

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 5, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 87

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE PETER R. VROON, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Heavenly Father, we come to Thee with humble hearts this morning, realizing that Thou art so great and we are so small and so incapable of doing those things which we should be doing, and we depend so much upon You to give us the wisdom, the guidance and the direction that we need to handle well those things which You have entrusted to us.

We pray that You will inspire us through Your Holy Spirit, that You will guard us against all manner of temptation to deviate from that which is right and pleasing to You. We pray that You will give us wisdom and direction in all that we do, say or think here today. Help us to be kind and considerate of one another and especially considerate of the people of Pennsylvania whom we represent. All these things we ask in the name of Our Master. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, December 4, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2061 By Representatives IRVIS, ITKIN, TADDONIO, CESSAR, RHODES, COWELL and KNEPPER.

An Act making an appropriation to the Pennsylvania Academy of Science.

Referred to Appropriations, Dec. 5, 1979.

HB 2062 By Representative GANNON.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing a referendum procedure to determine the preference of the residents of certain reorganized school districts with respect to consolidation of existing secondary school facilities.

Referred to Education, Dec. 5, 1979.

HB 2063 By Representative GANNON.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the approval of the closing of certain schools in certain three-region school districts.

Referred to Education, Dec. 5, 1979.

HB 2064 By Representative McCLATCHY.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from income certain gains.

Referred to Finance, Dec. 5, 1979.

HB 2065 By Representatives E. G. JOHNSON, SALVATORE, GEIST, S. E. HAYES, JR., PUNT, POTT, PETRARCA, MRKONIC, WARGO, SHUPNIK, MUSTO, LETTERMAN, FRYER, YAHNER, DURHAM, ARTY, R. CLARK, TELEK and WASS.

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (No. 9A), further providing for an increase in the appropriation to the Hollidaysburg Veterans' Home.

Referred to Appropriations, Dec. 5, 1979.

HB 2066 By Representative DAVIES.

An Act declaring and adopting the song "Hurrah Pennsylvania Hurrah!", music by John V. Hanf and lyrics by Gladys E. Smith, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 5, 1979.

HB 2067 By Representative PICCOLA.

An Act declaring and adopting the song "Pennsylvania" by Valerie Gallagher as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Dec. 5, 1979.

HB 2068 By Representative SCHEAFFER.

An Act declaring and adopting the song "Pennsylvania, Keystone of the U.S.A.," by Herbert S. Hardie, as the State song of the Commonwealth.

Referred to State Government, Dec. 5, 1979.

HB 2069 By Representatives COHEN, GIAMMARCO and JONES.

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), further providing for certain bargaining.

Referred to Labor Relations, Dec. 5, 1979.

HB 2070 By Representatives COHEN, GIAMMARCO and JONES.

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), further providing for certain public employer units.

Referred to Labor Relations, Dec. 5, 1979.

HB 2071 By Representatives SCHEAFFER and MOWERY.

An Act declaring and adopting the song "Proud of Pennsylvania," by Mary Mohnal and Chris Purcell, as the State song of the Commonwealth.

Referred to State Government, Dec. 5, 1979.

HB 2072 By Representatives ALDEN, DURHAM, ARTY, GANNON, MICOZZIE, TELEK, R. CLARK, SPITZ, KLINGAMAN, FREIND, F. J. LYNCH and DiCARLO.

An Act amending "The Notary Public Law," approved August 21, 1953 (P. L. 1323, No. 373), further providing for the payment of the application fee of notaries public.

Referred to State Government, Dec. 5, 1979.

HB 2073 By Representatives ALDEN, DURHAM, ARTY, MICOZZIE, TELEK, R. CLARK, SPITZ, FREIND and DiCARLO.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for absentee ballots to be available by telephone request.

Referred to State Government, Dec. 5, 1979.

HB 2074 By Representatives YOHN and SCIRICA.

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further defining incompetent and adding and changing provisions relating to guardians of incompetents.

Referred to Judiciary, Dec. 5, 1979.

HB 2075 By Representatives SCIRICA and YOHN.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for the payment of the costs of commitment and detention of juveniles by counties.

Referred to Judiciary, Dec. 5, 1979.

HB 2076 By Representatives GALLEN, DAVIES, NOYE and SPENCER.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), prohibiting the filing of certain nomination papers or petitions.

Referred to State Government, Dec. 5, 1979.

HB 2077 By Representatives GRABOWSKI, DOMBROWSKI, DiCARLO, BENNETT,

CAPPABIANCA, BOWSER, GAMBLE, PISTELLA, KNIGHT, CHESS, O'DONNELL, SEVENTY, HOEFFEL, MICHLOVIC, STEIGHNER, D. R. WRIGHT, LIVENGOOD, FEE, COSLETT, TELEK, PRATT, B. D. CLARK, CALTAGIRONE, NOVAK and KOLTER.

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for migratory waterfowl stamps.

Referred to Game and Fisheries, Dec. 5, 1979.

HB 2078 By Representatives E. G. JOHNSON, SALVATORE, ITKIN, TRELLO, PETRARCA, MRKONIC and YAHNER.

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (No. 9A), further providing for the appropriation for private nursing homes.

Referred to Appropriations, Dec. 5, 1979.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

Serial No. 157 By Representatives POTT, KNEPPER, IRVIS, FISHER, CESSAR, GOEBEL, TADDONIO, McVERRY, ZORD, DAWIDA, MURPHY, ITKIN, CHESS, COWELL, SEVENTY, KNIGHT, DUFFY, GRABOWSKI, PISTELLA, GAMBLE and MICHLOVIC.

House directs Urban Affairs Subcommittee on Second Class Cities investigate delay in construction of Pittsburgh Convention-Exposition Center.

In the House, Dec. 4, 1979

Referred to Rules, Dec. 5, 1979.

Serial No. 158 By Representatives PERZEL, D. M. O'BRIEN and SALVATORE.

House opposes any plan to reduce number of surgical beds in Nazareth and Frankford Hospitals.

In the House, Dec. 4, 1979

Referred to Rules, Dec. 5, 1979.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 355, PN 1382

Referred to Committee on Education.

SB 560, PN 1372

Referred to Committee on State Government.

SB 888, PN 1373

Referred to Committee on State Government.

SB 911, PN 1042

Referred to Committee on Appropriations.

SB 982, PN 1374

Referred to Committee on State Government.

SB 985, PN 1153

Referred to Committee on Education.

SB 986, PN 1154

Referred to Committee on Education.

SB 1122, PN 1357

Referred to Committee on Appropriations.

SENATE RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

SR 216

Referred to Committee on Federal-State Relations.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. WAGNER for today's session.

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

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

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—197

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

Clatagirone	Gray	Mrkonic	Stewart
Cappabianca	Greenfield	Mullen, M. P.	Street
Cessar	Gruppo	Murphy	Stuban
Chess	Halverson	Musto	Sweet
Cimini	Harper	Nahill	Swift
Clark, B.	Hasay	Novak	Taddonio
Clark, R.	Hayes, S. E.	Noye	Taylor, E.
Cochran	Helfrick	O'Brien, B.	Taylor, F.
Cohen	Hoeffel	O'Brien, D.	Telek
Cole	Honaman	O'Donnell	Thomas
Cornell	Hutchinson, A.	Oliver	Trello
Coslett	Hutchinson, W.	Perzel	Vroon
Cowell	Irvis	Peterson	Wachob
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	Richardson	Zord
Earley	Levi	Rieger	Zwikl
Fee	Levin	Ritter	
Fischer, R. R.	Lewis	Rocks	Seltzer,
Fisher, D. M.	Livengood	Rodgers	Speaker
Foster, A.	Lynch, E. R.	Ryan	

NAYS—0

NOT VOTING—5

Brunner	Hayes, D. S.	Kernick	Wagner
Grieco			

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

INTERROGATION

Mr. CUNNINGHAM, under unanimous consent, interrogated Mr. TADDONIO.

Mr. CUNNINGHAM. Mr. Speaker, I would like to ask the gentleman, Mr. Taddonio, as prime sponsor of HB 1, the constitutional spending limitation bill, if it is his intention as being implicit in the language of the provision of HB 1 that allows by local referendum local voters to raise or lower spending limits imposed by the General Assembly, if implicit in that language, it is his intention that local voters be permitted to reject limits altogether, if that is their desire?

Mr. TADDONIO. Yes. That is essentially correct. The key word in there is that the local people may change the limits by referendum. I interpret the word "change" to be increase, decrease or zero.

Mr. CUNNINGHAM. Thank you, Mr. Speaker. I wanted the record to show as a part of the legislative history of this bill that that was indeed the intent of the prime sponsor of the legislation. Thank you very much.

CALENDAR

SPECIAL ORDER OF BUSINESS

AMENDED HOUSE BILL RETURNED FOR
CONCURRENCE CONSIDERED

The Senate returned the following **HB 777, PN 2541**, 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. 843, 1774, 1838, 2524
Printer's No. 2541

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 777

Session of 1979

INTRODUCED BY MESSRS. SELTZER, RYAN, IRVIS, S. E. HAYES, JR. AND MANDERINO, MARCH 20, 1979.

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 28, 1979.

An Act

amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal and manner of filling vacancies; fixing the salary of the Director of the Legislative Reference Bureau; providing for compilation of lists of employes," providing for the reorganization and management OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES AND PROVIDING A COST-OF-LIVING INCREASE FOR CERTAIN EMPLOYES.

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

SECTION 1. THE ACT OF JANUARY 10, 1968 (1967 P. L. 925, NO. 417), REFERRED TO AS THE LEGISLATIVE OFFICERS AND EMPLOYES LAW, IS AMENDED BY ADDING SECTIONS A SECTION TO READ:

~~SECTION 15.4. THE SENATE OF PENNSYLVANIA SHALL HAVE THE POWER THROUGH THE ADOPTION OF SENATE RULES TO FIX THE ADDITIONAL COMPENSATION OF MAJORITY AND MINORITY CHAIRMEN AND A MAJORITY VICE-CHAIRMAN OF EVERY SENATE STANDING COMMITTEE.~~

SECTION 18. ANY PERSON WHO HOLDS THE POWER OF EMPLOYE APPOINTMENT PURSUANT TO SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15.1, 15.2 or 15.3 SHALL IN ADDITION TO ANY POWERS GRANTED THEREIN HAVE THE POWER TO CHANGE THE EMPLOYEE JOB CLASSIFICATION OR JOB TITLE AS SUCH APPOINTING PERSON DEEMS PROPER.

~~Section 1- 2. Sections 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 33.1, 33.2, 33.3 and 35, act of January 10, 1968 (1967 P. L. 925, No. 417), referred to as the Legislative Officers and Employes Law, OF THE ACT are repealed.~~

Section 2- 3. The act is amended by adding sections to read:

Section 21.1. (a) There is hereby created a Bi-partisan Management Committee which shall consist of the following five members of the House of Representatives: the Speaker, who shall serve as chairman; the Majority and Minority Leaders; and Majority and Minority Whips.

(b) The committee shall meet at times and places necessary to perform the functions assigned to it by law, and shall adopt rules and regulations for its own organization and operation.

(c) There shall be an executive director and other necessary staff for the committee who shall be appointed by the committee which shall also assign duties and fix compensation for the positions consistent with the standards set forth in section 21.9.

(d) The committee is authorized to prepare and adopt rules and regulations for promulgation and administration of uniform personnel policies and procedures, job classification and pay plans including periodic increments for all House employes and officers as well as the other matters hereafter set forth in section 21.2. Each such rule or regulation and any amendment thereto, shall be in resolution form and be placed on the House calendar for final approval or disapproval. Such resolution shall have the force and effect of law in accordance with its terms when it has been approved by a constitutional majority of the members elected to the House of Representatives. Any adopted resolution shall continue in force and effect until such time as it is amended, superseded, or repealed by another resolution adopted in accordance with the procedures established by this subsection.

(e) The committee shall publish and maintain a handbook of all rules, regulations, policies and procedures which are promulgated in pursuance of this act.

(f) The committee shall maintain a file of all plans of organization submitted and approved hereunder including all amendments thereto.

(g) All actions of the committee shall require the approval of at least four members thereof.

Section 21.2. The Bi-partisan Management Committee is authorized to prepare and adopt rules and regulations governing the following matters:

(1) Uniform policies and procedures relating to the keeping of inventory records of capital outlay items owned or purchased by the House of Representatives.

(2) Preparation of suggested budgets for all expenditures of the House or any committee or agency thereof including the Bi-partisan Management Committee, the Legislative Management Committees, the Offices of the Chief Clerk and Comptroller of the House and submitting the same for final approval before transmission to the Budget Secretary.

(3) Insuring that proper prior authorization has been obtained for all expenditures and expenses of the House of Representatives including those of its officers, members and employes, that such expenditures are made for purposes prescribed by law or by rule of the House of Representatives and that adequate appropriated funds are available for disbursement.

(4) The preparation of all payrolls for the House of Representatives, including the certification of vouchers and transmission of same to the comptroller and maintaining the required and necessary expense and payroll records.

(5) Maintenance of records of disbursements from the House Appropriation Accounts by offices or departments, including standing committees, or other categories as needed, including classification as to type of disbursements.

(6) Preparation of monthly and other periodic reports of disbursements of the House of Representatives from an account subject to its control or the control of any officer, employe, committee or agency thereof.

(7) Planning and coordination of purchases in volume for the House of Representatives in order to take advantage of, and secure the economies made possible by, volume purchasing, and the negotiation and execution of purchasing agreements and contracts and the establishment of methods for obtaining competitive bid prices upon which the House may purchase.

(8) Taking advantage of Federal General Services Administration (GSA) contracts and State contracts negotiated by the division of purchasing of the Commonwealth Department of General Services.

(9) Establishment of uniform purchasing policies and procedures relating to the acquisition of supplies, capital outlay items and contractual services.

(10) Compilation of final reports of the work of each special or standing committee or subcommittee of the House.

(11) Maintenance and preservation of the books, memoranda, reports and records of each standing and special committee having permanent research value.

(12) Establishment and maintenance of a library adequate for the needs of the House.

(13) Maintenance of an exchange service with legislative service agencies of other states, the Federal Government, foreign governments, local units of government in this State, the Council of State Governments, and other agencies which carry on research in governmental problems, and through cooperation with such agencies, securing information for the members of the House.

(14) Maintenance of a bill status system supplying such information relating to all bills and resolutions prefiled or introduced during legislative sessions as the committee may deem necessary.

(15) Coordination in behalf of the House of all matters relative to legislative printing.

(16) Establishment of appropriate legislative internship programs.

(17) Development of uniform policies and procedures for the preservation and/or destruction of papers, documents and other writings or records.

(18) Development of uniform standards, policies and procedures for the acquisition, purchase or leasing of office or storage space for officers, members and employes of the House of Representatives both in the capitol and throughout the Commonwealth.

Section 21.3. The Majority and principal Minority Party Caucuses shall each establish a Legislative Management Committee which shall be composed of the Floor Leader, who shall

be chairman, and so many additional caucus members as may be determined by each caucus. Each such committee shall select a staff administrator who shall, under supervision of the committee, administer the fiscal and personnel affairs of the caucus and perform such other duties as may be assigned.

Section 21.4. (a) The Speaker, each Caucus Officer, each Legislative Management Committee, each Appropriations Committee and each other House committee for whom or to which funds are authorized or appropriated for the hiring of staff shall within sixty days of the effective date of this act and thereafter no later than one month after the beginning of each new session, submit to the Bi-partisan Management Committee a plan of organization for all employes under such person's or committee's jurisdiction and such modifications thereof as may be necessary from time to time.

(b) Each such plan or modification shall include the following:

(1) The job title of each employe.

(2) A description of each employe's duties.

(3) The compensation of each employe.

(4) Such other information as the committee in its rules and regulations shall require.

(c) Each such plan or modification shall take effect upon submission to the extent that such plan is in compliance with applicable rules and regulations of the Bi-partisan Management Committee and within the limits of available appropriations.

(d) No person may be employed by the Speaker, any Caucus Officer, either appropriations committees, either Legislative Management Committee, the Bi-partisan Management committee, the Chief Clerk, the comptroller or any other House committee unless provision is made for the position to be filled in a plan of organization or modification thereof as herein provided.

Section 21.5. If a vacancy occurs in any committee, the same shall be filled as provided for original appointments.

Section 21.6. The Chief Clerk and the comptroller of the House of Representatives shall be selected by the Bi-partisan Management Committee subject to confirmation and removal solely upon the affirmative vote of two-thirds of the members of the House of Representatives in office at the time of any such vote. The Chief Clerk and the comptroller shall be compensated in an amount determined by the committee.

Section 21.7. (a) The Chief Clerk shall be responsible for all day to day functions of the House of Representatives as assigned by the Bi-partisan Management Committee and shall maintain central personnel files for all House employes. The following information in each House employe's file shall be a matter of public record, shall be open for public inspection during normal business hours and copies of which shall be available at cost:

(1) Job title.

(2) Description of duties.

(3) Compensation.

(4) Such other information as the House shall prescribe by its

rules.

(b) The Chief Clerk shall make available to each House employe covered under this act, a copy of that portion of the handbook set forth in section 21.1(e) which deals with personnel policies and procedures. Any changes to the portion dealing with personnel policies and procedures shall likewise be made available to each House employe.

Section 21.8. The comptroller shall be the chief fiscal officer of the House; shall prepare all payrolls; and shall pre-audit all vouchers submitted for reimbursement from any House Appropriation Account. All such vouchers submitted for reimbursement shall be matters of public record, shall be open for public inspection during normal business hours and copies of which shall be available at cost.

Section 21.9. The Bi-partisan Management Committee shall establish and may modify, from time to time, a plan of organization for its own staff and all employes under the jurisdiction of the Chief Clerk and the comptroller; such plans shall contain the matters set forth in section 21.4(b). Within the limits of available appropriations and subject to the uniform rules and regulations authorized under section 21.2 the Chief Clerk and the comptroller shall have full control of their respective employes.

Section 21.10. Neither the Chief Clerk, the comptroller, nor any employe of either office shall during such person's employment under this act:

- (1) Be a candidate for any public office.
- (2) Participate actively in any campaign for public office.
- (3) Be an officer or a member of any partisan political committee.
- (4) Perform or be assigned to perform duties except for the office by whom they are employed.

Section 21.11. All officers and employes of the House shall be full-time employes except as specifically authorized by the Bi-partisan Management Committee. A copy of all contracts for contract services to the House by any person, agency or entity shall, within five days of execution be submitted to the Bi-partisan Management Committee.

Section 21.12. (a) The Chief Clerk in office at the time this act becomes effective shall continue in office at the then current salary until the first Tuesday in January of 1981 unless sooner replaced by the selection and confirmation of a successor as herein provided or unless sooner removed by a majority vote of all the members of the House of Representatives.

(b) The secretary in office at the time this act becomes effective shall continue in office at the then current salary until otherwise determined by the Bi-partisan Management Committee and shall have such employes at such compensation as shall be determined by said the Bi-partisan Management Committee.

Section 21.13. If any vacancy shall occur during the recess of the Legislature in the office of the Speaker of the House of Representatives, the duties of said office shall be performed by the Majority Leader of the House of Representatives.

Section 3-4. Sections 41, 45, 46, 51, 52, 53, 54 and 55 of the act, are repealed insofar as these provisions apply to the House of Representatives.

SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 56. IN ADDITION TO ANY AMOUNTS SPECIFIED HERETOFORE IN THIS ACT OR ANY AMENDMENTS THERETO, EACH PERSON OTHER THAN A MEMBER OF THE GENERAL ASSEMBLY AND OTHER THAN A PERSON SUBJECT TO THE DIRECTION AND CONTROL OF THE BI-PARTISAN MANAGEMENT COMMITTEE, WHOSE COMPENSATION IS FIXED IN THIS ACT, SHALL RECEIVE AN AMOUNT AS A COST-OF-LIVING INCREASE EQUAL TO SEVEN PERCENT OF THE COMPENSATION SUCH PERSON IS RECEIVING ON THE EFFECTIVE DATE OF THIS SECTION. SUCH PAYMENT SHALL BE PRORATED TO EACH PAY PERIOD, COMMENCING WITH THE FIRST PAY PERIOD OCCURRING AFTER THE EFFECTIVE DATE OF THIS SECTION AND CONTINUING THEREAFTER.

Section 4-6. All appropriations made in any fiscal year to any account of the House of Representatives remaining unexpended and unencumbered on the effective date of this amendatory act, may be transferred by the Bi-partisan Management Committee, in its discretion, to such House accounts as the committee deems necessary to implement the provisions of this act. Such power to transfer appropriations shall be limited to the fiscal year in which this amendatory act takes effect. All personnel and existing appropriation allocations of the House of Representatives are hereby transferred to the positions and to the funds designated by the Bi-partisan Management Committee for the balance of the fiscal year in which this amendatory act takes effect.

Section 5-7. This act shall take effect immediately. ~~PROVIDED, HOWEVER, THAT IF IMMEDIATE PAYMENTS PURSUANT TO SECTION 15.4 IS UNCONSTITUTIONAL, PAYMENTS SHALL BE DELAYED UNTIL CONSTITUTIONALLY PERMISSIBLE.~~

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 the House do concur in the amendments inserted by the Senate to HB 777.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, some members have asked for an explanation of what the Senate did in the amendment process. What the Senate did, in brief, is this: It added amendments to HB 777 guaranteeing a cost-of-living increase of 7 percent for its statutory employes, for the Senate statutory employes. It did not touch any language at all concerning the House and it added no other language. Our employes have been concerned about whether or not the change would affect them. It does not. However, it does not need to because, if you will recall what HB 777 does, it will eliminate our statutory employes and therefore allow us, once we have HB 777 written into law, to talk about cost-of-living increases for our employes. So for those of you who have had staffers asking you whether this affects them, it does not directly affect them, but once HB 777 becomes law, then those who are in charge of personnel under HB 777 will address themselves to the problems of cost-of-living increases for our statutory employes.

And the minority whip says that we have never heretofore allowed the Senate employes to get an increase which our employes did not match, so I think that message ought to be clear.

I ask for a concurrence of the House in the Senate amendments.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is a pleasure to agree with the minority whip for a change.

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

Mr. ZELLER. Mr. Speaker, I appreciate the explanation by our minority leader, Mr. Irvis, in regard to HB 777. I have been very concerned about it in regard to obtaining an across-the-board cost of living increase for the employes in this Capitol.

