28, 1979.

HB 2023 By Representatives WARGO, ZITTERMAN, BELARDI and SERAFINI.

An Act declaring and adopting the song "Hail Pennsylvania," music and lyrics by Anne Therese Kenny, as the State song of the Commonwealth.

Referred to State Government, Nov. 28, 1979.

HB 2024 By Representatives COHEN, IRVIS, GREENFIELD, DiCARLO, POTT, GIAMMARCO, DeWEESE, ITKIN, PISTELLA, BORSKI, PETRARCA, FEE, YAHNER, RICHARDSON, KUKOVICH, SCHMITT, ALDEN and WHITE.

An Act providing for disclosure and reporting in relation to standardized testing.

Referred to Education, Nov. 28, 1979.

HB 2025 By Representatives COHEN, GREENFIELD, SCHMITT, KUKOVICH, MICHLOVIC, ALDEN, WACHOB, HOFFEL, ITKIN, PETRARCA, FREIND, RODGERS, D. R. WRIGHT, PISTELLA, FEE and McINTYRE.

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

Referred to State Government, Nov. 28, 1979.

HB 2026 By Representatives LEVIN, OLIVER, PYLES and PICCOLA.

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "An act fixing the salaries and compensation of members of certain boards and commissions, and repealing inconsistent acts," increasing the maximum amount which may be paid annually to members of the State Civil Service Commission.

Referred to State Government, Nov. 28, 1979.

HB 2027 By Representative SPENCER.

An Act declaring and adopting the song "Keystone of the Free," music and lyrics by Kathryn J. Lunn, as the State song of the Commonwealth.

Referred to State Government, Nov. 28, 1979.

HB 2028 By Representative A. K. HUTCHINSON.

An Act making an appropriation to the Westmoreland County Branch of the Pennsylvania Association for the Blind.

Referred to Appropriations, Nov. 28, 1979.

HB 2029 By Representatives STEWART, MOWERY, FRYER, KUKOVICH, AUSTIN, WILT,

D. R. WRIGHT, STEIGHNER and HOFFEL.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring forms used by the Commonwealth to show the statute to which they relate.

Referred to State Government, Nov. 28, 1979.

HB 2030 By Representatives L. E. SMITH, BENNETT, McCALL, DORR, DeVERTER, LEHR, LAUGHLIN, A. K. HUTCHINSON, BURD, McKELVEY, ROCKS, GEIST, SERAFINI, S. E. HAYES, JR., BELARDI, COSLETT, KLINGAMAN, SPITZ, PETERSON, BOWSER, KANUCK, HALVERSON, GRUPPO, SIEMINSKI, PERZEL, MADIGAN, CIMINI, GRIECO, STAIRS, FISCHER, WILT, WACHOB, C. GEORGE, COCHRAN, CALTAGIRONE, DIETZ and EARLEY.

An Act amending the "Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), providing for the designation of critical economic areas annually or for periods of less than one year *** and removing the industrial development agency project percentage in certain instances; and changing the voting requirements for approvals or rejections of loan applications.

Referred to Business and Commerce, Nov. 28, 1979.

HB 2031 By Representatives STUBAN, HASAY and WAGNER.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the powers of the Pennsylvania Game Commission.

Referred to Game and Fisheries, Nov. 28, 1979.

HOUSE RESOLUTION INTRODUCED AND REFERRED

Serial No. 155 By Representatives KLINGAMAN, W. W. FOSTER, BELARDI, SERAFINI, KOWALYSHYN, MUSTO, McCALL, COSLETT, B. F. O'BRIEN, SHUPNIK, GATSKI, ZITTERMAN, GOODMAN, WARGO, SIRIANNI, W. D. HUTCHINSON and HASAY.

General Assembly memorialize Congress enact legislation for specific rail plans.

In the House, Nov. 28, 1979

Referred to Federal-State Relations, Nov. 28, 1979.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SB 869, PN 1370

Referred to Committee on Transportation.

SB 1019, PN 1371

Referred to Committee on Judiciary.

