

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, DECEMBER 4, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 86

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE DAVID L. SHADDING, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Father in Heaven, lift each member of this assembly out of itself and grant all of us the will to rise above the things that prevent every one of us from doing our best to serve our people fairly and honestly. Through Jesus Christ, Our Lord, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, December 3, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2049 By Representative SCHEAFFER.

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Helen Hall Bucher of Boiling Springs, Pennsylvania, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2050 By Representative SCHEAFFER.

An Act declaring and adopting the song "Pennsylvania," music and lyrics by Lois Horton Young, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2051 By Representatives D. M. O'BRIEN, BURNS and PERZEL.

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, by further defining the term "superannuation age."

Referred to State Government, Dec. 3, 1979.

HB 2052 By Representatives A. C. FOSTER, JR., TRELLO, WEIDNER and LEVI.

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for compensation of commissioners.

Referred to Local Government, Dec. 3, 1979.

HB 2053 By Representatives COCHRAN, F. TAYLOR, CALTAGIRONE, DeMEDIO, PUCCIARELLI, STAIRS, HALVERSON AND WILT

An Act providing for reduced prices for camping permits for persons 65 years of age and older.

Referred to Health and Welfare, Dec. 3, 1979.

HB 2054 By Representatives COCHRAN, F. TAYLOR, CALTAGIRONE, DeMEDIO, STEIGHNER, PUCCIARELLI, STAIRS, WILT and HALVERSON.

An Act amending the "Volunteer Firemen's Relief Association Act," approved June 11, 1968 (P. L. 149, No. 84), providing for the purchase of life insurance contracts for certain volunteer firemen.

Referred to Local Government, Dec. 3, 1979.

HB 2055 By Representative GALLEN.

An Act declaring and adopting the song "Here's The Key to the Keystone State," by Marie and Kip Smorey and Mildred M. Moyer, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2056 By Representative BROWN.

An Act declaring and adopting the song "Pennsylvania," by Celia "Chesha" Johnson, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2057 By Representative CALTAGIRONE.

An Act declaring and adopting the song "Pennsylvanian's Be Proud," by John S. Morris of the City of Reading, County of Berks, and Commonwealth of Pennsylvania as the State song of the Commonwealth.

Referred to State Government, Dec. 3, 1979.

HB 2058 By Representative BURNS, PETRARCA, DeMEDIO and GALLAGHER.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), removing certain incompatible offices.

Referred to Education, Dec. 3, 1979.

HB 2059 By Representatives THOMAS and HELFRICK.

An Act declaring and adopting the song "The Keystone State," music by Ronald Renshaw and Coleen Bidelsbach, lyrics by Guy Graybill, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

HB 2060 By Representative DAVIES.

An Act declaring and adopting the song "Keystone of America," By Carl W. Hausman, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 3, 1979.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, I request leave of absence of Mr. BRUNNER for the balance of the week.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll. All those members in their seats will proceed to vote.

The following roll call was recorded:

YEAS—197

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

DeVerter	Kanuck	Pitts	White
DeWeese	Klingaman	Polite	Williams
DiCarlo	Knepper	Pott	Wilson
Dietz	Knight	Pratt	Wilt
Dininni	Kolter	Pucciarelli	Wright, D.
Dombrowski	Kowalshyn	Punt	Wright, J. L.
Donatucci	Kukovich	Pyles	Yahner
Dorr	Lashinger	Rappaport	Yohn
Duffy	Laughlin	Reed	Zeller
Dumas	Lehr	Rhodes	Zitterman
Durham	Letterman	Rieger	Zord
Earley	Levi	Ritter	Zwilk
Fee	Levin	Rocks	
Fischer, R. R.	Lewis	Rodgers	Seltzer.
Fisher, D. M.	Livengood	Ryan	Speaker
Foster, A.	Lynch, E. R.	Salvatore	

NAYS—0

NOT VOTING—5

Brunner	Hayes, D. S.	Kernick	Richardson
Grieco			

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

KATHY GROSS, RELEASED HOSTAGE, PRESENTED

The SPEAKER. The Pennsylvania House of Representatives has today the privilege of greeting one who was in the national and international news just a few days ago and to welcome the young lady and present a citation on behalf of the House. The Chair at this time asks the Representative from Crawford County, Mr. Tom Swift, to come to the podium.

Mr. SWIFT. Mr. Speaker, last Thursday one of our members, Mr. Tom McCall, addressed the House of Representatives on the Iranian hostage situation. In essence, he asked for all of us to fly our American Flags in silent demonstration of our support for the remaining hostages still being held. After his remarks, he received a standing ovation. I believe we all agreed with his comments.

Today I have the special honor of being involved in these ceremonies for Miss Kathy Gross. Kathy Gross is our Iranian hostage who was returned home to us. When I say "our," I mean a fellow-Pennsylvanian, a fellow-Crawford Countian, a resident of Cambridge Springs, and, most importantly to me, a constituent of mine.

Kathy had a goal. That was to go to Iran. She studied the customs and the language of the land. She followed the proper channels, and with the help of our U. S. Senator Richard Schweiker, her dream came true. She became a foreign service secretary at the American Embassy in Tehran. Through no fault of hers or ours, 31 days ago there was a crisis. The American Embassy in Iran was seized by the Iranian militant students. Sixty-three were held captive. Fifteen days later, our prayers were partially answered. Kathy was one of the first three American hostages to be released.

During this entire ordeal her actions have demonstrated the qualities of a good education and one with a fine family background. At this time, fellow members, it is a pleasure for me to introduce to you Miss Kathy Gross.

Kathy, by the power vested in me on behalf of the House of

Representatives, Commonwealth of Pennsylvania, I present this citation to you for your courage and patriotic spirit, submitted by Tom Swift, sponsor; H. Jack Seltzer, Speaker of the House of Representatives; Attest: Charles F. Mebus, Chief Clerk of the House of Representatives, dated December 3, 1979.

Kathy, welcome home.

Commonwealth of Pennsylvania

Citation by The House of Representatives

December 3, 1979.

WHEREAS, Kathy Gross of Cambridge Springs, has been welcomed home with open arms after being held captive in Iran for fifteen days; and

WHEREAS, Kathy Gross, a foreign service secretary at the American Embassy for more than a month, was one of the first three hostages released early Monday morning, November 19, 1979, by the militant Iranian students who have seized the Embassy.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania expresses its appreciation for the safe return of Kathy Gross to her family. Her return, along with the other returned hostages, gave added meaning to the tradition of Thanksgiving for everyone. We commend her for her courage and patriotic spirit and extend best wishes in her future endeavors; and further directs that a copy of this citation be delivered to Kathy Gross.

Submitted by:

TOM SWIFT,
Sponsor
H. JACK SELTZER
Speaker of the House of
Representatives

Attest:

CHARLES F. MEBUS
Chief Clerk of the House of
Representatives

ADDRESS BY KATHY GROSS

Miss GROSS. Thank you, Mr. Swift.

Mr. Speaker, members of the House of Representatives and guests.

My visit here today is both an honor and a privilege. I would like to express my appreciation to those who made it possible for me to meet with you and to tour the Capitol. Many government officials showed their deep concern for me and my family during my days in captivity. I would like especially to extend my gratitude to President Carter, Governor Thornburgh, Senator Schweiker, Senator Heinz, Congressman Marx, and Representative Swift. Their many phone calls, telegrams and letters offering support and assistance helped to comfort and sustain my family through a very difficult period.

When I returned home, I was deeply touched by the outpouring of love from friends and strangers alike. In my hometown of Cambridge Springs, I was overwhelmed by a very large reception, complete with motorcade, given to me by the local citizens. Representative Swift contributed enormously to make it all possible.

Traveling around the world is exciting and thrilling, but I know that within me, to my very soul, is a deep and abiding

love for a beautiful, free country that will always be strong in my heart — my home, America.

I would like to close by making one request. I feel that through the power of prayers and thoughts of my fellow Americans, I am able to be back home in the U. S. A., and I ask all of them to continue their thoughts and prayers for those hostages who remain in Iran, that it may protect them and return them safely home.

It is for the safety of my friends, the remaining hostages, that I have chosen to make no further comments concerning the incidents in Iran.

Once again, I would like to thank you for extending this opportunity to me and my family, making it possible for me to address the floor of the Pennsylvania House of Representatives. Thank you.

KATHY GROSS FAMILY INTRODUCED

The SPEAKER. Kathy, on behalf of the Representatives and all over Pennsylvania, we welcome you.

At this time I would like to introduce Kathy's family: her mother and father, her brother and sister and her aunt. Will they please rise? With them is Representative Swift's wife, Tom Swift's wife, Claudia.

STATEMENT BY MR. STAIRS

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Stairs, rise?

Mr. STAIRS. To be recognized, sir, to make a few brief remarks.

The SPEAKER. The gentleman, Mr. Stairs, asks for unanimous consent to make a few brief remarks. Without objection, permission is granted. The Chair hears none. The gentleman may proceed.

Mr. STAIRS. Thank you, Mr. Speaker. I, as well as my colleagues, certainly welcome Miss Gross to Pennsylvania after the ordeal as a hostage in Iran.

I must say, as in Mr. Swift's remarks, our prayers have been partially answered, because there are more Americans still held in captivity as hostages. I might add that a constituent of mine from Mount Pleasant, Mr. Jerry Miele, is one of these Americans who is still in Iran and I ask that you would continue, in your prayers, your thoughts and your actions, to bring a safe return for these fellow Americans. So I would ask that you would have these people in your thoughts. Thank you.

STATEMENT BY MR. ZELLER

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, to make a brief statement. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, following last week's fine address on the floor by Mr. Tom McCall, we got together and I was able to obtain from an organization which I formed years ago, the Emmaus Flag Day Association, and by talking to Colonel Sam Kemmerer, the president, along with our Patriotism Officer, Mr. Warren Moyer, who is president of the Emmaus Veterans

Association, enough flags for everybody in the General Assembly here and also the clerks. And I wanted to mention, for the benefit of Miss Gross and all of those, her family, that the road to Emmaus, in the Bible, is one that our good Lord traveled in regard to many problems in that area at the time. We know that the road to Emmaus is tough as is any road to Emmaus in our country and we know that once you have traveled it, it is rough but you appreciate what you have accomplished through the hardcore experiences.

Therefore, we appreciate Miss Gross and we appreciate people like Tom McCall and all of you fine members of the House of Representatives and Brother Swift, and all of the great patriots, and every member of the House will get a flag. And I want to say it is my honor to be able to supply these flags to you and be part of this celebration. So thank you and God bless you.

CONDOLENCE RESOLUTION

The SPEAKER. The Chair recognizes the minority leader, Mr. Irvis, who offers a condolence resolution on the death of a former member of this House. It has been the custom of this House that when a condolence resolution is considered that this House has had complete silence.

Mr. IRVIS. Mr. Speaker, I offer the following resolution of condolence on the death of a former member and ask for its immediate consideration.

The SPEAKER. The clerk will read the resolution.

The following resolution was read by the clerk:

House of Representatives
Harrisburg, Pa.
Office of the Chief Clerk

Resolution

WHEREAS, Mary A. Varallo, a former member of the Pennsylvania House of Representatives, passed away on November 27, 1979; and

WHEREAS, Mrs. Varallo was educated at Pierce Business School, Charles Morris Price School of Journalism and the University of Pennsylvania and graduated from the Leafson Conservatory of Music. She was first elected to the Pennsylvania House of Representatives in 1946 and was re-elected every consecutive term thereafter until her resignation in 1960 to take oath of office as Philadelphia Councilman-at-Large. Mrs. Varallo was the first woman to serve as a committee and caucus chairperson, minority and majority whips and executive member of the Joint State Government Commission. The author of the Women's Equal Rights bill which became law in 1945, Mrs. Varallo was named a Distinguished Daughter of Pennsylvania in 1959. She was a member of the Board of Trustees of Cabrini College; past president of the Women's Democratic Club of Philadelphia; organizer and former chairperson of the Women's Chapter American Committee on Italian Migration; founder and past president of the Italian-American Women's Democratic Club of Philadelphia; and organizer of the Palestrine Lodge of the Italian Sons and Daughters of America; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of a former dedicated House member and extraordinary woman devoted to this Commonwealth and this country; and extends its heartfelt condolences to her husband, Alfred; sister, Rose McCloskey; and brothers Edward and Ralph Frascone; and be it further

RESOLVED, That a copy of this resolution be delivered to Mr. Alfred Varallo, Penn Center House, Room 1515, J. F. K. Boulevard, Philadelphia, Pennsylvania 19102.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives on the 29th day of November 1979.

K. LEROY IRVIS,
Sponsor
H. JACK SELTZER,
Speaker

ATTEST:

CHARLES F. MEBUS,
Chief clerk

The SPEAKER. The question is on the adoption of the resolution. Those in favor will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

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 1787, PN 2190; HB 1856, PN 2298; SB 826, PN 1320; and HB 2044, PN 2583.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 881, PN 1005 (Unanimous)

By Mr. DININNI

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Assistance Law of 1967," further providing for definitions and program authorizations, making an editorial change, further providing for intergovernmental cooperation and making certain transfers and repeals.

Transportation.

SB 1005, PN 1414 (Amended)
(Unanimous)

By Mr. DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual registration for certain vehicles and further providing for costs in certain summary parking violations.

Transportation.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1252, PN 2459**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER. This bill has been considered on three differ-

ent 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—194

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

NAYS—0

NOT VOTING—8

Beloff	Grieco	Kernick	Street
Brunner	Hayes, D. S.	Richardson	Williams

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

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

The House proceeded to third consideration of **SB 1011, PN 1242**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The 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—194

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

NAYS—0

NOT VOTING—8

Brunner	Hayes, D. S.	Knepper	Street
Grieco	Kernick	Richardson	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 without amendment.

The House proceeded to third consideration of **HB 213, PN 1741**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

HB 213 RECOMMENDED

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

Mr. YOHN. Mr. Speaker, a point of parliamentary inquiry. Are we on HB 213 now?

The SPEAKER. The gentleman is correct.

Mr. YOHN. Mr. Speaker, I became aware of the contents of this bill just 2 weeks ago when I attended a meeting of the Joint State Government Task Force on decedents estates law. This is a task force of experts in the field of decedents' estates and orphans courtwork that this legislature has designated to work on revisions of the statutes.

The Joint State Government Task Force is a task force appointed by this legislature to review areas of legislation involving orphans courtwork and decedents' estates, which includes adoptions. That group met in Hershey and when they became aware of the contents of HB 213, they had a very great concern about many of the provisions in that bill and they felt that the bill should not be adopted in its present form.

Subsequent to that time, there have been some amendments to the bill that have been suggested, which I assume will be offered at a later time today. Upon receiving those amendments, I would forward the amendments to the representatives of the task force for their review and consideration. I have not yet heard back from those people because we just got the amendments last Thursday and they were sent out the same day that they were received. I had hoped that the bill could be held for a time until we could get comments from that group, because it is a group of recognized experts in the field, including judges, from throughout the state and it is a group created by this legislature that I think should have the right and the privilege to review and comment on the legislation.

Since the bill is being run today, I think then that the appropriate action by this House at this time would be to recommit the bill to the Judiciary Committee of the House of Representatives so that that committee could review the bill in accordance with the comments of the task force, and I would,

therefore, move to recommit the bill to the Judiciary Committee.

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

Mr. SCHWEDER. Mr. Speaker, I oppose the motion to recommit this bill to the Judiciary Committee and if I am allowed, in staying strictly on the recommittal motion, I wish to give just briefly a background on the mechanics of the development of this bill.

The general thrust of this bill has been a topic in this legislative body, particularly in the Health and Welfare Committee, for the past 5 years. It is legislation first introduced two sessions ago by Mrs. Pat Crawford at that time and last session by Mr. William McLane.

There have been countless hearings where anyone interested in this legislation has been invited to testify and to provide input on this legislation, going back to 1975. In 1977, there were hearings held across this state, both here in Harrisburg and out in other locations, concerning at that time HB 1186. This past spring there were joint hearings held by Senator Schaefer's committee in the Senate and Representative Zord's committee here in the House concerning HB 213 and similar bills that were in the Senate. Those hearings were held both here in Harrisburg; they were held in Philadelphia and they were also held in Pittsburgh.

This legislation was reported out by the Health and Welfare Committee in June of this year and was reported out by the Appropriations Committee, on which Mr. Yohn serves as well as I do, in July of this year. It is on its third go around on its 15th legislative day. It has been before us and members of this body and people throughout this Commonwealth have been aware of this bill since the beginning of this year, and it has been on our calendar since July.

There have been numerous people who have contacted me and have been very concerned about certain aspects, and I think that we have been able to iron out those differences. Input was provided at the end of last year by the then chairman of the Judiciary Committee, Mr. Berson, who is now a cosponsor of this legislation.

I am sure that for any piece of legislation, if we kept it around long enough, we could find certain people somewhere in this Commonwealth who would find fault with it and wish to hold the bill up. We have done that. We cannot continue just because another group, who should have been aware of this bill since its inception 5 years ago but in particular since it has been on the calendar since July, now wants additional information. And I have been notified by the Joint State Government Commission staff that what they are looking toward is to spend a better part of a year working on this before they can come up with any amendments that they feel will be important to them.

For all of these reasons and for all of the background that I have provided, I think that it is time that we debate this issue before us rather than sending it back to Judiciary Committee where it does not belong simply because people, who have sat around for better than a year and have done nothing about it, come in at the eleventh hour and now wish to provide input

when they were provided that opportunity better than a year ago and as long as 5 years ago.

The SPEAKER. The Chair has been lenient in letting Mr. Yohn create an atmosphere of a reason for recommitment and he has permitted the sponsor of the bill latitude in defending the bill and reasons for not recommitting. From here on in the Chair is going to adhere strictly to the rules that only debate on recommitment will be permitted.

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

Mr. POTT. I oppose the motion for recommitment because this bill has been on our legislative calendar for 39 days. Public hearings have been held on this legislation. I see no additional benefit to additional public hearings or additional work by the Joint State Government Commission. Hearings were held last session and this session on the bill. There will be no benefit to be gained by recommitting the bill. I strongly oppose the attempts to recommit the bill, especially to the Judiciary Committee. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I support the motion for recommitment because I think that the thrust of the bill to date or the hearings on the bill have not adequately gone into the impact that this would have on the judiciary.

One of the provisions of the bill that I do not think has been adequately explored, either from the standpoint of cost or the creation of additional personnel and delays in the courts, is the issue of what happens under the provisions of this bill that requires appointment of counsel not just for the mother or for the parents where they are unable to afford it, but now indeed the little child, the baby who is to be adopted, is to have counsel appointed to represent its interest. I think that that should be explored from the standpoint of those impacts and I support the motion for recommitment on that basis.

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

Mr. DAVIES. Mr. Speaker, I would have to support Mr. Schweder's position and oppose the recommitment at this time, based upon the request of an individual involved and, I guess, a highly emotional concern about this particular bill. This bill is possibly that individual's only salvation against the loss of a foster child. I realize that the merits of the legislation need the long and concerned deliberation of this body. I think that it will get that on the floor in debate on the bill itself without being sent back to committee. So I would have to be opposed to the motion to recommit the bill to committee.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rocks, on the recommitment motion.