The question I asked a few minutes ago of the majority leader on that issue—and if this is correct now, you will be able to sit down, once this is passed, and be able to form a committee that will address the problem. But my question is, for whoever wants to answer it, will this be across-the-board—and I do not say this to be facetious—or will it be just for favorites or incentive or will all be treated fairly, because that is what the employes are concerned about?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I will not have to answer the gentleman formally except to say that we are certainly going to consider every employe, every employe on both sides of the aisle.

Mr. ZELLER. Thank you very much.

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—189

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

Cowell	Hutchinson, W.	Perzel	Wargo
Cunningham	Irvis	Peterson	Wass
Davies	Itkin	Petrarca	Weidner
Dawida	Johnson, E.	Piccola	Wenger
DeMedio	Johnson, J.	Pievsky	White
DeVerter	Jones	Pistella	Williams
DeWeese	Kanuck	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Dietz	Knoeper	Pott	Wright, D.
Dininni	Knight	Pratt	Wright, J. L.
Dombrowski	Kolter	Pucciarelli	Yahner
Donatucci	Kukovich	Punt	Yohn
Dorr	Lashingner	Pyles	Zeller
Duffy	Laughlin	Rhodes	Zitterman
Dumas	Lehr	Rieger	Zord
Durham	Letterman	Ritter	Zwiki
Earley	Levi	Rocks	
Fee	Levin	Rodgers	Seltzer,
Fischer, R. R.	Lewis	Ryan	Speaker
Fisher, D. M.	Livengood	Salyatore	

NAYS—3

Austin	Grabowski	Kowalyszyn
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NOT VOTING—10

Brunner	Kernick	Reed	Street
Grieco	Mrkonic	Richardson	Wagner
Hayes, D. S.	Rappaport		

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 BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 525, PN 545, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," designating certain acts as not being unlawful discriminatory practices.

On the question,

Will the House agree to the bill on third consideration?

QUESTION ON PROCEDURE

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

Mr. DAWIDA. Mr. Speaker, I had amendments to this bill.

The SPEAKER. The Chair's calendar has been marked that all amendments have been withdrawn.

Mr. DAWIDA. They have not been withdrawn.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would the Chair delay the vote for a moment? We were informed that there were no amendments and we want to get that cleared up.

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

Mr. DAWIDA. Mr. Speaker, the amendments which I have to

SB 525 can also be attached to HB 1457. The problem I have is that this is a situation which has reached a potential crisis in my district and what I need is some kind of commitment that I will not have the experience happen as happened last week where the bill was cut out from under me.

The SPEAKER. Will the gentleman come to the desk, please, with his amendments?

SB 525 PASSED OVER

The SPEAKER. Without objection, SB 525 will be passed over.

The House proceeded to third consideration of SB 915, PN 1274, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments:

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) Every railroad company which applies for and is granted a tax credit under the provisions of this act shall be required to furnish to the members of the General Assembly and the Secretary of Revenue an annual report of systemwide expenditures for those items included in subsection (b) which includes data on Pennsylvania as well as comparable data for those other states in which the railroad company operates together with an accounting of additional expenditures directly attributable to tax credit statutes.

Amend Sec. 2, page 3, line 9, by inserting after "Assembly." This act shall be repealed following tax year 1986 unless reenacted by the General Assembly. The Secretary of Revenue shall review and analyze the effect of this credit and report to the General Assembly.

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Mr. Speaker, this amendment attempts to address the concern that was raised on the previous debate on SB 915. The amendment institutes a reporting requirement that would require railroads in Pennsylvania claiming a tax credit to report annually to the General Assembly, not only the tax credit that is taken but their annual expenditures in Pennsylvania and in other states in which they do business, for comparable accounting.

Further, it sunsets the tax credit provision in 1986. What this attempts to do is to take into account both our concerns and to be sure that the railroad is investing additional revenues in Pennsylvania and at the same time recognize that the railroad, because it has received Federal subsidies over the past few years, will continue to do so at a decreasing rate, and we will have difficulty predicting its annual amount of investment in the state. By this reporting requirement we will be able to

judge whether, in fact, our tax credit that we have granted the railroad will be bringing additional revenues and investment into the state. If it is not, we can simply let it sunset itself in 1986 or repeal it before that time. I hope that you will all support this amendment. Thank you.

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

Mr. DeVERTER. Mr. Speaker, this amendment is basically agreed to. The bill originally contained a sunset provision which was stricken somewhere along the line. As well, we were assured that various auditing and reporting mechanisms would be done by the secretary of revenue. This will ensure that that occurs, and we would hope that everyone would support the amendment. Thank you.

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

Mr. LEVIN. Mr. Speaker, I believe it is a good amendment and I would hope the House would pass it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Alden	Foster, W.	Lynch, E. R.	Salvatore
Anderson	Freind	Lynch, F.	Scheaffer
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	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.	Clark, B.	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	Wargo
Davies	Johnson, E.	Petrarca	Wass
Dawida	Johnson, J.	Piccola	Weidner
DeMedio	Jones	Pievsky	Wenger
DeVerter	Kanuck	Pistella	White
DeWeese	Klingaman	Pitts	Williams
DiCarlo	Knepper	Polite	Wilson
Dietz	Knight	Pott	Wilt
Dininni	Kolter	Pratt	Wright, D.
Dombrowski	Kowalshyn	Pucciarelli	Wright, J. L.
Donatucci	Kukovich	Punt	Yahner
Dorr	Lashingner	Pyles	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.	Rappaport	Wagner
Grieco	Kernick	Richardson	

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. LEVIN offered the following amendments:

Amend Sec. 1 (Sec. 1101.2), page 1, line 22, by striking out “and each calendar year thereafter,”

Amend Sec. 1 (Sec. 1101.2), page 2, line 2, by striking out “succeeding” and inserting 1981

Amend Sec. 1 (Sec. 1101.2), page 2, lines 2 and 3, by striking out “taxable year” and inserting case

Amend Sec. 1 (Sec. 1101.2), page 2, by inserting between lines 4 and 5

(a.1) Subject to the further provisions hereof, a credit against the tax imposed by this act shall be granted to every railroad company, equal to the amount of additional investment expended in this Commonwealth during calendar year 1981 and each calendar year thereafter, for the maintenance and improvement of rights-of-way, said credit to be applied to the succeeding tax year; however, in no taxable year shall the amount of credit allowed exceed the total of the tax due. For the purpose of this section, “additional investment” shall mean the amount by which expenditures for maintenance and improvement of rights-of-way during a calendar year exceeds the amount expended for maintenance and improvement of rights-of-way during the previous calendar year.

Amend Sec. 1 (Sec. 1101.2), page 2, line 17, by inserting after “shall” where it appears the last time not

Amend Sec. 1 (Sec. 1101.2), page 2, line 18, by striking out “provided that” and inserting unless

Amend Sec. 1 (Sec. 1101.2), page 2, lines 18 and 19, by striking out “claimed expenditures have” and inserting additional investment has

Amend Sec. 1 (Sec. 1101.2), page 2, lines 22 through 30; page 3, lines 1 through 4, by striking out “Investment in the improvement and maintenance of” in line 22, all of lines 23 through 30, page 2, and all of lines 1 through 4, page 3

On the question,

Will the House agree to the amendments?

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

Mr. LEVIN. Mr. Speaker, last week, I believe it was last

Thursday, we had a very, very extensive debate concerning my amendment, and I do not want to belabor the entire point again, because I hope most of you will remember the issue. But I cannot just stand here and say, this is my amendment, remember it, let us go, because it is an issue which involves an extraordinary amount of money. Even with the acceptance of the Murphy amendment which provided a sunset provision in the law, we are still talking about a subsidy to the railroad system of Pennsylvania of between \$50 million and \$60 million of taxpayers' money.

I think that this House should take a very, very careful look at any legislation that proposes to take our tax dollars in a new initiative and give it to the railroad industry without adequate protection. Yesterday this House by an overwhelming consensus indicated that it wishes to restrict state spending. This is a new initiative. This is money we have not spent in the past, and while it is drawn in the form of a tax credit rather than in spending, do not deceive yourselves, this is spending between \$10 million, \$11 million, \$12 million, and \$13 million each and every year between 1982 and 1986. Now that is a darn lot of money.

The Governor of Pennsylvania charged us with a responsibility, and I will read to you again what he said, that he favored a tax credit to stimulate investment in roadbed activity in Pennsylvania, and then he charged all of us with the following duty: “This legislation must be carefully designed to insure that the credit is granted only for the increases in investment over the prior year's level, and only for new investment induced by the tax credit, and not for investment which would have otherwise occurred.”

Now the bill in its present form gives us no guarantee that the railroad will place one additional dollar in roadbeds in Pennsylvania. It is a very, very carefully drawn piece of legislation. It has been lobbied extensively on both sides of the aisle by the railroad industry, who basically are asking us to trust them that they will budget adequate amounts of money. I cannot give them that kind of trust with \$10 million or \$11 million of public money. I feel I have a responsibility and you have a responsibility to see that sums of that size are spent to protect and improve the roadbeds in Pennsylvania.

I will not burden you with the difference in the two bills, but my amendment would change this bill so that if during the year 1980 the railroad spent \$40 million on roadbed improvements, after 1980 and starting in the year 1981, they would get a credit, dollar for dollar, for every dollar over \$40 million they put in. If they did not put in more than \$40 million, they would not get a credit. I believe that that is consistent with what Governor Thornburgh has asked us to do. It would assure that we would force an increase of new investment in our roadbeds, with increased employment for the railroad unions and better transportation for Pennsylvania. The bill in its present form gives us no guarantee of improvement, no guarantee of additional funds, and takes our tax dollars in very significant amounts.

I would hope that the members on both sides of the aisle would look very carefully at this legislation in their vote today and support my amendment.

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

Mr. DeVERTER. Mr. Speaker, Mr. Levin is correct that we did debate this bill at length last week, and I would hope that the members would give us some degree of attention so that they might understand what we will in effect be doing if we adopt the Levin amendment.

The Levin amendment really creates the concept of a base year, which in theory, I suspect, sounds good, and what his amendment will do is insure that each subsequent year there be increased expenditures by the railroads. Now that may sound good, but I do not think it is a very realistic approach. It creates a direct incentive for the railroads to spend a minimal amount of money in the base year which they then can move up just a little bit each time, each succeeding year, and I do not think that is what we are after. We are after not only to rebuild the railroads but we are out there to attempt to create the jobs that will come if the railroad industry is rejuvenated, and his concern over the loss of revenues, I think, is mistaken, because if we create this incentive for the railroads, with the additional jobs that will be created and the payment of people's personal income tax through the creation of those jobs as well as perhaps at some point additional profits by the railroads, we will then in fact be increasing the revenues to the Commonwealth, which I am sure at some point in time will begin to repay the tax incentive credit that we are trying to offer in the bill.

I am afraid that the Levin amendment will be a self-defeating amendment, because, you know, the railroads are not in the best of financial condition anyhow, and as a result there may not be money there for those increased expenditures that Mr. Levin wants to foist upon them in each succeeding year, and if we go that direction, there will be no incentive, really, for them to do anything. That is not the purpose for which we are trying to create the tax incentive climate.

There has been some allusion to the fact that this is a giveaway program, but I suggest that it is not. It is a direct incentive to the railroads, and if they take that credit, they must spend those moneys immediately. There is no offset for them to carry it into one year after another, so I would urge the members again to defeat the Levin amendment. Thank you, Mr. Speaker.

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

Mr. MURPHY. I rise to oppose this amendment. First of all, I believe that we all realize that there are the needs of the railroads in the state. We have substantially subsidized other forms of public transportation in this state with our highways, barges, whatever. The railroads have not had a major subsidy from the state government particularly. Recently from the Federal Government they have, in recognition of their needs. The jobs that are going to be created through this additional investment and labor and tensive jobs. I feel the amendment we just adopted, with the stringent reporting requirements by the railroads, adequately addresses the concerns that Mr. Levin has raised, particularly because in discussing with the railroads how they determine their investments, the tax credit will be a

substantial leverage in attracting additional investment to this state. Without it, and in a way because of the Federal subsidies and because of the reliance particularly on steel and coal and their hauling in their revenues, it would be difficult for the railroads to continue the high rate of investment they have enjoyed in the tracks over the last couple of years, and it would unduly penalize them, and I feel in fact preclude them from taking advantage of the tax credit. Therefore, it would be a meaningless exercise to pass this bill with the Levin amendment in there. Therefore, I hope you will oppose it. Thank you.

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

Mr. LEVIN. I would like to thank Mr. Ryan for a lesson in parliamentary procedure today, and Mr. Murphy. I will remember it.

Mr. DeVerter is wrong in telling you that I am building the base year. The base year was calculated on the maximum amount of money for the tax credit, and let me explain that to you, because it is a little complicated. The railroad has been spending in Pennsylvania \$100 million last year, over \$60 million this year. You will notice that I used the figure of \$40 million. The reason \$40 million was used is the bill provides that in the first year they get a tax credit equal to 25 percent of their investment, and, therefore, in order to get the maximum tax credit, they would have to spend \$40 million. It is unlikely that they could spend less than \$40 million in 1980, so I think to allege that they will drop to \$10 million or \$5 million or \$20 million is unrealistic, because they will not be able to take advantage of the maximum credit in the first year. The 40-million base that Mr. DeVerter talked about is really a mathematical computation, not a figure that I picked out of the air. And those of us who understand the railroad industry realize that there are a certain amount of maintenance of roadbeds which must occur of just necessity. We have had in the Philadelphia area two serious train wrecks in recent history, both because, we believe, of inadequate systems. The railroad cannot withdraw that and say we are not going to support the industry.

I believe that Mr. Murphy is inaccurate in telling us that the bill, with his provision, gives us adequate protection. All his amendment did was provide that we know what they did to us for 1982, 1983, 1984, 1985 and 1986. It does not give us a guarantee that we will be able to promptly rectify the situation. This tax credit, once given in this form, will cost the taxpayers of Pennsylvania \$10, \$11 or \$12 million a year. And unless my amendment is added, we will have no guarantee that it will provide additional investment in our railroad beds.

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

Mr. F. J. LYNCH. Mr. Speaker, I would like to oppose the Levin amendment on one or two points.

I come from a county which has had several severe derailments in the last several months. So I think it goes without saying that probably the most urgent thing that is facing the railroad industry today, forgetting the rolling stock and forgetting everything else, is the maintenance of the roadbeds. As a matter of fact, if we had, in years past, subsidized the railroad in-

dustry at least to some degree as we do the airplane industry and the airline industry and the motortruck industry, probably we would not have Conrail and Amtrak and the rest of the railroads in this country in the condition that they are in now.

I agree with Mr. Levin that this involves a lot of money. I agree that because it involves a lot of money, it requires careful consideration. But I think the exact wrong approach is embodied in his amendment, because I think fixing the concept of a base year, presumably against which all future expenditures will be gauged, is the wrong way to go about the problem. Rather, it seems to me that it would create an incentive if the railroads wanted to use it, to have a minimal base year so that they do not get locked into massive spending programs in succeeding years. The result might actually be to decrease rather than increase the amount of the roadwork done.

I further do not agree with his observation that this is a give-away program. Far from it. With the energy shortages that we are faced with today, I think it is absolutely essential that state government joins in trying to encourage rather than discourage mass transportation.

In my estimation, the bill in its present form gives a direct incentive to do roadwork at a relatively high level rather than decreases that incentive. For that reason I oppose the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to support the Levin amendment.

It seems to me that the question that is before us in the Levin amendment is simply this: Do we want to have any guarantee whatsoever that additional investment will be made in the railroads in Pennsylvania over and above what has to be done just to keep them going, or do we want to rely on the railroads making investments without any guarantee that they are making investments and, in any event, give them a tax credit? Because that is what is involved in the Levin amendment.

There is nobody here who disputes—Levin, myself, the people who support the Levin amendment, the people who do not support the Levin amendment, there is no one who would not like to see—additional investment made in the railroad beds in Pennsylvania. The real question is: What is our best chance of getting additional investment in the railroad beds in Pennsylvania? The bill as it stands or the bill with the Levin amendment? And it is perfectly possible, without the Levin amendment, that the railroad will not do one penny, one dime more improvement in Pennsylvania's railroad beds than the tax credit that we give them. That is the only thing that they guaranteed must be invested in the next year in the railroad bed, the tax credit that we give them. And it is ironic, Mr. Speaker, the railroads pay to the State of Pennsylvania about \$10 or \$11 million a year and that is about what we are asking us to give back to them, \$10 or \$11 million a year.

What we will do, if we adopt this bill without the Levin amendment, is tell the railroads in Pennsylvania, you do not have to pay any more tax. Maybe that would not be bad. Maybe it would not be bad to say to them, we want you to fix the roadbeds in Pennsylvania and therefore we are going to relieve you from the tax, because that is what we are going to do. We are

going to give them a subsidy equal to the tax that they pay or a tax credit equal to the tax that they pay. And I say maybe that would not be bad if we had a guarantee that they are going to put the money back in the road over and above the tax credit we give them. There is no guarantee without the Levin amendment, and it is perfectly possible without the Levin amendment that the railroads will invest in the roadbeds in Pennsylvania only that money that we save them in taxes, because this bill guarantees that they have to invest at least the tax credit. But it guarantees nothing else.

Now the Levin amendment guarantees that after the base year they must invest additional moneys in the roadbed, and not for a 25-percent credit but for a 100-percent credit. Every penny over and above what is invested in the base year will be given to them in a tax credit. That is the guarantee that the roadbeds are going to get fixed in Pennsylvania or improved to any extent at all.

When we talk to the people who are pushing this bill, we talk to them about what guarantee we had that money over and above the tax credit was going to be invested in the roadbed in Pennsylvania, and I for one was given no assurance that anything over and above the tax credit we could ever rely on to be invested in the roadbed. And I said to them, as the Governor said to them, we have some guarantee that you are just not asking us to cut your taxes in Pennsylvania and that the people of Pennsylvania for their \$11 million a year are going to see some improvement in the roadbed. That is all the Levin amendment is asking for: a guarantee that there is going to be some improvement in the level of funding for maintenance and repair to the roadbeds in Pennsylvania.

We tried for a 5-year average of past maintenance construction. We talked about a 3-year average of past maintenance construction, and we were told it would be unfair to the railroads in Pennsylvania and Conrail, which is the biggest chunk of the railroads in Pennsylvania, it would be unfair to them to use 3 or 4 years back and average the maintenance of, say, everything above that, because there have been substantial investments made in the roadbeds because of Federal moneys during those years. And we were told that the Federal moneys are gone, in large measures, and now we are going to be down to, instead of \$150 million or \$200 million in railroad bed repairs, we are going to be down to \$32 million in the base year. And we said, all right, take your \$32 million in the base year that you are estimating and use that as a base. We know that it is a low base, but at least it is a base from which we can guarantee that you will get tax credits only if you exceed that low base.

That is why we developed the Levin amendment. We are asking for guarantees. We are spending the people's money. We are taking tax revenues that the railroads have paid for years and years and saying to them, you will not have to pay those taxes to the Commonwealth of Pennsylvania if you do this for us. And this that we are asking them to do is to spend a little more money on the railroad beds in Pennsylvania to get the tax credit. That is what the Levin amendment talks about, and that is what I think all of us think we are talking about when we are talking about SB 915. But if you read SB 915 and you analyze

SB 915 without the Levin amendment, you are guaranteed nothing except the expenditure of that amount of money that you give in the tax credit. You are guaranteed nothing else, absolutely nothing else.

There was a reason that the Governor put the condition to his approval of a SB 915-type piece of legislation, that we be guaranteed that there would be some incremental improvement in the amount of money spent in the railroad beds, because we are spending the public's money and, if we are being asked for a break, a subsidy, a handout or whatever it is, or an assist from the industry, which is perfectly legitimate, if we are being asked for that kind of an assist, we ought to at least ask in return that they are fair with us and will increase the amount of expenditures in the roadbed and improve it. And the bill that is before, SB 915, guarantees us nothing. They can spend less and less on the roadbed in Pennsylvania and continue to get a tax credit, and the only thing that we are guaranteed is that the tax credit that we give them must be spent in the roadbed in the next year, not one dime more necessarily must be spent in the roadbed in the next year.

The Murphy amendment that was added just a few moments ago does nothing to guarantee additional expenditures of money in the railroad bed. It simply says that they must tell us how much money they are expending in the railroad bed and that sunset is giving them the credit some 6 years down the line. I submit to you that by that time we will probably have spent in excess of \$75 million of the taxpayers' money without a guarantee that we are going to get any improvement in the roadbed.

Mr. Speaker, I urge the adoption of the Levin amendment and then the passage of SB 915. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, briefly in reply to the minority whip, I still feel that if we adopt the Levin amendment, we will in effect be saying to the railroads do not bother at all, because it is not going to create the kind of climate which is going to induce them, at a time when their revenues are declining, to go out and make the kinds of expenditures we would hope they would do. I would remind the members also that the railroads cannot receive a credit in excess of what they would normally pay in taxes to the Commonwealth. So there is no question in my mind that they can rip us off down the road and that now with the Murphy amendment and the sunset provision in here and with the reporting mechanism that is now required both to the department and to this General Assembly, we do not have the assurances that we need to make sure the railroads are doing what we intend to provide through SB 915.

I just think it is wrong for us to create something that really is going to wreak havoc further on the railroad system in this state, and as I indicated in my earlier comments, the additional jobs, the additional service-type industries that will benefit by the investments that the railroads make in this state, I am sure, as we go down the road, will more than offset the dollars that we are talking about in the fiscal note in the 1980-81 fiscal year of \$10.4 million, in 1981-82 of \$11.4 million, and in 1982-83 of

\$11.3 million. I think it is a wise investment. I think we ought to defeat the Levin amendment and then pass SB 915. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, in support of the Levin amendment, let me remind the members that the track record of not only prior to ConRail but the railroad industry which I want to see continue in this country of ours and our state, has been horrible. Anyone knows that, the problems they got involved in, and that is the reason for the tie with ConRail and tying all the railroad systems together.

I want to remind you how touchy this is, and what Mr. Manderino said is true. Sure, you want to give a tax incentive, but unless you hold the reigns on them to make them credible, they can do exactly what they have been doing in the past, because they have got a record that is horrible. You have got to tie them down. As I say, history is there, and unless we learn from history, we are doomed to relive it.