SUPPLEMENTAL CALENDAR

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1108, PN 2538**, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further providing for the payment of unemployment compensation to certain employes of institutions of higher education.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—177

Alden	Foster, W.	Lynch, E. R.	Schmitt
Anderson	Freind	Lynch, F.	Schweder
Armstrong	Fryer	Mackowski	Scirica
Arty	Gallen	Madigan	Serafini
Austin	Gamble	Manderino	Seventy
Barber	Gannon	Manmiller	Shadding
Belardi	Gatski	McCall	Shupnik
Beloff	Geesey	McClatchy	Sieminski
Bennett	Geist	McKelvey	Sirianni
Bittle	George, C.	McMonagle	Smith, E.
Borski	George, M.	McVerry	Smith, L.
Bowser	Giammarco	Michlovic	Spencer
Brandt	Gladeck	Micozzie	Spitz
Brown	Goebel	Milanovich	Stairs
Burd	Goodman	Miller	Steighner
Burns	Grabowski	Moehlmann	Stewart
Caltagirone	Greenfield	Mowery	Stuban
Cappabianca	Grieco	Mrkonie	Sweet
Cessar	Gruppo	Mullen, M. P.	White
Chess	Halverson	Murphy	Wilson
Cimini	Harper	Musto	Wilt
Clark, B.	Hasay	Nahill	Wright, D.
Cochran	Hayes, S. E.	Novak	Wright, J. L.
Cohen	Hoeffel	Noye	Yahner
Cole	Honaman	O'Brien, B.	Yohn
Cornell	Hutchinson, A.	O'Donnell	Zeller
Coslett	Hutchinson, W.	Oliver	Zitterman
Cowell	Itkin	Perzel	Zord
Cunningham	Johnson, E.	Peterson	Zwickl
Davies	Johnson, J.	Piccola	
Dawida	Jones	Pistella	
DeVerter	Kanuck	Pitts	
DeWeese	Kernick	Polite	
DiCarlo	Klingaman	Pott	
Dietz	Knepper	Pratt	
Dombrowski	Knight	Pucciarelli	
Donatucci	Kolter	Punt	
Dorr	Kowalshyn	Pyles	
Duffy	Kukovich	Rappaport	
Dumas	Lashinger	Reed	
Durham	Laughlin	Ritter	
Earley	Lehr	Rocks	

Fee	Levin	Rodgers	Seltzer.
Fischer, R. R.	Lewis	Ryan	Speaker
Fisher, D. M.	Livengood	Scheaffer	

NAYS—4

Gallagher	Irvis	Letterman	Rhodes
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NOT VOTING—21

Berson	Gray	O'Brien, D.	Salvatore
Brunner	Hayes, D. S.	Petrarca	Street
Clark, R.	Helfrick	Pievsky	Thomas
DeMedio	Levi	Richarson	Weidner
Dininni	McIntyre	Rieger	Williams
Foster, A.			

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

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

RECONSIDERATION OF VOTE ON HB 1673

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

Miss SIRIANNI. Mr. Speaker, I move that the vote by which HB 1673 was defeated on the 28th day of November be reconsidered.

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

Mr. ARMSTRONG. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—169

Alden	Fischer, R. R.	Letterman	Schmitt
Anderson	Fisher, D. M.	Levin	Schweder
Armstrong	Foster, W.	Lewis	Scirica
Arty	Freind	Livengood	Serafini
Austin	Fryer	Lynch, E. R.	Seventy
Barber	Gallagher	Lynch, F.	Shadding
Belardi	Gallen	Mackowski	Shupnik
Beloff	Gamble	Madigan	Sieminski
Bennett	Gannon	Manderino	Sirianni
Berson	Gatski	Manmiller	Smith, E.
Bittle	Geesey	McCall	Smith, L.
Bowser	Geist	McClatchy	Spencer
Brandt	George, C.	McKelvey	Spitz
Brown	George, M.	McVerry	Stairs
Burd	Giammarco	Michlovic	Steighner
Burns	Gladeck	Micozzie	Stewart
Caltagirone	Goebel	Milanovich	Stuban
Cappabianca	Goodman	Miller	Sweet
Cessar	Grabowski	Moehlmann	Swift
Chess	Greenfield	Mowery	Taddonio
Cimini	Grieco	Mrkonie	Taylor, E.
Clark, B.	Gruppo	Murphy	Taylor, F.
Cochran	Halverson	Musto	Telek
Cohen	Harper	Nabill	Vroon
Cole	Hasay	Noye	Wachob
Cornell	Hayes, S. E.	O'Brien, B.	Wagner
Coslett	Hoeffel	O'Donnell	Wargo
Cowell	Honaman	Oliver	Wass
Cunningham	Hutchinson, W.	Perzel	Wenger