Mr. ROCKS. Mr. Speaker, I would very briefly just like to speak in favor of recommitting this bill. I am aware of a rather serious discussion that is surrounding some amendments that I believe should be offered to this bill. I would like to have an opportunity to see that discussion continue and work for those amendments. For that reason, I would ask that the bill right

now be recommitment. Thank you, Mr. Speaker.

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

Mr. D. M. FISHER. I also rise in support of the motion to recommit. An additional reason why I believe this bill should be recommitment to the Judiciary Committee is on page 2 of the bill: The jurisdiction for adoptions is switched from the orphans court division, where adoptions presently are, at least in counties such as Allegheny County, to the family division. This is going to wreak havoc. In the Allegheny County courts, the family division is the most overloaded court at the present time. For that reason alone, I think recommitment should be granted.

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

Mr. SCHWEDER. Again, I cannot stress strongly enough to the members of this body that this bill has been in the workings for 5 years. The hearings have been held continuously on three different pieces of legislation. Anyone who wanted to provide input at the early stages of this legislation had the ability to do so. There were hearings held both here and in the city of Pittsburgh as currently as late last spring before this was brought out and, as Mr. Pott has pointed out, it has been before us on this calendar for 39 days. We have a responsibility to meet this, and I strongly ask all of you to oppose the motion to recommit to the Judiciary Committee.

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

The following roll call was recorded:

YEAS—103

Alden	Foster, A.	Manmiller	Scheaffer
Anderson	Foster, W.	McClatchy	Scirica
Armstrong	Gallagher	McIntyre	Serafini
Arty	Gannon	McKelvey	Shadding
Austin	Geesey	McMonagle	Sirianni
Barber	Geist	McVerry	Smith, E.
Belardi	Giammarco	Micozzie	Smith, L.
Beloff	Gladeck	Miller	Spencer
Bittle	Gray	Moehlmann	Spitz
Borski	Halverson	Mowery	Sweet
Bowser	Harper	Mrkonic	Swift
Brandt	Hasay	Mullen, M. P.	Thomas
Burns	Helfrick	Nahill	Vroon
Chess	Honaman	Noye	Wachob
Cimini	Hutchinson, W.	O'Brien, D.	Wagner
Cohen	Irvis	Oliver	Wass
Cornell	Johnson, J.	Piccola	Weidner
Coslett	Kanuck	Pitts	White
Cunningham	Knepper	Polite	Wilson
DeMedio	Kukovich	Pucciarelli	Wilt
DeVerter	Lehr	Punt	Wright, J. L.
Dietz	Lewis	Pyles	Yahner
Dimini	Lynch, E. R.	Rieger	Yohn
Donatucci	Lynch, F.	Rocks	
Dumas	Dorr	Ryan	Seltzer,
Fisher, D. M.	Mackowski	Salvatore	Speaker
	Manderino		

NAYS—91

Bennett	Fryer	Letterman	Rodgers
Berson	Gallen	Levi	Schmitt

Brown	Gamble	Levin	Schweder
Burd	Gatski	Livengood	Seventy
Caltagirone	George, C.	Madigan	Shupnik
Cappabianca	George, M.	McCall	Sieminski
Cessar	Goebel	Michlovic	Stairs
Clark, B.	Goodman	Milanovich	Steighner
Clark, R.	Grabowski	Murphy	Stewart
Cochran	Greenfield	Musto	Stuban
Cole	Gruppo	Novak	Taddonio
Cowell	Hayes, S. E.	O'Brien, B.	Taylor, E.
Davies	Hoeffel	O'Donnell	Taylor, F.
Dawida	Hutchinson, A.	Perzel	Telek
DeWeese	Itkin	Peterson	Trello
DiCarlo	Johnson, E.	Petrarca	Wargo
Dombrowski	Jones	Pievsky	Wenger
Duffy	Klingaman	Pistella	Wright, D.
Durham	Knight	Pott	Zeller
Earley	Kolter	Pratt	Zitterman
Fee	Kowalshyn	Rappaport	Zord
Fischer, R. R.	Lashingner	Reed	Zwilk
Freind	Laughlin	Ritter	

NOT VOTING—8

Brunner	Hayes, D. S.	Rhodes	Street
Grieco	Kernick	Richardson	Williams

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

The SPEAKER. The bill is so recommitted.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1531, PN 2326**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested.

SENATE AMENDED

Prior Printer's Nos. 1804, 2042 Printer's No. 2326

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1531

Session of 1979

INTRODUCED BY MRS. ARTY, MESSRS. MICOZZIE, GANNON, SALVATORE, OLIVER, PERZEL, GRUPPO, GEESEY, McMONAGLE, GRAY, SHADDING, RIEGER, DONATUCCI AND CIANCIULLI, JUNE 21, 1979.

SENATOR SCHAEFER, PROFESSIONAL LICENSURE, IN SENATE, AS AMENDED, OCTOBER 22, 1979.

An Act

amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and

other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prohibiting certain conflicts of interest of members of professional examining AND LICENSING boards.

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

Section 1. Section 812, act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," added June 3, 1963 (P. L. 63, No. 44), is amended to read:

Section 812. Professional and Occupational Examining AND LICENSING Boards.—(a) The professional and occupational

examining AND LICENSING boards within the Department of State shall, respectively, exercise the rights and powers and perform the duties by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining AND LICENSING boards shall be issued by the Commissioner of Professional and Occupational Affairs but may be signed by the members of the appropriate board, or any of them, as determined by such board.

(b) No member of ~~a~~ ANY professional examining board AND LICENSING BOARD shall at the same time be an officer or agent of any Statewide association or organization representing the profession or occupation subject to the board's action.

Section 2. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that we concur in the amendments inserted by the Senate to HB 1531.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we do not wish to oppose. We would like to have the amendment explained on the floor before we take the vote.

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

Mrs. ARTY. Mr. Speaker, the Senate amendment simply adds the word "licensing". In addition to the original bill which said "professional examining boards", the word "licensing" is added so that it makes it "professional . . . examining and licensing boards." And I am wholly in concurrence with the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. We agree and we will vote to concur.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—195

Alden	Foster, W.	Lynch, E. R.	Salvatore
Anderson	Freind	Lynch, F.	Schaeffer
Armstrong	Fryer	Mackowski	Schmitt
Arty	Gallagher	Madigan	Schweder
Austin	Gallen	Manderino	Scirica
Barber	Gamble	Manmiller	Serafini
Belardi	Gannon	McCall	Seventy
Beloff	Gatski	McClatchy	Shadding

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

NAYS—0

NOT VOTING—7

Brunner	Hayes, D. S.	McIntyre	Street
Grieco	Kernick	Richardson	

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

Ordered, That the Clerk inform the Senate accordingly.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1805, PN 2390**, entitled:

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for variable rate and alternative type mortgages; *** expansion of authority to own treasury stock; and revising restrictions on officer and employe loans.

On the question,

Will the House agree to the bill on third consideration?

Mr. ZITTERMAN offered the following amendments:

Amend Sec. 4 (Sec. 310), page 9, by inserting between lines 17 and 18

Any applicant to whom a variable interest rate mortgage is offered shall also be offered a direct reduction loan at reason-

ably competitive terms and rate. Any institution offering variable rate interest loans which ceases to offer such loans while continuing to offer other loans secured by a lien on real estate, shall be prohibited from again offering variable rate loans for a period of seven years from the date of making its last variable interest rate loan.

Amend Sec. 5 (Sec. 505), page 14, by inserting between lines 29 and 30

Any applicant to whom a variable interest rate mortgage is offered shall also be offered a direct reduction loan at reasonably competitive terms and rate. Any savings bank offering variable rate interest loans which ceases to offer such loans while continuing to offer other loans secured by a lien on real estate, shall be prohibited from again offering variable rate loans for a period of seven years from the date of making its last variable interest rate loan.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, this amendment, A4123, states that, "Any applicant to whom a variable interest rate mortgage is offered shall also be offered a direct reduction loan at reasonably competitive terms and rate. Any institution offering variable rate interest loans which ceases to offer such loans while continuing . . . shall be prohibited from again offering variable rate loans for a period of seven years from the date of making" the first variable rate loan, Mr. Speaker.

Theoretically, what we are saying is that HB 1805 will allow state commercial banks and state mutual banks to issue the variable rate mortgages in Pennsylvania. You recall, the power to issue variable rate mortgages was granted in Pennsylvania in 1978 to the Pennsylvania savings and loan associations via HB 2392, which was Act 263 of 1978. However, the provisions of HB 1805 differ from the authority granted to savings and loan associations under that same act. One important aspect under the act which we passed last year was that the savings and loan associations, which granted the loans, were given the right to make variable loans. However, the provision which I offer in this bill, HB 1805, was instilled in that and passed by this House.

Mr. Speaker, the amendment brings into parity the state commercial banks and the mutual banks and puts it in line with the Savings and Loan Act 263. I ask for a positive and affirmative vote, Mr. Speaker.

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

Mr. L. E. SMITH. Mr. Speaker, I rise in opposition to this amendment. First of all, let me say that the first sentence is totally unnecessary because this is covered in Act 6 which we passed in 1974. And I believe that this amendment is unduly restrictive, because it places the bank in a position of an allocation of credit, really. Let me give you an example. We just recently passed a House bill—I think it was 630—which increased the interest rate on automobile sales. Now over the summer

there were some banks that discontinued that type of lending activity because it was no longer profitable. Now if that bill goes into law, I would assume that some of those banks would want to reconsider their decision and go back into automobile financing. If they had a restriction like Mr. Zitterman is proposing, that they could not go back into that activity for 7 years, I think they just would not ever go back and I think it is unduly restrictive.

The other thing that bothers me is that this amendment would apply only to commercial banks. It would not apply to Federal savings associations, national banks, mortgage companies, mortgage brokers, insurance companies, or Federal credit unions. It would only single out commercial banks, and I think it is unduly restrictive, as I said, and I hope the members would vote against this amendment.

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

Mr. BENNETT. Mr. Speaker, I join with my colleague, Mr. Smith, in opposing the amendment offered by Mr. Zitterman. I think Mr. Smith has outlined the reasons very well. I would ask the members on my side of the aisle to join in opposition to the amendment.

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

Mr. ZITTERMAN. Mr. Speaker, I would like to ask the gentleman, Mr. Bennett, to stand for interrogation, please, on the amendment.

The SPEAKER. The question before the House is the adoption of the amendment.

The gentleman, Mr. Zitterman, asks if the gentleman, Mr. Smith, would stand for interrogation. The gentleman, Mr. Smith, indicates that he will, and the gentleman, Mr. Zitterman, may proceed.

Mr. ZITTERMAN. Mr. Speaker, I would like to interrogate Mr. Bennett, please.

The SPEAKER. The Chair is in error. Will the gentleman from Mercer, Mr. Bennett, stand for interrogation? The gentleman indicates that he will.

Mr. ZITTERMAN. Mr. Speaker, under the current bill, under HB 1805, the variable rate interest, if the prime rate today was 8 percent and the bill passed, would the bank or mutual bank or commercial bank in this case have a right, should this rate go up, to increase the rate of interest on a mortgage payment?

Mr. BENNETT. Under the v.r.m. — variable rate mortgage — yes. It is my assumption they would.

Mr. ZITTERMAN. And what amount or what percentage would they be able to increase this 8 percent?

Mr. BENNETT. I believe it is one quarter of 1 percent.

Mr. ZITTERMAN. To a maximum of 2½ percent, Mr. Speaker?

Mr. BENNETT. I believe. That is over a period of years, yes.

Mr. ZITTERMAN. If the rate of interest, Mr. Speaker, at this time was 12 percent granted to mortgagees, would they be allowed to increase their rate of interest a half percent for a 6-month period or 2½ percent total?

Mr. BENNETT. Run that past me again.

Mr. ZITTERMAN. Would they, sir?

Mr. BENNETT. Run that past me again, because I do not know what you said.

Mr. ZITTERMAN. I said if the interest rates on mortgages today were 11½ percent, could we increase this rate, the variable rate under the current bill, a half percent per month as the bill is written or 2½ percent over the total mortgage period?

Mr. BENNETT. Well, that is different from your first question because the first time it said 12 percent. Now which do you want to know, 11½ or 12?

Mr. ZITTERMAN. Well, let us assume 12, Mr. Speaker.

Mr. BENNETT. I would think, with my limited knowledge of the legislation as it is written, that under the terms of that they would also be allowed to increase it by one quarter of 1 percent.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. BENNETT. I will stand corrected, but that is my impression of it.

Mr. ZITTERMAN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Zitterman.

Mr. ZITTERMAN. That is the exact point that I am trying to bring to our attention. With the limited knowledge of banking, we are saying that, yes, if the rate is at 12 percent, we are allowed to raise it 2½ percent. The rates are fine, and I am not degrading anyone who is interested in making money, but the current law says that the mutual banks or the commercial banks can offer variable rate interest mortgages, and if the rate of interest is 8 percent on mortgages, to bring the rate up 2½ percent, as the bill is, would bring it to 10½ percent, which would make it very feasible and very profitable for these institutions to offer variable rate mortgages. However, on the other side of the coin is the consumer. If the rate is 12 percent, the banks will not offer this rate because it also goes up and it also goes down. So that if they borrow money today at 12 percent, the variable mortgage rate, if they do not use it and they use a standard rate, they will not get the benefit of this rate of mortgage interest to go down to 9½ percent.

This is an unfair bill, Mr. Speaker. Without this amendment, the customer or the bank—in the case of the bank, the commercial bank or the mutual bank—would only offer the variable rate of interest mortgages when the mortgage rates are low because then it would be most beneficial. When their cost of money goes up, they could also increase the customer's payment. If the rate of interest is high, Mr. Speaker, then the bank does not. They are not obligated to do this, and, therefore, the consumer would pay. I am asking for an affirmative vote, Mr. Speaker.

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

Mr. BENNETT. Mr. Speaker, I assume that the gentleman has completed his interrogation and I request permission to make a statement.

The SPEAKER. The gentleman has completed his interrogation. The Chair recognizes Mr. Bennett to debate the amendment.

Mr. BENNETT. Mr. Speaker, I think in essence what Mr. Zit-

terman has said is that we are not really protecting the consumer to a great degree here as much as we are possibly levying a penalty on the business, the business in this case being the bank. What Mr. Zitterman is saying in his amendment is that for a period of 7 years that that bank may not make a loan, whether or not it is profitable. Now a commercial bank, as any bank, is in business to make a profit. If we pass this amendment, what we are in effect saying is that for this period of 7 years that bank cannot make a loan, whether or not it is profitable. Again, I would ask for a negative vote on the amendment.

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

Mr. LEVIN. Mr. Speaker, I could not disagree more strongly with Mr. Bennett on anything that he said than on the information he just supplied you. It is just totally incorrect. This is not an attempt to penalize the banking institutions. It is simply a request that they treat the public fairly; that they not discriminate to their favor.

We were requested by the banking industry to give them the opportunity to offer variable rate interest loans. They are not being used very much. They are not being promoted. That is all right. That is for the public and the banking industry to decide. But if the banking industry wants to offer that kind of loan, they should not be permitted to turn around and use it to the disadvantage of the public. This bill does not do very much except ask them to be fair, and I would ask members on both sides to pass the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—86

Austin	Fee	Laughlin	Rodgers
Barber	Fischer, R. R.	Levin	Schmitt
Beloff	Fryer	Manderino	Schweder
Berson	Gallagher	McIntyre	Seventy
Borski	Gamble	McMonagle	Shadding
Brown	Gatski	Michlovic	Shupnik
Caltagirone	George, C.	Milanovich	Steighner
Cappabianca	George, M.	Mrkonic	Stewart
Chess	Giammarco	Mullen, M. P.	Street
Clark, B.	Goodman	Murphy	Stuban
Clark, R.	Grabowski	Novak	Taylor, F.
Cochran	Gray	O'Brien, B.	Telek
Cohen	Greenfield	O'Donnell	Trello
Cole	Harper	Oliver	Wachob
Cowell	Hoeffel	Petrarca	Wargo
Dawida	Hutchinson, A.	Pievsky	White
DeMedio	Irvic	Pistella	Williams
DeWeese	Itkin	Pratt	Wright, D.
DiCarlo	Johnson, J.	Pucciarelli	Zeller
Donatucci	Jones	Reed	Zitterman
Duffy	Knight	Rieger	Zord
Dumas	Kukovich		

NAYS—110

Alden	Gallen	Madigan	Scirica
Anderson	Gannon	Manmiller	Serafini
Armstrong	Geesey	McCall	Sieminski
Arty	Geist	McClatchy	Sirianni
Belardi	Gladeck	McKelvey	Smith, E.
Bennett	Goebel	McVerly	Smith, L.

Bittle	Gruppo	Micozzie	Spencer
Bowser	Halverson	Miller	Spitz
Brandt	Hasay	Mochlmann	Stairs
Burd	Hayes, S. E.	Mowery	Sweet
Burns	Helfrick	Musto	Swift
Cessar	Honaman	Nahill	Taddonio
Cimini	Hutchinson, W.	Noye	Taylor, E.
Cornell	Johnson, E.	O'Brien, D.	Thomas
Coslett	Kanuck	Perzel	Vroon
Cunningham	Klingaman	Peterson	Wagner
Davies	Knepper	Piccola	Wass
DeVerter	Kolter	Pitts	Weidner
Dietz	Kowalyshyn	Polite	Wenger
Dininni	Lashinger	Pott	Wilson
Dombrowski	Lehr	Punt	Wilt
Dorr	Letterman	Pyles	Wright, J. L.
Durham	Levi	Rappaport	Yahner
Earley	Lewis	Ritter	Yohn
Fisher, D. M.	Livengood	Rocks	Zwinkl
Foster, A.	Lynch, E. R.	Ryan	
Foster, W.	Lynch, F.	Salvatore	Seltzer,
Freind	Mackowski	Scheaffer	Speaker

NOT VOTING—6

Brunner	Hayes, D. S.	Rhodes	Richardson
Grieco	Kernick		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeWEESE offered the following amendments:

Amend Sec. 4 (Sec. 310), page 8, line 2, by inserting after "charge" not to exceed two percent of the delinquent payment

Amend Sec. 5 (Sec. 505), page 13, line 12, by inserting after "charge" not to exceed two percent of the delinquent payment

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, what we are attempting to do is put a cap on the amount of penalty that can be charged to someone who is late in making his or her mortgage payment. We are trying to put a cap on that because at this point the Banking Code does not have any limit as to how high these banks can charge a penalty. If one had a \$400 mortgage each month, with this amendment, if he was late in paying his mortgage in October, he would owe \$8. If he was late in November, he would owe \$8 more dollars. What we are trying to do is make sure there is continuity in the payment of mortgage payments. We are not trying to slam anyone. We are just trying to help out little people. I think it is a reasonable amendment and I would ask for its passage.

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

Mr. L. E. SMITH. Mr. Speaker, I rise in opposition to this amendment.

This young man may have a very commendable idea, but if we are going to put this cap on late payments, it belongs in Act 6 so it affects every mortgage lender, not just commercial banks. I just do not understand why we are trying to cripple the

banking industry and we do not put those same restrictions on every other mortgage lender, and I would hope that the members would vote against this.