Let me remind you—and I hope I am not out of order, Mr. Speaker, when I say this—the most popular Congressman you would want to find in the country was from my area. He was the sponsor and the creator of the ConRail movement. With a 55,000 majority registration he lost to an unknown, and I say today it was because of ConRail. It was exactly the problems that were created because of the lack of credibility, and that was a tie and the papers played it up, and that is why I say watch yourself on this one, because you are dealing with a hornet's nest. As Mr. Manderino said, 6 years down the line you will find out you were wrong, and you are all going to pay the price. So put whatever reign you can on them to hold them to credibility. If you do not, you are in trouble. Thank you very much.

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

The following roll call was recorded:

YEAS—87

Alden	Duffy	Knight	Rappaport
Austin	Dumas	Kolter	Reed
Barber	Durham	Kowalshyn	Rhodes
Beloff	Fee	Kukovich	Rieger
Bennett	Fischer, R. R.	Letterman	Ritter
Borski	Fryer	Levin	Rodgers
Brown	Gallagher	Lewis	Schmitt
Caltagirone	Gamble	Livengood	Shupnik
Cappabianca	Gatski	Manderino	Spitz
Chess	George, C.	McIntyre	Stairs
Cimini	George, M.	McMonagle	Steighner
Clark, B.	Giammarco	Milanovich	Stewart
Clark, R.	Grabowski	Miller	Street
Cochran	Gray	Mrkonic	Taylor, F.
Cohen	Harper	Mullen, M. P.	Telek
Cowell	Hoeffel	Novak	Trello
Cunningham	Irvis	O'Donnell	Wargo
DeMedio	Itkin	Oliver	Yahner
DeWeese	Johnson, J.	Pievsky	Zeller
DiCarlo	Jones	Pistella	Zitterman
Dombrowski	Kanuck	Pratt	Zwilk
Donatucci	Klingaman	Pucciarelli	

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Anderson	Geist	Michlovic	Shadding
Armstrong	Gladeck	Micoozie	Sieminski
Arty	Goebel	Moehlmann	Sirianni
Belardi	Goodman	Mowery	Smith, E.
Berson	Greenfield	Murphy	Smith, L.
Bittle	Gruppo	Musto	Spencer
Bowser	Halverson	Nahill	Stuban
Brandt	Hasay	Noye	Sweet
Burd	Hayes, S. E.	O'Brien, B.	Swift
Burns	Helfrick	O'Brien, D.	Taddonio
Cessar	Honaman	Perzel	Taylor, E.
Cole	Hutchinson, A.	Peterson	Thomas
Cornell	Hutchinson, W.	Petrarca	Vroon
Coslett	Johnson, E.	Piccola	Wachob
Davies	Lashinger	Pitts	Wass
Dawida	Laughlin	Polite	Weidner
DeVerter	Lehr	Pott	Wenger
Dietz	Levi	Punt	White
Dininni	Lynch, E. R.	Pyles	Williams
Dorr	Lynch, F.	Rocks	Wilson
Earley	Mackowski	Ryan	Wright, D.
Fisher, D. M.	Madigan	Salvatore	Wright, J. L.
Foster, A.	Manmiller	Scheaffer	Yohn
Foster, W.	McCall	Schweder	Zord
Freind	McClatchy	Scirica	
Gallen	McKelvey	Serafini	Seltzer,
Gannon	McVerry	Seventy	Speaker
Geesey			

NOT VOTING—8

Brunner	Hayes, D. S.	Knepper	Wagner
Grieco	Kernick	Richardson	Wilt

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella, who offers an amendment which will be read by the clerk.

Mr. PISTELLA. Mr. Speaker, in light of the acceptance of the Murphy amendment, I would at this time withdraw my amendment. Thank you.

On the question recurring,

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

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "improvements" and inserting and imposing restrictions on such credit.

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) No railroad company shall be entitled to receive the credit established pursuant to this section unless and until such railroad company agrees, in writing, that whenever such railroad company abandons any portion of its right-of-way, the railroad company will, within five years of the date of the abandonment proceeding, remove all railroad bridges which cross any stream or river along the abandoned right-of-way. Failure to remove such bridges shall result in the forfeiture of

such credit and a repayment to the Commonwealth of all prior credits with interest at the statutory rate.

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, if we are to give credit to the railroad company, I feel that they should do something about the abandoned railroads in the State of Pennsylvania. One of the main reasons that I am trying to do this is that if a railroad company abandons a bed and they happen to leave a bridge on that bed and it crosses a state highway, if the department cannot repair that bridge or do anything with it and they have to drop the limit of weight to where our students must get out of buses to drive across an empty bus and the students have to walk across, I think they should take that down so we can put a nongrade crossing in that area.

I also feel that abandoned railroads should be returned to the adjacent landowner within a 5-year period so that taxes can be collected. At the present time there are none, and there are many of these railroad beds existing in the State of Pennsylvania.

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

Mr. DININNI. Mr. Speaker, I rise in opposition to this amendment and I will be very brief.

I do not think that we should clutter up this bill with this kind of thing, because the main purpose is to bring our roadbeds up to date, and I do not think we should clutter the bill with this. I think it should take separate legislation and do it in that form rather than in this particular piece of legislation. I would ask for a "no" vote on this amendment.

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

Mr. LETTERMAN. I would like to read to you what was stated by Secretary Larson when this bill was in the Senate. It says: "This department is therefore in agreement with the objectives of SB 915. We also agree with the eligibility requirement reducing the tax credit for those railroads which are not in compliance with the service discontinuation and line abandonment provisions of the United States Interstate Commerce Act. This language should give the Commonwealth some added clout in dealing with illegal abandonments and service discontinuances."

I think that speaks pretty well for itself, and even the Department of Transportation feels the same way that I do.

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

Mr. ARMSTRONG. I agree with the Letterman amendment. Basically I have a situation that has something to do with this. We have an abandoned railroad that adjoins my property, and what is happening now is that people are coming onto the property using this abandoned railroad, and they are destroying things, littering, doing whatever they want to do, and they feel

that they can because they are on the railroad's property and we have no jurisdiction over them.

Also, in the back of the property there is an abandoned bridge, and it is very dangerous. Children play on this bridge, and if they ever fall off, it is a 30- or 40-foot drop, so someone could get killed. If they are going to abandon this railroad, I think they should take away these dangerous bridges because if children play on them—and, you know, children do this—they get killed.

I think it is a good amendment, and I think the railroad has some responsibility when they abandon a railroad to make sure that the dangers are taken away. Thank you very much.

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

Mr. DeVERTER. Mr. Speaker, I rise to oppose the Letterman amendment. I can agree that there are perhaps many rights-of-way and bridges and streambed obstructions that have been left by railroads over the years. It is my understanding they run into the hundreds and perhaps the thousands, but to say that we will deny the railroads the incentives that we are trying to propose in SB 915, I just think is wrong.

The railroad industry is aware of those things. They have been in a declining revenue situation. Many of them are bankrupt, such as newly created ConRail, the Penn Central into ConRail, and I think to place this additional onus on them at this time for them to be the beneficiary of this is just wrong. I am sure that in time if you go to them—and I have done this on a local basis—and request assistance to fix up those rights-of-way or remove obstructions that are hazardous, they will do so. I have had that happen in a number of instances, especially on rail crossings in my district, and there was *no problem*. The Public Utility Commission was more than glad to see that those things were taken care of, and I just do not think in a tax-incentive bill that we are going to say, if you do not do this, you are going to be denied that right.

I would ask for a negative vote on the Letterman amendment, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, there is no expense added to the railroad. If there is a bridge to be taken down, and most times they will sell this type of bridge and a man will come in or a company will come in and take the bridge down, that gives them both a pretty nice piece of profit since the bridges are made of iron that can be junked and the price can really be recovered from it.

What they choose to do though that really interferes with the highway department is that for every place where there was a railroad bed and a railroad crossing the road of the highway, for 18 inches on both sides of the rail we cannot do anything by law unless we jeopardize the safety of people in repairing these since they belong to the railroad company.

That also pertains to the center between the two tracks. What I am really trying to do is say to them, if you do not have the money to repair these, you should return the right-of-way

to the highway department so we have the legal right to go in and repair their bad places.

I do not see how Mr. DeVerter figures that this would cause any kind of expense to these people. I just cannot understand that because they sell the bridges and they are taken down by junk dealers and they make a pretty nice profit off it. In my opinion, they are allowing a lot of good money to lay out there and go to waste by letting them lay there. It is money they could use for other things if they would have it taken down and sold to a junk dealer.

I would also like to point out to you that there is a real danger to a lot of communities in our Commonwealth due to the fact that the bridges are let stand with large concrete abutments in streams. They take up in some instances, I would have to say, at least half of the streambed and they are nothing but a catchall for every log and every piece of garbage that comes down these streams.

Many times and during the 1972 flood and the 1975 flood, we have witnessed where the water rises to the height of the bridge. Once it gets to the height of that bridge, then you have a real dam built for you. All it does is flood a lot of our good people in this state. I think they should be taken down when the road is abandoned.

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

Mr. WILT. Mr. Speaker, would the gentleman, Mr. Letterman, yield to interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. WILT. For clarification, Mr. Speaker, we dealing with what amendment, A4197?

Mr. LETTERMAN. That is correct.

Mr. WILT. Okay. Mr. Speaker, what happens if the railroad maintains the right-of-way and we happen to be using it for access to areas especially in your part of the country that otherwise are not accessible and we use them for snowmobiling or for whatever reasons, for nature trails? Under your amendment, would not, after or within a 5-year period, the railroad go in and rip out the bridges, thus destroying this access route? I mean, are we not mandating that they would destroy that road?

Mr. LETTERMAN. No. What we are really saying, Mr. Speaker, is that they must dispose of it so the taxes can be paid on it. Now that could be sold to the property owner along with that bridge. It could be sold to the Department of Environmental Resources to establish a snowmobile trail. It could be sold to any group of people who want to buy that right-of-way in order to establish some natural trail or something like this. As you know, they have already released some back to the Department of Environmental Resources for railroad beds that are now snowmobile trails in the State of Pennsylvania.

Mr. WILT. Okay, but what concerns me is that they could be. If they are, then there is no problem. What happens with your other amendments has a significant bearing on it. But if they would choose to retain them for whatever reason and let the people use them, if the ownership remained with the railroad, then, in fact, would we not be hurting ourselves from a mutual

interest that we have by mandating without qualification the removal of these bridges?

Mr. LETTERMAN. All I am saying is, if they do not remove them, they must pay taxes on that land then within a 5-year period.

Mr. WILT. Okay. I have no argument with that, but that is if your other amendment goes in. If it does not, and this amendment goes in and your other amendment does not, then we have got some problems, I would think.

Mr. LETTERMAN. Both the amendments should go in. I think they both pertain to the same thing.

Mr. WILT. Thank you, Mr. Speaker.

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

Mr. MURPHY. I would like to question the speaker for a moment, please.

The SPEAKER. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, as I read your amendment, it does not say "will abandon" or "will dispose" of the railroad bridges. It says "will remove." My concern is the very one that was just raised. I am aware of the Western Pennsylvania Conservancy in the Pittsburgh area. It has acquired a number of abandoned roadbeds throughout the state to be used as hiking trails and hunting trails and that kind of thing. My concern is that the way your amendment is now drafted that it would preclude them from maintaining those trails and those bridges by the words "will remove."

Mr. LETTERMAN. I see what you are referring to. In other words, I should have had another word in there.

Mr. MURPHY. It seems to me if you would withdraw your amendment and maybe get it rewritten to say "will dispose of," that would open the possibility of providing these groups the opportunity to acquire these properties.

I would support that effort. But to do this, in a sense we could be working against what we are trying to accomplish by requiring the railroads to do this. It runs into unnecessaries. So my suggestion is maybe we should try to redraft this.

AMENDMENTS WITHDRAWN

Mr. LETTERMAN. I would have to agree. I am going to withdraw this and have it redrafted, if I have the time to do so.

The SPEAKER. The gentleman from Centre, Mr. Letterman, is withdrawing his amendments.

Mr. MURPHY. Thank you, Mr. Speaker.

HOUSE SCHEDULE REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask initially that someone from the Chief Clerk's office have an electrician come up and check this microphone which has been cutting in and out.

I ask that the Chair declare a recess until 2 o'clock. I would like the Republicans to report immediately to the caucus. We have a distinguished visitor arriving at 1 o'clock. We are only going to caucus on probably one or two bills which are impor-

tant, and this afternoon devote the balance of today primarily to Senate bills so that they can be sent back while the Senate desk is open. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker. The Democrats will meet in caucus at 1:30. We will be caucusing on probably just one bill, but we do want your input on that bill and we would like to be back on the floor promptly at 2 o'clock. Thank you, Mr. Speaker.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there will be a Rules Committee meeting on the declaration of the recess, which should only take a few moments.

SENATE MESSAGE

SENATE RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

SR 222

Referred to Committee on Rules.

SB 915 AND AMENDMENTS TABLED

The SPEAKER. SB 915 and the amendments will be laid upon the table until we return from the recess.

The Chair recognizes the majority leader.

Mr. RYAN. I so move.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

SB 915 AND AMENDMENTS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 915 and the amendments be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR BILL ON THIRD CONSIDERATION,
CONTINUED

The House resumed third consideration of **SB 915, PN 1274**, entitled:

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

On the question recurring,

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

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

Mr. LETTERMAN. Mr. Speaker, that amendment has not been sent down to me yet. I do not know where—

The SPEAKER. Does the gentleman only have the one set of amendments that he is waiting for?

Mr. LETTERMAN. I have two amendments and I changed both of them, just one word in both of them.

The SPEAKER. The Chair will pass over Mr. Letterman temporarily.

On the question recurring,

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

Mr. GEORGE offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "improvements" and inserting and requiring the expenditure of such credit on certain bridges.

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) The funds derived from the credit obtained pursuant to this section shall be utilized by each qualifying railroad company to repair or replace any bridge which crosses the railroad company right-of-way where the weight limit of such bridge has been downgraded or decreased or the bridge is closed for safety reasons.

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, I present this amendment to you as a matter of extending to every legislator, no matter who he or she may be, the opportunity—

Mr. Speaker, if you will permit me to interrupt this busy schedule at the moment, if, I can, I will further add to all the eloquent debate that we have heard this morning. I can be sure then that in just a few moments we shall be able to prove that all the legitimate concern that was expressed this morning just is not so and that this amendment in fact does allude to individual districts and to one of the greatest problems that we, as legislators, are at this time facing and I am sure in the future will be facing on a weekly or a monthly basis. The situation is today that the Public Utility Commission is in a quandary about proposals and bridges in which the Department of Transportation has insisted that the weight either be downgraded or reduced

to some degree, and then when that happens, Mr. Speaker, it is up to the Public Utility Commission to make interpretation of who should pay for the subgrade.

I can see that the majority leader does not believe me. He is already walking off the floor of the House. Thank you, Mr. Speaker. I am really having a difficult time because I cannot even shave in a mirror, and that is what I think I am doing here right now. And what this amendment asks, Mr. Speaker, is that if we—and I agree—are going to allow tax money to be appropriated to any business, then we should insist that that business does agree that whatever happens from that point should enhance that business, should provide further for the economy, and should do what we insist that that money should be appropriated for.

My amendment insists that where these bridges have been downgraded—and at the moment people are forced not to use those bridges and drive miles around—that not only should we allude to our track, but we should allude to the problem of these bridges, and the railroads, to some degree, should get credit for the improvement of the bridges and should have some opportunity and obligation toward it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the amendment. The effect of the amendment would be to really deprive the road crossings and roadbeds of a substantial portion of this money, and the gentleman very properly pointed out that this is a PUC function to force this type repair, and I think we should allow it to remain with the PUC rather than with the General Assembly, and also not run the risk of depriving the roadbeds and the railroad crossing areas in our respective communities of their fair share, regardless of what it might be, of this money. I know in southeastern Pennsylvania we have had several tragic accidents brought about principally because of the condition of the roadbeds, and I would not want to allocate this money legislatively for any one purpose, particularly when we are stepping on the toes of the PUC in so doing.

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

Mr. GEORGE. Mr. Speaker, may I interrogate the honorable majority leader?

The SPEAKER. You can interrogate either majority leader.

Mr. GEORGE. Mr. Ryan, specifically.

Mr. RYAN. Yes.

Mr. GEORGE. May I ask you a question, sir?

Mr. RYAN. You may.

Mr. GEORGE. Is the purpose of these moneys that are now being returned into state coffers and do you insist that these moneys should be provided to the railroads so they could indeed perform an improvement or a service to the established railroad? Is that what you are after?

Mr. RYAN. No. As I understand the bill, it has manifold effect. It is to take moneys and encourage the railroads to make capital improvements in areas where capital improvements are needed and perhaps where they are unable to afford it now. They are using the rebate or credit to make these improve-

ments. These improvements can consist of any number of things. It can be roadbeds. It can be crossings. And I think this is what we are trying to do, not legislate exactly what they are to do with the money, but rather to encourage them to make the capital improvements that are necessary for the continued comfort and safety of the riders and the people of the Commonwealth, rather than earmarking them, which this amendment would do.

Mr. GEORGE. Mr. Speaker, if you will permit me to further interrogate you. I feel quite important interrogating you. I want you to know that. When I go home this weekend, I am going to be able to tell the kids about this. You understand that, Mr. Speaker?

Mr. RYAN. I do now.

Mr. GEORGE. And you know, Mr. Speaker, it does not matter whether you are a golden glove, it just matters how hard you fight. So whether you win this battle or whether I do, I am still going to accomplish what I think is very important, and that is to get an honest answer of why you would insist, sir, that if you want to help the rails—and I do, too, just last week in Altoona, after the railroads had come into my area I noticed that one of our illustrious Congressmen said that, you know, it does not matter whether we lay off 400 or 500 people out of Altoona, what is important is that we should not cut off our nose to spite our face. The railroads are important. And at the same time the railroads were in my area, at a very big function and they were being honored by some local business, and they were bragging, Mr. Speaker, about they were going to put 30,000 ties in my area. I ask you, Mr. Speaker—do you know how much rail that would take care of, 30,000 ties?

Mr. RYAN. No, I do not.

Mr. GEORGE. Mr. Speaker, I insist, just like my grandpappy said, there is a difference in scratching your hinny and tearing it to pieces, and that is exactly what is happening with this kind of proposal.

I will further ask you, because I—

Mr. RYAN. Mr. Speaker, I really wish we had order, because he said something funny and I missed it.

Mr. GEORGE. As long as you are interested, it makes me very proud, because, Mr. Speaker, I do not mean to be funny. I admire this man and I know what he is trying to do, but he and you should admire me or any other legislator who comes before you with this problem, and it is a problem, because before me I have letters from my county commissioners that the public utility insists that they should pay for the bridge improvements that they do not own. And every one of you comes from a county. And I have letters here from municipalities that the railroads do not provide. Yet when I ask the Public Utility Commission, they say, well, if you have a factory on the other side, why should the political subdivision not pay? And my answer is, because they just cannot afford to pay.

Mr. Ryan has admitted that there should be improvement, and I am saying that the Department of Transportation—and God knows he has stood there for hours insisting that the Department of Transportation should be helped. I am saying let us help the Department of Transportation and let us help these counties and let us help the political subdivisions and let us

help the people, because I do not want to earmark the money. I just want to make sure the railroads do understand their obligation.

One of the other gentlemen, Mr. Speaker, would stand up, and I was waiting for him very patiently, to tell me that we are not concerned about employment and that we are not concerned about all of these other things, there is not a member on this floor today, regardless of whether he be a Republican or Democrat, who is not interested in his people within the district. I believe they are above par in politics, but I insist, give me the opportunity to say to you that this is rather important. And I do not know whether the money is going to go into the vice presidents, but when I was a kid and the railroad was a blue chip stock, they paid these vice presidents \$400,000 a year and they went broke. Now we are subsidizing, and I am saying if we are going to put our moneys in there, then for goodness sake, let us take care of the places that need it. Thank you very much.

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

Mr. AUSTIN. Mr. Speaker, would the author of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. AUSTIN. Mr. Speaker, do I understand your amendment to say that the funds derived from the tax credits will be used to repair or replace any bridge that crosses a railroad right-of-way where a weight limit of a bridge has been downgraded by order of the Public Utility Commission or by order of the Department of Transportation?

Mr. GEORGE. I firmly believe that the amendment allows the railroads to receive credit the same as normal maintenance, which the bill insists on. I am only insisting that in my area where there are seven or eight bridges in question, where, Mr. Speaker, my children are getting off the school buses and walking across the bridge because the Department of Transportation insisted on cutting the weight to 5 tons. Today the administration, both Republicans and Democrats, are insisting that we should save money, we should save fuel, we should save everything, yet they have downgraded the bridge, and the railroad does not have the money they say. The county does not have the money. Nobody has the money. That means that bridge is going to stay out of commission.

Mr. AUSTIN. Mr. Speaker, may I comment on the amendment, please?

The SPEAKER. The gentleman, Mr. Austin, is in order.

Mr. AUSTIN. Mr. Speaker, I support Mr. George's amendment. I think he has raised an issue which is of vital importance to Pennsylvania because basically what we have been faced with are situations where PennDOT has no money, and they in turn point to the legislature to fund these bridges on which their weight limits have been decreased or bridges which have been closed. The Public Utility Commission legally has the jurisdiction over these bridges because they do cross railroad rights-of-way and it has the authority to order such reconstruction so weight limits can be lifted. However, PennDOT in turn points to the money factor. The PUC's problem, although it has jurisdiction, is that it has no money to do this kind of work.

Basically we are in a catch-22 situation.

I think Mr. George's amendment would address this problem. I think it would create another avenue for funding and I think, in turn, we would be helping the people of Pennsylvania. Certainly if we are going to, through their tax dollars, provide tax credits, they should in turn receive every possible benefit from those tax dollars that they can. And I certainly feel that avenues to maintain our bridges in Pennsylvania, to upgrade weight limits which have been imposed throughout the Commonwealth, would certainly be a great benefit that we can serve through this amendment. And I think that it is an important one. I think everyone should look at it closely and I urge its adoption. Thank you.

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

Mr. STEWART. Mr. Speaker, I think there are a lot of legislators on this floor who have gone through this situation with a bridge which was formerly owned by the Pennsylvania Railroad, then the Penn Central and now Conrail.