Davies	Itkin	Peterson	White
Dawida	Johnson, E.	Piccola	Wilson
DeVerter	Johnson, J.	Pistella	Wilt
DeWeese	Jones	Pitts	Wright, D.
DiCarlo	Kanuck	Polite	Wright, J. L.
Dietz	Kernick	Pott	Yahner
Dininni	Klingaman	Pucciarelli	Yohn
Dombrowski	Knepper	Punt	Zeller
Donatucci	Kolter	Pyles	Zitterman
Dorr	Kowalshyn	Rappaport	Zord
Duffy	Kukovich	Ritter	
Dumas	Lashinger	Rocks	Seltzer,
Durham	Laughlin	Ryan	Speaker
Earley	Lehr	Scheaffer	

NAYS—9

Fee	Novak	Reed	Trello
Hutchinson, A.	Pratt	Rodgers	Zwinkl
Knight			

NOT VOTING—24

Borski	Hayes, D. S.	Mullen, M. P.	Rieger
Brunner	Helfrick	O'Brien, D.	Salvatore
Clark, R.	Irvis	Petrarca	Street
DeMedio	Levi	Pievsky	Thomas
Foster, A.	McIntyre	Rhodes	Weidner
Gray	McMonagle	Richardson	Williams

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

On the question recurring,

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1673

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

Miss SIRIANNI. Mr. Speaker, I move that the vote by which my amendments to HB 1673 passed on the 28th day of November be reconsidered.

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

Mr. ARMSTRONG. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—170

Alden	Freind	Lynch, E. R.	Schweder
Anderson	Fryer	Lynch, F.	Scirica
Armstrong	Gallagher	Mackowski	Serafini
Arty	Gallen	Madigan	Seventy
Austin	Gannon	Manmiller	Shadding
Barber	Gatski	McCall	Shupnik
Belardi	Geesey	McClatchy	Sieminski
Beloff	Geist	McIntyre	Sirianni
Berson	George, C.	McKelvey	Smith, E.
Bittle	George, M.	McMonagle	Smith, L.
Borski	Giammarco	McVerry	Spencer
Bowser	Goebel	Michlovic	Spitz
Brandt	Goodman	Micozzie	Stairs
Burd	Grahowski	Milanovich	Steighner

Burns	Grieco	Miller	Stewart
Cappabianca	Gruppo	Moehlmann	Stuban
Cessar	Halverson	Mowery	Sweet
Chess	Harper	Mrkonc	Swift
Cimini	Hasay	Mullen, M. P.	Taddonio
Clark, B.	Hayes, S. E.	Murphy	Taylor, E.
Cohen	Hoefel	Musto	Taylor, F.
Cole	Honaman	Nahill	Telek
Cornell	Hutchinson, W.	Noye	Trello
Coslett	Irvis	O'Brien, B.	Vroon
Cowell	Itkin	O'Donnell	Wachob
Cunningham	Johnson, E.	Oliver	Wagner
Davies	Johnson, J.	Perzel	Wargo
Dawida	Jones	Peterson	Wass
DeVerter	Kanuck	Piccola	Wenger
DiCarlo	Kernick	Pistella	White
Dietz	Klingaman	Pitts	Wilson
Dininni	Knepper	Polite	Wilt
Dombrowski	Knight	Pott	Wright, D.
Donatucci	Kolter	Pucciarelli	Wright, J. L.
Dorr	Kowalshyn	Punt	Yahner
Duffy	Kukovich	Pyles	Yohn
Dumas	Lashinger	Rappaport	Zeller
Durham	Laughlin	Ritter	Zitterman
Earley	Lehr	Rocks	Zord
Fee	Letterman	Rodgers	Zwinkl
Fischer, R. R.	Levin	Ryan	
Fisher, D. M.	Lewis	Scheaffer	Seltzer,
Foster, W.	Livengood	Schmitt	Speaker