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

Mr. BENNETT. Once again, I join my colleague, Mr. Smith, in opposing the amendment offered by Mr. DeWeese, and additionally I would say to Mr. DeWeese, Mr. Speaker, speaking for myself and I believe Mr. Smith, that we would be more than pleased to cosponsor legislation to amend Act 6. I can give him my word and I believe Mr. Smith's word that if that bill was introduced, it would be released from the Business and Commerce Committee immediately and brought to the floor. On that note, Mr. Speaker, I would ask for opposition to the DeWeese amendment.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, would Mr. Smith stand for a brief interrogation please?

The SPEAKER. Mr. Smith indicates that he will. Mr. Zitterman may proceed.

Mr. ZITTERMAN. Mr. Speaker, under the current banking law, the Banking Code of 1965, are there any provisions regarding penalties for late payments in this bill, sir?

Mr. L. E. SMITH. I do not have that legislation before me, but I do not recall that there are.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, the current banking law, the Banking Code of 1965, gives no provisions whatsoever for late payments. Currently the law is very vague and allows any banking institution, commercial, whether it is a mutual savings or savings and loan company, to charge any dollar amount whatsoever they see fit as a late charge. The DeWeese amendment, Mr. Speaker, adds much needed legislation that is going to curb this late charge. It simply adds 2 percent of the total monthly payment as a late charge. It is a fair amendment, and I am asking for an approval, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, a long time ago a legislator from Philadelphia — an affluent, knowledgeable gentleman from Philadelphia — said that you only have three faithful friends in life, an old wife, an old dog and ready money. Now, admittedly, Bill DeWeese does not know much about an old wife. I do not even have an old dog, but I do know that there is a need for ready money in this society today. That legislator from Philadelphia who talked about money and wives was not Leland Beloff. It was Benjamin Franklin.

Dr. Sigmund Smith of the Laurel Office gave me some figures, Mr. Speaker, and he indicated that people who buy a \$50,000 home at 11 percent are going to end up paying \$171,000. The need for ready money, the need for money in men's and women's pockets in Pennsylvania is crucial, and this amendment, in my opinion, would hold down any efforts in the banking industry to squeeze just a little bit more money from those of us who cannot afford it.

In summation, for my amendment I would like the members of this Assembly to think back to Act 4 of William Shakespeare's *The Merchant of Venice*. If they can recall the lovely Portia entreated with the moneylender, Shylock. Shylock had money that he had lent to Antonio, the lover of Portia. Portia was desperate. She needed Shylock to be a little more flexible; she needed the banks to be a little more understanding and she said to Shylock, "The quality of mercy is not strained. It falleth as the gentle rain from heaven." I would say to Chairman Smith, I would say to men like Gib Armstrong and Joe Gladeck and even bankers like Jim Biery, that for you to adopt this amendment, the quality of mercy will not be strained. Thank you, Mr. Speaker.

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

Mr. A. K. HUTCHINSON. I have not heard about *The Merchant of Venice* since I was in high school and I want to thank Mr. DeWeese for reviewing that.

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

Mr. KOWALYSHYN. I would like to ask whether Mr. DeWeese would stand for a brief interrogation?

The SPEAKER. Does the gentleman intend to confine his remarks to the amendment or to Shakespeare?

Mr. KOWALYSHYN. The amendment.

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

Mr. KOWALYSHYN. Mr. Speaker, my understanding of the practice in Pennsylvania with commercial banks is that they charge generally a nominal 2-percent penalty on a late payment. Could you tell us whether you have any instances in the state where commercial banks charge anything but that nominal 2 percent?

Mr. DeWEESE. No, sir, I do not. The purpose of this amendment is to make certain that that kind of example does not take place.

Mr. KOWALYSHYN. So you are saying that even though there is not a single example—

Mr. DeWEESE. No. I am saying that I am not aware of a single example. However, some of my colleagues indicate there are examples. I am answering on behalf of Mr. DeWeese.

Mr. KOWALYSHYN. All right. Thank you.

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

Mr. DeVERTER. Mr. Speaker, I would like to rise in opposition to the DeWeese amendment really for a couple points: Number one, the current practice in the mortgage-lending institutions, both savings and loan and commercial banking, is that if you do miss, let us say, the payment in January, and you continue to make your payments the remainder of the year, the penalty does not accrue on that first payment that you have missed. They make the one change—it is roughly 2 percent, I think, in most institutions across the state—but it does not compound itself as the year goes by until that 12th payment is made up. I think also if we adopt the DeWeese amendment, what we are in effect saying is that we encourage you, the consumer, that after you have missed a certain amount of pay-

ments, you can continue to do so because it is not going to cost you any more. And I do not think that is fair either to the lender nor do I think it is fair to the consumer in the long run. I oppose the DeWeese amendment. Thank you.

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

Mr. BENNETT. For the second time I rise in opposition to the amendment and would ask the members to recall for a moment the inquiry that Mr. Zitterman made to Mr. Smith, and it is obvious that Mr. Zitterman did his homework well because he knew the answer that Mr. Smith was not sure of. The answer was, as we had stated, that we ought to amend Act 6 rather than just amend this bill, and I reoffer my offer to Mr. DeWeese to cosponsor that kind of legislation and would ask for opposition to this amendment.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, in regard to the previous speakers, the DeWeese amendment does not allow a consumer or a mortgage holder to miss his payments. It just clarifies what the late charge for that banking institution or lending institution is. And in regard to Mr. Bennett's remarks, I think Mr. Bennett is on the right track. We should pass the DeWeese amendment now and then put another bill in to amend the savings and loan part in Act 6, Mr. Speaker.

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

Mr. L. E. SMITH. Mr. Speaker, the purpose of this bill is to try to keep our state chartered banks in conformity with the vast number of rules and regulations that are coming out of Washington. I think that it is just wrong that we single them out and place this restriction on them that this amendment would put on them and we are not doing it to anyone else. I would hope that the members would vote against this amendment.

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

Mr. ZELLER. Mr. Speaker, Mr. Smith hit the key point—and I was waiting to hear it—and that is the regulations coming out of Washington. That is exactly what Mr. DeWeese and Mr. Zitterman and others are going to try to curb, and that is that we are sick and tired of the regulations coming out of Mr. Paul Volcker and others in regard to the high interest rates.

Now, I have a resolution in—

The SPEAKER. Will the gentleman yield?

Mr. Zeller, stick to the merits of the amendment, please.

Mr. ZELLER. I am, Mr. Speaker.

The SPEAKER. The gentleman may proceed within the confines of the merits of the amendment.

Mr. ZELLER. Mr. Speaker, exactly what I did is try to hold the line in regard to interest rates, and this is what we are talking about, the cap, and that is exactly what we need in order to give them a message in Washington, because people are not going to buy and the action is not going to go. They have already predicted in the housing that it is going to go down less than \$1

million in 1980. In 1978 it was \$2 million. This year it was \$1.4 million. People cannot buy. Therefore, the wheels of everything are going to stop. And I cannot understand the move here to aid and abet the moneychangers in the temple. That is all they are doing. I thought there was a gentleman who chased them out of there at one time, about 2,000 years ago. All we are doing is aiding and abetting the moneychangers. That is absolutely right, and I think it is about time we put a cap on and tell them where the bear took a walk in the buckwheat. Okay?

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—81

Austin	Fryer	Laughlin	Ritter
Barber	Gallagher	Levin	Rodgers
Beloff	Gamble	Manderino	Schmitt
Berson	Gatski	McIntyre	Seventy
Borski	George, C.	McMonagle	Shadding
Brown	George, M.	Michlovic	Shupnik
Caltagirone	Goodman	Mrkonjic	Stairs
Cappabianca	Grabowski	Mullen, M. P.	Steighner
Chess	Gray	Murphy	Stewart
Clark, B.	Greenfield	Novak	Street
Cochran	Harper	O'Brien, B.	Suban
Cohen	Hasay	O'Donnell	Taddonio
Cole	Hoeffel	Oliver	Taylor, F.
Cowell	Irvic	Petrarca	Telek
Dawida	Itkin	Pievsky	Trello
DeMedio	Johnson, J.	Pistella	Wachob
DeWeese	Jones	Pucciarelli	Wargo
Donatucci	Kanuck	Reed	Williams
Duffy	Knight	Rhodes	Zeller
Fee	Kukovich	Rieger	Zitterman
Fischer, R. R.			

NAYS—114

Alden	Freind	Madigan	Scirica
Anderson	Gallen	Manmiller	Serafini
Armstrong	Gannon	McCall	Sieminski
Arty	Geesey	McClatchy	Sirianni
Belardi	Geist	McKelvey	Smith, E.
Bennett	Giammarco	McVerry	Smith, I.
Bittle	Gladeck	Micozzie	Spencer
Bowser	Goebel	Milanovich	Spitz
Brandt	Gruppo	Miller	Sweet
Burd	Halverson	Moehlmann	Swift
Burns	Hayes, S. E.	Mowery	Taylor, E.
Cessar	Helfrick	Musto	Thomas
Cimini	Honaman	Nahill	Vroon
Clark, R.	Hutchinson, A.	Noye	Wagner
Cornell	Hutchinson, W.	O'Brien, D.	Wass
Coslett	Johnson, E.	Perzel	Weidner
Cunningham	Klingaman	Peterson	Wenger
Davies	Knepper	Piccola	White
DeVerter	Kolter	Polite	Wilson
DiCarlo	Kowalyszyn	Pott	Wilt
Dietz	Lashingner	Pratt	Wright, D.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Letterman	Pyles	Yahner
Dorr	Levi	Rappaport	Yohn
Durham	Lewis	Rocks	Zord
Earley	Livengood	Ryan	Zwikk
Fisher, D. M.	Lynch, E. R.	Salvatore	
Foster, A.	Lynch, F.	Scheaffer	Seltzer,
Foster, W.	Mackowski	Schweder	Speaker

NOT VOTING—7

Brunner	Grieco	Kernick	Richardson
Dumas	Hayes, D. S.	Pitts	

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

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

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

The question is, shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, from the last vote, would it be correct for me to infer that the Republicans have no mercy?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. I endeavored to get your attention before that last amendment was voted, but you did not see me. I want to speak against the bill because of that amendment.

The question was posed to Mr. DeWeese if he knew of any instance in the Commonwealth where higher than that rate was being charged. I have in my hand a mortgage payment stub from a commercial bank. On a mortgage payment of \$188.17, that payment being 10 days late, the late charge was \$44.65.

Because the DeWeese amendment is not in this bill, I am opposing it. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—130

Alden	Foster, W.	Lewis	Rocks
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Salvatore
Arty	Gallen	Lynch, F.	Scheaffer
Belardi	Gannon	Mackowski	Scirica
Bennett	Geesey	Madigan	Serafini
Berson	Geist	Manmiller	Sieminski
Bittle	George, M.	McCaill	Sirianni
Borski	Giammarco	McClatchy	Smith, E.
Bowser	Gladeck	McKelvey	Smith, L.
Brandt	Goebel	McVerry	Spencer
Burd	Goodman	Micozzie	Spitz
Burns	Grabowski	Miller	Stairs
Cessar	Gruppo	Moehlmann	Sweet
Cimini	Halverson	Mowery	Swift
Clark, R.	Hasay	Musto	Taddonio
Cornell	Hayes, S. E.	Nahill	Taylor, E.
Coslett	Helfrick	Noye	Thomas
Cowell	Honaman	O'Brien, B.	Vroon
Cunningham	Hutchinson, A.	O'Brien, D.	Wagner
Davies	Hutchinson, W.	Perzel	Wass
DeVertter	Itkin	Peterson	Weidner
DiCarlo	Johnson, E.	Piccola	Wenger
Dietz	Kanuck	Pievsky	Wilson
Dininni	Klingaman	Pitts	Wilt
Dombrowski	Knepper	Polite	Wright, J. L.
Dorr	Kolter	Pott	Yahner

Duffy	Kowalyszyn	Pratt	Yohn
Durham	Lashingner	Pucciarelli	Zord
Earley	Lehr	Punt	Zwilk
Fischer, R. R.	Letterman	Pyles	
Fisher, D. M.	Levi	Rappaport	Seltzer,
Foster, A.	Levin	Reed	Speaker

NAYS—67

Austin	Gallagher	Michlovic	Shadding
Barber	Gamble	Milanovich	Shupnik
Beloff	Gatski	Mrkonic	Steighner
Brown	George, C.	Mullen, M. P.	Stewart
Caltagirone	Gray	Murphy	Street
Cappabianca	Greenfield	Novak	Stuban
Chess	Harper	O'Donnell	Taylor, F.
Clark, B.	Hoeffel	Oliver	Telek
Cochran	Irvis	Petrarca	Trello
Cohen	Johnson, J.	Pistella	Wachob
Cole	Jones	Rhodes	Wargo
Dawida	Knight	Rieger	White
DeMedio	Kukovich	Ritter	Williams
DeWeese	Laughlin	Rodgers	Wright, D.
Donatucci	Manderino	Schmitt	Zeller
Dumas	McIntyre	Schweder	Zitterman
Fee	McMonagle	Seventy	

NOT VOTING—5

Brunner	Hayes, D. S.	Kernick	Richardson
Grieco			

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

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

REMARKS ON VOTES

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

Mr. GRABOWSKI. Mr. Speaker, I inadvertently voted in the affirmative. I would like my vote recorded in the negative on HB 1805.

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

The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, on HB 1805, PN 2390, I inadvertently voted in the negative and I would like the record to indicate that I voted in the affirmative.

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

HB 2044 RECOMMITTED TO APPROPRIATIONS COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I move that HB 2044 be recommitted to the Committee on Appropriations.

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

LABOR RELATIONS COMMITTEE MEETING

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

Mr. WILT. Mr. Speaker, I would like to call a meeting of the Labor Relations Committee at the call of the recess in the ante-room in the back.

HB 785 REMOVED FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 785 be taken from the table and recommitted to the Committee on Mines and Energy Management.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADDITION OF SPONSOR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit herewith an addition of a sponsor of a bill in accordance with the rules:

ADDITION:

HB 2045, Cunningham, G. L.

**HOUSE SCHEDULE
REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest that we recess now until 3 o'clock; that the Republicans go to caucus at 1:30. I would expect we will be back at 3 p.m. and work until 6:30 tonight, plus or minus half an hour. I expect that the caucus will concern itself principally with HB 1 and I would ask that the two caucuses address that question.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we will be in caucus on the Democratic side at 1:30 and we shall be caucusing on, primarily, HB 1, and I would urge all Democrats to be there. There are some philosophical and political decisions to be made in that caucus and they will be very important.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, for a committee announcement.

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee at 2:30 p.m. in the Appropriations Committee meeting room.

The SPEAKER. The majority leader and the minority leader have called for party caucuses at 1:30 p.m.

SENATE MESSAGE

HOUSE AMENDED SENATE BILL CONCURRED IN

The Senate informed that it has concurred in House amend-

ments to SB 395, PN 1336.

BILL SIGNED BY SPEAKER

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

HB 1531, PN 2326, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), prohibiting certain conflicts of interest of members of professional examining and licensing boards.

RECESS

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

AFTER RECESS

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND Tabled**

HB 2045, PN 2589

By Mr. McCLATCHY

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing a public improvement project, ***stating the estimated useful life of the project and making an appropriation.

Appropriations.

BILLS REREPORTED FROM COMMITTEES

HB 1457, PN 1831

By Mr. WILT

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.

Rereported from Committee on Labor Relations.

HB 2044, PN 2583

By Mr. McCLATCHY

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), limiting general assistance to chronically needy persons and transitionally needy persons.

Rereported from Committee on Appropriations.

CALENDAR BILLS 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?

HB 309 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 309 be recommitted

to the Committee on Appropriations.

The SPEAKER. On the question of recommittal, the Chair recognizes the minority whip.

Mr. MANDERINO. Would the majority leader consent to interrogation, Mr. Speaker?

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

Mr. MANDERINO. Mr. Speaker, for what purpose has the gentleman moved that this House recommit HB 309?

Mr. RYAN. For further study.

Mr. MANDERINO. Have questions been raised by members of your caucus regarding the content of HB 309?

Mr. RYAN. Questions have been raised by members of your caucus as to the contents of HB 309.

Mr. MANDERINO. Have they asked you to recommit the same?

Mr. RYAN. No, but I thought I would accommodate them by recommitting it.

Mr. MANDERINO. If every member of my caucus would tell you that they do not want it recommitted, would you reconsider your position?

Mr. RYAN. No, I do not think so.

Mr. MANDERINO. Would it be fair to say that you are asking for a recommittal because I have amendments to HB 309 that are embarrassing to you?

Mr. RYAN. Mr. Speaker—

The SPEAKER. The question before the House is the recommittal of HB 309.

Mr. MANDERINO. I am just trying to find out why he wants to recommit it.

The SPEAKER. Under interrogation, the majority leader, Mr. Ryan, has indicated he is recommitting it for further study.

Mr. MANDERINO. I heard that. Why are you repeating what he said?

The SPEAKER. The Chair thanks the gentleman.

Mr. MANDERINO. If you want to engage in debate, there is a procedure for you to give the Chair to someone else and come down here.

The SPEAKER. The gentleman will please confine his remarks to the recommittal motion.

Mr. MANDERINO. Mr. Speaker, are you aware that I have amendments to HB 309 which places HB 1, in essence, in the statute that is being enacted by HB 309?

Mr. RYAN. Mr. Speaker, in response to the gentleman, I have not seen such amendments, but I do understand that you are going to offer—

Mr. MANDERINO. You would not deny my word if I told you they had been circulated?

Mr. RYAN. No. No. And I would hope that my remarks would not be interpreted that way. I also am aware of amendments to be offered by Mr. Sweet and Mr. Zitterman and I have not seen those amendments either, but, again, I am sure they have been prepared and circulated.

Mr. MANDERINO. The recommittal motion that you made this afternoon, Mr. Speaker, was it discussed in your caucus today?

Mr. RYAN. Recommittal motion?

Mr. MANDERINO. Yes.

Mr. RYAN. Yes, it was.

Mr. MANDERINO. Was it discussed—

Mr. RYAN. May I finish?

Mr. MANDERINO. Go ahead.

Mr. RYAN. The entire calendar, the bulk of the calendar, was considered today.

Mr. MANDERINO. But I only asked you about the recommittal motion that you just made.

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

Mr. THOMAS. To add to the debate since I am prime sponsor of the bill.

The SPEAKER. Will the gentleman yield? The minority leader has the floor in interrogating the majority leader. Unless the minority whip yields, the Chair feels compelled to continue the debate with the minority whip.

Mr. THOMAS. Well, I thought maybe I could clear the whole matter since I am prime sponsor and would advocate recommittal.

Mr. MANDERINO. Mr. Speaker, he can have his chance after I am through with my interrogation.

Mr. Speaker, was the recommittal motion that you made discussed in your caucus today?

Mr. RYAN. Mr. Speaker, what goes on in our caucus, I think, stays in our caucus. Unless we are going to open up the interrogation to what goes on in each other's caucuses.