I think this amendment is indicative of the attitude of the legislators who have gone through that. The Levin amendment was indicative of that attitude and that attitude is one of very deep frustration when dealing with Conrail. There is a certain arrogance about them, the quasi-private-public organization, and on these bridge matters—I know because I went through one—they pretend the bridge does not exist. They send back opinions to the Public Utility Commission, who orders them to make repairs, saying in 7, 8, 9, 10 pages that it is not their responsibility and why it is not their responsibility.

Mr. George is right when he says there is no one on this floor who wants to hinder the railroads from improving the right-of-way and maintenance programs, but the problem is there are other problems that have to be addressed before we can address what this bill does. I think it is a good amendment and we should pass it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I can agree with almost everything that everyone has said with respect to the problem with bridges. I ask you now to take a look at Mr. George's amendments in the context in which they would be found if they were accepted. I daresay there will not be three people on this floor who will do it. But if you do it, I think you will find that the money has to be used then for bridges and not for rights-of-way, not for road crossings, because the bill, as I read it, is basically general. The only part then with any specificity would be the George amendment which directs that the money be used just for bridges.

I have problems in my area with the bridges. I have problems with the rights-of-way. I have problems with the roadbeds, with the railroad crossings, and I think we all do. To say that none of this money can be used for these other things but must be used for bridges is wrong.

I say to Mr. George that my understanding of the law is that the Public Utility Commission can direct the railroad to fix the bridge. This money can then be used by the railroad for that purpose. But if in Philadelphia County where this last accident

happened—it was on the Philadelphia-Delaware County line—when 400 people were injured because of, what I hear, is a roadbed problem, to say that they cannot use this money to fix that problem because it must be earmarked for bridges is wrong. I think, Mr. Speaker, that, if nothing else, the representatives of Conrail should hear the problem today. I think that the PUC hears the desire of the General Assembly when we consider something like this so seriously. The PUC can direct that these matters be attended to.

I am told—and I do not know anything more than what I was just told—that there is Federal money available now for local governments to repair and/or replace bridges on a 100-percent basis. That may or may not be. But to earmark all of this money just for bridges does a disservice to those areas of the Commonwealth that have problems that are not just bridge problems. It is for that reason that I oppose the amendments. Not because I do not recognize a bridge problem, but to earmark all of this money to a bridge problem when we have so many other problems, I think, is wrong.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni. Does the gentleman wish to be recognized on the amendment?

Mr. DININNI. No, Mr. Speaker, other than I wanted to really bring out what the majority floor leader had just said.

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

The following roll call was recorded:

YEAS—88

Austin	Fryer	Letterman	Rieger
Barber	Gallagher	Levin	Rodgers
Beloff	Gamble	Livengood	Schmitt
Bennett	Gatski	Manderino	Shadding
Borski	George, C.	McCall	Shupnik
Brown	George, M.	McIntyre	Spitz
Caltagirone	Giammarco	McMonagle	Stairs
Cappabianca	Goodman	Milanovich	Steighner
Chess	Gray	Mrkonic	Stewart
Clark, B.	Greenfield	Mullen, M. P.	Street
Clark, R.	Harper	Musto	Stuban
Cochran	Hasay	Novak	Sweet
Cohen	Hoeffel	O'Brien, B.	Taylor, F.
Cole	Hutchinson, A.	O'Donnell	Trello
Dawida	Hutchinson, W.	Oliver	Wachob
DeMedio	Irvis	Petrarca	Wargo
DeWeese	Johnson, J.	Pievsky	Weidner
DiCarlo	Jones	Pistella	White
Donatucci	Knight	Pratt	Wilson
Duffy	Kolter	Pucciarelli	Wright, D.
Dumas	Kowalshyn	Rappaport	Yahner
Fee	Kukovich	Reed	Zitterman

NAYS—107

Alden	Foster, W.	Madigan	Schweder
Anderson	Freind	Manmiller	Scirica
Armstrong	Gallen	McClatchy	Serafini
Arty	Gannon	McKelvey	Seventy
Belardi	Geesey	McVerry	Sieminski
Berson	Geist	Michlovic	Sirianni
Bittle	Gladeck	Micozzie	Smith, E.
Bowser	Goebel	Miller	Smith, L.

Brandt	Grabowski	Moehlmann	Spencer
Burd	Gruppo	Mowery	Swift
Burns	Halverson	Murphy	Taddonio
Cessar	Hayes, S. E.	Nahill	Taylor, E.
Cimini	Helfrick	Noye	Telek
Cornell	Honaman	O'Brien, D.	Thomas
Coslett	Itkin	Perzel	Vroon
Cowell	Johnson, E.	Peterson	Wass
Cunningham	Kanuck	Piccola	Wenger
Davies	Klingaman	Pitts	Williams
DeVerter	Knepper	Polite	Wilt
Dietz	Lashinger	Pott	Wright, J. L.
Dininni	Laughlin	Punt	Yohn
Dombrowski	Lehr	Pyles	Zeller
Dorr	Levi	Ritter	Zord
Durham	Lewis	Rocks	Zwinkl
Earley	Lynch, E. R.	Ryan	
Fischer, R. R.	Lynch, F.	Salvatore	Seltzer,
Fisher, D. M.	Mackowski	Scheaffer	Speaker
Foster, A.			

NOT VOTING—7

Brunner	Hayes, D. S.	Rhodes	Wagner
Grieco	Kernick	Richardson	

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?

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "improvements" and inserting and imposing restrictions on such credit.

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) No railroad company shall be entitled to receive the credit established pursuant to this section unless and until such railroad company agrees, in writing, that whenever such railroad company abandons any part of its right-of-way, the abandoned portion of its right-of-way shall be transferred within five years of the abandonment proceeding. The railroad company will continue to pay any or all real property taxes imposed on such abandoned right-of-way, or in lieu of such payment, then the property shall be conveyed to the Commonwealth to be used for recreational purposes.

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, what we did was we made a slight change and we will have these returned and conveyed to the Commonwealth to be used for recreational purposes. One of the main reasons for that is that after 5 years if a railroad decides that they would like to reuse this road base and re-establish that railroad, that then they will only have one entity, which would be the Commonwealth, to deal with, instead of maybe thousands to get the easement back. I understand that this is now agreed to.

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

Mr. DeVERTER. That is correct, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Freind	Lynch, E. R.	Salvatore
Anderson	Fryer	Lynch, F.	Scheaffer
Armstrong	Gallagher	Mackowski	Schmitt
Arty	Gallen	Madigan	Schweder
Barber	Gamble	Manderino	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	Smith, E.
Brandt	Giammarco	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spencer
Burd	Goebel	Milanovich	Spitz
Burns	Goodman	Miller	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cappabianca	Gray	Mowery	Stewart
Cessar	Greenfield	Mrkonic	Street
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.	Trello
Coslett	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	Oliver	Wachob
Cunningham	Irvis	Perzel	Wargo
Davies	Itkin	Peterson	Wass
Dawida	Johnson, E.	Petrarca	Weidner
DeMedio	Johnson, J.	Pievsky	Wenger
DeVerter	Jones	Pistella	White
DeWeese	Kanuck	Pitts	Williams
DiCarlo	Klingaman	Polite	Wilson
Dietz	Knepper	Pott	Wilt
Dombrowski	Knight	Pratt	Wright, D.
Donatucci	Kolter	Pucciarelli	Wright, J. L.
Dorr	Kowalyshyn	Punt	Yahner
Duffy	Kukovich	Pyles	Yohn
Dumas	Lashinger	Rappaport	Zeller
Durham	Laughlin	Reed	Zitterman
Earley	Lehr	Rhodes	Zord
Fee	Letterman	Rieger	Zwinkl
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Levin	Rocks	Seltzer,
Foster, A.	Lewis	Rodgers	Speaker
Foster, W.	Livengood	Ryan	

NAYS—0

NOT VOTING—13

Austin	Grieco	Manmiller	Sirianni
Beloff	Hayes, D. S.	Piccola	Thomas
Brunner	Kernick	Richardson	Wagner
Dininni			

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

REMARKS ON VOTE

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

Mr. PICCOLA. Mr. Speaker, on the first Letterman amendment, A4401 to SB 915, I was out of my seat. Had I been in my seat, I would have voted in the affirmative.

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

On the question recurring,

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

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "improvements and inserting and imposing restrictions on such credit.

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) No railroad company shall be entitled to receive the credit established pursuant to this section unless and until such railroad company agrees, in writing, that whenever such railroad company abandons any portion of its right-of-way, the railroad company will, within five years of the date of the abandonment proceeding, remove or dispose of all railroad bridges which cross any stream or river along the abandoned right-of-way. Failure to remove such bridges shall result in the forfeiture of such credit and a repayment to the Commonwealth of all prior credits with interest at the statutory rate.

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, this is amendment A4400. I do not think it has been circulated either.

The one change that we made, at the recommendation of several members, was to add "or dispose of all railroad bridges", and also that these should be returned, any of them that they do not want, to the Commonwealth of Pennsylvania.

I understand that this is agreed to now.

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

Mr. DeVERTER. Mr. Speaker, we have not seen the amendment. Could we have a couple of seconds? The amendment has not been distributed, I am sorry.

LETTERMAN AMENDMENTS WITHDRAWN

The SPEAKER. In order to expedite the business of the day, the gentleman from Centre, Mr. Letterman, is withdrawing this amendment because it is a faulty amendment.

SB 915 AND AMENDMENTS
TABLED TEMPORARILY

The SPEAKER. To expedite the business, the Chair will lay SB 915 and the amendments on the table temporarily while we go on to other legislation.

The Chair recognizes the majority leader.

Mr. RYAN. I so move.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR BILL
ON THIRD CONSIDERATION, CONTINUED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed third consideration of **SB 702, PN 753**, entitled:

An Act regulating the practices of feature motion picture exhibitors and distributors or licensors and providing remedies for violations and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. THOMAS offered the following amendments:

Amend Sec. 4, page 4, line 23, by inserting before "Blind" (a) General prohibitions.—

Amend Sec. 4, page 4, by inserting between lines 29 and 30

(b) Attendance required.—No exhibitor may bid, negotiate or offer terms for the licensing or exhibition of a motion picture that has been trade screened unless the exhibitor or his agent personally attended the trade screening.

(c) Waiver.—The provisions of subsection (b) are subject to waiver by the distributor of the motion picture, upon notice of such waiver to the exhibitor prior to the trade screening.

On the question,

Will the House agree to the amendments?

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

Mr. THOMAS. I do not go to a lot of movies and I do not proclaim to be an expert in this field nor really the industry, but this bill purports to clean up movies or at least tell the consumer something about what they are going to see before they spend their dollar or buy their ticket to get in to see it.

Now if that is a thrust for the bill, then I think we need the amendment that I have prepared which says that when there is a screening of the particular movie, the proposed bidder must be there to see that screening. I have plenty of evidence that tells me that there are screenings after screenings after screenings and no one comes to see the movie. They buy it anyhow. And we really do not know what we are buying, if that is all we are doing. This amendment will take care of that. You must be there, if you are going to buy the movie, to see the screening so you have the personal evaluation of the thing.

Now, the second part of the amendment is the waiver. If in good faith you can prove to the screening committee that you absolutely could not attend the screening, then you still have the option to bid. That is all the amendment does.

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

Mr. BENNETT. SB 702 is finally before us for a final vote. I rise at this time in opposition to the amendment offered to SB 702 by Mr. Thomas.

Mr. Speaker, I do so for the following reasons: Mr. Thomas, in his opening remarks, indicated that he seldom went to movies and does not fully understand what the purpose of SB 702 is. He said in his remarks and in answer to them, he said, that this bill purports to tell the public what movies are going to be shown and this bill purports to protect the public. Mr. Speaker, I submit to you that the bill may well do that, but it does much more than that.

The SPEAKER. Will the gentleman please confine his remarks to the amendment?

Mr. BENNETT. The bill is an attempt, Mr. Speaker, to protect the theater owner as well as the public. Now, Mr. Thomas' amendment states that the theater owner must attend all screenings of every movie that is screened. Mr. Speaker, that is probably an impossibility in today's market.

Further, Mr. Speaker, the bill in itself states the purpose of it is to prohibit blind bidding. Mr. Speaker, it is my opinion and I would suggest to this House that Mr. Thomas' amendment is not valid, is not needed in the legislation and I would respectfully ask the members to oppose his amendment.

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

Mr. THOMAS. I respect my colleague who just spoke, but I must correct him. I did not say I did not understand the thrust of the bill. Quite to the contrary, I said if we are going to do what the bill purports to do, we need my amendment to really do it right. If we are going to protect our constituents from the excesses of Hollywood, we have got to make sure that our legislative intent is there. That is the reason for my amendment.

The amendment says that if we are going to call for a screening, make sure somebody knows what that screening is all about. It just really puts teeth in our legislative intent to get the job done right.

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

Mr. BENNETT. Certainly there was no intent upon my part to insinuate to Mr. Thomas that he did not understand the bill. I apologize to the gentleman if I inferred that.

I still feel, Mr. Speaker, that the amendment is unneeded and I would respectfully ask the members of this House to oppose it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Berson	Freind	Livengood	Spencer
Bittle	Gallen	Lynch, F.	Thomas
Bowser	Hasay	McClatchy	Wenger
Cohen	Helfrick	Pratt	Yohn
Clark, R.	Honaman	Rhodes	Zeller
DeVerter	Klingaman	Scirica	

NAYS—169

Alden	Foster, A.	Mackowski	Scheaffer
Anderson	Foster, W.	Madigan	Schmitt

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

NOT VOTING—10

Brunner	Kernick	Musto	Rieger
Grieco	Letterman	Richardson	Wagner
Hayes, D. S.	Micozzie		

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

REMARKS ON VOTE

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

Mr. RICHARDSON. Mr. Speaker, I was locked out on the last vote on the Thomas amendment A4309, and I would like to have my name added to an affirmative vote, please.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. RHODES offered the following amendments:

- Amend Sec. 4, page 4, line 23, by inserting before "Blind" (a)
- Amend Sec. 4, page 4, line 23, by inserting after "Commonwealth" except as provided for in subsection (b)
- Amend Sec. 4, page 4, by inserting between lines 29 and 30
- (b) If an exhibitor within the Commonwealth desires to

waive the provisions of this act for the purpose of blind bidding on a motion picture for exhibition where a distributor would otherwise violate the provisions of subsection (a), such exhibitor may waive, in writing, the provisions of this act and blind bid on such motion picture. The distributor in such circumstances shall have the right to request such written waiver from the exhibitor.

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

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

Mr. RHODES. Mr. Speaker, I ask for your kind attention to my amendment No. A4282. Mr. Speaker, let us deal with what is the basic fact of SB 702. What does SB 702 really do? It purports to be a blind-bidding prohibition piece of legislation, but it deals with a great many issues beyond blind bidding. My amendment addresses directly the issue of blind bidding in relation to motion picture production. I ask the attention of the House. I do go to a lot of movies and like movies. In fact, of all the things I do besides serving this House, I think I like going to the movies more than anything, except going home to my wife. Movies are an important part of our culture.

Let us discuss what we are talking about when we talk about an absolute prohibition on blind bidding. As you know, the cost of producing films is extremely high. Major stars can command million-dollar contracts; directors demand million-dollar contracts. The cost of promotion and distribution makes a simple film like Star Trek, which I am about to go to see tomorrow night, I hope, Friday night, cost more than \$40 million to produce. A practice has evolved in the production of films such that distributors of films have asked exhibitors, those who own theaters—and understand, exhibitors sometimes own hundreds of screens to exhibit films—to pay or bid, when the film is just in the earliest embryonic stages, on possible guarantees to make that film happen. Without these up-front costs, it is conceivable that films would not be produced.

Now what we are asking in the bill that I amend, the bill says now that under no circumstances shall there be this blind bidding. In other words, no exhibitor in Pennsylvania shall have the ability, if he so chooses, to tender a bid on a film until it is trade screened, until they actually see the film. Now I ask the membership of the House, in this day and age, when so many people are asking questions about government intrusion in business operations and the relationship between business and businessmen at various levels, I ask the House why are we about to enter into this contractual conflict between distributors of films and producers of films and say to those who want to exhibit films, under no circumstances, period, will you be allowed to bid on a film until you have seen it, even if you want to. We do not know what the effects of this absolute prohibition will be. We do not know what this will do in terms of the timeliness of exposing or exhibiting films in Pennsylvania. I have affidavit information from other states which have passed similar legislation which point to the fact that the effect has been devastating on some exhibitors in terms of the timeliness of films being exposed. There is a state such as South Carolina which has adopted the amendment I propose at this time, Mr. Speaker. The South Carolina statute on blind bidding

gives the exhibitor the option to waive the absolute prohibition if the exhibitor so chooses.

Mr. Speaker, my amendment is very simple. It says that if the exhibitor, the private business person, the individual company that owns the theaters chooses to blind bid on a film for whatever reason—they may want to get a film locked up so they can promote it well and make more money on it; maybe they do not have to see the film, maybe they have confidence in the director or the producer or the film company, or for whatever reason the exhibitor is willing to blind bid—my amendment gives him the right to do so.

Now, Mr. Speaker, I ask the membership, what is the compelling reason that says this legislation should be absolute so that no such exhibitor, no such theater owner in Pennsylvania shall have the right to waive this blind-bid prohibition?

Therefore, Mr. Speaker, I think the House should adopt this amendment, establish this option for the exhibitors, in the spirit that there is no compelling reason why we should establish this strict prohibition within SB 702. Thank you, Mr. Speaker.

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

Mr. BENNETT. Mr. Speaker, after that rather long dissertation on the merits of the amendment by my good friend and colleague, I would suggest to the members of this House that the amendment offered by Mr. Rhodes really is a “may” amendment wherein it says that they may or may not do it. I would further suggest, Mr. Speaker, to the members of this House, that if one little theater in Pittsburgh decides for some reason or other not to show that and not to screen that, the pressure would be put on many other theater owners in this Commonwealth also not to do it in some way, and before you know it, we do not have a blind bidding bill at all, and I would ask the members to oppose the amendment.

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

The following roll call was recorded:

YEAS—31

Barber	Duffy	Kukovich	Richardson
Beloff	Dumas	Levin	Scirica
Berson	Fisher, D. M.	Livengood	Spencer
Cappabianca	Gallen	Michlovic	Steighner
Cohen	Harper	Murphy	White
Cunningham	Hasay	O'Donnell	Yohn
Davies	Johnson, J.	Oliver	Zord
DeWeese	Jones	Rhodes	

NAYS—162

Alden	Gallagher	Madigan	Schmitt
Anderson	Gamble	Manderino	Schweder
Armstrong	Gannon	Manmiller	Serafini
Arty	Gatski	McCall	Seventy
Austin	Geesey	McClatchy	Shadding
Belardi	Geist	McIntyre	Shupnik
Bennett	George, C.	McKelvey	Sieminski
Bittle	George, M.	McMonagle	Sirianni
Borski	Giammarco	McVerry	Smith, E.
Bowser	Gladeck	Micozzie	Smith, L.

Brandt	Goebel	Milanovich	Spitz
Brown	Goodman	Miller	Stairs
Burd	Grabowski	Moehlmann	Stewart
Burns	Gray	Mowery	Street
Caltagirone	Greenfield	Mrkonic	Stuban
Cessar	Gruppo	Mullen, M. P.	Sweet
Chess	Halverson	Nahill	Swift
Cimini	Hayes, S. E.	Novak	Taddonio
Clark, B.	Helfrick	Noye	Taylor, E.
Clark, R.	Hoefel	O'Brien, B.	Taylor, F.
Cochran	Honaman	O'Brien, D.	Telek
Cole	Hutchinson, A.	Perzel	Thomas
Cornell	Hutchinson, W.	Peterson	Trello
Coslett	Irvis	Petrarca	Vroon
Cowell	Itkin	Piccola	Wachob
Dawida	Johnson, E.	Pievsky	Wargo
DeMedio	Kanuck	Pistella	Wass
DeVerter	Klingaman	Pitts	Weidner
DiCarlo	Knoepfer	Polite	Wenger
Dietz	Knight	Pott	Williams
Dininni	Kolter	Pucciarelli	Wilson
Dombrowski	Kowalyshyn	Punt	Wilt
Dorr	Lashingier	Pyles	Wright, D.
Durham	Laughlin	Rappaport	Wright, J. L.
Earley	Lehr	Reed	Yahner
Fee	Letterman	Ritter	Zeller
Fischer, R. R.	Levi	Rocks	Zitterman
Foster, A.	Lewis	Rodgers	Zwicl
Foster, W.	Lynch, E. R.	Ryan	
Freind	Lynch, F.	Salvatore	Seltzer,
Fryer	Mackowski	Scheaffer	Speaker

NOT VOTING—9

Brunner	Hayes, D. S.	Musto	Rieger
Donnatucci	Kernick	Pratt	Wagner
Grieco			

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. BERSON offered the following amendments:

Amend Bill, page 4, line 30, page 5, lines 1 through 30, page 6, lines 1 through 30, page 7, lines 1 through 18, by striking out all of said lines on said pages

Amend Sec. 10, page 7, line 19, by striking out "10." and inserting 5.

Amend Sec. 11, page 7, line 28, by striking out "11." and inserting 6.

Amend Sec. 12, page 8, line 4, by striking out "12." and inserting 7.

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, while this bill has been presented to this House as a blind bidding bill and similar to HB 1493 in the previous session, if you read this bill carefully, you will find out that it is much more expensive than that. This bill goes far beyond mere prohibition on blind bidding of motion pictures. The bill includes prohibitions on guarantees; it includes a prohibition on advance payments; it has provisions with respect to the length of the run, and it has rigid, ironbound provisions as to the bidding formula. This amendment that I am offering would take those provisions in this bill out of the bill and return

the bill to pretty much the form it was in when we passed it in the last session as HB 1493.

Leaving aside for the moment—and we will get to that when the bill is on final passage—the merits of blind bidding and the trade screening and all of that, it seems to me that there is no justification for us, even assuming we want to intervene in the bidding procedures for motion pictures, to say how the bidding is to be conducted, to tell a motion picture producer that he must extend credit to a motion picture exhibitor; in other words, that he cannot exact an advance from those exhibitors who he feels may be poor credit risks. It seems to me that it is wrong to say that the small motion picture exhibitor who will use a guarantee rather than a percentage of the gross to enable himself to get a crack at a first-run motion picture, that that cannot be done. To say that if the bids are rejected, the producer cannot negotiate then a normal business deal with an exhibitor — all of those things which are business practice in every kind of industry and business in this Commonwealth — to say that that cannot be done seems to me to go way beyond anything having to do with blind bidding and is an attempt by the motion picture exhibitors to have us regulate an entire industry for their benefit.