NAYS—10

Bennett	Cochran	Hutchinson, A.	Pratt
Brown	DeWeese	Novak	Reed
Caltagirone	Gamble		

NOT VOTING—22

Brunner	Greenfield	Petrarca	Salvatore
Clark, R.	Hayes, D. S.	Pievsky	Street
DeMedio	Helfrick	Rhodes	Thomas
Foster, A.	Levi	Richardson	Weidner
Gladeck	Manderino	Rieger	Williams
Gray	O'Brien, D.		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Miss SIRIANNI reoffered the following amendments which were reread:

Amend Sec. 1, (Sec. 402), page 2, line 6, by striking out "306(C)23" and inserting 306(C)

Amend Sec. 1, (Sec. 402), page 2, line 8, by inserting after "ACT." " Nothing contained in this provision shall apply to medical or hospital payments or similar services."

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Miss SIRIANNI. Mr. Speaker, I withdraw my amendments to HB 1673.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Title, page 1, line 16, by striking out all of said line and inserting appeals.

Amend Bill, page 1, lines 19 through 24; page 2, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," is amended by adding a section to read:

Section 510.1. Appeals to Commonwealth Court.—(a) An appeal to the Commonwealth Court may be taken by the department or by any party claiming to be aggrieved, but only after such appellant has exhausted its remedies before the board. In any appeal the board shall be made the party respondent.

(b) Every appeal to the Commonwealth Court shall be taken within forty-five (45) days after the decision or order of the board is issued. The appeal shall be by petition and shall state the grounds upon which a judicial review is sought.

(c) A copy of the appeal petition shall be served upon a member or agent of the board, and sufficient additional copies shall be left with the board to enable the board to furnish a copy to every party in interest in the proceeding who has not joined in the appeal. The board may also, in its discretion, certify to the Commonwealth Court questions of law involved in any decision by it.

(d) In any appeal to the Commonwealth Court the findings of the board or referee, as the case may be, as to the facts, if supported by the evidence and in the absence of fraud, shall be conclusive, and in such cases the jurisdiction of the court shall be confined to questions of law.

Section 2. The act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, Mr. Hutchinson is about to offer an amendment to this bill on unemployment compensation, which completely changes the purpose of the original bill so much so, Mr. Speaker, that I would think that there is probably a constitutional problem.

But our caucus has not caucused to consider the merits of his amendment, and I would not like a final vote taken on it until we have a chance to caucus on this amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I have no objection to holding the bill briefly. However, my amendment does address a very serious problem for people who are entitled to unemployment compensation, a problem that I have recently had in my district where people are being deprived of their rights of appeal because of a conflict between two statutes in connection with the time that they have for appeal, and I would have no objection.

Would the gentleman, Mr. Manderino, stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hutchinson, may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman understand that all my amendment does is extend the period for filing an appeal to the Commonwealth Court from an adverse decision of the Unemployment Compensation Board of Review to 45 days, the time period that had always existed in the law before we passed the Judicial Repealer Act?

Mr. MANDERINO. Mr. Speaker, it is my belief that that probably is what is accomplished by this amendment.

The amendment is, though, an amendment to the unemployment compensation law. It does affect the rights of claimants. It affects the time period for appeals. It has a lot of other language in it which may be a repeat of law that was there before the repealer. I do not know. I am simply saying that I do not want to take a final position and a final vote on this particular amendment before we have a chance to caucus. I did not see this amendment until about 45 minutes ago, something like that.