Mr. MANDERINO. Are you saying that whatever was discussed with relationship to the recommittal motion was discussed in your caucus?

The SPEAKER. The discussion in the Democratic caucus or the Republican caucus has no basis for debate on the floor of this House.

Mr. MANDERINO. No, the recommittal motion, Mr. Speaker.

The SPEAKER. Will the gentleman please confine his debate to the motion to recommit.

Mr. MANDERINO. Mr. Speaker, if you want to debate the issue, you ought to come down here. I am asking him about the recommittal motion that he made today, and you know that I am.

Now, if he wants to tell me that what is discussed in his caucus is privy to his caucus, I can understand that. But I would like him to say that that is the reason he does not want to discuss it. I think he has said that and does not need your reenforcement. I understood it well when he said it.

Thank you, Mr. Speaker. I have no further interrogation, but I would like to make a statement on the recommittal motion.

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

Mr. MANDERINO. Mr. Speaker, last week or the week before, I circulated amendments to HB 309. Other members circulated amendments to HB 309.

We were never told that there was going to be a recommittal motion until we returned to the floor of the House today after caucus and after, I presume, HB 1 was discussed in both caucuses. And I presume that HB 1 was discussed in both caucuses

only because that is the purpose that both parties said they were going to caucus to discuss HB 1. And emanating from that caucus, and, again, this is an assumption on my part, there is a move to recommit HB 309 and, it is also my understanding, to recommit HB 168 which is also on the calendar, which is also an amendment to the Administrative Code.

And to each of these bills, I have proposed to offer the substance of HB 1, which is this afternoon's discussion, and the motion to recommit, in my opinion, was made because of that. I could be wrong. You know, I am not privy to the information of how the recommittal motion was discussed in caucus, but I certainly did not think that recommitment of HB 309 and HB 168 were not distinct possibilities. I knew that.

I talked about that last week with the majority leader and I was assured, at least I thought I was assured—and I will talk about that further a little later—that my amendments would get a chance to be aired on the floor of this House. They are not being given that chance if HB 309 is recommitted.

I would ask that anybody who wants to support true spending limitations immediately, not 4 years down the road, immediately to give me a chance to offer the amendments to HB 309 and to vote against recommitment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, in order to clarify something for the minority whip, is it not true that I told you to recommit HB 309?

The SPEAKER. Did the gentleman ask the Chair a question?

Mr. THOMAS. Yes.

The SPEAKER. The gentleman is correct. The gentleman, Mr. Thomas, who is the prime sponsor of the bill, came to me and suggested that this bill be recommitted.

Mr. THOMAS. Okay. Let me say something further, if I may, Mr. Speaker.

HB 309 is not a new bill. It was introduced in the last session but never got out of committee. It was brought before the committee again as a new introduction in this session.

At the first meeting of the committee, it was opposed because of the wording of the language, and the committee itself redesigned that language. The analysis of the bill so tells you, from printer's No. 329 to printer's No. 2184. The committee did that. I was present for all those meetings because I am prime sponsor of the bill. They were courteous enough to invite me to each one of those sessions. I sanctioned anything they did.

Now I find it is most controversial. Mr. Zitterman, for one, came to me a few days ago and said, I must oppose HB 309. And I said, tell me why, and he said, it is not strong enough. We need to do something more against the Commonwealth doing what you are trying to stop.

Well, I said, tell me, in the Administrative Code, where we are weak. And until this time, he did not. I spoke to Mr. Zitterman as late as this morning on the floor of the House and am still waiting for something to fix this bill to a better fashion so it does exactly what we want done. I recommend that it be recommitted.

The SPEAKER. The Chair recognizes the gentleman from

Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, to clarify the record, my thoughts on the bill of Mr. Thomas were that the bill was ambiguous and basically ridiculous. Thank you very much.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I did notice that Mr. Sweet and Mr. Zitterman had amendments to the bill. Maybe they would have corrected this weakness that Mr. Thomas talks about.

I think we should have had an opportunity at least to see what they would have been. I can only say that I do not know why this bill is being recommitted. I have to guess why it is being recommitted or being asked to be recommitted. I made my guess. I can also tell you that before my amendment showed up to this bill, you were going to ramrod it through the other day, and I said, I have amendments to it, and they said, oh, then we will not run it.

It was okay just 3 days ago to run this bill until my amendment showed up, and then all of a sudden it became unacceptable to run. It needs work and I suppose it will get work because my amendments will be around for HB 309, if I do not get an opportunity to put them somewhere else before HB 309 comes back from committee. I ask a negative vote on recommitment.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—99

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	Gruppo	Mowery	Taddonio
Burns	Halverson	Nahill	Taylor, E.
Cessar	Hasay	Noye	Telek
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Clark, R.	Helfrick	Perzel	Vroon
Cornell	Honaman	Peterson	Wagner
Coslett	Hutchinson, W.	Piccola	Wass
Cunningham	Johnson, E.	Pitts	Weidner
Davies	Klingaman	Polite	Wenger
DeVerter	Knepper	Punt	Wilson
Dietz	Lashinger	Pyles	Wilt
Dininni	Lehr	Rocks	Wright, J. L.
Dorr	Levi	Ryan	Yohn
Durham	Lewis	Salvatore	Zord
Earley	Lynch, E. R.	Scheaffer	
Fischer, R. R.	Lynch, F.	Scirica	Seltzer,
Fisher, D. M.	Mackowski	Serafini	Speaker
Foster, A.			

NAYS—93

Austin	Gamble	Livengood	Rieger
Barber	Gatski	Manderino	Ritter
Bennett	George, C.	McCall	Rodgers
Berson	George, M.	McMonagle	Schmitt
Borski	Giammarco	Michlovic	Schweder
Brown	Goodman	Milanovich	Seventy
Caltagirone	Grabowski	Mrkonic	Shadding

Cappabianca	Gray	Mullen, M. P.	Shupnik
Chees	Greenfield	Murphy	Steighner
Clark, B.	Harper	Musto	Stewart
Cochran	Hoeffel	Novak	Street
Cohen	Hutchinson, A.	O'Brien, B.	Stuban
Cole	Irvis	O'Donnell	Sweet
Cowell	Itkin	Oliver	Taylor, F.
Dawida	Johnson, J.	Petrarca	Trello
DeMedio	Jones	Pievsky	Wachob
DeWeese	Knight	Pistella	Wargo
DiCarlo	Kolter	Pott	White
Dombrowski	Kowalshyn	Pratt	Wright, D.
Duffy	Kukovich	Pucciarelli	Yahner
Dumas	Laughlin	Rappaport	Zeller
Fee	Letterman	Reed	Zitterman
Fryer	Levin	Rhodes	Zwikl
Gallagher			

NOT VOTING—10

Beloff	Grieco	Kernick	Richardson
Brunner	Hayes, D. S.	McIntyre	Williams
Donatucci	Kanuck		

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 168, PN 2183**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

HB 168 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 168 be recommitted to the Committee on Appropriations.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Will the gentleman, Mr. Ryan, consent to interrogation?

Mr. RYAN. Yes, sir.

Mr. MANDERINO. Mr. Speaker, if I ask you the same questions on HB 168 on Recommitment as I did on HB 309, would you give the same answers?

Mr. RYAN. I say I would give you part of the same answer.

Mr. MANDERINO. Part of the same answer.

Mr. RYAN. But I would hope the same bottom line.

Mr. MANDERINO. Mr. Speaker, you were aware for some 3 weeks now that I had amendments to HB 168 that will make the provisions of spending limitations that are contained in HB 1 a constitutional amendment, an amendment to the Administrative Code, so that we would begin by the next budget process to live by those spending limitations. You knew I had those kinds of amendments. I informed you of that, did I not?

Mr. RYAN. Mr. Speaker, as I quickly go through my calendar, your name appears, I would say, some six to 10 times. If I had a couple of minutes, I could count it up where you are suggesting amendments to different bills.

You very often, I understand, put your name on different bills when we are marking the calendar on behalf of other mem-

bers. Now, it is true that you had your name on this bill to offer amendments. This bill also has Mr. Irvis' name on it for amendments. I do not know if they are the same or not but my calendar indicates that.

There are any number of reasons why this bill should go to committee. The administration would like an opportunity to show the committee that it is not necessary—I have been advised that my calendar has carried this advice for some time—that there is a belief by the budget department that this bill is not necessary, and that they oppose it because of the administrative costs and because they are setting up a computer system on this subject.

It is for this reason as well as others that I want the bill to go to Appropriations Committee so that the administrative costs and the fact of the setting up of a computer system can be studied by that committee.

Mr. MANDERINO. Mr. Speaker, I have no other questions because Mr. Ryan really does not answer the questions I ask anyway.

So I will just make the statement about the bill and the recommitment motion.

I asked Mr. Ryan in the question—and I did not hear an answer; maybe you heard the answer—I asked him whether I had informed him that I had amendments to HB 168 which were in the nature of spending limitations as contained in HB 1.

Now, my distinct recollection is that I did inform him personally the day that I distributed the amendments to the floor of the House, which was over 3 weeks ago. That is my distinct impression. Now he may not remember, but I think that he does, because the moment that I told him what kind of amendments I had, he passed over the bill and has been passing over the bill ever since.

Now last week when Mr. Ryan announced that we were going to consider HB 1 this week, I specifically asked him on the floor of this House whether I would have an opportunity to present my amendments to HB 168, which were about the same as HB 1, and here, Mr. Speaker, in reference to the recommitment motion and whether we should recommit this bill, is what took place last week as we broke up the session: (Reading:)

Mr. MANDERINO. Mr. Speaker, we have no further business on this side of the aisle, but I would like to comment on Mr. Ryan's comment.

Mr. Speaker, I have an amendment to HB 168 that I have been hoping to offer for 3 weeks, 4 weeks or maybe 5 weeks. It was distributed to the members. It is an amendment that will put HB 1 provisions into the Administrative Code.

I would hope that next week I would have a chance to offer that amendment.

Well, that is this week.

Mr. Speaker, Mr. Ryan's response went thus: (Reading:)

Mr. RYAN. Mr. Speaker, if I may. Your amendment, Mr. Speaker, to HB 168, which in effect is the existing HB 1 as we see it on the calendar, I could in all fairness say, we are also caucusing on. We are caucusing and we spent a number of hours yesterday and a number of hours today caucusing on HB1 as I had informed you earlier. And to the extent that we caucus on the spending limitation problem, we are simultaneously caucusing on any amendments that would be in the nature of a statutory enactment rather than a con-

stitutional enactment.

Mr. MANDERINO. Thank you.

Mr. RYAN. I feel certain and I say with some confidence that this House probably will have the opportunity to vote on both a constitutional limitation as well as a statutory limitation.

Mr. Speaker, I am only asking for the opportunity to do what I thought had been promised me last week. I thought I had been promised an opportunity to amend HB 168 with the amendments that I had circulated, with the amendments that obviously Mr. Ryan was aware of by his answer to my question, and when this bill and these amendments have been around for 5 weeks and the leadership on both sides of the aisle knew what the content of those amendments was and the importance of the debate that takes place today on spending limitations, I think it is unfair to recommit the bill for the sole purpose of preventing this House from expressing its opinion on whether or not spending limitations ought to become a matter of statute in this Commonwealth immediately upon the passage of HB 168 rather than waiting 4 years down the line to when a constitutional amendment can be adopted the second time by the General Assembly and approved by the people and then implemented again by the General Assembly.

Mr. Speaker, I ask for a negative vote on recommitment of HB 168.

On the question.

Will the House agree to the motion?

The following roll call was recorded:

YEAS—101

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	Gruppo	Mowery	Taddonio
Burns	Halverson	Nahill	Taylor, E.
Cessar	Hasay	Noye	Telek
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Clark, R.	Helfrick	Perzel	Vroon
Cornell	Honaman	Peterson	Wagner
Coslett	Hutchinson, W.	Piccola	Wass
Cunningham	Johnson, E.	Pitts	Weidner
Davies	Klingaman	Polite	Wenger
DeVertter	Knepper	Punt	Wilson
Dietz	Lashinger	Pyles	Wilt
Dininni	Lehr	Rocks	Wright, J. L.
Dorr	Levi	Ryan	Yohn
Durham	Levin	Salvatore	Zord
Earley	Lewis	Scheaffer	
Fischer, R. R.	Lynch, E. R.	Scirica	Seltzer,
Fisher, D. M.	Lynch, F.	Serafini	Speaker
Foster, A.	Mackowski	Shadding	

NAYS—89

Austin	Gallagher	Letterman	Rieger
Barber	Gamble	Livengood	Ritter
Bennett	Gatski	Manderino	Rodgers
Berson	George, C.	McCall	Schmitt
Borski	George, M.	McMonagle	Schweder
Brown	Giammarco	Milanovich	Seventy
Caltagirone	Goodman	Mrkonik	Shupnik

Cappabianca	Grabowski	Mullen, M. P.	Steighner
Chess	Gray	Murphy	Stewart
Clark, B.	Greenfield	Novak	Street
Cochran	Harper	O'Brien, B.	Stuban
Cohen	Hoeffel	O'Donnell	Sweet
Cole	Hutchinson, A.	Oliver	Taylor, F.
Cowell	Irviss	Petrarca	Trello
Dawida	Itkin	Pievsky	Wachob
DeMedio	Johnson, J.	Pistella	Wargo
DeWeese	Jones	Pott	White
DiCarlo	Knight	Pratt	Wright, D.
Dombrowski	Kolter	Pucciarelli	Yahner
Duffy	Kowalshyn	Rappaport	Zeller
Dumas	Kukovich	Reed	Zitterman
Fec	Laughlin	Rhodes	Zwilk
Fryer			

NOT VOTING—12

Beloff	Grieco	Kernick	Musto
Brunner	Hayes, D. S.	McIntyre	Richardson
Donatucci	Kanuck	Michlovic	Williams

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **HB 1, PN 2065**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. TADDONIO offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, lines 26 and 27, by striking out all of line 26 and **"REPORTED BY THE FEDERAL GOVERNMENT."** in line 27 and inserting Personal Income by Place of Residence for Pennsylvania as defined and officially reported by the United States Department of Commerce.

Amend Sec. 1 (Sec. 18), page 5, line 3, by striking out **"EXPENDITURES"** and inserting spending

Amend Sec. 1 (Sec. 18), page 5, line 3, by removing the comma after **"MUNICIPALITY,"** and inserting and

Amend Sec. 1 (Sec. 18), page 5, lines 4 and 5, by striking out **"OR ANY OTHER SIMILAR GENERAL PURPOSE UNIT OF GOVERNMENT HEREINAFTER CREATED,"**

Amend Sec. 1 (Sec. 18), page 5, line 6, by striking out **"FLUCTUATION AND"** and inserting growth and shall

Amend Sec. 1 (Sec. 18), page 5, lines 6 and 7, by striking out **"THE EXPENDITURE"** and inserting such spending

Amend Sec. 1 (Sec. 18), page 5, line 7, by removing the period after **"ELECTORATE"** and inserting of said municipality or school district.

Amend Sec. 1 (Sec. 18), page 5, line 16, by striking out **"STATE"** and inserting Commonwealth

Amend Sec. 1 (Sec. 18), page 5, line 19, by striking out all of said line and inserting § 1(a) of Article XI.

Amend Sec. 1 (Sec. 18), page 5, line 27, by inserting after **"ADOPTION"** of

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out **"OF A"** and inserting for

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out **"EMPLOYEE BENEFIT PENSION PLAN"** and inserting de-

ferred compensation or benefits or pensions

Amend Sec. 1 (Sec. 18), page 5, line 29, by inserting after "BE" fully

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "FOR" and inserting each year

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "ACCEPTABLE" and inserting accepted

Amend Sec. 1 (Sec. 18), page 6, line 3, by striking out "COMMONWEALTH SPENDING" and inserting Total spending by the Commonwealth

Amend Sec. 1 (Sec. 18), page 6, line 14, by striking out "OTHER"

Amend Sec. 1 (Sec. 18), page 6, lines 16 through 18, by striking out "AND EACH MUNICIPALITY, SCHOOL DISTRICT," in line 16, all of line 17, and "HEREINAFTER CREATED," in line 18

Amend Sec. 1 (Sec. 18), page 6, line 19, by striking out "EXPENDED" and inserting spent

Amend Schedule, page 6, line 23, by inserting after "18(A)" of Article VIII

Amend Schedule, page 6, line 23, by striking out "FOR THE" and inserting beginning with the first

Amend Schedule, page 6, lines 23 and 24, by striking out "OR" in line 23, all of line 24 and inserting commencing more than six months following approval of section 18 by the electorate.

On the question,

Will the House agree to the amendments?

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

Mr. TADDONIO. Mr. Speaker, this is primarily a technical amendment correcting certain language deficiencies in the bill and polishing it up and making it a better bill. There are no substantive changes in this technical amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Alden	Freind	Lynch, F.	Schweder
Anderson	Fryer	Mackowski	Scirica
Armstrong	Gallagher	Madigan	Serafini
Arty	Gallen	Manderino	Seventy
Austin	Gamble	Manmiller	Shadding
Barber	Gannon	McCall	Shupnik
Belardi	Gatski	McClatchy	Sieminski
Bennett	Geesey	McKelvey	Sirianni
Bittle	Geist	McMonagle	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	Mrkonic	Street
Cappabianca	Greenfield	Mullen, M. P.	Stuban
Cessar	Gruppo	Murphy	Sweet
Chess	Halverson	Musto	Swift
Cimini	Harper	Nahill	Taddonio
Clark, B.	Hasay	Novak	Taylor, E.
Clark, R.	Hayes, S. E.	Noye	Taylor, F.
Cochran	Helfrick	O'Brien, B.	Telek
Cohen	Hoefel	O'Brien, D.	Thomas
Cole	Honaman	O'Donnell	Trello

Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Irvis	Peterson	Wagner
Cunningham	Itkin	Petrarca	Wargo
Davies	Johnson, E.	Piccola	Wass
Dawida	Johnson, J.	Pistella	Weidner
DeMedio	Kanuck	Pitts	Wenger
DeVerter	Klingaman	Polite	White
DeWeese	Knepper	Pott	Wilson
DiCarlo	Knight	Pratt	Wilt
Dietz	Kolter	Pucciarelli	Wright, D.
Dininni	Kowalshyn	Punt	Wright, J. L.
Dombrowski	Kukovich	Pyles	Yahner
Dorr	Lashingner	Reed	Yohn
Duffy	Laughlin	Rieger	Zeller
Durham	Lehr	Ritter	Zitterman
Earley	Letterman	Rocks	Zord
Fee	Levi	Rodgers	Zwinkl
Fischer, R. R.	Levin	Ryan	
Fisher, D. M.	Lewis	Salvatore	Seltzer,
Foster, A.	Livengood	Scheaffer	Speaker
Foster, W.	Lynch, E. R.	Schmitt	

NAYS—2

Jones	Rappaport
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NOT VOTING—15

Beloff	Dumas	Kernick	Rhodes
Berson	Gray	McIntyre	Richardson
Brunner	Grieco	Mowery	Williams
Donatucci	Hayes, D. S.	Pievsky	

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

REMARKS ON VOTES

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

Mr. JONES. Mr. Speaker, on the Taddonio amendment to HB 1, I was recorded in the negative by mistake. My switch was locked. I would like to be recorded in the affirmative.