I suggest to you that that is not what we should be doing. These are two evenly matched economic powers — the exhibitors—and the four largest in the Philadelphia area control almost 300 theaters—and the producers of motion pictures. Why we should be involved in regulating that industry I do not know, but if we are, we should certainly not be involved in prescribing every detail of their business operations.

I would urge that you support this amendment.

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

Mr. BENNETT. Again I rise in opposition to the amendment, this amendment offered by Mr. Berson, and would suggest to the members of this body that we are indeed, perhaps, engaged in a struggle, but I would doubt that it is between two evenly matched giants of the industry. I would suggest to the members, Mr. Speaker, that if they ever read a blind-bid proposal—and I have several here in my hand—I am looking at a blind bid now, and it says, it is suggested that your bid on a particular picture will include at least the following terms: 12-week guarantee; 90 percent to the producer and 10 percent to the exhibitor; advertising to be paid by the exhibitor before he ever knows what the particular movie will be.

Mr. Speaker, I think it is an attempt to drastically reduce the powers of SB 702, and although, as my colleague has indicated, it does have further ramifications than did HB 1493, I would only suggest to the members of this body that since the passage of that legislation, the proponents of this legislation have done their homework and have found that they need additional coverage as to what they had in HB 1493.

Mr. Speaker, I would ask for a vote in opposition to Mr. Berson's amendment.

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

Mr. BERSON. Mr. Speaker, I just want to emphasize one

point. This amendment does not deal with those sections of the bill, either the first, second, third or fourth sections of this bill, which have to do with blind bidding. It does not touch them. It leaves them as they are. It does remove from the bill all of those sections which attempt to regulate advances, guarantees, bidding procedures, and all of the minute daily details of transacting the movie business, because I do not think we belong in such a business. I would ask your support.

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

Mr. ZITTERMAN. Mr. Speaker, after reviewing SB 702 and the Berson amendment, I sometimes agree that we tend to overstep our boundaries as legislators and try to take away from the right of free enterprise. I am going to support the Berson amendment, Mr. Speaker. Thank you very much.

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

The following roll call was recorded:

YEAS—65

Alden	Dumas	Michlovic	Salvatore
Barber	Earley	Micozzie	Scirica
Belardi	Fisher, D. M.	Moehlmann	Serafini
Berson	Gallen	Murphy	Shadding
Bittle	Gannon	Nahill	Spencer
Borski	George, C.	O'Donnell	Spitz
Cappabianca	Harper	Oliver	Steighner
Cessar	Helfrick	Perzel	Sweet
Chess	Hoefel	Pistella	Thomas
Cohen	Johnson, J.	Punt	Wachob
Cornell	Jones	Pyles	White
Cowell	Kukovich	Rhodes	Williams
Cunningham	Letterman	Richardson	Wright, D.
Davies	Livengood	Ritter	Yohn
DeWeese	Madigan	Rocks	Zitterman
Dininni	McKelvey	Ryan	Zord
Duffy			

NAYS—129

Anderson	Gamble	Lewis	Schmitt
Armstrong	Gatski	Lynch, E. R.	Schweder
Arty	Geesey	Lynch, F.	Seventy
Austin	Geist	Mackowski	Shupnik
Beloff	George, M.	Manderino	Sieminski
Bennett	Giammarco	Manmiller	Sirianni
Bowser	Gladeck	McCall	Smith, E.
Brandt	Goebel	McClatchy	Smith, L.
Brown	Goodman	McIntyre	Stairs
Burd	Grabowski	McMonagle	Stewart
Burns	Gray	McVerry	Street
Caltagirone	Greenfield	Milanovich	Stuban
Cimini	Gruppo	Miller	Swift
Clark, B.	Halverson	Mowery	Taddonio
Clark, R.	Hasay	Mrkonic	Taylor, E.
Cochran	Hayes, S. E.	Mullen, M. P.	Taylor, F.
Cole	Honaman	Novak	Telek
Coslett	Hutchinson, A.	Noye	Trello
Dawida	Hutchinson, W.	O'Brien, B.	Vroon
DeMedio	Irvis	O'Brien, D.	Wargo
DeVertter	Itkin	Peterson	Wass
DiCarlo	Johnson, F.	Petrarca	Weidner
Dietz	Kanuck	Piccola	Wenger
Dombrowski	Klingaman	Pievsky	Wilson
Dorr	Knepper	Pitts	Wilt
Durham	Knight	Polite	Wright, J. L.

Fee	Kolter	Pott	Yahner
Fischer, R. R.	Kowalysbyn	Pratt	Zeller
Foster, A.	Lashingier	Pucciarelli	Zwilk
Foster, W.	Laughlin	Rappaport	
Freind	Lehr	Reed	Seltzer,
Fryer	Levi	Rodgers	Speaker
Gallagher	Levin	Scheaffer	

NOT VOTING—8

Brunner	Grieco	Kernick	Rieger
Donatucci	Hayes, D. S.	Musto	Wagner

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. KUKOVICH offered the following amendment:

Amend Sec. 4, page 4, lines 23 through 29, by striking out all of said lines and inserting

Blind bidding is hereby prohibited within this Commonwealth, except as to those motion pictures which the licensing agreement shall provide that the exhibitor, at his option, may cancel the agreement within 48 hours after the picture has been trade screened or delivered, whichever is earlier, provided that the exhibitor has not entered into a separate licensing agreement for the same time period as the agreement sought to be cancelled.

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

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

Mr. KUKOVICH. Mr. Speaker, this amendment changes the section that deals with blind bidding to create one exception, and before I explain the exception, I would like to explain the reason behind the amendment.

I agreed substantially with the arguments that Mr. Berson made, that it is really none of state government's business to become involved in a bargaining conflict and dispute between the large exhibitors and the large producers. What this amendment attempts to do is try to induce the bargaining positions of those two. The amendment would prohibit blind bidding within the Commonwealth with one exception, and that exception would be that if there is a licensing agreement regarding that particular movie, the option would lie with the exhibitors who want this bill, who want blind bidding. If they wanted to take a picture without trade screening, they could take it blind and would still have the option to cancel the agreement within 48 hours after they received the film or if it had been trade screened at an earlier date. I think this is fair. Once again it leaves the option with the exhibitor.

What we are trying to do here is keep the free-enterprise bargaining system at work. Now I will agree that at this point in time, perhaps the large movie producers have a greater bargaining position. SB 702 will tip that balance. It will tip the balance in the other direction. This amendment is a very slight attempt at evening out those two positions, and I would appreciate your support.

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

Mr. BENNETT. I rise in opposition to the amendment offered by Mr. Kukovich and would suggest to the members of this body that this is a desperation move by the opponents of this legislation to send the bill back to the Senate with some kind of amendment that really is inconsequential.

The motion picture industry for years has told their people that they would bid on a movie blindly and say to them that there is no 48-hour cancellation. I think that what this is is some kind of move by those people to kill the legislation, and I would ask opposition to the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—36

Barber	Dumas	Livengood	Shadding
Berson	Gallen	Michlovic	Spencer
Cappabianca	George, C.	Murphy	Steighner
Chess	Grabowski	O'Donnell	Stewart
Cohen	Harper	Oliver	Sweet
DeWeese	Hoeffel	Pistella	Wachob
Dombrowski	Johnson, J.	Rhodes	White
Donatucci	Jones	Richardson	Williams
Duffy	Kukovich	Schmitt	Yohn

NAYS—157

Anderson	Freind	Lynch, F.	Salvatore
Armstrong	Fryer	Mackowski	Scheaffer
Arty	Gallagher	Madigan	Schweder
Austin	Gamble	Manderino	Seirica
Belardi	Gannon	Manmiller	Serafini
Beloff	Gatski	McCall	Seventy
Bennett	Geesey	McClatchy	Shupnik
Bittle	Geist	McIntyre	Sieminski
Borski	George, M.	McKelvey	Sirianni
Bowser	Giammarco	McMonagle	Smith, E.
Brandt	Gladeck	McVerry	Smith, L.
Brown	Goebel	Micozzie	Spitz
Burd	Goodman	Miller	Stairs
Burns	Gray	Moehlmann	Street
Caltagirone	Greenfield	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Swift
Cimini	Halverson	Mullen, M. P.	Taddonio
Clark, B.	Hasay	Nahill	Taylor, E.
Clark, R.	Hayes, S. E.	Novak	Taylor, F.
Cochran	Helfrick	Noye	Telek
Cole	Honaman	O'Brien, B.	Thomas
Cornell	Hutchinson, A.	O'Brien, D.	Trello
Coslett	Hutchinson, W.	Perzel	Vroon
Cowell	Irvic	Peterson	Wargo
Cunningham	Itkin	Petrarca	Wass
Davies	Johnson, E.	Piccola	Weidner
Dawida	Kanuck	Pievsky	Wenger
DeMedio	Klingaman	Pitts	Wilson
DeVerter	Knepper	Polite	Wilt
DiCarlo	Knight	Pott	Wright, D.
Dietz	Kolter	Pratt	Wright, J. L.
Dininni	Kowalyshyn	Pucciarelli	Yahner
Dorr	Lashinger	Punt	Zeller
Durham	Laughlin	Pyles	Zitterman
Earley	Lehr	Rappaport	Zord
Fec	Letterman	Reed	Zwinkl
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Levin	Rocks	Seltzer,
Foster, A.	Lewis	Rodgers	Speaker
Foster, W.	Lynch, E. R.	Ryan	

NOT VOTING—9

Alden	Hayes, D. S.	Milanovich	Rieger
Brunner	Kernick	Musto	Wagner
Grieco			

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

REMARKS ON VOTE

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

Mr. ALDEN. Mr. Speaker, I was out of my seat on the vote on the Kukovich amendment to SB 702. Had I been there, I would have voted in the negative.

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?

Does the gentleman from Philadelphia, Mr. Street, wish to debate the bill?

Mr. STREET. Yes; I do, Mr. Speaker.

Mr. Speaker, I have not been in the House of Representatives that long, and I must admit that I am somewhat fascinated and amazed that this House of Representatives can get involved in a dispute between some distributors of movies and some exhibitors.

I have not seen or read in this bill where it has anything to do with the interests of the general population of the State of Pennsylvania. What is happening here is that we have some exhibitors who are not satisfied with the policy of the distributors who put the blame on the manufacturers by saying that they have to draw up brochures, have people bid on movies prior to the movies even being made, sometimes 8, 9, 10 months in advance. That, in my opinion, is not the type of dispute that this House of Representatives should get involved in. If we establish a precedent of getting involved in this type of dispute, I ask you, what happens when the candy manufacturer says to the candy retailer, you have to put up 100 percent of the money 8 months in advance before we can deliver your Christmas candy, and the retailer says, well, I want to see my candy before I buy it, and then they come here and ask us to regulate or to legislate some legislation that will forbid the manufacturer of the candy from establishing a policy that will require the retailer to pay up the money in advance?

That is not the purpose of the House of Representatives and I would, at this time, move that this bill be recommitted or sent back to the Senate to find some, or be sent back to the Senate so that we can deal with the merits of the bill and not the merits or the purpose as to why we are here. I move that it be recommitted or sent somewhere.

The SPEAKER. Will the gentleman yield?

Mr. STREET. The gentleman will yield.

The SPEAKER. If the Chair could have the attention of the gentleman, Mr. Street, as I understand, the gentleman would like to make a motion to dispose of SB 702, other than to pass it finally today, Is that correct?

SB 702 RECOMMITTED TO COMMITTEE ON CONSUMER AFFAIRS

Mr. STREET. Mr. Speaker, I would make a motion that it be referred to the Consumer Affairs Committee.

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. Street, that SB 702 be recommitted to the Committee on Consumer Affairs. The question is on the motion. The Chair recognizes the gentleman from Berks, Mr. Gal- len.

Mr. GALLEN. Mr. Speaker, I support Mr. Street.

This is as bad a piece of legislation as I have seen—and he says he has only been here a short time. I have been here a long time—in an area that we are getting into that we should never be in, and I support the motion to recommit the bill.

PARLIAMENTARY INQUIRY

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

Mr. BENNETT. Mr. Speaker, I rise to a point of parliamen- tary inquiry.

The SPEAKER. The gentleman will state his point of parla- mentary inquiry.

Mr. BENNETT. Would the Speaker advise this body as to where the previous recommittal motion was made? I really do not know.

The SPEAKER. Is the question of Mr. Bennett as to where the motion to recommit SB 702 had been made at a prior date?

Mr. BENNETT. That is correct, Mr. Speaker.

The SPEAKER. The gentleman will yield. The Chair has been advised that the original motion of some prior date was to have it recommitted to the Committee on Judiciary.

Mr. BENNETT. Thank you, Mr. Speaker.

In debate on the motion to recommit, Mr. Speaker, I would suggest to the members of this body that the bill should not be recommitted, and if it is to be sent somewhere, it should be sent to the Governor for his signature, and I oppose recommitment.

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

Mr. YOHN. Mr. Speaker, I support the recommitment motion. It seems to me that Mr. Street has said far more eloquently than either I or any other member of the House could say it, what is exactly right in this situation.

Every one of us has stood up in front of an audience at home time and again and said that the governments of this United States are getting far too much involved in private enterprise and private business and this is a perfect example of that hap- pening. I think that we should recommit the bill. Thank you.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—103

Alden	Fischer, R. R.	Lynch, E. R.	Salvatore
Armstrong	Foster, W.	Mackowski	Scirica
Barber	Freind	Madigan	Serafini
Belardi	Gallen	McClatchy	Seventy
Berson	Gannon	McKelvey	Shadding
Bittle	Geesey	Michlovic	Sieminski
Borski	Geist	Micozzie	Smith, E.
Bowser	George, C.	Milanovich	Spencer
Brandt	George, M.	Miller	Spitz
Cappabianca	Gladeck	Mowery	Steighner
Chess	Grabowski	Murphy	Street
Cimini	Gruppo	O'Brien, D.	Swift
Cochran	Harper	O'Donnell	Taylor, E.
Cohen	Hasay	Oliver	Taylor, F.
Cornell	Hayes, S. E.	Perzel	Thomas
Coslett	Helfrick	Peterson	Wachob
Cunningham	Hoeffel	Pistella	Wagner
Davies	Honaman	Pitts	Wenger
DeWeese	Johnson, E.	Pucciarelli	White
Dietz	Johnson, J.	Rhodes	Williams
Dininni	Jones	Richardson	Wilt
Dombrowski	Kukovich	Rieger	Yohn
Donatucci	Lashinger	Ritter	Zitterman
Duffy	Letterman	Rocks	
Dumas	Levi	Rodgers	Seltzer,
Durham	Livengood	Ryan	Speaker
Earley			

NAYS—92

Anderson	Gamble	Manmiller	Schmitt
Arty	Gatski	McCall	Schweder
Austin	Giammarco	McIntyre	Shupnik
Bennett	Goebel	McMonagle	Sirianni
Brown	Goodman	McVerry	Smith, L.
Burd	Gray	Moehlmann	Stairs
Burns	Greenfield	Mrkonic	Stewart
Caltagirone	Hutchinson, A.	Mullen, M. P.	Stuban
Cessar	Hutchinson, W.	Nahill	Sweet
Clark, B.	Irvis	Novak	Taddonio
Clark, R.	Itkin	Noye	Telek
Cole	Kanuck	O'Brien, B.	Trello
Cowell	Klingaman	Petrarca	Vroon
Dawida	Knepper	Piccola	Wargo
DeMedio	Knight	Pievsky	Wass
DeVerte	Kolter	Polite	Weidner
DiCarlo	Kowalyszyn	Pott	Wilson
Dorr	Laughlin	Pratt	Wright, D.
Fee	Lehr	Punt	Wright, J. L.
Fisher, D. M.	Levin	Pyles	Yahner
Foster, A.	Lewis	Rappaport	Zeller
Fryer	Lynch, F.	Reed	Zord
Gallagher	Manderino	Scheaffer	Zwilk

NOT VOTING—7

Beloff	Grieco	Hayes, D. S.	Musto
Brunner	Halverson	Kernick	

The question was determined in the affirmative, and the mo- tion was agreed to.

The SPEAKER. The bill is so recommitted.

PARLIAMENTARY INQUIRY

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

Mr. BENNETT. Mr. Speaker, I rise to a point of parliamen- tary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BENNETT. Mr. Speaker, would I be within my rights, as a member of this body, to ask for a reconsideration on that vote?

The SPEAKER. The gentleman is not in order. There are no reconsideration motions accepted on procedural votes.

Mr. BENNETT. Thank you, Mr. Speaker.

The SPEAKER. In a further response, the gentleman can wait until the bill is rereported from the Committee on Consumer Affairs or, on an appropriate date within the rules of the House, submit a discharge resolution of said legislation to the committee.

Mr. BENNETT. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. GOEBEL. Mr. Speaker, I rise to a point of parliamentary inquiry.

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

Mr. GOEBEL. It seems to me and some of my colleagues in the back that we remember that a decision of a former Speaker was that there could only be one motion for a recommittal on a bill. Otherwise you could have 23 different motions after waiting to see if one of them would pass or fail. Is that decision not in effect anymore?

The SPEAKER. The gentleman is in error. The position of this Speaker and of other Speakers on motions that are for dilatory purposes is that they are not in order.

Mr. GOEBEL. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman, Mr. Bennett, rise?

Mr. BENNETT. Mr. Speaker, after due consideration of the Speaker's ruling, I appeal the decision of the Chair.

The SPEAKER. The Chair has not ruled. As the Chair understands the point of parliamentary inquiry raised by the gentleman from Mercer, Mr. Bennett, it is whether or not a motion is proper to reconsider the vote by which this House has recommitted a bill to committee. Is that correct?

Mr. BENNETT. That is correct, Mr. Speaker.

The SPEAKER. The Chair will now rule that it is not proper and the Chair cites from Mason's Manual, section 456, and the Chair reads, "Under the rules of parliamentary law, the procedural motions such as: to recess, to lay on the table, and to refer to committee are not subject to reconsideration."

For what purpose does the gentleman, Mr. Bennett, rise?

Mr. BENNETT. Mr. Speaker, I am attempting to listen with two ears to four people at the same time.

The SPEAKER. The Chair was the only one responding to the gentleman. He would suggest that he turn up his good ear here.

Mr. BENNETT. It is there, Mr. Speaker, now and has been. It is just that there were others who were interfering with my hearing the Speaker's ruling.

Mr. Speaker, if I understand what you said and heard what you said, it is the decision of the Chair that the ruling made by

the Chair is that a bill, in essence, could be recommitted and that I do not have an opportunity to ask for a vote on that recommittal. Am I correct?

The SPEAKER. The Chair has said that the gentleman, Mr. Bennett, does not have an opportunity to reconsider the vote by which this House rereferred SB 702 to the Committee on Consumer Affairs.

Mr. BENNETT. And that is the ruling of the Chair?

The SPEAKER. That is not only the ruling of this Speaker, it is the ruling of prior Speakers, and it has the parliamentary authority of this House to support it.

RULING OF THE CHAIR APPEALED

Mr. BENNETT. We are going to be here for awhile, Mr. Speaker, so I appeal that ruling.

The SPEAKER. The gentleman from Mercer, Mr. Bennett, appeals the ruling of the Chair. Will the member who seconds it, please announce his intentions to second it?

Mr. ZELLER. I second it, Mr. Speaker.

The SPEAKER. It is seconded by the gentleman from Lehigh, Mr. Zeller.

RULES SUSPENDED

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

Mr. BENNETT. I move that Rule 26 and Rule 78 be suspended for the purpose of my offering a reconsideration motion to the recommittal of SB 702.

Mr. Speaker, I know the hour is growing late. I know we all want to get out of here and go home. I know there is other legislation. Mr. Speaker, I ask the members of this body to support me in my motion to have this vote reconsidered.

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

Mr. STREET. Mr. Speaker, I would reiterate in reference to the motion and the exhibitors versus the distributors, the exhibitors, if we look at it, have the whole cart. All they need to do in the State of Pennsylvania, as exhibitors, is to organize themselves and take the appropriate action in reference to the distributors, and I would ask for a "no" vote on the reconsideration and on the suspension of the rules.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, on the motion to suspend the rules.

Mr. ZELLER. Mr. Speaker, I know you gave the gentleman a considerable amount of latitude which I would like to have myself.

The SPEAKER. The Chair did not give either of the speakers any latitude.

Mr. ZELLER. Well, I do not know whether it was by just the fact of longitude or latitude but it was given. Anyway, I would like to say this: If we are going to be fair to all members of this House, I think we should consider a reconsideration, because Mr. Street may want it later on himself. I think we should have the policy here that if it is legal to be allowed, we all should be given a reconsideration, and I do not think we should deny that to any member of this House.

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

Mr. GALLEN. On the motion, Mr. Sperker, I feel that the Speaker has made a ruling on this. I think that it would be wrong to suspend the rules at this point on this type of move by the gentleman from Mercer, and I urge the members to vote against the suspension of the rules and only those members in their seats vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, perhaps just to clarify first, there is no challenge to the Speaker's ruling on the floor of this House. There has been some confusion about that, but there is no one challenging any ruling on the part of the Speaker.