Mr. W. D. HUTCHINSON. Does the gentleman—I am sorry—

Mr. MANDERINO. I appreciate what you are saying. This amendment may do exactly as you say and nothing more. And it probably does that and it probably is a good amendment. If that bears out, I will probably be supporting it, but I am not prepared to take a final vote until I grab the seat of my pants and do my homework, Miss Sirianni.

Mr. W. D. HUTCHINSON. Mr. Speaker, one other question. Mr. Speaker, has the gentleman made a motion to—What is the gentleman's motion at this point?

The SPEAKER. Could the Chair interject himself? The minority whip, Mr. Manderino, called to the attention of the Chair that his caucus had not had an opportunity to review the amendment. He just made a request of the Chair that the bill and the amendment be passed over for today.

Mr. W. D. HUTCHINSON. Would it be the intention, Mr. Speaker, of the gentleman to caucus on the amendment tomorrow so that we could run the amendment tomorrow?

Mr. MANDERINO. If that opportunity presents itself, we certainly could try that.

Mr. W. D. HUTCHINSON. Let me state, Mr. Speaker, that the reason I am anxious to do this is because I have constituents now who have lost their appeal rights because of confusion between these two statutes and I am anxious to correct the problem. Thank you, Mr. Speaker.

HB 1673 AND AMENDMENTS TABLED

The SPEAKER. Without objection, HB 1673 and the amendments will be laid on the table. The Chair hears no objection.

SUPPLEMENTAL CALENDAR

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1544, PN 1821; HB 1996, PN 2507; HB 2000, PN 2511; SB 271, PN 1361; and SB 915, PN 1274.

BILLS AND RESOLUTION PASSED OVER

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

The Chair hears no objection.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2 be removed from the table and recommitted to the Committee of Judiciary.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HB 1778 REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I intended earlier to ask the Rules Committee to report HB 1778 from the table to the active calendar. At this time I would move that that be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I would like to call a meeting of the Judiciary Committee for 10 a.m. tomorrow morning, in room 115A, to discuss HB 2.

BUSINESS AND COMMERCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith, for an announcement.

Mr. L. E. SMITH. Mr. Speaker, the adjourned meeting of the Business and Commerce Committee will be reconvened tomorrow morning at 10:30 in the minority caucus room. The purpose of the meeting is to reconsider SB 826.

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

Mr. RYAN. I do not think so.

No. I do not have any further business. I see Mr. Irvis quickly rise. Maybe I did forget something.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I would call the Chair's attention to the fact that the gentleman, Mr. Zeller, has asked for the floor.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, because there was some confusion this week as to our schedule, I think I would remind the mem-

bers that for the next 2 weeks we expect to be in session 3 days a week.

The Senate has put us on notice, I believe, that they intend to adjourn this week. Right now we definitely will be in next week on Monday, Tuesday and Wednesday. And there is a strong probability—not a possibility; a strong probability—that we will be in 3 days the following week so that you can mark your respective calendars in your home districts as well as up here as to what our plans are.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. ZELLER. I rise to make a statement on the floor of the House in regard to two pieces of legislation I am about to introduce.

The SPEAKER. The gentleman asks unanimous consent to make a brief statement. Without objection, the gentleman may proceed. The Chair hears none.

Mr. ZELLER. First, Mr. Speaker, prior to introducing these two bills—I am going to introduce them tomorrow, but I want to get some more signers possibly, if there is someone here who wants to join in these two very outstanding bills. But, first of all—I would like to state that the Fourth Estate has always written up legislators as being in sort of a position of full-time legislators or else we are not worth our salt; that we have to spend full-time down here or else we do not deserve the pay increases that were just recently voted and even the ones that were voted years ago.