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

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

Mr. DUMAS. On the Taddonio amendment to HB 1, I was not recorded. I would like to be recorded in the affirmative.

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

On the question,

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

Mr. MOWERY offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, line 24, by striking out "80% OF THE COMPOUND" and inserting the

Amend Sec. 1 (Sec. 18), page 4, line 25, by striking out "TWO PRECEDING YEARS OF THE" and inserting preceding year of

Amend Sec. 1 (Sec. 18), page 4, lines 27 through 30 and page 5, line 1, by striking out "THE PERCENTAGE OF THE RATE" in line 27 and all of said lines on said pages

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

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

Mr. MOWERY. My amendment does nothing more than eliminate the 80 percent of personal income. By doing that, it reverts back to the fact that spending will be limited in the state by personal income alone. The second part of this amendment does nothing more than eliminate the 2 preceding years as an average and takes into account the previous year.

I would recommend that we, as a House, consider this, because I firmly believe that when we are approaching something as serious as an amendment to the constitution and when we take into consideration the fact that Pennsylvania is a very unique state—it is not like many of the states whereby they have not been highly industrialized states, where they have had many new plants, not old plants that we have here to revitalize, where they have the limited highway systems compared to the large highway programs that are necessary to make Pennsylvania a vital state—I think we must be very careful that we do not take away the opportunity for us in the legislature to have some room to legislate what we feel is best for this State of Pennsylvania.

So I would recommend that we do away with the 80-percent reduction and go on the basis on which the House bill has been based, on the rise in personal income. Thank you.

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

Mr. TADDONIO. Mr. Speaker, I would respectfully oppose this amendment. I sympathize with Mr. Mowery's intent, and theoretically the 100 percent of personal income might very well be a good measure. However, I feel that the 80-percent measure comes closer to the mark of measuring what the state government spending should be.

I also oppose the elimination of the averaging over the 2 preceding years. The effect that this has is that when you average, you cushion the effect of drastic swings either up or down in the economy so you do not have a drastic effect on state government. That is why we went to the 2-year average to average it out, so that when the personal income would go up very sharply or go down very sharply, you are not hit with traumatic dislocations within the government sector. I would request a "no" vote.

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

Mr. COWELL. Mr. Speaker, I would join with my colleague, Mr. Taddonio, in requesting a "no" vote on this particular amendment.

I think we have to appreciate what the public perception is of the purpose of HB 1. People across the Commonwealth and a lot of observers of this legislature believe that we are considering HB 1 because it is a legitimate attempt to restrict the spending of state government and future growth in the spending of state government. A lot of people believe that if we would have had this kind of amendment in the past, we would not be where we are today. In fact, a lot of people believe that if

we would have had a HB 1 over the last couple of years, state spending today would be less than it actually is.

I think it is important to note the difference though between HB 1, the Taddonio version, if you will, with the 80-percent figure, and HB 1 if the 100-percent figure is inserted. If we look at state spending over the last 2 years and we compare that to what it would have been if we would have had in effect the Taddonio legislation, state spending today would in fact be less. And I think that is what the public believes would have been the case and that is what the public believes to be the desirability of HB 1. But if we adopt the Mowery amendment with the 100-percent language—In fact we find that if that kind of language would have been effective for the past 2 years, there really would have been no impact on state spending. And, in fact, with the 100-percent language in there, it is quite probable that the spending level that we have today would have been permitted. In fact then HB 1 would make no difference. I think that we would only be playing games with the public. We would be making them believe that we have done something far more significant than we have actually done. I think that we should stick to the 80-percent level that Mr. Taddonio has proposed if we are serious about spending limits. If we are not, if we are only trying to play a show game with the public, then the 100-percent figure would be acceptable.

I think Mr. Taddonio also raises a very important point on the desirability of averaging out over the past 2 years rather than only the preceding year. Our economy goes up and it comes down. I think that we should not be totally subject to whatever occurs in only the preceding year. I think that would not be desirable for state government. It would not be desirable for the services and the programs of state government. It would make a lot more sense to take an average of the preceding 2 years as Mr. Taddonio has proposed. I urge that we reject the Mowery amendment. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment offered to go to a less stringent spending limitation as proposed in HB 1 would be, in my opinion, a sham on the words "spending limitation" themselves.

Mr. Speaker, we have taken the budgets for the past 5 years and tried to fit them into the spending limitation as would be required if this amendment were adopted. In 1977-78, I served this House as the majority leader and had, at that time, to propose an increase in taxes in this Commonwealth which was supported by very few of the people sitting on the Republican side of the aisle, in its final form. I think maybe there were half a dozen. I really do not know the number. But the spending limitation that is proposed in this particular amendment would have allowed us to spend in that year \$300 million more than we did; \$300 million more. And in the year before, this amendment would have allowed us to spend \$240 million over and above what was spent. Mr. Speaker, in this current fiscal year, if this amendment were adopted, we would have been able to spend \$150 million more than we actually did spend.

Mr. Speaker, it seems to me that if we are going to talk about spending limitations, if we are going to raise the expectations in the people of the Commonwealth that we are going to try to

control the spending at the state level, that we are going to try to live within some reasonable scale or index based on how much personal income goes up in this Commonwealth, then we ought to look at the effect of the index that we tie ourselves to on how it affects state spending.

I submit to you that since 1974-75, the last 5 budgets adopted by this Commonwealth would have had no trouble sitting within the spending limitation which is proposed in this amendment, with a billion dollars in spending that we could have used on top of what we did. Certainly it is a sham to talk about spending limitations and the adoption of this amendment. Mr. Speaker, I urge a defeat of the amendment.

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

Mr. DAVIES. Mr. Speaker, would the maker of the bill, prime sponsor, stand for a few questions of interrogation?

The SPEAKER. Does the gentleman wish to interrogate Mr. Taddonio?

Mr. DAVIES. Yes.

The SPEAKER. The gentleman, Mr. Taddonio, indicates that he will stand for interrogation, and the gentleman may proceed.

The question before the House is the amendment offered by Mr. Mowery.

Mr. DAVIES. Mr. Speaker, under the projection of the Mowery amendment, during the two Shapp administrations, what would be the approximate reduction in billions of dollars of the current income of \$6.299 billion that would have been reduced from the budget?

Mr. TADDONIO. If the amendment was in effect when?

Mr. DAVIES. If the amendment would have been in effect in the last two Shapp administrations?

Mr. TADDONIO. If they went into effect in 1970?

Mr. DAVIES. Essentially, yes.

Mr. TADDONIO. If it was in effect in 1970, the figures I have of the budget cut this year would have been \$932 million.

Mr. DAVIES. How much again, sir?

Mr. TADDONIO. \$932 million.

Mr. DAVIES. No. I mean on the total of the reduction. All right, sir. Then what would it have been with your particular 80-percent rule over the same interim?

Mr. TADDONIO. With the 80-percent?

Mr. DAVIES. Yes.

Mr. TADDONIO. Eighty percent out of the \$1.7 billion reduction.

Mr. DAVIES. How much was it again, sir?

Mr. TADDONIO. \$1.7 billion.

Mr. DAVIES. \$1.7 billion.

By the same token, sir, where would you purport to make those particular significant cuts and what does that represent of the total current budgetary needs as far as the Commonwealth is concerned in this last administrative year?

Mr. TADDONIO. Okay. This is very illustrative of the needs for a spending limit because you can see how much faster government is growing in the last 10 years even than is the economy or personal income. As we said before, this is not a retroactive bill. You do not have to go back and find \$1 billion

or \$2 billion in cuts. This is a year-to-year thing. Each year the budget would be increased less. It is a gradual thing. That is the way government got the way it is, by gradually going up a little bit faster than our income.

The answer is that over the short term the limit is not as visible as it is over the long term. Look at any period of time in our history and you will see how government has a tendency to continue to grow and grow faster than the economy or personal income or any other index.

Mr. DAVIES. Taking the measure of the income currently, Mr. Speaker, is an amendment to the constitution a short-time effective economic measure or is this somewhat like most of the amendments to constitutional law, amendatory to the constitution, something that we are supposed to live with for life? In other words, we are not talking about just a short term or an interim short term of 1 year or this administration. We are talking essentially of possibly administrations of for here and a day. Is that not true? In other words, we are not measuring, when we are talking about rollbacks and cutbacks, as far as the economic growth of this Commonwealth and the demands for services and needs and services placed upon this Commonwealth. How is that supposed to expand in keeping with the demands of the economy just on the current governmental requests? In other words, what has been your experience since you have been here as a legislator?

Mr. TADDONIO. I am not sure exactly what you are driving at, but what the amendment does and purports to do is to freeze the share of state government and local government to the existing share it has today, and to say that if there are additional needs, they must be fit within that share. We do not want them to keep increasing the share and keep increasing the takeout of our pocketbooks. It just has to be fit within that frame. The government has grown to the fact that I think it was 15 years ago, where it was taking about 4 percent of our income and now it is nearly 8 percent of our income. That is a substantial increase and that is an increase that we have got to, at one point in time, say, no, we are not going to increase it anymore. There are other ways of doing it and there are better ways of doing it.

Mr. DAVIES. All right now, this does not express that there are better and different ways of doing it. It only expresses those particular cutbacks. I will get back to my original question. In those two administrations or particularly the projections of the next two administrations, my projections are correct that in the next administration, and based on the projections on an econometric model, this could result in another \$3-billion cutback in the next 10 years or decades projected forthcoming. Where are you going to suggest those reductions in services, by your mail or your legislative requests? What have you to hang your hat on as far as what reductions in those particular services you would make, those cuts, or are going to put those additional economic measures to work?

Mr. TADDONIO. All I can say is—and I do not agree with the gentleman, that there will be cutbacks—I think there is a component in personal income that is not necessary for state government. I think by looking at the empirical data, you can put it down and make a pretty tight fit, and it will be pretty

close to what we are talking about as what bill should be the real growth in state government.

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

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

Mr. POTT. Mr. Speaker, will the gentleman, Mr. Taddonio, consent to a brief interrogation?

The SPEAKER. The question before the House is the amendment offered by the gentleman from Cumberland, Mr. Mowery. The gentleman, Mr. Taddonio, indicates he will respond to questions on that amendment. The gentleman, Mr. Pott, may proceed.

Mr. POTT. Mr. Speaker, as I understand the amendment, it basically increases the cap from 80 percent to 100 percent of personal income as the spending limitation. Am I correct?

Mr. TADDONIO. Yes.

Mr. POTT. Mr. Speaker, I understand also that you have done some detailed mathematical and economic analyses of an 80-percent cap and a 100-percent cap. Is this not correct?

Mr. TADDONIO. That is correct.

Mr. POTT. Mr. Speaker, based on your projection of the economic projections to which you have been privy, which would be closer to keeping state government in line with our inflation rate, an 80-percent cap on personal income or a 100-percent cap on personal income?

Mr. TADDONIO. Naturally, I believe an 80-percent cap.

Mr. POTT. Thank you very much.

Mr. Speaker, if I am in order then, I would like to speak on the amendment.

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

Mr. POTT. I wish to speak on the amendment, yes, Mr. Speaker.

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

Mr. POTT. I totally agree with the gentleman, Mr. Taddonio, in his projection of inflation in our society and personal income is just not going to keep up with inflation in our society, and it is very important to limit the growth of state government. That is why the 80-percent cap as opposed to the 100-percent cap is so important to have true and meaningful spending limitations today. Therefore, I ask you to vote against the Mowery amendment and support the 80-percent cap as originally drafted in Mr. Taddonio's bill. Thank you.

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

Mr. MOWERY. I would like to make sure that everybody understands that Hal Mowery is against outlandish government spending. I do not think that there is probably anyone who feels more concern and the need for a reduction in state spending, but I would just like to think with you all for just a few moments, because I know it is far more popular to be 80 percent of something when it comes to spending than maybe the full use of the purpose of what personal income was put into that formula for initially.

I think that you will find that the 80-percent factor was arrived at on less than a scientific or economic outlook or a set of

facts. I believe the 80 percent fits in pretty well if you applied personal income to what was spent in the last 4 or 5 years, and since it did not appear to limit it enough at the personal income level, 80 percent did look a little better and looked like it would control things a little better and therefore be more attractive for you and me to vote on.

I would like for you to think with me for just a moment, because if you have government spending growing 80 percent of personal spending in this state, it is a reasonable assumption to think that there will be a decline each year, and that decline each year will begin to compound itself. Now if any of you have taken the time to project this out over a period of years, and I am not concerned, when we are talking about a constitutional amendment, about what we did in the past 10, 15, or 20 years. What I am interested in is what is going to happen to the future 10, 15, or 20 years, keeping in mind that illustrations that were presented here went so far back as 2 years and explained to you and showed to you what effect it would be if it had been in effect 2 years ago. We are talking about not a 2-year effect, because even if this passes today, HB 1, and if it passed both houses, remember that 3 years will have passed before any impact of this bill would take effect because it takes two sessions of this legislature to pass it. Now keeping that in mind, and let us assume that in the year 1979-80 government spending was approximately 7 percent of your personal income, now if that was the factor in 1979-80, what would that be down the road? By the year 2000 we would be now down to 3 percent of Pennsylvania personal income spending, and if you project it just a little further, you will find that it will zero-base itself to the point that we will not be able to spend a nickel in relation to what has been used as your base formula or your index, which is Pennsylvania personal income.

Now at the hearing that was held on this bill, it was also indicated by some of the economists who were there that it should not be 80 percent. It was not 100 percent unanimously that there should be a percentage factor applied at all. Now it is not a question of whether it should be 80 percent or 100 percent or whether there is any impact on this. It is the degree that we are really talking about, Mr. Speaker; not whether it should be 100 percent personal income or whether it should be 80 percent. Let me explain to you what the effect is.

For an example, if the limit had been imposed in 1970, which is approximately 9 years, the 80-percent rule would have forced a 39-percent reduction, as was stated earlier. In the fiscal year 1979 budget, while the personal income, if that had been the rule—100 percent—they would have resulted in a 19-percent reduction. Now if you take a different set of years—and remember that figures are very dangerous because you can apply them to different time periods and different time periods can affect what the bottom line might be. For an example, if you have imposed this same HB 1 in 1965, the reductions would have been 87 percent on the 80-percent basis, and actually 46 percent as far as the 100.

Now I suggest to you—and vote as you may, and I am sure there are an awful lot of reasons, and more attractive, to vote on the lower percentage—and I caution you that if you are looking into the future and you are looking into where we are going

as a state, that a state that needs a whole lot more than many others do who have gone this route, I am suggesting that we put a cap on, but we do not put a cap on that is going to create a hardship and set our state back instead of moving it forward.

Thank you.

The SPEAKER. Has the gentleman, Mr. Mowery, completed his remarks?

Mr. MOWERY. Yes, I have, Mr. Speaker.

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

The following roll call was recorded:

YEAS—26

Cohen	Levin	Rocks	Wagner
Davies	Madigan	Ryan	Weidner
Freind	McKelvey	Salvatore	Wilt
Greenfield	Miller	Scheaffer	Yohn
Halverson	Moehlmann	Sirianni	
Itkin	Mowery	Thomas	Seltzer,
Kukovich	Noye	Vroon	Speaker

NAYS—164

Alden	Fee	Lehr	Rhodes
Anderson	Fischer, R. R.	Letterman	Rieger
Armstrong	Fisher, D. M.	Levi	Ritter
Arty	Foster, A.	Lewis	Rodgers
Austin	Foster, W.	Livengood	Schmitt
Barber	Fryer	Lynch, E. R.	Schweder
Belardi	Gallagher	Lynch, F.	Scirica
Bennett	Gallen	Mackowski	Serafini
Berson	Gamble	Manderino	Seventy
Bittle	Gannon	Manmiller	Shadding
Borski	Gatski	McCall	Shupnik
Bowser	Geesey	McClatchy	Sieminski
Brandt	Geist	McVerry	Smith, E.
Brown	George, C.	Michlovic	Smith, L.
Burd	George, M.	Micozzie	Spencer
Burns	Giammarco	Milanovich	Spitz
Caltagirone	Gladeck	Mrkonic	Stairs
Cappabianca	Goebel	Mullen, M. P.	Steighner
Cessar	Goodman	Murphy	Stewart
Chess	Grabowski	Musto	Street
Clark, B.	Gruppo	Nahill	Stuban
Clark, R.	Harper	Novak	Sweet
Cochran	Hasay	O'Brien, B.	Swift
Cole	Hayes, S. E.	O'Brien, D.	Taddonio
Cornell	Helfrick	O'Donnell	Taylor, E.
Coslett	Hoeffel	Oliver	Taylor, F.
Cowell	Honaman	Perzel	Telek
Cunningham	Hutchinson, A.	Peterson	Trello
Dawida	Hutchinson, W.	Petrarca	Wachob
DeMedio	Irvic	Piccola	Wargo
DeVerter	Johnson, E.	Pievsky	Wass
DeWeese	Johnson, J.	Pistella	Wenger
DiCarlo	Jones	Pitts	Williams
Dietz	Kanuck	Polite	Wilson
Dininni	Klingaman	Pott	Wright, D.
Dombrowski	Knepper	Pratt	Wright, J. L.
Dorr	Knight	Pucciarelli	Yahner
Duffy	Kolter	Punt	Zeller
Dumas	Kowalyszyn	Pyles	Zitterman
Durham	Lashingier	Rappaport	Zord
Earley	Laughlin	Reed	Zwikl

NOT VOTING—12

Beloff	Donatucci	Hayes, D. S.	McMonagle
Brunner	Gray	Kernick	Richardson
Cimini	Grieco	McIntyre	White

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

The SPEAKER. Will the gentleman from Cumberland, Mr. Mowery, come to the desk please? He can bring his amendments with him, please.

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1

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

Mr. TADDONIO. Mr. Speaker, I move that the vote by which my amendments to HB 1, PN 2065, passed on this 4th day of December be reconsidered.

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

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, so the members understand, we have run into a conflict with several of the amendments to be offered, and the only way we felt we could resolve it in the shortest possible time was if Mr. Taddonio called back his amendments, Mr. Mowery offered his, and then if Mr. Mowery is successful, we will have new amendments drawn. It is very complicated, but everybody agrees that this is the way it has to be handled. And we are going to be here an extra day, trust me.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I do not know who "everybody" is, but I did not see any Democrats up there around that podium discussing the matter, but I am willing to talk to Mr. Ryan about the matter.

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

Mr. A. K. HUTCHINSON. Thank you, Jackie. The third estate would like to know what is going on down there, because that is not a caucus; that is in public light.

The SPEAKER. Would the gentleman repeat which estate?

Mr. A. K. HUTCHINSON. The third estate.

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the House Committee on Education, the gentleman from Washington, Mr. Fischer, to make an announcement. The gentleman is in order and may proceed.

Mr. R. R. FISCHER. Mr. Speaker, I would like to announce a meeting of the Committee on Education tomorrow in room 115A at 10 o'clock to consider the following House bills: 419, 1111, 2003, 2004, 1472, 587, and 1716; and the following Senate bills: 544, 545, and 449.