The question now before the House is whether or not a rule which prohibits any member from reconsidering a procedural vote shall be temporarily lifted. That is the question before the House, not a challenge of the Speaker's ruling as to whether he is right or wrong; only a question of whether that rule shall temporarily be lifted. If the House votes to lift that rule, then the representative will be able to offer a reconsideration motion, and that is the only thing that is before us. So let us not get confused; no one is challenging the Speaker at all. Those who wish to allow him to offer a motion to reconsider will vote to suspend the rules. Those who do not will vote "no." It is just that simple. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—111

Alden	Gallagher	Manderino	Rodgers
Armstrong	Gamble	Manmiller	Schweder
Arty	Gannon	McCall	Serafini
Austin	Gatski	McIntyre	Seventy
Belardi	Giammarco	McMonagle	Sieminski
Bennett	Goebel	McVerry	Smith, E.
Brandt	Gray	Milanovich	Smith, L.
Brown	Greenfield	Miller	Stairs
Burd	Gruppo	Moehlmann	Stewart
Burns	Hayes, S. E.	Mrkonic	Steghner
Caltagirone	Honaman	Mullen, M. P.	Swift
Cappabianca	Hutchinson, A.	Nahill	Taddonio
Cessar	Hutchinson, W.	Novak	Taylor, E.
Cimini	Itkin	Noye	Taylor, F.
Clark, B.	Kanuck	O'Brien, B.	Trello
Clark, R.	Klingaman	Perzel	Vroon
Cochran	Knepper	Peterson	Wargo
Coslett	Knight	Petrarca	Wass
Davies	Kolter	Pievsky	Weidner
Dawida	Kowalshyn	Pitts	Wenger
DiCarlo	Lashingner	Polite	Wilson
Dietz	Letterman	Pott	Wilt
Dorr	Levi	Pratt	Wright, D.
Duffy	Levin	Punt	Wright, J. L.
Fee	Lewis	Pyles	Zeller
Fisher, D. M.	Lynch, E. R.	Reed	Zitterman
Foster, W.	Lynch, F.	Ritter	Zwilk
Freind	Madigan	Rocks	

NAYS—83

Anderson	Foster, A.	Livengood	Scheaffer
Barber	Fryer	Mackowski	Schmitt

Berson	Gallen	McClatchy	Scirica
Bittle	Geesey	McKelvey	Shadding
Borski	Geist	Michlovic	Shupnik
Bowser	George, C.	Micozzie	Sirianni
Chess	George, M.	Mowery	Spencer
Cohen	Gladeck	Murphy	Spitz
Cole	Goodman	Musto	Street
Cornell	Grabowski	O'Brien, D.	Stuban
Cowell	Halverson	O'Donnell	Sweet
Cunningham	Harper	Oliver	Telek
DeVerter	Hasay	Piccola	Thomas
DeWeese	Helfrick	Pistella	Wachob
Dininni	Hoefel	Pucciarelli	Wagner
Dombrowski	Irvis	Rappaport	White
Donatucci	Johnson, J.	Rhodes	Williams
Dumas	Jones	Richardson	Yahner
Durham	Kukovich	Rieger	Yohn
Earley	Laughlin	Ryan	Zord
Fischer, R. R.	Lehr	Salvatore	

NOT VOTING—8

Beloff	Grieco	Johnson, E.	Seltzer,
Brunner	Hayes, D. S.	Kernick	Speaker
DeMedio			

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

REMARKS ON VOTE

The SPEAKER. It has been brought to the attention of the Chair that on the Bennett motion to suspend the rules today, being December 5, 1979, the Chair was negligent and did not vote. If the Chair had not been negligent and had been on the ball, he would have voted "no."

PARLIAMENTARY INQUIRY

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

Mr. SPITZ. I rise to a parliamentary inquiry.

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

Mr. SPITZ. Mr. Speaker, did I understand that the Speaker had cited a rule found in Mason's Manual, and thereafter a motion to suspend the rules of this House was made and that is the motion that passed?

The SPEAKER. In response to the gentleman, the motion was made to suspend Rule 26 of the House, which the Chair believes pertains to reconsideration of procedural motions, and also Rule 78, which suspends the parliamentary authority of this House, which the Chair had cited as prohibiting a reconsideration motion on procedural matters.

Mr. SPITZ. Mr. Speaker, one further parliamentary inquiry then. While we are in this state of temporarily having suspended whatever rules the Speaker indicates have been suspended, are the smokers of this House permitted to smoke?

The SPEAKER. The gentleman will be in order to be recognized at the proper time to suspend that rule.

RECONSIDERATION OF VOTE ON MOTION TO RECOMMIT SB 702

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

Mr. BENNETT. Mr. Speaker, I move that the vote by which the motion to recommit SB 702 to the Committee on Consumer Affairs, passed on the 5th day of December, be reconsidered.

The SPEAKER. The Chair recognizes the minority whip.

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

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—174

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

NAYS—21

Cohen	Grabowski	Murphy	Spencer
Cunningham	Harper	O'Donnell	Street
DeMedio	Hoeffel	Pistella	Sweet
DeWeese	Kukovich	Rhodes	Vroon
Fischer, R. R.	Miller	Richardson	Wachob
George, M.			

NOT VOTING—7

Brunner	Hayes, D. S.	Musto	Wagner
Grieco	Kernick	Schweder	

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

On the question recurring,

Will the House agree to the motion to recommit SB 702?

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

Mr. BENNETT. Mr. Speaker, it is 4 o'clock in the afternoon. It has been a long day. There is other stuff to do here yet today. I would ask the Chair not to call up this vote until next week.

The SPEAKER. A decision of whether or not to pass over a bill is not that of the Chair but of the majority of members of this House.

Mr. BENNETT. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Bennett, rise?

Mr. BENNETT. I move that the recommittal motion be tabled.

The SPEAKER. The gentleman is out of order.

The Chair would be so bold as to suggest that the gentleman move that SB 702 be placed on the final passage postponed calendar.

Mr. BENNETT. It is so moved, Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Street, wish to debate this motion?

Mr. STREET. No debate on the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—181

Alden	Gallagher	Madigan	Schweder
Anderson	Gamble	Manderino	Scirica
Armstrong	Gannon	Manmiller	Serafini
Arty	Gatski	McCall	Seventy
Austin	Geesey	McClatchy	Shadding
Barber	Geist	McIntyre	Shupnik
Belardi	George, C.	McKelvey	Sieminski
Beloff	George, M.	McMonagle	Sirianni
Bennett	Giammarco	McVerry	Smith, E.
Bittle	Gladeck	Michlovic	Smith, L.
Borski	Goebel	Micozzie	Spencer
Bowser	Goodman	Miller	Spitz
Brandt	Gray	Mowery	Stairs
Brown	Greenfield	Mrkonic	Steighner
Burd	Gruppo	Mullen, M. P.	Stewart
Burns	Halverson	Murphy	Street
Caltagirone	Harper	Nahill	Stuban
Cessar	Hasay	Novak	Sweet
Cimini	Hayes, S. E.	Noye	Swift
Clark, B.	Helfrick	O'Brien, B.	Taddonio
Clark, R.	Hoeffel	O'Brien, D.	Taylor, E.
Cochran	Honaman	O'Donnell	Taylor, F.
Cohen	Hutchinson, A.	Oliver	Telek
Cole	Hutchinson, W.	Perzel	Thomas
Cornell	Irvis	Peterson	Trello
Coslett	Itkin	Petrarca	Vroon
Cowell	Johnson, E.	Piccola	Wachob
Davies	Johnson, J.	Pievsky	Wargo
Dawida	Jones	Pistella	Wass
DeMedio	Kanuck	Pitts	Weidner
DeVerter	Klingaman	Polite	Wenger
DiCarlo	Knepper	Pott	White
Dietz	Knight	Pratt	Williams
Dininni	Kolter	Pucciarelli	Wilson

Dombrowski	Kowalyszyn	Punt	Wilt
Dorr	Lashinger	Pyles	Wright, J. L.
Duffy	Laughlin	Rappaport	Yahner
Dumas	Lehr	Reed	Yohn
Durham	Letterman	Rhodes	Zeller
Earley	Levi	Richardson	Zitterman
Fee	Levin	Ritter	Zord
Fisher, D. M.	Lewis	Rocks	Zwikl
Foster, A.	Livengood	Rodgers	
Foster, W.	Lynch, E. R.	Ryan	Seltzer,
Freind	Lynch, F.	Salvatore	Speaker
Fryer	Mackowski	Scheaffer	

NAYS—12

Berson	Cunningham	Grabowski	Milanovich
Cappabianca	Fischer, R. R.	Kukovich	Schmitt
Chess	Gallen	Moehmann	Wright, D.

NOT VOTING—9

Brunner	Grieco	Kernick	Rieger
DeWeese	Hayes, D. S.	Musto	Wagner
Donatucci			

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. SCIRICA presented the Report of the Committee of Conference on **HB 830, PN 2629**.

The SPEAKER. The report will appear on the supplemental calendar.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1219, PN 2630 (Amended) By Mr. LEHR (Unanimous)

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the sale of miniature bottles of liquor at Pennsylvania liquor stores.

Liquor Control.

HB 1527, PN 2631 (Amended) By Mr. LEHR (Unanimous)

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for penalties for out-of-state manufacturers of malt or brewed beverages and making editorial changes.

Liquor Control.

HB 1528, PN 2632 (Amended) By Mr. LEHR (Unanimous)

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further regulating distributing rights for malt and brewed beverages and providing remedies and penalties.

Liquor Control.

HB 1843, PN 2269 (Unanimous) By Mr. BITTLE

An Act designating Stony Creek as a component of the Penn-

sylvania Wild and Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

Conservation.

SB 518, PN 1426 (Amended) By Mr. LEHR

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," permitting minors to enter licensed premises for social purposes under certain conditions.

Liquor Control.

SENATE RESOLUTION REPORTED FROM COMMITTEE

SB 222 (Concurrent) By Mr. RYAN

The Governor direct the Attorney General to petition the United States District Court to vacate the consent degree of August 29, 1978 in order that the matter may be litigated and to provide time for further study in order that a determination may be made as to the necessity of the development of an inspection maintenance program in light of the aforementioned changed circumstances.

Rules.

BILL REREPORTED FROM COMMITTEE

SB 449, PN 1430 (Amended) By Mr. R. R. FISCHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for residency of school employees.

Rereported from Committee on Education.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 1261, PN 1871**, and has appointed Mr. STAPLETON, Mrs. REIBMAN and Mr. 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 1261, PN 1871**, 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 1261, PN 1871**: Messrs. WILT, GALLEN and BENNETT.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 825, PN 1275, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," further providing for change of interest on loans for property repair, alteration and improvement and loans secured by chattel paper; providing that delinquency charges be increased, that the charge on inactive accounts be increased, that the percentage of assets which may be invested in housing for the aging be increased, providing for further delegation of powers by directors and further defining maximum interest rate.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

Table listing names of members who voted 'YEAS' for SB 825, PN 1275. Includes names like Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Beloff, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, Davies, Dawida, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Dumas, Durham, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geese, Geist, George, C., George, M., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Gray, Greenfield, Gruppo, Halverson, Harper, Hasay, Hayes, S. E., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, E., Johnson, J., Jones, Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalshyn, Kukovich, Rappaport, Reed, Rhodes, Richardson, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Stewart, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Weidner, Wenger, White, Williams, Wilson, Wilt, Wright, D., Wright, J. L., Yahner, Yohn, Zeller, Zitterman, Zord.

Table listing names of members who voted 'NAYS' for SB 825, PN 1275. Includes names like Earley, Fee, Fischer, R. R., Fisher, D. M., Letterman, Levi, Levin, Lewis, Ritter, Rocks, Rodgers, Ryan, Zwikl, Seltzer, Speaker.

NAYS—0

NOT VOTING—8

Table listing names of members who did not vote for SB 825, PN 1275. Includes names like Brunner, Grieco, Hayes, D. S., Kernick, Madigan, Moehlmann, Rieger, Wagner.

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

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

The House proceeded to third consideration of SB 826, PN 1320, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for real estate loans, mobile home financing and subordinate securities.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

Table listing names of members who voted 'YEAS' for SB 826, PN 1320. Includes names like Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Gamble, Gatski, Geese, Geist, George, C., George, M., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Gray, Greenfield, Gruppo, Harper, Hasay, Hayes, S. E., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McIntyre, McKelvey, McMonagle, McVerry, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, M. P., Murphy, Musto, Nahill, Novak, Noye, O'Brien, B., O'Brien, D., O'Donnell, Oliver, Perzel, Peterson, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E., Smith, L., Spitz, Stairs, Steighner, Stewart, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Weidner, Wenger, White, Williams, Wilson, Wilt, Wright, D., Wright, J. L., Yahner, Yohn, Zeller, Zitterman, Zord.

Cunningham	Itkin	Petrarca	Wargo
Davies	Johnson, E.	Piccola	Wass
Dawida	Kanuck	Pievsky	Weidner
DeMedio	Klingaman	Pistella	Wenger
DeVerter	Knepfer	Pitts	White
DeWeese	Knight	Polite	Williams
DiCarlo	Kolter	Pott	Wilson
Dietz	Kowalshyn	Pratt	Wilt
Diminni	Kukovich	Pucciarelli	Wright, D.
Dombrowski	Lashinger	Punt	Wright, J. L.
Donatucci	Laughlin	Pyles	Yahner
Dorr	Lehr	Rappaport	Yohn
Duffy	Letterman	Reed	Zeller
Dumas	Levi	Rhodes	Zitterman
Durham	Levin	Richardson	Zord
Earley	Lewis	Ritter	Zwinkl
Fee	Livengood	Rocks	
Fischer, R. R.	Lynch, E. R.	Rodgers	Seltzer,
Fisher, D. M.	Lynch, F.	Ryan	Speaker

NAYS—2

Halverson	Spencer
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NOT VOTING—10

Beloff	Grieco	Jones	Rieger
Brunner	Hayes, D. S.	Kernick	Wagner
Gannon	Johnson, J.		

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.

**SUPPLEMENTAL CALENDAR
REPORT OF COMMITTEE OF CONFERENCE
CONSIDERED**

Mr. SCIRICA called up for consideration the following Report of the Committee of Conference on **HB 830, PN 2629**:

Prior Printer's Nos. 903, 1592, 1883, 2373, 2457, 2523
Printer's No. 2629

Report of the Committee of Conference
on House Bill No. 830

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 830, entitled: "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probation AND FOR CRIMINAL HISTORY RECORDS."

respectfully submit the following bill as our report:

ANTHONY J. SCIRICA
MARVIN E. MILLER
NORMAN S. BERSON

(Committee on the part of the House of Representatives.)

W. LOUIS COPPERSMITH
VINCENT J. FUMO
W. THOMAS ANDREWS

(Committee on the part of the Senate.)

An Act

amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probation and for criminal history records.

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

Section 1. Subsection (c) of section 1354 of Title 18, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:
§ 1354. Order of probation.

(c) Specific conditions.—The court may as a condition of its order require the defendant:

- (1) To meet his family responsibilities.
- (2) To devote himself to a specific occupation or employment.

(2.1) To participate in a public or nonprofit community service program unless the defendant was convicted of murder, rape, aggravated assault, arson, theft by extortion, terroristic threats, robbery or kidnapping.

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose.

(4) To pursue a prescribed secular course of study or vocational training.

(5) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.

(7) To have in his possession no firearm or other dangerous weapon unless granted written permission.

(8) To make restitution of the fruits of his crime or to make reparations, in an amount he can afford to pay, for the loss or damage caused thereby.

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment.

(10) To report as directed to the court or the probation officer and to permit the probation officer to visit his home.

(11) To pay such fine as has been imposed.

(12) To participate in drug or alcohol treatment programs.

(13) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

Section 2. The definitions of "criminal history record information" and "secondary dissemination" in section 9102 of Title 18, added July 16, 1979 (No. 47), are amended and definitions are added to read:

§ 9102. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Automated systems." A computer or other internally programmed device capable of automatically accepting and processing data, including computer programs, data communication links, input and output data and data storage devices.

"Criminal history record information." Information collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrests, [detentions,] indictments, informations or other formal criminal charges and any dispositions arising therefrom. The term does not include intelligence information, investigative information or treatment information, including medical and psychological information, or information and records specified in section 9104 (relating to scope).

"Intelligence information." Information concerning the

habits, practices, characteristics, history, possessions, associations or financial status of any individual.

“Investigative information.” Information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information.

* * *

“Secondary dissemination.” The subsequent transmission or disclosure of criminal history record information received from a repository or confirmation of the existence or nonexistence of criminal history record information received from a repository.]

“Treatment information.” Information concerning medical, psychiatric, psychological or other rehabilitative treatment provided, suggested or prescribed for any individual.

Section 3. Sections 9104(d), (e) and (f), 9106, 9112(b), 9121, 9123(a), 9124(b), 9125(b) and 9182 of Title 18, added July 16, 1979 (No. 47), are amended to read:

§ 9104. Scope.

* * *

(d) Cases in progress.—Nothing in this chapter must be interpreted to limit the disclosure by the arresting authority, a court, or other criminal justice agency having legal jurisdiction over the individual to any individual or agency of the current status of an individual involved in a criminal case in progress or for which an individual is currently in the criminal justice system so long as such information is disseminated no more than 180 days from the occurrence of any final official action by or final release from the supervision, custody or jurisdiction of that agency.

(e) (d) Certain disclosures authorized.—Nothing in this chapter shall prohibit a criminal justice agency from disclosing an individual's prior criminal activity to an individual or agency if the information disclosed is based on records set forth in subsection (a).

(f) (e) Noncriminal justice agencies.—Information collected by noncriminal justice agencies and individuals from the sources identified in this section shall not be considered criminal history record information.

§ 9106. Prohibited information.

[The following kinds of information shall not be collected in the central repository nor in any automated or electronic criminal justice information system:

- (1) Intelligence information.
- (2) Investigative information.
- (3) Treatment information, including but not limited to medical or psychological information.]

Intelligence information, investigative information and treatment information shall not be collected in the central repository nor in any automated or electronic criminal justice information system. This prohibition shall not preclude the collection in the central repository or in any automated or electronic criminal justice information system of names, words, numbers, phrases or other similar index keys to serve as indices to investigative reports.

§ 9112. Mandatory fingerprinting.

* * *

(b) [Retail theft] Other cases.—Where private complaints for a felony or misdemeanor result in a conviction or where persons are proceeded against by a summons, or for offenses under section 3929 (relating to retail theft), the [issuing authority] court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the State Police. Fingerprints so obtained shall be forwarded immediately to the central repository.

* * *

§ 9121. General regulations.

[(a) Promulgation of dissemination regulations.—The Attorney General shall establish, in accordance with the provisions of the Commonwealth Documents Law, regulations concerning the dissemination of criminal history record information which shall distinguish between conviction and nonconviction data.]

(a) Dissemination to criminal justice agencies.—Criminal history record information maintained by any criminal justice agency shall be disseminated to any criminal justice agency or a noncriminal justice agency that is providing a service for which a criminal justice agency is responsible.

(b) Dissemination to noncriminal justice agencies.—Criminal history record information shall only be disseminated by a law enforcement agency to any individual or agency other than a criminal justice agency upon request:

(1) A fee may be charged by a law enforcement agency for each request for the criminal history record information by an individual or agency other than a criminal justice agency.

(2) Before a law enforcement agency disseminates criminal history record information to an individual or agency other than a criminal justice agency, it shall extract from the record all notations of arrests, indictments or other information relating to the initiation of criminal proceedings where there is a disposition of acquittal, charges are dismissed or withdrawn, a nolle prosequi is entered, the proceedings are indefinitely postponed or the individual is otherwise not found guilty of committing an alleged criminal act where three years have elapsed from the time of arrest and no proceedings are pending seeking conviction or where the conviction has occurred.

[(b) (c) Data required to be kept.—Any criminal justice agency which disseminates criminal history record information must indicate to the recipient that the information disseminated is only that information contained in its own file, the date of the last entry, and that a summary of the Statewide criminal history record information may be obtained from the central repository.

[(c) Secondary dissemination.—Except during joint criminal investigations, no secondary dissemination of criminal history record information is permitted except as provided for by this chapter.]

(d) Extracting from the record.—When criminal history record information is maintained by a criminal justice agency in records containing investigative information, intelligence information, treatment information or other nonpublic information, the agency may extract and disseminate only the criminal history record information if the dissemination is to be made to a noncriminal justice agency or individual.

(d) Duplication.—No duplication of criminal history record information by any criminal justice agency except for its own internal use, or by any individual receiving criminal history record information, is permitted.

(e) Return or destruction of information.—All noncriminal justice agencies or individuals or agencies receiving criminal history record information must return to the disseminating agency or destroy, in accordance with an agreement with the repository, all such information received upon completion of the specific purpose for which criminal history record information was received. Such information shall not be permanently incorporated into the files or records of the agency or individual receiving it.]

(e) Dissemination procedures.—Criminal justice agencies may establish reasonable procedures for the dissemination of

criminal history record information.

(f) Notations on record.—Repositories must enter as a permanent part of an individual's criminal history record information file, a listing of all persons and agencies to whom they have disseminated that particular criminal history record information and the date and purpose for which the information was disseminated. Such listing shall be maintained separate from the record itself.

[(g) Noncriminal justice officials, etc.—Any noncriminal justice official, agency or organization requesting criminal history record information prior to receipt of any such criminal history record information, must sign a contract with the repository from which it is seeking criminal history record information, agreeing to abide by the provisions of this chapter. Any such noncriminal justice official, agency or organization entering into such a contract with a repository is bound by and subject to the provisions of this chapter.

(h) Prohibition on incorporation of records.—Except as otherwise provided in this chapter, no criminal history record information acquired from repositories other than the central repository shall be permanently incorporated into the files or records of the criminal justice agency or individual and must be destroyed upon completion of the specific purpose for which such information was received.]

§ 9123. Juvenile records.

(a) Expungement of juvenile records.—Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except upon cause shown, expungement of records of juvenile delinquency cases wherever kept or retained shall occur after ten days notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

(1) a complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court other than as a result of an informal adjustment;

(2) five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or

(3) the individual is 21 years of age or older and a court orders the expungement.

§ 9124. Use of records by licensing agencies.

(b) Prohibited use of information.—The following information shall not be used in consideration of an application for a license, certificate, registration or permit:

(1) Records of arrest if there is no conviction of a crime based on the arrest.

(2) Convictions which have been annulled or expunged.

(3) Convictions of a summary offense.

(4) [Information that] Convictions for which the individual has received a pardon from the Governor.

(5) Convictions which do not relate to the applicant's suitability for the license, certificate, registration or permit.

§ 9125. Use of records for employment.

(b) Use of information.—[Convictions for felonies, as well as misdemeanor convictions and arrests for offenses, which relate to the applicant's suitability for employment in the position for which he has applied may be considered by the employer. Misdemeanor convictions and arrests for offenses which do not] Arrests and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied [shall not be considered by the employer].

[§ 9182. Criminal penalties.

A person employed by a government agency commits a misdemeanor of the third degree if such person:

(1) knowingly requests, obtains or seeks to obtain criminal history record information in violation of this chapter; or

(2) disseminates, maintains or uses criminal history record information knowing such dissemination, maintenance or use to be in violation of this chapter.]

Section 4. (a) The provisions of 18 Pa.C.S. § 9122(a)(1) (relating to expungement) shall not be applicable to criminal proceedings initiated or completed prior to the effective date of this amendatory act unless requested by an individual as provided in 18 Pa.C.S. Ch. 91 Subch. F (relating to individual right of access and review).