I have not noticed the press around for a while because we evidently have not had a pay-increase bill on the calendar or even being voted on. As a matter of fact, that corner has been vacant for so long that I am wondering if there is a press still here. That is the part that bothers me, that since they ask us to be full time they are not full time. The bills that I am to introduce tomorrow, I am asking those who want to to join me in cosponsorship. I have five very courageous cosponsors here. The one bill deals with their so-called First Amendment problem. We are asking that all members of the press covering the news in Harrisburg must file their source of income with the Ethics Commission. Now it means this: Since we have to, I do not see any reason why the Fourth Estate should not have to.

They say they are private enterprise, but they are dealing, in effect, as lobbyists; they are dealing, in effect, as an unregulated monopoly, and they are in a position to write things that they do not have any responsibility for at all. And under the First Amendment they hide and, therefore, they always use this. Now, we are going to say, such as the former—and I will not mention names—senator who had a problem with a reporter for the Philadelphia Inquirer. Whereas he owned her typewriter and therefore all she did was print what he wanted, what we are trying to say here is, we want to know who owns their typewriters and we want to know if it is worthy of the fact that they own their typewriters and what are they writing, and that is what I say. I think it is most important that this bill goes through.

Now, secondly, rather than bring it in with the same bill, because they may, if we pass it, take us to court like they did in Alabama, and theirs was far-reaching, though. I feel mine will go. Theirs was far-reaching and was ruled unconstitutional, but I am introducing a second bill that says that all those covering the news in Harrisburg—and I hope they can hear me down in their little chambers or wherever they are—that any reporter covering the news in Harrisburg cannot take a job with any agency of the government of the State of Pennsylvania for 1 year after they leave their office.

Now the reason why I say this is because we have a few very courageous Fourth Estaters who have been writing some very nice articles about certain people so they can get a job. We know that; they are not kidding anybody. So, therefore, the folks back home do not really get the news. They only get what they want them to get, and, therefore, we would like them to have the same as we have — we are not allowed to take a job either—and that is our judge, jury and verdict over in the corner. They are the ones, if there is ever anybody over there, who tell us what we must do, and they want to be the judge of everything and that what they say is gospel truth. So we want to see just how gospel truth they are and whether they would want to be as courageous as to support us with what we call First Amendment laws that we want to put into effect, that are going to protect people whom the First Amendment is supposed to protect so they get the news out there, not fabricated news that they want to have to fit their own cause.

So with that, I ask for those courageous people who have the guts to stand up and be counted to join in with me to tell the Fourth Estate, we want you to be credible. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

HB 1778 REMOVED FROM TABLE FOR CALENDAR

Mr. RYAN. Mr. Speaker, I move that HB 1778 be taken from the table and placed on tomorrow's active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

SB 210, PN 1312

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," further providing for benefits and providing for vesting.

SB 276, PN 1260

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers and duties of the Secretary of Transportation as to real property, restricting the right to condemn prime agricultural lands for certain purposes and creating the Agricultural Lands Condemnation Approval Board.

SB 502, PN 1321

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," prohibiting assistance to certain students and removing a qualification of the Commissioner of Mental Health and making a repealer.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, Mr. Ron Williams of Mountain Top, Luzerne County, who is here today as the guest of Messrs. Coslett and Hasay.

The Chair also welcomes Mr. Pete Petrack from the Pittsburgh Chamber of Commerce, who is here as the guest of Messrs. Dawida and Murphy of Allegheny County.

The Chair welcomes to the floor of the House, Miss Kendall Oglesby of Philadelphia and Miss Cheryl Montano of Haddonfield, New Jersey, who are here as the guests of Mr. Freind.

The Chair also welcomes Mrs. Francis Rooney and Mrs. Amelia Smith, who are here today as the guests of Mr. Jerry McKelvey.

The Chair welcomes to the front of the House, Thomas Judge, Sr., chairman of the Delaware County Republican Executive Committee, who is the guest today of the Delaware County delegation.

ADJOURNMENT

Mr. CORNELL moved that this House of Representatives do now adjourn until Thursday, November 29, 1979, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:50 p.m., e.s.t., the House adjourned.