QUESTION OF RECONSIDERATION OF VOTE ON TADDONIO AMENDMENTS RESUMED

The SPEAKER. The question before the House is the recon-

sideration of the vote by which the Taddonio amendments was passed on the 4th day of December.

Does the gentleman, Mr. Taddonio, wish to be recognized on the motion?

Mr. TADDONIO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. TADDONIO. Mr. Speaker, because of some parliamentary problems and in order to expedite the flow of business of the House today, I would like to reconsider the vote on my previous amendment and then withdraw it temporarily in order that we may consider Mr. Mowery's amendment first, and then subsequent to that, if Mr. Mowery's amendment is unsuccessful, I would reoffer this amendment.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—166

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

NAYS—21

Chess	Grabowski	Kukovich	O'Brien, B.
DeWeese	Greenfield	Letterman	Rappaport
Dorr	Harper	Livengood	Rodgers
Fischer, R. R.	Hutchinson, A.	Milanovich	Wright, D.
Gallagher	Knight	Novak	Yahner
Gamble			

NOT VOTING—15

Beloff	Grieco	McMonagle	White
Brunner	Hayes, D. S.	Rhodes	Williams
Donatucci	Kernick	Richardson	Zitterman
George, M.	McIntyre	Shadding	

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

AMENDMENTS WITHDRAWN

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

Mr. TADDONIO. Mr. Speaker, I would like to withdraw the amendment temporarily.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MOWERY offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, lines 26 and 27, by striking out all of line 26 and "REPORTED BY THE FEDERAL GOVERNMENT." in line 27 and inserting Personal Income by Place of Residence for Pennsylvania as defined and officially reported by the United States Department of Commerce.

Amend Sec. 1 (Sec. 18), page 5, lines 2 through 7, by striking out all of said lines, and inserting

(b) Each municipality and school district shall adopt a binding ordinance or resolution restricting the annual growth in its spending. A certified copy of such ordinance or resolution shall be filed with the Department of Community Affairs at such time and in such form as that department shall require. Any restriction so adopted may be changed only upon the affirmative vote of two-thirds of the members of the governing body of such a municipality or school district.

Amend Sec. 1 (Sec. 18), page 5, line 16, by striking out "STATE." and inserting Commonwealth.

Amend Sec. 1 (Sec. 18), page 5, line 19, by striking out "ARTICLE XI."

Amend Sec. 1 (Sec. 18), page 5, line 19, by removing the period after "1(A)" and inserting of Article XI.

Amend Sec. 1 (Sec. 18), page 5, line 27, by inserting after "ADOPTION" of

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out "OF A" and inserting for

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out "EMPLOYEE BENEFIT PENSION PLAN" and inserting deferred compensation or benefits or pensions

Amend Sec. 1 (Sec. 18), page 5, line 29, by inserting after "BE" fully

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "FOR" and inserting each year

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "ACCEPTABLE" and inserting accepted

Amend Sec. 1 (Sec. 18), page 6, line 3, by striking out "COMMONWEALTH SPENDING" and inserting Total spending by the Commonwealth

Amend Sec. 1 (Sec. 18), page 6, line 14, by striking out "OTHER"

Amend Sec. 1 (Sec. 18), page 6, line 16, by striking out "THE COMMONWEALTH AND EACH MUNICIPALITY," and in-

serting No municipality or

Amend Sec. 1 (Sec. 18), page 6, lines 17 and 18, by striking out all of line 17 and "HEREINAFTER CREATED, SHALL NOT" in line 18 and inserting shall

Amend Sec. 1 (Sec. 18), page 6, line 19, by inserting after "THOSE" taxes

Amend Sec. 1 (Sec. 18), page 6, line 19, by striking out "EXPENDED" and inserting revenues spent

Amend Sec. 1 (Sec. 18), page 6, line 19, by inserting after "THE" applicable calendar or

Amend Sec. 1 (Sec. 18), page 6, lines 19 and 20, by striking out "NEXT FOLLOWING THE DATE ON" and inserting in

AMEND Sec. 1 (Sec. 18), page 6, line 21, by striking out "LEGISLATION" and inserting restriction

AMEND Sec. 1 (Sec. 18), page 6, line 21, by striking out "ENACTED." and inserting adopted.

Amend Sec. 1 (Sec. 18), page 6, line 23, by inserting after "18(A)" of Article VIII

AMEND Sec. 1 (Sec. 18), page 6, line 23, by striking out "FOR" and inserting beginning with

Amend Sec. 1 (Sec. 18), page 6, line 23, by inserting after "THE" first

AMEND Sec. 1 (Sec. 18), page 6, lines 23 and 24, by striking out "OR PERIOD"

Amend Sec. 1 (Sec. 18), page 6, line 24, by inserting after "COMMENCING" more than

AMEND Sec. 1 (Sec. 18), page 6, line 24, by striking out "AFTER VOTER APPROVAL." and inserting following approval of this section 18 by the electorate.

On the question,

Will the House agree to the amendments?

REMARKS ON VOTE

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

Mr. WILLIAMS. Mr. Speaker, on the last vote on the amendment, I had not gotten to my seat. I would like to be spread upon the record as voting in the affirmative, please.

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

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

Mr. MOWERY. Mr. Speaker, my amendment deals with the local municipality and local government under HB 1. The reason that I have strong feelings about this and offer the amendment is because I believe that local government is probably one of the very best buys that our voters today back home have. They are made up of people by the majority who serve for no compensation. When there is a problem on a local level, most of the constituents know where the school board meets and know where the local municipalities have their monthly meetings.

I believe that local government has shown over the years that it has been responsive, and if we go back to 1968, I think that the amendment to the constitution reaffirmed the fact that people do want to have home rule. And I think as far as covering local government under HB 1 with a very broad brush of saying very simply that, yes, we will pass the bill, and if the bill finally becomes law and becomes part of our constitution, then

we in the General Assembly will sit down and begin to write the limitations that we want to impose upon you. I do not think it was too much different as far as time of year that approximately a year ago we did pass another bill. I think that bill had something to do with local government also, and even to this day we are trying hopefully to try to correct what some in this House feel was an error. Let us not make the same mistake.

My amendment very simply says that rather than have us here at the state level sit down and try to put together the spending limitations for 3,139 units of local government, we should give local government a chance to put together their own spending limitations. Therefore, I would like to read to you exactly the short paragraph, because I do not think I can say it any better than the way it is written in the amendment: (Reading:)

Each municipality and school district shall adopt a binding ordinance or resolution restricting the annual growth in its spending. A certified copy of such ordinance or resolution shall be filed with the Department of Community Affairs at such time and in such form as that department shall require. Any restriction so adopted may be changed only upon the affirmative vote of two-thirds of the members of the governing body of such a municipality or school district.

That does nothing more than once again reaffirm the position of representative government that if we do not believe and if the voters do not believe that those members are doing a good job, they can go to the ballot box and vote in a new group.

Further, this amendment touches base in regard to the pensions, and all it is saying in this is that no further increases can be given in the pension systems unless there are sufficient and well-founded and well-funded liabilities. In other words, as you know, many local governments have had problems with the funding of their pension programs. All this says is that we must make and local government must make a contribution each year to what has been determined to be the proper allocation for the given year. And further, to put some teeth in it, to make sure that local government must do it, it simply says that once this becomes law, within the next fiscal year local government must immediately in public adopt their spending limitations, and if they do not, very simply, they cannot spend any more than they did the previous year. So it puts a cap on it.

I think it is a very realistic approach. I know that every now and then we get frustrated because we receive or are the recipients here in Pennsylvania of Federally mandated programs that we have no control over, and I think that frustration certainly would be in the same light with local government where our state government says, sitting here in the good wisdom of this chamber, that you in one area of the state who may have a very difficult problem of just keeping your industry at home may not be in the same respect as another area that has no industry.

In order to try and reaffirm some of my thinking, I was able to get some figures on all of the municipalities in my district, the 87th, and in that area it would be of interest for you to see what a difficult job we might have here, because in the past 7 years, let me take 1 year for an example. Take 1972. One municipality had a 53-percent increase, another had a 35-per-

cent, another a 7-percent, another a minus 2 percent, a plus 10, a plus 3, a plus 25, a plus 11, a plus 14.

Mr. Speaker, I think that if we think this through just a little bit, we should realize that local government is probably doing more for our people responsibly than what we are able to do at the state level. I ask you to consider the amendment for what it is — to give and keep the decisions of what is best for the local community in the hands of those who are elected on the local basis. Thank you.

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

Mr. TADDONIO. Mr. Speaker, I can sympathize with the concerns of my colleague. However, I must disagree with him and I must disagree with him vehemently, because I believe this amendment goes to the whole heart of the bill. It essentially rips out spending limitations.

First of all, let me talk about the amendment itself as it applies to local government and why it really is not a limit. It says each municipality and school district will write their own limit. Now any limit that can be changed by those whom it is limited by is not a limit. We have only to look to our brethren in the Federal Congress to see how often they raise the national debt ceiling. It is not a limit. The requirement of a two-thirds vote to raise it is relatively meaningless when you talk about local government. At the county commissioner level, that is the normal majority. For a school board, that is one more vote. I daresay when the pressure builds for increased spending at the local level, those people at the local level will yield to it and it will increase.

Now, as evidence of the need for spending controls at the local level, from the years of 1966 through 1977, state government spending rose by 3 times. During that same period, 1966-77, local government spending rose 3½ times. There definitely is pressure at the local level and it is very difficult to resist.

The language in HB 1 right now is not onerous. It is not burdensome on local governments and very much reinforces the idea of home rule and power to the people of the districts. What it says is that this legislature will write limits for the local governments. It will not be embedded in the constitution. We can write flexible limits and then, if that municipality or school district decides that those limits are not applicable, they can adopt their own by a referendum. Let the people decide. Do not leave it up to the school board or the county commissioners who are up against those spending pressures. We want to protect them. That is what the whole idea is, to protect local government. To protect them from the spending pressures that will inevitably result once we cap state spending. And once they come to the state government and then they find out that the spigot is shut off, they are going to have to go to local government, and local government is going to be helpless because they are going to come to them and they are going to say, we need some more money. We need a new program, and local government people are going to say, well, we have got this spending limit, and then they are going to say, well, change it, and local government will have no answer for that. They will go ahead and change it.

Furthermore, if we adopt this and have a limit that is con-

trolled by those who are governed by it, we will really not have done anything, not have done anything at all to get at the property-tax situation, and I daresay that the property-tax situation is what spawned the tax revolt, Proposition 13, the Graham-Culp thing in Pennsylvania and more. We would not even be here today if it was not for that, and if we pass HB 1 without even addressing this issue, we are doing a disservice. Needless to say, Mr. Speaker, I would ask for a "no" vote.

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

Mr. ZELLER. Mr. Speaker, on what Mr. Taddonio said, the mechanics are in HB 1 to allow what Mr. Mowery is saying is home rule; that local government will make the decisions and that is what it is all about. Local government is the people. It is the people who decide who their elected officials are and at the same time will govern those elected officials.

Elected officials sometimes feel that they are anointed and not appointed, and therefore they do what they feel they want to do, against the will of the people, because a minority group, a very small group of people—I am not referring to minorities in the term of the word minorities. I am talking about a minority group of people rather than a majority—they listen to because they have some power in the community. They want something dedicated to their name, some project, and they go ahead because they have the power. They have access to the press. They have access to areas to put the pressure on. And we are here as the, I should say, representatives of the people to watch over the entire state as to the conditions that shall exist in the local areas. That is why they always consider local government as a pawn of the state government. It is what it has always been since the beginning of time. It is our job here to do that regulating, but what Mr. Taddonio is doing in his bill is giving the people a chance to speak, and that is what they want in HB 1. That referendum will be there to let them speak on a state level and then locally if they want the home rule Mr. Mowery is talking about. The mechanics are there to let them speak on a local home rule in their own communities. This is what it is all about. It is really a people bill, and to talk about spending, you will never stop spending if you take local government out of it because that is where the biggest problem lies. Contrary to what you might hear or read, it is the local government where the big problems lie.

I say that no way can we take that out. You might as well scrap the bill if you take local government out of it, and that is the maneuvering we had a little while ago and that is what all of the maneuvering is about — to take his initial amendment out — the whole maneuvering.

One more final point: If we take local government out of it, the next move is going to be the Ethics Code, and they are going to come in here and say, okay, you got us out of the financing end of it; now take us out of the credibility end of it. And they are going to come in and say, we want out of the Ethics Code, and you are going to have one awful time. So we already got them in the Ethics Code. Let us keep them in the finance end of it. Okay? Let us knock this amendment out, too.

The SPEAKER. The Chair recognizes the gentleman from

Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I would urge that we adopt this amendment offered by Mr. Mowery.

First of all, I think that we should recognize and clarify for the record that this is not an attempt to exempt local governments from the provisions of HB 1 or an attempt to exempt local governments and school districts from the need to establish a limit to spending. It provides, very specifically, that each municipality and each school district shall be required to adopt a spending limit which will be binding, unless changed by a two-thirds majority at some later time.

I think, in the absence of the Mowery amendment, that what we have is something that correctly has been characterized as not onerous, because it is not, but the language that is proposed in HB 1, section B, is also very vague. We do not know what kinds of spending limits might be established by some future General Assembly for local governments and school districts. We have absolutely no idea, and I think, frankly, that that vagueness, once this kind of amendment finally makes its way through the legislative process and to the public for public referendum, as any constitutional amendment must, may well contribute to the defeat of this amendment when it is finally considered by the public, because I think that because of that vagueness, it will be subjected to intense lobbying on the negative side.

People will, in many communities across this Commonwealth and in many school districts of this Commonwealth, feel threatened because they will not know what kinds of limits might be established, what formula might be established by this legislature for each and every and all school districts and municipalities of the Commonwealth.

I think it would be more prudent for this Assembly to recognize that we have many different—and each unique in many ways—school districts and municipalities throughout this Commonwealth, and we should require that spending limitations be adopted for each of those, but we should not try to impose, for each and every one of them, a formula, the same formula, that may be very inappropriate for many of those different, many of those unique school districts and municipalities.

Right now, if we adopt HB 1 as it is with respect to that section dealing with local governments and school districts, it is sort of a pig in a poke that ultimately we will take to the public and ask them to approve of the constitutional referendum. That may be the route that we ultimately will decide to go, but I do not think it is the wisest route. And as I said, I am worried that it may ultimately endanger the passage of HB 1 and may kill the concept of spending limitations in this Commonwealth, particularly for state government.

Finally, I think it is important that we recognize where local governments and school districts fit into the whole governmental process. In reality that is the lowest rung of the ladder and in reality our school districts and our local municipalities are frequently forced to react to decisions about policy and programs and spending that actually are made at the Federal level or at the state level, and usually when they are required to act, they are required to act rather quickly. We do not give them an

extra year or a couple of years to readjust their budget because we choose, at the Federal level perhaps, to eliminate a revenue-sharing program, for instance, or a CETA — Comprehensive Employment and Training Act — program, or because we, at the state level, choose, because of our own spending limitations, to cut back school subsidies in some given year.

I think it would be more wise for us to allow for a process of establishing spending limitations at the local level that would permit that kind of flexibility and that kind of opportunity for more immediate, more prompt, more timely response at the local level when they are called upon to make those decisions. I would urge that we adopt this Mowery amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I shall be brief. I would urge a vote against the Mowery amendment.

I would ask the members to think about the situation of their own local governments. If we are putting spending limitations on the state, the state is going to spend less money, obviously. Does your local government, from local taxation, support your police force, if you have one, because the state police are not going to be around anymore? Do you, from your own local taxes, totally support your fire department or your volunteer fire department, because the state police fire marshal is not going to be around anymore? Do you provide all of those other municipal services yourself from local taxation without subsidies from the state? If you do not—and most communities in this state do not—I would suggest that you vote “no” on the Mowery amendment because as sure as we are here, we are going to be funding those out of the real estate tax and, if you want to be responsible for raising the millage in your community, be my guest. I do not want to be responsible for it in mine. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I too, shall be very brief but I rise to support the Mowery amendment. The Mowery amendment does basically the same thing as the amendment which I previously circulated and I would therefore urge support of this amendment rather than that one.

I think there are two basic philosophical reasons for supporting the Mowery amendment. First off, we have always said that we believe that that government that was best was closest to the people, and I think, therefore, that the local people, the local government can make these decisions best for their communities.

Secondly, I think that if anyone examines the over 3,000 different municipal and school district governments that exist throughout this Commonwealth, they will realize that it would be completely impossible for this legislature to enact any kind of meaningful spending limitation for all of those areas, and we would, of course, have to make whatever spending limitations we would impose on a uniform basis, and it just would not fit all 3,000 communities. I would, therefore, urge a “yes” vote on the Mowery amendment so the local municipalities themselves can make these decisions rather than having them imposed by us.

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

Mr. A. C. FOSTER. Mr. Speaker, I rise in support of the Mowery amendment and I do so because I think it is an absolute necessity to avoid the very dilemma as described by Mr. Yohn, namely, an attempt by this legislature to address itself to one given level for some 3,000 units of government.

I would hate to undertake, within my own legislative district, to prescribe a given limit of spending because I live not very many miles distant from a large first class township. On the other hand, the town just outside of which I live has a population of 300. I would hate to devise the same spending limit for both of those municipalities, just as we in this Assembly, while the average shoe size might be 8½, do not say that everybody would be comfortable in 8½ shoes. I strongly urge the adoption of the Mowery amendment.

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

Mrs. CLARK. Mr. Speaker, I stand in opposition to the Mowery amendment.

If it is the intent of this bill to limit spending on the state level, certainly it must follow that it should limit spending on the local level as well. Being a local officeholder before I came here, I would have welcomed such a bill as this to help me to limit spending.

I think that the people are asking for it. They need it and I think that this is the place it should be done, and there are plenty of provisions in that bill that if they need to raise limits for something or another, there are provisions to take care of that. So I would ask for a "no" vote.

The SPEAKER. The question recurs, Will the House agree to the amendment?

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

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

The SPEAKER. The gentleman, Mr. Mowery, indicates that he will stand for interrogation. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, in the case of where a township and a school district would have a major industry that would employ, let us say, about 1,000 people and that major industry closes its doors—we will take an exact example from the 60's—and completely shuts down its operation in that township and in that school district, the projected loss of personal income estimates a reduction of about 8 percent in the average of personal income throughout that entire district over that decade, from the closing. The loss in property tax alone, based upon actual facts from this example, well exceeds \$300,000 a year.

By the bill as it is now, without your amendment, let us purport that there would be no increased demand in new state spendings or anything else in that district, in that unique example of 1 in 3,000 in this Commonwealth, where would that local district go under the current bill without the elasticity or flexibility offered by your amendment?

Mr. MOWERY. Mr. Speaker, that is exactly one of the areas that we have been so concerned about, because that in section B

of HB 1 now is yet to be determined. In other words, that section as it stands now states that we, as a legislature, will determine at some future time exactly how we are going to address the limitations and exceptions on local government. And this is precisely why the amendment, Mr. Speaker, because if we do not give them the opportunity to address their own local problems which are unique in all of the 1,300, we have a major problem, and I think you just presented one that would be very difficult the way the bill is currently written.