(b) The provisions of 18 Pa.C.S. § 9152(d)(3) and (4) (relating to procedure) shall only apply to criminal history record information disseminated after the effective date of this amendatory act.

Section 5. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

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

Mr. SCIRICA. I would like to have the opportunity to explain what the conference committee did with this bill because it involves some important and complicated issues. To begin with, this is an amendment to Act 47 of 1979 that passed this House of Representatives on the final day of the legislative session when the Senate made certain amendments and sent it to us on concurrence.

Last June we attached a rider to another bill that delayed the effective date of Act 47 which was about to go into effect on July 1 for a period of 6 months. So that if we do absolutely nothing today—and it is my understanding that today is the last day that the Senate is going to be in—the original Act 47 will go into effect on January 1. In effect, we find ourselves in exactly the same situation that we did on the last day of the previous session.

Act 47, the Criminal History Record Information Act, is an attempt to balance three interests in the area of criminal history information: the interest of privacy; the interest of open access — public access to criminal history records; and the legitimate interest in law enforcement in having records that they can use for investigative and other purposes.

The Senate amended this language into Mr. Miller's bill that has absolutely nothing to do with criminal history record information, HB 830. They passed it late on Monday. We nonconcurred yesterday and had a hastily called conference committee this morning, and what you have before you is the result of that conference committee. Insofar as was possible, we attempted to balance those three interests.

The major part of this particular conference report is found on page 6 and it deals with the dissemination of criminal history record information. Criminal history record information is defined as wrap-sheet information, that is, information regarding a person's arrest and disposition, including conviction, sentence, probation, and so forth and so on. Under the bill, control of that information is placed in a state repository which is under the control of the State Police.

The Senate version that passed on Monday gave free and open access to anyone in the public to all criminal history record information regardless of whether or not it had conviction

data or only concerned arrest data where no disposition was made. The conference report continues to allow public access to all criminal history record information where a conviction has been obtained where a disposition is noted on the records only upon payment of the fee. That means the newspapers would have access to it; any private citizen would have access to it; banks, insurance companies, and so forth. It restricts access to the public of information that contains only arrest data after a period of 3 years after the person has been arrested. And that was the compromise that was reached in the conference committee this morning in an attempt to balance those competing interests of privacy with the right to know.

On all other information there is absolutely no restriction between criminal justice agencies on arrest data; that can still be transferred freely between all criminal justice agencies; but there is a restriction on public access after a period of 3 years to arrest data.

One of the problems, Mr. Speaker, in allowing Act 47 to go into effect without doing anything today, is found on page 7 of that act in some language that got through last year that prohibits duplication of criminal history record information by any criminal justice agency except for its own internal use. And many courts and district attorneys across the Commonwealth have interpreted that to mean that they cannot pass information of this kind between themselves, that is, between a district attorney, a probation office and a court even within their own county. Since there are criminal penalties attached to the dissemination of this information, many individuals felt that they could not do that and that was one of the reasons why we delayed the effective date of this act for 6 months, to try to work out that problem. That problem has been met. But I think that everybody should understand exactly what they are voting on with respect to the access to these records, because the original bill did not legislatively define who had access to the criminal history information. It gave that authority to the attorney general, and he had promulgated regulations which did not go into effect because we suspended the effective date of the act.

Mr. Berson has also been involved in this issue for some time, and if there are any questions, I am sure that both he and I would be happy to try to answer them for you.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—183

Alden	Foster, A.	Lewis	Schweder
Anderson	Foster, W.	Livengood	Scirica
Armstrong	Freind	Lynch, E. R.	Serafini
Arty	Fryer	Mackowski	Seventy
Austin	Gallagher	Madigan	Shadding
Barber	Gallen	Manderino	Shupnik
Belardi	Gamble	Manmiller	Sieminski
Beloff	Gannon	McCall	Sirianni
Bennett	Gatski	McClatchy	Smith, E.
Berson	Geesey	McIntyre	Smith, L.
Bittle	Geist	McKelvey	Spencer
Borski	George, M.	McMonagle	Spitz

Bowser	Giammarco	McVerry	Stairs
Brandt	Gladeck	Michlovic	Steighner
Brown	Goebel	Milanovich	Stewart
Burd	Goodman	Miller	Street
Burns	Grabowski	Mochlmann	Stuban
Caltagirone	Gray	Mowery	Sweet
Cappabianca	Greenfield	Mrkonic	Swift
Cessar	Gruppo	Mullen, M. P.	Taddonio
Chess	Halverson	Murphy	Taylor, E.
Cimini	Harper	Musto	Taylor, F.
Clark, B.	Hasay	Novak	Telek
Clark, R.	Hayes, S. E.	Noye	Thomas
Cochran	Helfrick	O'Brien, D.	Trello
Cohen	Hoeffel	O'Donnell	Vroon
Cole	Honaman	Perzel	Wagner
Coslett	Hutchinson, A.	Peterson	Wargo
Cowell	Hutchinson, W.	Petrarca	Wass
Cunningham	Irvic	Pievsky	Weidner
Davies	Itkin	Pistella	Wenger
Dawida	Johnson, E.	Pitts	White
DeMedio	Johnson, J.	Polite	Williams
DeVertter	Jones	Pratt	Wilson
DeWeese	Kanuck	Pucciarelli	Wilt
DiCarlo	Klingaman	Punt	Wright, D.
Dietz	Knight	Rappaport	Wright, J. L.
Dininni	Kolter	Reed	Yahner
Dombrowski	Kowalyshyn	Rhodes	Yohn
Dorr	Kukovich	Richardson	Zeller
Duffy	Lashinger	Ritter	Zitterman
Dumas	Laughlin	Rocks	Zord
Durham	Lehr	Rodgers	Zwickl
Earley	Letterman	Ryan	
Fee	Levi	Salvatore	Seltzer,
Fischer, R. R.	Levin	Scheaffer	Speaker
Fisher, D. M.			

NAYS—4

Knepper	Piccola	Pott	Wachob
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NOT VOTING—15

Brunner	Grieco	Micozzie	Pyles
Cornell	Hayes, D. S.	Nahill	Rieger
Donatucci	Kernick	O'Brien, B	Schmitt
George, C.	Lynch, F.	Oliver	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

SENATE RESOLUTION CONCURRED IN

Mr. RYAN called up SR 222, entitled:

Urging Governor direct Attorney General petition U. S. District Court vacate consent decree and further study emission inspection program in Philadelphia and southwest Pennsylvania.

On the question,

Will the House concur in the resolution of the Senate?

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

Mr. RITTER. Mr. Speaker, certainly I am in support of the resolution. I wanted to point out to you—and perhaps we could put it on record for legislative intent—that where they list the counties that are involved with the consent decree, the Senate

apparently missed four counties, and they would be the counties of Lackawanna, Luzerne, Lehigh and Northampton. And while the resolve clause simply asks to have the consent decree vacated, since those four counties were not mentioned in the body of the resolution, I would like to at least put them on record and ask, Mr. Speaker, that we support SR 222.

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

Mr. A. K. HUTCHINSON. I had a resolution in, HR 130, to do practically the same thing, but this bill goes a little bit further. I would like everybody to vote for this resolution because it costs the people in some parts of Pennsylvania a lot of money to have their equipment tested. Thank you very much.

On the question recurring,
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—12

Bittle	Donatucci	Kernick	Rieger
Brunner	Grieco	O'Brien, B.	Ryan
Cornell	Hayes, D. S.	Richardson	Scirica

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I do not think it is terribly important to the outcome of the vote, but Mr. Scirica and I neglected to vote "yes" on that vote to SR 222.

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

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

Mr. RICHARDSON. Mr. Speaker, I was out of my seat when SR 222 was voted on. I would like to be recorded in the affirmative, please.

QUESTION OF INFORMATION

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

Mr. DiCARLO. Mr. Speaker, I have been trying to follow the calendar and determine what bills are going to be called. I am just wondering if the Speaker is going to call up HB 118, which is on concurrence in Senate amendments?

The SPEAKER. In response to the gentleman's question, it is the intention of the Chair to take up on concurrence HB 118.

Mr. DiCARLO. Thank you, Mr. Speaker.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

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

HB 1108, PN 2578.

The SPEAKER. The bill will appear on the supplemental calendar.

SUPPLEMENTAL CALENDAR

AMENDED HOUSE BILL CONCURRENCE CONSIDERED

The Senate returned HB 1108, PN 2578, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested.

On the question,
Will the House concur in the Senate amendment?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Senate passed HB 1108 with a unanimous vote, having made one amendment, and that was to lines 16 and 17 on page 1 of the bill. It is simply a title change in the bill. Other than that, there were no substantive changes in the bill.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, before voting on this, I would like to make a call to our legal staff. I frankly think that what Mr. Ryan is saying is correct, but I see on pages 2 and 3 of the bill some brackets that are there and I am not sure that those were put in here or over in the Senate. The first paragraph on page 3 has been bracketed out. That may be our amendments and probably are.

I would like to compare this printer's number to the last printer's number before voting on it, Mr. Speaker. It will probably just take a few minutes. Maybe you can go on to something else.

HB 1108 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, could we then temporarily pass over HB 1108 and move on to the other concurrence?

Are the minority—and I think Mr. DiCarlo was looking after this one—prepared to vote on concurrence in HB 118?

The SPEAKER. Without objection, the Chair will pass over concurrence in Senate amendments to HB 1108, temporarily.

CALENDAR

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 118, PN 2394**, 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. 130, 2221 Printer's No. 2394

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 118

Session of 1979

INTRODUCED BY MESSRS. J. L. WRIGHT, JR., WEIDNER, SWEET, BURNS, R. R. FISCHER, ITKIN, PETERSON AND MRS. ARTY, FEBRUARY 6, 1979.

AS AMENDED, ON THIRD CONSIDERATION, IN SENATE, OCTOBER 30, 1979.

An Act

~~Amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," requiring the issuance of certified birth certificates.~~

AMENDING THE ACT OF JULY 19, 1979 (NO. 48), ENTITLED "AN ACT RELATING TO HEALTH CARE; PRESCRIBING THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH; ESTABLISHING AND PROVIDING THE POWERS AND DUTIES OF THE STATE HEALTH COORDINATING COUNCIL, HEALTH SYSTEMS AGENCIES AND HEALTH CARE POLICY BOARD IN THE DEPARTMENT OF HEALTH, AND STATE HEALTH FACILITY HEARING BOARD IN THE DEPARTMENT OF JUSTICE; PROVIDING FOR CERTIFICATION OF NEED OF HEALTH CARE PROVIDERS AND PRESCRIBING PENALTIES," CHANGING THE EFFECTIVE DATE OF THE IMPLEMENTATION OF CERTAIN REVIEWS.

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

~~Section 1. Section 401, act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," is amended to read:~~

~~Section 401. Birth Registration: General Provisions.—A certificate of each birth occurring in this Commonwealth shall be filed with the local registrar of the district in which the birth occurs within a period prescribed by regulations of the Advisory Health Board. The certificate shall be prepared, signed and filed by the attending physician or licensed midwife, except that when there is no attending physician or licensed midwife the certificate shall be prepared, signed and filed (1) by the father, or (2) in the event of his death, disability or absence, by the mother, or (3) in the event of her death or disability, by the householder of the premises or superintendent of the institution in which the birth occurs, or (4) in the event of the absence or disability of all persons heretofore named, then by such person acquainted with the facts as the local registrar shall designate. On receipt of the certificate, the bureau shall issue a certified copy of the birth certificate to the parents or parent of the child.~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. SECTION SECTIONS 901 AND 906, ACT OF JULY 19, 1979 (NO. 48), KNOWN AS THE "HEALTH CARE FACILITIES ACT," IS AMENDED TO READ:

SECTION 901. CERTIFICATES FOR EXISTING FACILITIES AND INSTITUTIONS.

ALL HEALTH CARE PROVIDERS OPERATING A HEALTH CARE FACILITY SHALL BE ISSUED FORTHWITH A CERTIFICATE OF NEED BY THE DEPARTMENT TO ALL BUILDINGS, REAL PROPERTY AND EQUIPMENT OWNED, LEASED OR BEING OPERATED UNDER CONTRACT FOR CONSTRUCTION, PURCHASE OR LEASE AND FOR ALL SERVICES BEING RENDERED BY THE LICENSED, APPROVED OR CERTIFIED PROVIDERS [UPON THE EFFECTIVE DATE OF THIS ACT.] ON APRIL 1, 1980: PROVIDED, THAT THIS SECTION SHALL NOT APPLY TO A NEW INSTITUTIONAL HEALTH SERVICE OFFERED, DEVELOPED, CONSTRUCTED OR OTHERWISE ESTABLISHED AFTER SEPTEMBER 30, 1979 AND BEFORE APRIL 1, 1980 IF THE NEW INSTITUTIONAL HEALTH SERVICE IS COVERED BY SECTION 1122 OF THE FEDERAL SOCIAL SECURITY ACT AND APPLICATION FOR APPROVAL IS NOT MADE TO OR THE PROJECT IS DISAPPROVED BY THE SECRETARY OF HEALTH AND WELFARE.

SECTION 906. EFFECTIVE DATE.

THIS ACT SHALL TAKE EFFECT OCTOBER 1, 1979; PROVIDED THAT IMPLEMENTATION OF REVIEWS PURSUANT TO THIS ACT SHALL NOT BEGIN UNTIL APRIL 1, 1980.

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 the House do concur in the amendments inserted by the Senate to HB 118.

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

Mr. HOEFFEL. Mr. Speaker, would the majority leader explain the amendments inserted by the Senate?

Mr. RYAN. Mr. Speaker, I will yield to the expertise of Mr. DiCarlo.

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

Mr. RYAN. Mr. Speaker, so that the record is explicit with that remark, that is a temporary acknowledgment of expertise.

The SPEAKER. Let the record show there was a dirty laugh.

Mr. DiCARLO. Mr. Speaker, the only thing that the Senate did in its amendment was to delay the implementation date of the certificate-of-need bill from October 1, I believe, to April 1, 1980. That was at the request of the Department of Health, because it did not have the opportunity to be prepared to carry out the intent of the certificate-of-need bill.

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—185

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

Duffy	Lashingier	Pyles	Yohn
Dumas	Laughlin	Rappaport	Zeller
Durham	Lehr	Reed	Zitterman
Earley	Letterman	Rhodes	Zwilk
Fee	Levi	Richardson	
Fischer, R. R.	Levin	Ritter	Seltzer,
Fisher, D. M.	Lewis	Rocks	Speaker
Foster, A.	Livengood	Rodgers	

NAYS—3

Cunningham	Hutchinson, W.	Wright, J. L.
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NOT VOTING—14

Brandt	Gruppo	Peterson	Wagner
Brunner	Hayes, D. S.	Rieger	Williams
Donatucci	Kernick	Sieminski	Zord
Grieco	O'Brien, B.		

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. GRUPPO. Mr. Speaker, I would like to be recorded in the affirmative on concurrence in Senate amendments to HB 118.

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

Mr. SIEMINSKI. I was out of my seat, Mr. Speaker. I would like to be recorded in the affirmative on concurrence in Senate amendments to HB 118.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1778, PN 2173**, entitled:

An Act restricting the acquisition by certain aliens of an interest in agricultural lands.

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

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

The question is, shall the bill pass finally?

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

YEAS—185

Alden	Fisher, D. M.	Lynch, F.	Schmitt
Anderson	Foster, A.	Mackowski	Schweder
Armstrong	Foster, W.	Madigan	Scirica
Arty	Freind	Manderino	Serafini
Austin	Fryer	Manmiller	Seventy

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

NAYS—4

Hoeffel	Hutchinson, W.	O'Donnell	Pott
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NOT VOTING—13

Brunner	Hayes, D. S.	Kernick	Rieger
Donatucci	Johnson, J.	O'Brien, B.	White
Giammarco	Jones	Richardson	Williams
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 VOTE

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

Mr. W. D. HUTCHINSON. Mr. Speaker, on the vote on HB 1778, PN 2173, my switch was locked in the negative position. I would like to be recorded in the affirmative.

The House proceeded to third consideration of **HB 1787, PN 2190**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the use of certain Federal appropriations.

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

Amend Title, page 1, line 3, by striking out "appropriations" and inserting funds

Amend Bill, page 1, lines 9 through 18; page 2, lines 1 through 17, by striking out all of said lines and inserting § 511.1. Use of Federal funds under energy program.

(a) General rule.—The commission is authorized to apply for and, subject to appropriation by the General Assembly, use Federal funds pursuant to the National Energy Act which is composed of:

(1) The "National Energy Conservation Policy Act," Public Law 95-619.

(2) The "Powerplant and Industrial Fuel Use Act of 1978," Public Law 95-620.

(3) The "Public Utility Regulatory Policies Act of 1978," Public Law 95-617.

(4) The "Natural Gas Policy Act of 1978," Public Law 95-621.

(5) The "Energy Tax Act of 1978," Public Law 95-618.

(6) The "Energy Conservation and Production Act of 1976," Public Law 94-385.

(7) Any future Federal legislation or amendments to the statutes listed in this subsection providing special funds for:

(i) Rate making research and development.

(ii) Energy conservation research and development.

(iii) Motor carrier and rail transportation safety programs.

(iv) Gas safety programs.

(b) Funds not subject to lapse.—Funds received by the commission pursuant to subsection (a) shall not be subject to lapsing at the end of any fiscal period.

(c) Reimbursement to utilities prohibited.—Funds received by the commission pursuant to subsection (a) shall not be reimbursed to any public utility.

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

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

Mr. McCLATCHY. Mr. Speaker, I am submitting herewith the amendments to HB 1787 for the editor of the Pennsylvania Consolidated Statutes. These amendments are editorial in nature and do not attempt to change the substance of the provisions of the bill. However, they are important in that they do correct deficiencies in the bill relating to style and references. I urge the adoption of these amendments.

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

Mr. PIEVSKY. Mr. Speaker, I concur in the gentleman's amendments.

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

The following roll call was recorded:

YEAS—191

Alden	Fryer	Lynch, F.	Scheaffer
Anderson	Gallagher	Mackowski	Schmitt
Armstrong	Gallen	Madigan	Schweder
Arty	Gamble	Manderino	Scirica
Austin	Gannon	Manmiller	Serafini
Barber	Gatski	McCall	Seventy
Belardi	Geesey	McClatchy	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.	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	Irvis	Perzel	Vroon
Cowell	Itkin	Peterson	Wachob
Davies	Johnson, E.	Petrarca	Wagner
Dawida	Johnson, J.	Piccola	Wargo
DeMedio	Jones	Pievsky	Wass
DeVerter	Kanuck	Pistella	Weidner
DeWeese	Klingaman	Pitts	Wenger
DiCarlo	Knepper	Polite	White
Dietz	Knight	Pott	Wilson
Dininni	Kolter	Pratt	Wilt
Dombrowski	Kowalyszyn	Pucciarelli	Wright, D.
Dorr	Kukovich	Punt	Wright, J. L.
Duffy	Lashinger	Rappaport	Yahner
Dumas	Laughlin	Reed	Yohn
Durham	Lehr	Rhodes	Zeller
Earley	Letterman	Richardson	Zitterman
Fee	Levi	Ritter	Zord
Fischer, R. R.	Levin	Rocks	Zwinkl
Fisher, D. M.	Lewis	Rodgers	
Foster, A.	Livengood	Ryan	Seltzer,
Foster, W.	Lynch, E. R.	Salvatore	Speaker
Freind			

NAYS—0

NOT VOTING—11

Beloff	Donatucci	Kernick	Rieger
Brunner	Grieco	McIntyre	Williams
Cunningham	Hayes, D. S.	Pyles	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, this, according to my calendar, has not been caucused on by either caucus.

Mr. Speaker, I am informed by Mr. Pievsky that he can explain this. It is fact that we have not caucused on it, but he is willing to explain it at the microphone, and I am willing to have him do that with the Chair's permission.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PIEVSKY. Mr. Speaker, it is my intention, I think, that all the bill does is allow the Public Utility Commission to apply for Federal grant money. I think Mr. McClatchy can correct me if I am wrong.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman, Mr. Pievsky, is correct, and to further add to the gentleman's comments, these Federal moneys coming in that would be administered by the PUC would be subject to further legislative approval as are other Federal funds.

I would certainly urge the House to support this piece of legislation this evening.

On the question recurring,
Shall the bill pass finally?

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

YEAS—194

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
Beloff	Geesey	McKelvey	Shupnik
Bennett	Geist	McMonagle	Sieminski
Berson	George, C.	McVerry	Sirianni
Bittle	George, M.	Michlovic	Smith, E.
Borski	Giammarco	Micozzie	Smith, L.
Bowser	Gladeck	Milanovich	Spencer
Brandt	Goebel	Miller	Spitz
Brown	Goodman	Moehlmann	Stairs
Burd	Grabowski	Mowery	Steighner
Burns	Gray	Mrkonic	Stewart
Caltagirone	Greenfield	Mullen, M. P.	Street
Cappabianca	Gruppo	Murphy	Stuban
Cessar	Halverson	Musto	Sweet
Chess	Harper	Nahill	Swift
Cimini	Hasay	Novak	Taddonio
Clark, B.	Hayes, S. E.	Noye	Taylor, E.
Clark, R.	Helfrick	O'Brien, B.	Taylor, F.
Cochran	Hoeffel	O'Brien, D.	Telek
Cohen	Honaman	O'Donnell	Thomas
Cole	Hutchinson, A.	Oliver	Trello
Cornell	Irvis	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Johnson, E.	Petrarca	Wagner
Cunningham	Johnson, J.	Piccola	Wargo
Davies	Jones	Pievsky	Wass
Dawida	Kanuck	Pistella	Weidner

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

NAYS—0

NOT VOTING—8

Brunner	Fisher, D. M.	Hayes, D. S.	Kernick
Donatucci	Grieco	Hutchinson, W.	Rieger

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.

SUPPLEMENTAL CALENDAR

AMENDED HOUSE BILL ON CONCURRENCE CONSIDERED

The Senate returned the following **HB 1108, PN 2578**, 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. 1241, 1245, 2538
 Printer's No. 2578

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1108

Session of 1979

INTRODUCED BY MR. WILT, APRIL 30, 1979.

SENATOR ARLENE, LABOR AND INDUSTRY, IN SENATE,
 AS AMENDED, DECEMBER 3, 1979.