Mr. DAVIES. All right. Thank you, Mr. Speaker. I cite an example that actually occurred in, of course, one of our legislative districts in this state in the past decade and it is an actual fact that this local district has nowhere to go, nowhere to turn, and with the restrictions, the onerous restrictions, that would be placed upon it by the bill in its current form without this amendment, this district, of course, would be at least strapped to continue the very services that had been required without any new mandate by this Commonwealth or by this legislature. So I say that this is one of the best arguments in dealing with the individual problems of local government that they face to support this amendment and I would ask for support of this Mowery amendment. Thank you, Mr. Speaker.

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

Mr. GEIST. Mr. Speaker, will Mr. Mowery stand for interrogation?

Mr. MOWERY. Yes, Mr. Speaker.

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

Mr. GEIST. Mr. Speaker, if the local governments are included in HB 1, what is the mechanism for local government raising that limit?

Mr. MOWERY. It requires a two-thirds vote of the governing body to increase the spending limit.

Mr. GEIST. How about the act of referendum on the local level on each specific issue?

Mr. MOWERY. This does not allow for referendum. This is representative government. Therefore, any change that would be required due to poor governing would be done by the ballot box on election day.

Mr. GEIST. Thank you, Mr. Speaker, I would like to comment on this amendment, if I could please.

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

Mr. GEIST. Mr. Speaker, I am a firm believer in the sovereignty of local government and the protections that we afford local government constitutionally within this state.

Therefore, I rise to oppose the Mowery amendment due to the fact that we place limitations at a state level and we are going to place undue heavy limitations on the local level. Therefore, if we provide protection on the state level, local government still has their abilities to cope with this type of legislation. I would urge my fellow members to vote "no" on the Mowery amendment. Thank you.

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

Mr. ZELLER. Mr. Speaker, the example given by Mr. Davies

and related to so elegantly by Mr. Mowery, that he was correct and all of that, is such a fine example, to me, was—and I refer to that with respect to them—a big snow job, meaning this: What he said in his amendment is that you are leaving it up to those elected officials with a two-thirds vote but with no referendum. That is not being people government. That is strictly government by those who were anointed again thinking that they have it all. They are going to do what they want to do.

What we are saying in the Taddonio bill is that there is a mechanical means in order to give the people that right and that is a referendum. If they find themselves in a so-called bind that Mr. Davies described, of \$300,000 in the red, all they do is go and allow a referendum for the government to increase their spending limitation. That is government by the people, of the people and for the people.

What we are saying here in this so-called illustration is a means to get you to vote for this amendment of Mr. Mowery and you are not going to get government for the people as you said as they are trying to tell you it would be, so to me it was not a good illustration, a very poor one, and let us give the government back to the people. They want it and they need it badly. As Mrs. Clark said, it has to be that way, so let us vote down the Mowery amendment. Let us get on with a good bill.

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

Mr. TADDONIO. Mr. Speaker, I would just like to reply to some of the arguments that were raised.

First of all, I certainly believe that this is an attempt to strip out the local government from the covering of the bill. As you say, as it has been brought up on the floor, it more or less is window-dressing. It gives you the appearances that local government is covered and, in reality, they are not.

As for the argument as far as the complexities of all of the local governments in Pennsylvania, let me give you an example of what is going on in other states. They have not gone to the extent that we have to let the legislature pass legislation. They just put a flat percentage on it. In New Jersey they have a 5-percent across-the-board limitation, and we had the Senate majority leader from New Jersey testify before our committee saying how great he thought that was and how well it was working. That is 5 percent across-the-board. I do not propose that for Pennsylvania. I propose something more specific and I think it is better, but that is what other states are doing. New Jersey is not alone. There are 10 or 11 other states that have already passed this, and every one of them, without exception, has passed a uniform limit on their local government.

As far as the horror stories about not having your police protection, and so forth, that is nothing more than that. The constitutional limitation would guarantee the current level of services. It would not force a cutback. You talked about raising millage and the pressure to raise millage, and I think you are making an argument for a local limit and against the state limit. How else are you going to keep millage down?

The argument about an industry leaving and I think again we will look—that the limit will be done by legislation and I think very well since it was brought up in this body today during that

legislation that that possibility would probably be brought up then and it could be taken into consideration in some form. However, I would like to say this: Let us say we have a community where an industry leaves, and what are we going to do then with the people who are left behind, the elderly and the unemployed? Are we going to jack up their property taxes so we can keep big government at the same level?

I just want a “no” vote.

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

Mr. MOWERY. Thank you, Mr. Speaker.

I appreciate the hour and the time, but I do believe it is extremely important that we do not make some assumptions that state government is not currently controlling local government.

We now require local government to have a balanced budget. We now have a cap of 25 mills on property tax under the Tax Enabling Act of 511, we limit it to 12 mills.

I believe, Mr. Speaker, that local government has already done a considerably good job in the areas of the restraints that we have already placed upon them. In addition to that, in my own district, there are many local governments that have spent far less than the state has in a comparable number of years.

I believe that we should allow state government the opportunity to continue to provide the necessities at the local area in the desires and wants of the people, and not put it on the basis of state mandate. I do not know what makes you and me think that we have done such a good job in that direction just here in Harrisburg. Why would we get into the lives of 1,300 small communities and again tell them what they should or should not do? I ask for support on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—47

Armstrong	Freind	Manmiller	Shupnik
Cessar	Fryer	Mowery	Sirianni
Cohen	Gallen	Noye	Sraith, L.
Cole	Gamble	Peterson	Spencer
Cowell	Grabowski	Pistella	Thomas
Cunningham	Halverson	Polite	Trello
Davies	Itkin	Punt	Vroon
DeVerter	Lehr	Pyles	Wagner
Dininni	Levi	Rodgers	Weidner
Dorr	Levin	Ryan	Wilt
Duffy	Mackowski	Salvatore	Yohn
Foster, A.	Madigan	Scheaffer	

NAYS—147

Alden	Gannon	Lynch, E. R.	Rocks
Anderson	Gatski	Lynch, F.	Schmitt
Arty	Geesey	Manderino	Schweder
Austin	Geist	McCall	Scirica
Barber	George, C.	McClatchy	Serafini
Belardi	George, M.	McIntyre	Seventy
Bennett	Giammarco	McKelvey	Shadding
Berson	Gladeck	McMonagle	Sieminski
Bittle	Goebel	McVerry	Smith, E.

Borski	Goodman	Michlovic	Spitz
Bowser	Gray	Micozzie	Stairs
Brandt	Greenfield	Milanovich	Steighner
Brown	Gruppo	Miller	Stewart
Burd	Harper	Moehlmann	Street
Burns	Hasay	Mrkonic	Stuban
Caltagirone	Hayes, S. E.	Mullen, M. P.	Sweet
Cappabianca	Helfrick	Murphy	Swift
Chess	Hoeffel	Musto	Taddonio
Cimini	Honaman	Nahill	Taylor, E.
Clark, B.	Hutchinson, A.	Novak	Taylor, F.
Clark, R.	Hutchinson, W.	O'Brien, B.	Telek
Cochran	Irvis	O'Brien, D.	Wachob
Cornell	Johnson, E.	O'Donnell	Wargo
Coslett	Johnson, J.	Oliver	Wass
Dawida	Jones	Perzel	Wenger
DeMedio	Kanuck	Petrarca	Williams
DeWeese	Klingaman	Piccola	Wilson
DiCarlo	Knepper	Pievsky	Wright, D.
Dietz	Knight	Pitts	Wright, J. L.
Dombrowski	Kolter	Pott	Yahner
Dumas	Kowalyshyn	Pratt	Zeller
Durham	Kukovich	Pucciarelli	Zitterman
Earley	Lashingner	Rappaport	Zord
Fee	Laughlin	Reed	Zwinkl
Fischer, R. R.	Letterman	Rhodes	
Fisher, D. M.	Lewis	Rieger	Seltzer,
Foster, W.	Livengood	Ritter	Speaker
Gallagher			

NOT VOTING—8

Beloff	Donatucci	Hayes, D. S.	Richardson
Brunner	Grieco	Kernick	White

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. TADDONIO offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, lines 26 and 27, by striking out all of line 26 and "REPORTED BY THE FEDERAL GOVERNMENT." in line 27 and inserting Personal Income by Place of Residence for Pennsylvania as defined and officially reported by the United States Department of Commerce.

Amend Sec. 1 (Sec. 18), page 5, line 3, by striking out "EXPENDITURES" and inserting spending

Amend Sec. 1 (Sec. 18), page 5, line 3, by removing the comma after "MUNICIPALITY." and inserting and

Amend Sec. 1 (Sec. 18), page 5, lines 4 and 5, by striking out "OR ANY OTHER SIMILAR GENERAL PURPOSE UNIT OF GOVERNMENT HEREINAFTER CREATED."

Amend Sec. 1 (Sec. 18), page 5, line 6, by striking out "FLUCTUATION AND" and inserting growth and shall

Amend Sec. 1 (Sec. 18), page 5, lines 6 and 7, by striking out "THE EXPENDITURE" and inserting such spending

Amend Sec. 1 (Sec. 18), page 5, line 7, by removing the period after "ELECTORATE" and inserting of said municipality or school district.

Amend Sec. 1 (Sec. 18), page 5, line 16, by striking out "STATE" and inserting Commonwealth

Amend Sec. 1 (Sec. 18), page 5, line 19, by striking out all of said line and inserting § 1(a) of Article XI.

Amend Sec. 1 (Sec. 18), page 5, line 27, by inserting after "ADOPTION" of

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out "OF

A" and inserting for

Amend Sec. 1 (Sec. 18), page 5, line 28, by striking out "EMPLOYEE BENEFIT PENSION PLAN" and inserting deferred compensation or benefits or pensions

Amend Sec. 1 (Sec. 18), page 5, line 29, by inserting after "BE" fully

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "FOR" and inserting each year

Amend Sec. 1 (Sec. 18), page 5, line 30, by striking out "ACCEPTABLE" and inserting accepted

Amend Sec. 1 (Sec. 18), page 6, line 3, by striking out "COMMONWEALTH SPENDING" and inserting Total spending by the Commonwealth

Amend Sec. 1 (Sec. 18), page 6, line 14, by striking out "OTHER"

Amend Sec. 1 (Sec. 18), page 6, lines 16 through 18, by striking out "AND EACH MUNICIPALITY, SCHOOL DISTRICT," in line 16, all of line 17, and "HEREINAFTER CREATED," in line 18

Amend Sec. 1 (Sec. 18), page 6, line 19, by striking out "EXPENDED" and inserting spent

Amend Schedule, page 6, line 23, by inserting after "18(A)" of Article VIII

Amend Schedule, page 6, line 23, by striking out "FOR THE" and inserting beginning with the first

Amend Schedule, page 6, lines 23 and 24, by striking out "OR" in line 23, all of line 24 and inserting commencing more than six months following approval of section 18 by the electorate.

On the question,

Will the House agree to the amendments?

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

Mr. TADDONIO. Mr. Speaker, this is a resubmission of the technical amendment which we adopted earlier. I would ask for your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Alden	Fryer	Lynch, F.	Salvatore
Anderson	Gallagher	Mackowski	Scheaffer
Armstrong	Gallen	Madigan	Schmitt
Arty	Gamble	Manderino	Schweder
Austin	Gannon	Manmiller	Scirica
Barber	Gatski	McCall	Serafini
Belardi	Geesey	McClatchy	Seventy
Bennett	Geist	McIntyre	Shadding
Berson	George, C.	McKelvey	Shupnik
Bittle	George, M.	McMonagle	Sieminski
Borski	Giammarco	McVerry	Sirianni
Bowser	Gladeck	Michlovic	Smith, E.
Brandt	Goebel	Micozzie	Smith, L.
Brown	Goodman	Milanovich	Spencer
Burd	Grabowski	Miller	Spitz
Burns	Gray	Mochlmann	Stairs
Caltagirone	Greenfield	Mowery	Steighner
Cappabianca	Gruppo	Mrkonic	Stewart
Cessar	Halverson	Mullen, M. P.	Street
Chess	Harper	Murphy	Stuban
Cimini	Hasay	Musto	Swift
Clark, B.	Hayes, S. E.	Nahill	Taddonio
Clark, R.	Helfrick	Novak	Taylor, E.

Cochran	Hoeffel	Noye	Taylor, F.
Cohen	Honaman	O'Brien, B.	Telek
Cole	Hutchinson, A.	O'Brien, D.	Thomas
Cornell	Hutchinson, W.	O'Donnell	Trello
Coslett	Irvis	Oliver	Vroon
Cowell	Itkin	Perzel	Wachob
Cunningham	Johnson, E.	Peterson	Wagner
Davies	Johnson, J.	Petrarca	Wargo
Dawida	Jones	Piccola	Wass
DeMedio	Kanuck	Pievsky	Weidner
DeVerter	Klingaman	Pistella	Wenger
DeWeese	Knepper	Pitts	Williams
DiCarlo	Knight	Polite	Wilson
Dietz	Kolter	Pott	Wilt
Dininni	Kowalshyn	Pratt	Wright, D.
Dombrowski	Kukovich	Pucciarelli	Wright, J. L.
Dorr	Lashinger	Punt	Yahner
Duffy	Laughlin	Pyles	Yohn
Dumas	Lehr	Reed	Zeller
Durham	Letterman	Rhodes	Zitterman
Earley	Levi	Rieger	Zord
Fee	Levin	Ritter	Zwinkl
Fischer, R. R.	Lewis	Rocks	
Fisher, D. M.	Livengood	Rodgers	Seltzer,
Foster, W.	Lynch, E. R.	Ryan	Speaker
Freind			

Amend Sec. 1 (Sec. 18), page 5, line 21, by striking out "DECLARED EMERGENCY" and inserting presidentially declared emergency or major disaster. The spending limit may also be exceeded for other declared emergencies

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

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker. This amendment, I believe, is agreed to by the prime sponsor. All it does is liberalize the language in the bill concerning declared emergencies and major disasters. I would appreciate your support.

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

Mr. TADDONIO. Mr. Speaker, I support the gentleman's amendment.

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

The following roll call was recorded:

NAYS—1

Rappaport

NOT VOTING—10

Beloff	Foster, A.	Kernick	Sweet
Brunner	Grieco	Richardson	White
Donatucci	Hayes, D. S.		

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

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

Mr. DAVIES offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, line 24 by striking out "80%" and inserting 90%

Amend Sec. 1 (Sec. 18), page 4, line 26 by inserting after "PENNSYLVANIA" and the income of businesses within the Commonwealth

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

AMENDMENTS
WITHDRAWN TEMPORARILY

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

Mr. DAVIES. Mr. Speaker, I temporarily withdraw my amendments.

The SPEAKER. It is all right with the gentleman to temporarily withdraw his amendment? We will go on with other amendments until we resolve the problem.

Mr. DAVIES. Yes, Mr. Speaker.

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

Mr. STEWART offered the following amendment:

YEAS—193

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

Fee	Levi	Ritter	Zwilk
Fischer, R. R.	Levin	Rocks	
Fisher, D. M.	Lewis	Rodgers	Seltzer,
Foster, A.	Livengood	Ryan	Speaker
Foster, W.	Lynch, E. R.	Salvatore	

NAYS—0

NOT VOTING—9

Beloff	Grieco	Kernick	Richardson
Brunner	Hayes, D. S.	Rhodes	White
Donatucci			

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

On the question recurring,

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

Mr. A. C. FOSTER offered the following amendment:

Amend Sec. 1 (Sec. 18), page 5, line 16, by striking out "ADEQUATELY" and inserting fully

On the question,

Will the House agree to the amendment?

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker. The amendment that I am offering at this time is amendment A4278 and it refers to page 5, line 16, which states: "The Commonwealth shall not impose upon any unit of local government new programs or increase levels of service under existing programs unless the necessary cost thereof shall be adequately funded by the state."

I wish to substitute the word "fully" for "adequately".

If anyone would question why, the only thing I can say is, if one's wife happens to be going out the door one night and she asks, how do I look, dear?, and you say "adequate," you are going to be in trouble. So I would suggest we make the change to "fully" covered.

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

Mr. TADDONIO. I have no objection to the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—10

Beloff	Greenfield	Kernick	Richardson
Brunner	Grieco	Rappaport	White
Donatucci	Hayes, D. S.		

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

On the question recurring,

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

Mr. A. C. FOSTER offered the following amendment:

Amend Sec. 1 (Sec. 18), page 5, line 7, by inserting after "ELECTORATE." Said limit shall be the exclusive limitation applicable to spending and shall be the sole restriction on the rate of taxation of each unit of local government.

On the question,

Will the House agree to the amendment?

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker. The amendment A4316 states simply that: "Said limit shall be the exclusive limitation applicable to spending and shall be the sole restriction on the rate of taxation of each unit of local government."

Basically, we here in the legislature are charged periodically with raising the millage in the Borough and Township Codes to adjust to the needs of the times. We have recently put the onus

of setting salaries upon the local officials on the county level. I would think this would be an appropriate move at this time since we are capping spending and placing a spending limit on local governments.

At this point we would also take ourselves out of the business of having to periodically raise allowable millage limits.

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

Mr. TADDONIO. Mr. Speaker, I would respectfully like to oppose this amendment. I can sympathize with the gentleman's concern. However, I feel that this is a legislative prerogative and one we should address legislatively and not in the Constitution of Pennsylvania.

The committee that drafted this legislation labored very long and hard to keep the length of this amendment down and to keep only essential things in it. Now I think the subject matter of this is more appropriate for companion legislation.

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

Mr. FRYER. Would the gentleman consent to a brief interrogation?

Mr. A. C. FOSTER. I will, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, my thoughts are running to the imposition of the wage tax which we recognized is at a 1-percent figure, and I am wondering precisely what the effect of this amendment, if it were passed, would have upon that limitation?

Mr. A. C. FOSTER. Mr. Speaker, I think the same with the limitation on millages, that the basic precept here is that if we have a spending limitation, it is senseless to raise taxes. Nobody that I know of will raise them just for the fun of it.

Mr. FRYER. But, Mr. Speaker, it would permit a manipulation therein in which possibly areas could go from the property tax, let us say, to lighten the burden on a property tax and then, let us say, go to a 3 or 4 percent income tax. Is that not correct, Mr. Speaker?

Mr. A. C. FOSTER. Yes. That is possible and I think there are communities which would consider that approach.

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

A few comments?

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

Mr. FRYER. I think that some of the answers frighten me and I fear the results of what would happen by the passage of this. I submit that the limits that are placed in our various codes are placed there for a very sound reason. We do have recourse even to those municipalities that go beyond that rate. They can go to court and get that additional taxation.

So, Mr. Speaker, I would strongly urge a "no" vote on this proposal that is before us.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—4

Cunningham	Foster, A.	Helfrick	Salvatore
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NAYS—190

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

NOT VOTING—8

Beloff	Donatucci	Hayes, D. S.	Richardson
Brunner	Grieco	Kernick	White

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 as amended on third consideration?

Mr. GEORGE offered the following amendments:

Amend Sec. 1 (Sec. 18), page 6, by inserting between lines 21 and 22

(j) In the first fiscal year after approval of this section 18, the amount of money spent or encumbered for that year

shall be 5% less than the amount spent or encumbered in the fiscal year in which the section is approved.

Amend Schedule, page 6, by inserting after line 24 Section 18(j) shall be presented to the voters as a question separate from the remainder of section 18.

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

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, it seems that there is a great amount of concern by both the members of this House and those folks whom we represent about fiscal responsibility. If that were not so, we would not have before us at this time some proposition that would attend to the matter of runaway and escalation and cost of government.

I think that the proposition before us should go somewhat further, to the degree that my concern insists, that we have before us a proposition that we, as legislators, could not possibly get to because of the current law. I insist that 3 years hence the spending and the spiral that we are involved with now could probably take us 25 or 30 percent above what we had projected last year.

Therefore, I have an amendment that would insist that not only would we give those people who have been clamoring for propositions for the past several years a chance to place us in a responsible manner where we can take them because of the 3 years from now and give them the opportunity to also have a second item on that ballot that would give them the prerogative of insisting that we should cut government for that year and for that year alone to the amount of 5 percent.

There might be those before us who would insist that anything we do, we are indeed doing that for those we serve. I insist that only in government can we attend to matters of where we can do something that will bring about enough money to pay for the bills. Those, Mr. Speaker, we represent cannot do this. I believe this is a fair opportunity for them to further address the matter at hand.

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

Mr. TADDONIO. Mr. Speaker, I must respectfully oppose this amendment. I sympathize with the gentleman, Mr. George, in his attempts to prevent any kind of windfall or cutback in the level of spending. However, I feel his amendment really is without any real good rationale behind it for why it is 5 percent or 4 percent. Also, I think it is unreasonable to expect that government can cut back their level arbitrarily 5 percent, particularly if they just increased it that year by 5 percent. You say they were being economically prudent and you are asking them to go back to a budget of 2 years prior to that.

Again, I think the intent is good, but I do not think this is the type of thing we would want to put into a constitutional amendment.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. I would hope that the fine colleague across the aisle would withdraw his sympathy for me and address the per-

plexity and the importance of what I am trying to do and many others who wish to cosponsor this.

It was only a year or two ago when we had insisted that this type of legislation be improved. And as I looked across both sides of this aisle, with an administration by a previous Governor, we agreed almost unanimously to do what I am asking you to do now. I suggest that it matters not which foot carries the shoe, but it matters that we do this. Thank you.

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

The following roll call was recorded:

YEAS—89

Austin	Gamble	Letterman	Reed
Barber	Gatski	Levin	Rieger
Bennett	George, C.	Livengood	Ritter
Berson	George, M.	Manderino	Rodgers
Borski	Giammarco	McCall	Schmitt
Brown	Goodman	McIntyre	Schweder
Caltagirone	Grabowski	McMonagle	Seventy
Cappabianca	Gray	Milanovich	Shadding
Chess	Greenfield	Mrkonic	Shupnik
Clark, B.	Harper	Mullen, M. P.	Steighner
Cochran	Hasay	Murphy	Stewart
Cole	Hoeffel	Musto	Street
Dawida	Hutchinson, A.	Novak	Stuban
DeMedio	Irvis	O'Brien, B.	Sweet
DeWeese	Johnson, J.	O'Donnell	Taylor, F.
DiCarlo	Jones	Oliver	Trello
Dombrowski	Kanuck	Petrarca	Wachob
Duffy	Knight	Pievsky	Wargo
Dumas	Kolter	Pistella	Wright, D.
Fee	Kowalyszyn	Pratt	Yahner
Fischer, R. R.	Lashinger	Pucciarelli	Zitterman
Fryer	Laughlin	Rappaport	Zwinkl
Gallagher			

NAYS—103

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

NOT VOTING—10

Beloff	Gricco	Rhodes	White
Brunner	Hayes, D. S.	Richardson	Williams
Donatucci	Kernick		

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

On the question,

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

Mr. DAVIES offered the following amendments:

Amend Sec. 1 (Sec. 18), page 4, line 24 by striking out "80%" and inserting 90%

Amend Sec. 1 (Sec. 18), page 4, line 26 by inserting after "PENNSYLVANIA" and the income of business within the Commonwealth

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. The first portion of this amendment would amend section 1. It would increase the 80-percent limitation placed by the current bill to a 90-percent limitation on that amount.

The second portion of it, in addition to considering a major portion of personal income as the portion on which would be our base computed factor for consideration, would include the income of business within the Commonwealth.

Now the reason for that, the rationale for this is simply the fact that 35 percent of the current income in this Commonwealth is derived from the businesses, the corporations, the proprietorships and the partnerships in this Commonwealth.

Essentially what the makers of the original bill have been doing have been mixing apples, pears and bananas and they have a fruit salad effect in which they are not approaching who is really paying the bills. If we wanted to be exact in this, we would get a formula that would take two-thirds of the personal income and one-third of the business income and we would structure a formula which would make the determination of what the real income, the taxability, of this Commonwealth would be. This oversimplifies that and merely says that 50 percent of the product of it would be the personal income of the Commonwealth. The other 50-percent figure that would go in would be the income of business in this Commonwealth. We do not pretend to say that it would be computed by the United States, because we want to keep it at home. I would allow that statutory change to be adopted to try to compute this right here in Pennsylvania by our own Department of Commerce. They readily have available the figures and cooperation with both the budgetary people and, of course, the revenue people as well.

So that what we are saying today is that the General Fund of this \$6.356 billion of income that comes into this Commonwealth now, approximately some 34.3 percent—or if we are talking about total figures we are talking about, of course, \$2,520,000,000 of the income that flows into the "x" checker of this Commonwealth or the treasuries of this Commonwealth now—are business incomes. Therefore, it is only reasonable that if we are going to have any kind of economic base for this, we are going to have to take a figure which truly reflects the in-

come of the Commonwealth, not just the personal income. You can have a differential, as I tried to point out in an earlier example, where in one segment of this state that is served by, let us say, some basic industry, personal income could shrink in this state while the overall in that particular region or that particular township substantially, by the fact of various layoffs and business turn around, has downturn in business, recessional inclinations, depressional inclinations over the decade, and we must take those things into consideration—what effect it has on the business community, what effect it has on the personal incomes and average those on a state level. That is essentially what this is asking for. It is asking for not pineapples, bananas and fruit salad. It is asking for what the actual income is as far as both in the business community and personal income.

As far as the figure of 90 percent, I think it is a much more realistic figure. It puts the Commonwealth in a much better position. The projections of this off an econometric model comes well above where the 80-percent figure is. It puts it in a realistic base, and actually what I think it does is a job that the committee should have done in the first place rather than take an easy out — take something that was handy, grab it and put it in and say that is it, we cannot go any further because we cannot sell something that is sound and economic. We are not talking about the gross national product of the Commonwealth. We are not talking about the goods and services that go out of this state. We are talking about what remains in this state, where the income really is, and we are not talking about anything as far as the fluctuation in that but the basic thing that affects where the tax dollars of this Commonwealth are coming from. Thank you, Mr. Speaker.

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

Mr. TADDONIO. Mr. Speaker, I would ask for opposition to this amendment. This bill has been considered for a number of years now and has been gone over by PhD economists and so forth and they are looking at the limit and what it should be and what the index should be. This is what was settled on. I think that at this late hour, it is a little late to get into a complex economic formula, especially one that is generated at the state level and would be subject to manipulation of that level. I would oppose it.

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

Mr. DAVIES. Mr. Speaker, that might be the opinion of the maker of the bill itself, but I would have to quote some of those people who testified to that same thing, and one of those was the Secretary of Revenue who said, yes, I would like to have it and be able to sell something like that, but the formula is too complicated; it is too involved. There is nothing complicated or involved about the formula. It addresses the real fact. You cannot deny that \$2.5 billion of the economy of this state is a thing that makes up the very existence of the tax base of this state. If you are going to address it to that, I rest my case, and let us not take apples, bananas and pears. Let us take what the actual makeup of the income is and address ourselves to that, and that

is why I would ask for support for this amendment, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—21

Arty	Halverson	Livengood	Serafini
Cessar	Hutchinson, A.	Madigan	Smith, L.
Davies	Hutchinson, W.	Mowery	Telek
Dorr	Kukovich	Noye	Weidner
Earley	Letterman	Scheaffer	Wright, J. L.
Freind			

NAYS—169

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

NOT VOTING—12

Beloff	Grieco	Kanuck	Richardson
Brunner	Hayes, D. S.	Kernick	Wagner
Donatucci	Itkin	Rhodes	White

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this is a constitutional amendment and will have to be passed on twice. If we are going to be here tomorrow, I suggest that, because of the amendments that were put in, we at least have the bill printed so that we can look at it before we vote on it finally.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the three amendments that were inserted in the bill were all agreed-to amendments. So, presumably, everyone, at least in the leadership, is aware of what the amendments did, and I suggest that we vote on the bill tonight with the amendments.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, my only concern is that we do not pass something out of the House here that, like the three amendments that were put in today, do not mesh with one another. We have had that problem before. Mr. Ryan indicates to me that he was having trouble with some of the amendments today — there are several amendments. I think the better part of discretion is to print the bill and look at it, but it is so screwed up now, Mr. Speaker, it really does not make a whole lot of difference.

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

Mr. COWELL. Mr. Speaker, perhaps you could recall for us. Do we not have a House rule that would require the bill to be held for reprinting?

The SPEAKER. The Chair knows of no House rule.

Mr. COWELL. We changed it. Okay, Mr. Speaker.

MOTION TO PASS OVER HB 1

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I formally move that the bill be passed over.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I oppose the motion.

The SPEAKER. If the minority whip will listen to the Speaker, it has been moved by the minority whip that HB 1 be placed on the final passage postponed calendar.

Mr. MANDERINO. I want it prepared for final passage by having it printed; whatever it takes to do it.

The SPEAKER. That is a proper motion.

The Chair recognizes the majority leader.

Mr. RYAN. I oppose the motion. Roll the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

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

NAYS—101

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	Gruppo	Mowery	Taddonio
Burns	Halverson	Nahill	Taylor, E.
Cessar	Hasay	Noye	Telek
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Clark, R.	Helfrick	Perzel	Vroon
Cornell	Honaman	Peterson	Wagner
Coslett	Hutchinson, W.	Piccola	Wass
Cunningham	Johnson, E.	Pitts	Weidner
Davies	Kanuck	Polite	Wenger
DeVerter	Klingaman	Pott	Wilson
Dietz	Knepper	Punt	Wilt
Dininni	Lashinger	Pyles	Wright, J. L.
Dorr	Lehr	Rocks	Yohn
Durham	Levi	Ryan	Zord
Earley	Lewis	Salvatore	
Fischer, R. R.	Lynch, E. R.	Scheaffer	Seltzer,
Fisher, D. M.	Lynch, F.	Scirica	Speaker
Foster, A.	Mackowski	Serafini	

NOT VOTING—7

Beloff	Donatucci	Hayes, D. S.	Richardson
Brunner	Grieco	Kernick	

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—180

Alden	Freind	Mackowski	Scheaffer
Anderson	Fryer	Madigan	Schmitt
Armstrong	Gallagher	Manderino	Schweder

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

NAYS—13

Berson	Itkin	O'Donnell	Weidner
Cohen	Kukovich	Rappaport	White
Earley	Musto	Street	Williams
Hutchinson, A.			

NOT VOTING—9

Beloff	Grieco	Hayes, D. S.	Richardson
Brunner	Harper	Kernick	Wargo
Donatucci			

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the minority whip said a few moments ago that this bill is all messed up and it does not matter anyway. I think they were his comments at one point in his discussion, and I do not know whether he is right or wrong; I really do not. I know that I would have been better satisfied with this bill if the first Mowery amendment had been adopted. I am not so sure that, at 80 percent, hardships will not be created here in this state if it is adopted that way that we really

do not want and we really are not ready for. But I guess what we really have to do now—on the assumption that this amendment will pass the Senate; on the assumption that a couple of years from now or next term, a year from now, it will pass this House and Senate again and the voters will agree to it—I guess that sometime between now and when the voters get this in the nature of a referendum, both the voters and perhaps the legislature are going to have to be educated. And I expect that now that the people of Pennsylvania see that we are serious about a spending limitation, maybe all of us will pick up pen and pencil, look at program after program, and determine whether or not, as we are passing HB 1 from this Chamber today, we can live with it without creating hardships in Pennsylvania.

I have to think that knowing that we are serious about a spending limitation, we will be instructed by the people who know the areas of law that would be affected, the areas of social service that would be affected. We will be instructed by them as to their position on what will happen in the future. I will await word from these various people with interest to convince me that a Mowery amendment was not necessary or that it should have been inserted in the bill. I think we will have time between now and the next term to make a close study of the effects of this legislation, and I look forward to the input of any segment of Pennsylvania society on this question. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this House of Representatives just a few moments ago voted to change the basic law of this Commonwealth and place in the Constitution of Pennsylvania language that would limit the spending in the Commonwealth each time the budget is adopted. After we did that, I heard the majority leader say, now it is time to become educated about what we did.

It seems to me that the time to become educated about what we did was before we did it. We should know what we are doing. We should know what effect such a spending limitation will have upon the programs of this Commonwealth. We ought not to go through a procedure where two successive General Assemblies convened pass a constitutional amendment and submit it to the people without having some idea of whether or not it will work, and I tried to give us the opportunity to find out whether or not it will work and whether or not we are using the right language and whether or not we are tied to the right index by putting it into the law right now. We will adopt two, perhaps three budgets in this Commonwealth of Pennsylvania before this particular HB 1 spending limitation can go into the Constitution, and we would have had the opportunity to see how it works and whether we can live with it and whether the administration can live with it and whether the Secretary of Revenue can live with it and Mr. Wilburn in the Budget Office can live with it; whether we who imposed it can live with it; whether local governments can live with it. All of this we would have been able to find out beginning January, beginning February when the Governor gives us his budget, and would have found out before June at least for the first time when we adopted a budget. We would have learned a little bit about it.

What we did today, in my opinion, if we are unwilling to be-

gin living immediately with the kind of spending limitation we are asking the people to approve, was a sham. When you recommitted HB 168 today and when you recommitted HB 309, you were doing nothing but recommitting two pieces of legislation that would have made it possible to enact into the statutes of the Commonwealth of Pennsylvania immediately the spending limitations that you are proposing to put into the Constitution of Pennsylvania.

If we are making a mistake—and I do not know whether we are or not, and maybe my words were ill-chosen when I said everything was messed up—what I am really referring to is I think the procedure that we should have used was put it in a statute at the same time that you are running the constitutional amendment, because it is going to take several years to get it before the people even and to get it approved and then to implement it. We should have tested it. We should have put it into the Administrative Code; we should have attempted to live by it; we should have learned, and we have lost that opportunity unless you do what I think is right and bring a bill out. I am going to introduce a bill, Mr. Speaker, that does exactly that, pure and simple. It will not be an amendment. We will ask the proper committee to consider it, and we will be asking that the committee be discharged after a proper length of time in the event that the committee does not consider the bill. I think the proper way to go is to put it into the statutes of this Commonwealth; let us live with it. Let us not just talk about spending limits if we are serious; let us enact them as quickly as we can, and that is by putting it within the statutes of the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. DAVIES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DAVIES. In stating my arguments on behalf of Mr. Mowery's amendment, I think one of the members across the aisle said that I was perpetrating a snow job on the legislature and this House. I resent that and I take it as a personal affront, because that was no snow job. What I was quoting was an exact historical event from the decade of the 1960's, from the history of this Commonwealth, and I will substantiate that with all the necessary evidence about what has occurred in one particular township and one school district of this Commonwealth.

I thank you for that point of personal privilege.

If I would, Mr. Speaker, I would like to have unanimous consent for just one or two words about the action that we have taken today.

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

Mr. DAVIES. From the basic understanding I have of where we are now, Mr. Speaker, I am going to keep a running record of the action of this body from here on out, and I am going to every once in a while try to give you a scorecard of where we are in relation to the committee actions, to the floor actions of this body, and what relationship that has to where we are now with HB 1 and all of its ramifications. I think that is only proper and fitting when we are considering just how exacting

and far reaching the measures we have taken today are and their possible effects on the growth of this Commonwealth as well as the economic well-being of this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we welcome the last comment of the gentleman, Mr. Davies, that he is going to keep a scorecard. We have already begun a scorecard, and our Appropriations Committee staff tells me that with the budget that we adopted this year with the \$81 million in deficiency appropriations approved by this House last week, we are now \$38 million above the spending limit that we just adopted.

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

Mr. DAVIES. Mr. Speaker, my remarks were not to in any way misconstrue those holdover incumbencies that we had. I am talking about from this day forward. I am not talking about past debts of past administrations. Thank you.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 830, PN 2523**, and has appointed Messrs. COPPERSMITH, FUMO and ANDREWS

a Committee of Conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE AND APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. RYAN moved that the House insist upon nonconcurrence in Senate amendments to **HB 830, PN 2523**, and that a committee of conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 830, PN 2523**: Messrs. SCIRICA, MILLER and BERSON.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 1262, PN 2106**, and has appointed Messrs. ORLANDO, SMITH and DWYER

a Committee of Conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE AND APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. RYAN moved that the House insist upon nonconcurrence in Senate amendments to **HB 1262, PN 2106**, and that a committee of conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 1262, PN 2106**: Messrs. McCLATCHY, PITTS and PIEVSKY.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDED SENATE BILLS CONCURRED IN

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

SB 224, PN 1363; and SB 271, PN 1361.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1622, PN 1955, and HB 1686, PN 2058.**

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 601, PN 2587; and HB 777, PN 2541.

The SPEAKER. The bills will appear on the calendar.

BILL SIGNED BY SPEAKER

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

SB 395, PN 1336

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for certain notification responsibilities of local law enforcement agencies, providing for an exception to credits against claims and to the minimum allowable claim and changing an effective date.

CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica, for an announcement.

Mr. SCIRICA. Mr. Speaker, I would like to announce a meet-

ing of the conference committee on HB 830 tomorrow morning at 10 o'clock in room 401.

BILLS AND RESOLUTION PASSED OVER

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

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony a group of Senior Citizens from St. Josephat's, Manayunk, Philadelphia, who are here today as the guests of Mr. Rocks.

The Chair takes pleasure in welcoming to the floor of the House, Sandra Worthen, who is the wife of John E. Worthen, who is the new president of Indiana University of Pennsylvania. Sandra served three terms as a state legislator in the Delaware House of Representatives. She is here as the guest of Representative Paul Wass and the other members who are in the IUP area.

The Chair also welcomes to the floor of the House, 22 students and their advisor, Mr. Tim Rockwell, from the Political Science Club of Mercersburg Academy, who are here today as the guests of Messrs. Punt, Anderson and the Speaker.

The SPEAKER. The Chair welcomes to the balcony Mr. and Mrs. Bernard Specter and their son, Darryl, of Fort Washington, Montgomery County, Pennsylvania, and Miss Audrey Rinde-Thorsen of Syosset, New York, the fiancée of Vern Pyles.

ADJOURNMENT

Mr. COSLETT moved that this House of Representatives do now adjourn until Wednesday, December 5, 1979, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:15 p.m., e.s.t., the House adjourned.