An Act

amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further providing for the payment of unemployment compensation to ELIGIBILITY CRITERIA FOR certain employes. of institutions of higher education.

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

Section 1. Section 402.1, act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," added July 6, 1977 (P. L. 41, No. 22), is amended to read:

Section 402.1. Benefits Based on Service for Educational Institutions.—Benefits based on service for educational institutions pursuant to Article X, XI or XII shall as hereinafter provided be payable in the same amount, on the same terms and subject to the same conditions as outlined in section 404(g); except that:

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms whether or not successive or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(2) With respect to services performed after December 31, 1977, in any other capacity for an educational institution (other than an institution of higher education as defined in section 4(m.2)), benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms. [However, if upon presenting himself for work at the end of such period between academic years or terms, the individual is not permitted to resume work of the same capacity, or resumes it for less than twenty working days, his claims for unemployment compensation during such period shall be accepted retroactively to the time the individual's benefits would have commenced if the individual had not received reasonable assurance of employment and considered under the eligibility provisions of this act and benefits shall be paid with respect to any weeks for which his eligibility is established. This provision shall apply also to holiday and vacation periods.]

(3) With respect to any services described in clause (1) or (2), benefits payable on the basis of such services shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) With respect to weeks of unemployment beginning after January 1, 1979, benefits shall be denied to an individual who performed services in or near an educational institution while in the employ of an educational service agency for any week which commences during a period described in clauses (1), (2) and (3) if such individual performs any services described in clause (1) or (2) in the first of such periods, as specified in the applicable clause, and there is a contract or a reasonable assurance, as applicable in the appropriate clause, that such individual will perform such services in the second of such periods, as applicable in the appropriate clause. For purposes of this clause the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purposes of providing such services to one or more educational institutions. A political subdivision or an intermediate unit may establish and oper-

ate such an educational service agency. Nothing contained in this section shall be construed to modify existing collective bargaining units organized under the provisions of the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employee Relations Act," unless specifically agreed to by both the employer and employe representatives.

Section 2. This act has been adopted by the General Assembly solely to preclude nonconformity with the Federal Unemployment Tax Act and the accompanying loss of some \$700,000,000 annually in Federal unemployment tax credits, for Pennsylvania's private employers due to problems in the public sector, and the loss of some \$125,000,000 annually in administrative funding to the Office of Employment Security. Nothing contained herein shall be construed as an acceptance of the position of the Federal Department of Labor with regard to the issues of denial of benefits to school crossing guards without the establishment of educational service agencies, or the right of the Commonwealth to establish an objective criteria for retroactive payment of benefits to nonprofessional primary or secondary school employes. The General Assembly endorses the appeal filed by the Pennsylvania Department of Justice to contest the Federal interpretation of these issues, as well as any subsequent judicial appeals.

Section 3. This amendatory act shall be suspended immediately upon the final disposition of such issue by a Federal court of competent jurisdiction which sustains the position of the Commonwealth on such issues.

Section 4. This act shall take effect immediately and shall be retroactive to January 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

YEAS—194

Alden	Foster, W.	Lynch, F.	Salvatore
Anderson	Freind	Mackowski	Scheaffer
Armstrong	Fryer	Madigan	Schmitt
Arty	Gallen	Manderino	Schweder
Austin	Gamble	Manmiller	Scirica
Barber	Gannon	McCall	Serafini
Belardi	Gatski	McClatchy	Seventy
Beloff	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	Mochlmann	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.	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	Irvis	Perzel	Vroon
Cowell	Itkin	Peterson	Wagner
Cunningham	Johnson, E.	Petrarca	Wargo
Davies	Johnson, J.	Piccola	Wass
Dawida	Jones	Pievsky	Weidner
DeMedio	Kanuck	Pistella	Wenger
DeVertter	Klingaman	Pitts	White

DeWeese	Knepper	Polite	Williams
DiCarlo	Knight	Pott	Wilson
Dietz	Kolter	Pratt	Wilt
Dininni	Kowalyszyn	Pucciarelli	Wright, D.
Dombrowski	Kukovich	Punt	Wright, J. L.
Dorr	Lashingner	Pyles	Yahner
Duffy	Laughlin	Rappaport	Yohn
Dumas	Lehr	Reed	Zeller
Durham	Letterman	Rhodes	Zitterman
Earley	Levi	Richardson	Zord
Fee	Levin	Ritter	Zwikl
Fischer, R. R.	Lewis	Rocks	
Fisher, D. M.	Livengood	Rodgers	Seltzer,
Foster, A.	Lynch, E. R.	Ryan	Speaker

NAYS—1

Gallagher

NOT VOTING—7

Brunner	Grieco	Kernick	Wachob
Donatucci	Hayes, D. S.	Rieger	

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.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. WILT presented the Report of the Committee of Conference on **HB 1261, PN 2633.**

The SPEAKER. The report will appear on the supplemental calendar.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 544, PN 964

By Mr. R. R. FISCHER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining aggravated assault and increasing the grading for certain types of aggravated assault on a second and subsequent conviction.

Education.

SB 545, PN 577

By Mr. R. R. FISCHER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," imposing additional duties on the Department of Education relating to violence and crimes in schools.

Education.

SB 915 AND AMENDMENTS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 915 and the amendments be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR BILL ON THIRD CONSIDERATION

The House resumed third consideration of **SB 915, PN 1274,** entitled:

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

On the question recurring,

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

Mr. STEWART offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(d) Any railroad receiving a tax credit pursuant to this section shall be required to use the funds from such tax credit to comply with any order for maintenance or repairs issued by the Pennsylvania Public Utility Commission.

On the question,

Will the House agree to the amendment?

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

Mr. STEWART. This is amendment A4406. There are two amendments with my name on circulated. This particular one is A4406.

What it does is it says that any railroad receiving a tax credit pursuant to this act, SB 915, can only receive that credit and must use those funds to comply with any order for maintenance or repairs issued by the Pennsylvania Public Utility Commission.

This should solve the problem that Mr. George was addressing, because the bridges in question usually always have a PUC order to repair or replace, and it should solve Mr. Ryan's objections to all of the money going to bridges by using the PUC to order maintenance of roadbeds and rights-of-way.

I believe it is a fair compromise to get some of this money into bridge repair while not taking it all away from the intended purpose to maintain the roadbeds. I urge its adoption.

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

Mr. DeVERTER. Mr. Speaker, I rise to oppose the Stewart amendment.

What the amendment will in effect do is force the railroads, at subsequent periods when they find that they must repair a crossing someplace, to go in front of the PUC to get approval so that they can expend those funds. I just think you are going to present additional problems that we just are not looking at right now, and I would ask the members really to oppose the amendment. Thank you.

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

Mr. STEWART. Mr. Speaker, this amendment does not tell the PUC what to do. They will continue to operate independently as they do now, issuing these orders on bridges and road crossings and whatever.

All we are saying is that while that operation is taking place independently, if they have issued an order for repair or maintenance of a particular railroad item and the railroad has not complied with that order, then they cannot receive the tax

credit and, in addition, must spend the tax credit to comply with that PUC order.

We are not telling the PUC to mesh with this. We are just saying, you operate independently, and if you come up with an order for a structure to be repaired, they must use this tax credit to do it.

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

Mr. DeVERTER. Mr. Speaker, that in theory sounds good, but what I am saying is that although the PUC may issue an order, there may be another project or program at some point that needs far more attention than does the one that the order was initially given for. As a result, you will end up having the railroad go in and perhaps modify that order and go back to do the one that they rightfully think should be done. I just envision all kinds of problems with them trying to issue orders that are at the request, perhaps, of even legislators to get it corrected.

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

Mr. ZELLER. Mr. Speaker, I would like to give Mr. DeVerter and others a little example of what Mr. Stewart is trying to get to.

Just about 3 months ago we had the problem of ConRail parking a train alongside a residential area and letting it sit there for days, and I mean days, with the engine running and refrigerator cars constantly going, and people working night shifts who had to sleep days could not sleep. It took us almost 2 months to get this thing straightened out. The PUC asked them, and they as much as told them to go fly a kite until we really raised heck. We finally got this thing rectified. Now they moved it out to another area, out to Alburtis—This was in Emmaus—and now these people living in a section there cannot sleep. They just park these cars and let them sit. We go to the PUC, the PUC notifies them, and it is like it goes in one ear and out the other.

This is what Mr. Stewart is trying to get to, I am certain. We have this abuse and they could care less. They play God and they could care less. What do you have a PUC for? We might as well get rid of the railroad division over there, because Mr. Peteritas, the gentleman in charge, tries, but it just goes in one ear and out the other.

I think it is about time somebody gives that gang a message—I am talking about the railroads—to let them know that if they are not going to comply to the problems of the people—and that is what it is all about, the problems of the people. They ignore it, and the credibility of the railroad system has been so bad. I cannot understand why they cannot see it, unless there is a lobbying move here for them, but I say this is what we have to do. We have to let them know, and this is what government is all about, to take care of those things for people that they cannot take care of themselves. That abuse is there. I have it in my district, and we are still trying to straighten it out and we cannot get it straightened out.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Austin	Gamble	Livengood	Rodgers
Barber	Gatski	Manderino	Schmitt
Beloff	George, C.	McMonagle	Seventy
Bennett	George, M.	Michlovic	Shadding
Borski	Giammarco	Micozzie	Shupnik
Brown	Grabowski	Milanovich	Spitz
Caltagirone	Gray	Mrkonic	Stairs
Cappabianca	Greenfield	Mullen, M. P.	Steighner
Chess	Harper	Murphy	Stewart
Clark, B.	Hasay	Musto	Street
Clark, R.	Hoeffel	Novak	Sweet
Cochran	Hutchinson, A.	O'Donnell	Taylor, F.
Cohen	Irvic	Oliver	Telek
Cowell	Itkin	Petrarca	Trello
Dawida	Johnson, J.	Pievsky	Wachob
DeMedio	Jones	Pistella	Wargo
DeWeese	Klingaman	Pratt	White
DiCarlo	Knight	Pucciarelli	Williams
Dombrowski	Kolter	Reed	Wright, D.
Duffy	Kowalyszyn	Rhodes	Yahner
Dumas	Kukovich	Richardson	Zeller
Fee	Laughlin	Rieger	Zitterman
Fryer	Letterman	Ritter	Zwilk
Gallagher	Levin		

NAYS—101

Anderson	Foster, W.	Manmiller	Scirica
Armstrong	Freind	McCall	Serafini
Arty	Gallen	McClatchy	Sieminski
Belardi	Gannon	McKelvey	Sirianni
Berson	Geesey	McVerry	Smith, E.
Bittle	Geist	Miller	Smith, L.
Bowser	Gladeck	Moehlmann	Spencer
Brandt	Goebel	Mowery	Stuban
Burd	Goodman	Nahill	Swift
Burns	Gruppo	Noye	Taddonio
Cessar	Halverson	O'Brien, B.	Taylor, E.
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Cole	Helfrick	Perzel	Vroon
Cornell	Honaman	Peterson	Wagner
Coslett	Hutchinson, W.	Piccola	Wass
Cunningham	Johnson, E.	Pitts	Weidner
Davies	Kanuck	Polite	Wenger
DeVerter	Knepper	Pott	Wilson
Dietz	Lashinger	Punt	Wilt
Dininni	Lehr	Pyles	Wright, J. L.
Dorr	Levi	Rappaport	Yohn
Durham	Lewis	Rocks	Zord
Earley	Lynch, E. R.	Ryan	
Fischer, R. R.	Lynch, F.	Salvatore	Seltzer,
Fisher, D. M.	Mackowski	Scheaffer	Speaker
Foster, A.	Madigan	Schweder	

NOT VOTING—7

Alden	Donatucci	Hayes, D. S.	McIntyre
Brunner	Grieco	Kernick	

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. LEVIN offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, inserting between lines 4 and 5

(d) As used in this section the term "substantial investment" shall mean investment in the improvement and maintenance of railroad rights-of-way during any ensuing tax year, except the first year of implementation of this act, which shall be at least equal to or in excess of the amount expended by the railroad in the previous year.

On the question,

Will the House agree to the amendment?

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

Mr. LEVIN. What I have done in this amendment is that I have left the original bill alone, which would permit the railroad a credit of 25 percent of the amount that they invest in maintenance and improvement of right-of-way during the ensuing year. In the bill as it presently exists, there is not a definition of "substantial investment." What I have done through this amendment is define "substantial investment" so that it shall mean that the investment and improvement and maintenance of the railroad right-of-way during the ensuing tax year, except for the first year, shall be in an amount at least equal to or in excess of the amount expended by the railroad in the previous year. Now I will put that into dollars for you so you can understand.

This amendment is very different than my first amendment, which would have required that for the railroad to get a tax credit, they would have had to spend more money than they did in the base year, and they would get dollar for dollar. This permits them, except for the first year, to spend the same amount of money and get the full credit. So using the example I did to you before, where I used the base year theoretically of \$40 million, my first amendment would have required them to spend the \$40 million, and then in addition to the \$40 million, they would have had to spend money in order to get their credit. In this bill they would be permitted to spend only the \$40 million. They would not have to increase their amount in subsequent years, and they would be entitled to their full credit.

This provides them considerable leeway to reduce their expenditures at least to the level of the base year, which would be 1980. Basically it would guarantee us, if they want their maximum credit, they would have to spend \$40 million a year.

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

Mr. DeVERTER. Mr. Speaker, I rise to oppose the amendment.

The amendment is even more restrictive than the amendment that Mr. Levin offered this morning, and he acknowledged the fact that you would, under his original amendment, have to spend more each succeeding year. The problem is that he still is establishing the concept of a base year, and there may be periods of time when the railroads are not able to meet that.

As I look at the railway industry, steel is off; automobiles are off. Any number of things that are attendant to the functioning of the railroad or the profitability, I guess I should say, of

the railroad industry tend to make the railroad industry vulnerable when it has declining revenues, and that is the period that it is in, and if we establish a base year from which they must operate, they are in fact going to establish that base so low that it is going to practically be meaningless, and I do not think we ought to be doing that. They are not going to receive anything more than what they spend. The bill specifically provides that. It says, "Investment in the improvement and maintenance of rights-of-way during the taxable year shall be increased above the level which would have been budgeted for such purposes without the credit by at least the amount of the credit." So there is already a built-in assurance that they cannot, in effect, go backwards, and I would ask the members to oppose the Levin amendment as it is more restrictive than his original one.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I wish I were in a court of law where I could ask the reporter to read back the last statement of the gentleman. The last statement of the gentleman, Mr. DeVerter, as I heard it, was that the bill already contains the guarantee that the expenditure in the roadbed would be increased at least by the amount of the credit, and I would like to ask the gentleman whether those were, in effect, his words.

Mr. DeVERTER. I did not say there was a guarantee, no.

Mr. MANDERINO. Oh, I see, but you expect that they are going to do that, that they are going to at least—

Mr. DeVERTER. I would suspect, Mr. Speaker, for them to be eligible for the credit, that they are going to have to establish a budgeted amount each year. Then for them to receive the tax credit, that tax credit must be expended in addition to that budgeted amount, which insures us that they are not just going to budget X number of dollars and walk away from it. They are going to have to spend that to be eligible for the tax credit.

Mr. MANDERINO. Mr. Speaker, if the bill even said that, I would be a little happier. It does not say that they have to spend the budgeted amount. It simply says that they have to spend the tax credit in the Commonwealth. They have to budget an amount. All Mr. Levin is trying to do, it seems to me, is to define what the bill says when it is talking about a substantial investment in the ensuing years. If you do not adopt something on the order of what Mr. Levin is trying to get you to adopt, then what you can have is an investment of \$10 million in the roadbed after the \$10 million credit is given because the bill is going to give them about \$10 million in credit in that first year. Those are the figures that everybody has been given and everybody has been talking about, and it is my understanding that the budgets that we are talking about have already been submitted to where they have to be submitted. I do not know whether it is the Interstate Commerce Commission or the regulating body that regulates the railroads or whether the major railroad, Conrail, has already preliminarily adopted budgets, but it is my understanding that those figures are already available. They are out there. People know. They have been able to calculate what the credit is going to be, and we are simply saying, as best we can through the amendment process or attempting to say or to get this General Assembly to say, that

we are willing to help the railroad industry, but we ask in return, is the railroad industry really sincere about improving the roadbed, and if they are really sincere about improving the roadbed and they are not just going to take our tax dollars and do less and less repair every year, then they ought to be in favor of the Levin amendment.

You know, we had this same argument with the steel industry for years, and the argument was, do not push them to make the investments in the plant that is going to make it a better plant, that is going to control the dust and the emissions and going to stop choking people who work around the plants. Do not force them to do that because they are going to take the jobs out of Pennsylvania, and we did become lenient and we entered into all sorts of consent decrees and we gave them tax credits for pollution devices. We did everything we could to keep those jobs in Pennsylvania and consistently we get the announcements that they are going to leave, and one of the reasons they are going to leave is because we did not force them to make the investment in the plant that would make them stay. And all we are trying to do is to ensure that they make the investment—the railroads in this case—in the roadbed that is going to force them to stay. Not necessarily to force them to stay against their will, but it will force them to stay because they have got a chance to become profitable if they have good track to run on. And if we let them keep hedging their bets on how much money they put into repair and maintenance, then they are going to put less and less in repair and maintenance because we have asked for no guarantee, and it is just a matter of time before they are going to close up shop and we will lose those jobs. We are really trying to ensure that those jobs are there and remain there. We are concerned with the people who work in the railroad industry and we are saying, let us try to do some basic bolstering of that industry and let us not use a Band-Aid approach to repairing that roadbed. Let us at least get some assurance, as little as it is now with the Levin amendment, that there is going to be an investment in that roadbed continued. Mr. Speaker, I think the Levin amendment ought to be adopted.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—92

Austin	Gallagher	Laughlin	Richardson
Barber	Gamble	Letterman	Rieger
Bennett	Gatski	Levin	Ritter
Borski	George, C.	Livengood	Rodgers
Brown	George, M.	Manderino	Schmitt
Caltagirone	Giammarco	McMonagle	Seventy
Cappabianca	Grabowski	Michlovic	Shadding
Chess	Gray	Milanovich	Shupnik
Clark, B.	Greenfield	Mrkonic	Spitz
Clark, R.	Harper	Mullen, M. P.	Stairs
Cochran	Hasay	Musto	Steighner
Cohen	Hoeffel	Novak	Stewart
Cowell	Hutchinson, A.	O'Brien, B.	Street
Dawida	Hutchinson, W.	O'Donnell	Swift
DeMedio	Irvis	Oliver	Taylor, F.
DeWeese	Itkin	Petrarca	Telek
DiCarlo	Johnson, J.	Pievsky	Trello
Dombrowski	Jones	Pistella	Wargo

Duffy	Klingaman	Pratt	Wright, D.
Dumas	Knight	Pucciarelli	Yahner
Fee	Kolter	Rappaport	Zeller
Fischer, R. R.	Kowalyszyn	Reed	Zitterman
Fryer	Kukovich	Rhodes	Zwinkl

NAYS—100

Alden	Foster, W.	McCall	Scirica
Anderson	Freind	McClatchy	Serafini
Armstrong	Gallen	McKelvey	Sieminski
Arty	Gannon	McVerry	Sirianni
Belardi	Geesey	Micozzie	Smith, E.
Berson	Geist	Miller	Smith, L.
Bittle	Gladeck	Moehlmann	Spencer
Bowser	Goebel	Mowery	Stuban
Brandt	Goodman	Murphy	Sweet
Burd	Gruppo	Nahill	Taddonio
Burns	Halverson	Noye	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, D.	Thomas
Cimini	Helfrick	Perzel	Vroon
Cole	Honaman	Peterson	Wachob
Cornell	Johnson, E.	Piccola	Wass
Coslett	Kanuck	Pitts	Weidner
Cunningham	Knopper	Polite	Wenger
Davies	Lashinger	Pott	Wilson
DeVerter	Lehr	Punt	Wilt
Dietz	Levi	Pyles	Wright, J. L.
Dininni	Lewis	Rocks	Yohn
Dorr	Lynch, E. R.	Ryan	Zord
Durham	Lynch, F.	Salvatore	
Earley	Mackowski	Scheaffer	Seltzer,
Fisher, D. M.	Madigan	Schweder	Speaker
Foster, A.	Manmiller		

NOT VOTING—10

Beloff	Grieco	McIntyre	White
Brunner	Hayes, D. S.	Wagner	Williams
Donatucci	Kernick		

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. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5

(e) In the first year of the effectiveness of this amendatory act, the annual report called in subsection (d) shall set forth a five year plan detailing the railroad's estimate of how it intends to continue to make the substantial investment called for in subsection (c), and shall also set forth the proposed specific amounts of investment in maintenance it plans to make in each of the five succeeding tax years covered by the report. Compliance with the terms set forth in this subsection for the filing of five year projections shall be a pre-condition for a railroad to qualify for tax credits provided by this amendatory act.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this is an amendment that will have, really, no substantial effect in the operation of the tax credit that is being asked for.

Earlier today we adopted a Murphy amendment, Mr. Murphy's, which required certain reporting by the railroad industry so that we would know what they were planning and where they were planning to do their repair work.

My amendment speaks to that reporting requirement and it says in the reporting requirement that the railroads that will be entitled to this credit . . . shall set forth a 5-year plan detailing the railroad's estimate of how it intends to continue to make the substantial investment called for in subsection (c), and shall also set forth the proposed specific amounts of investment in maintenance it plans to make in each of the five succeeding tax years covered by the report. Compliance with this simple reporting request has made a precondition for the railroad to qualify for the tax credit.

We are simply saying to the railroad, when you ask for a tax credit, each time you ask for a tax credit, give us a 5-year projection on what you intend to do so far as investing money in the roadbed in Pennsylvania so that we will at least know. We cannot refuse a tax credit because you are not doing enough, but we will at least know what you intend to do, and if you do not intend to do what is right, we can at least come back to the legislative halls and change the law that we gave you the tax credit through, and that is all that this amendment does. It requires them to set it forth in a 5-year projection on what they intend to do on the roadbeds in Pennsylvania, and I urge the adoption of the amendment.

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

Mr. DeVERTER. Mr. Speaker, I rise to oppose the amendment. In Mr. Manderino's amendment he says that they must set forth the proposed specific amount of investment in maintenance it plans to make in each of the succeeding tax years. That is to qualify them to even be eligible for the program. I suspect in theory that may sound good, but I think most of you in some form or another are business-oriented, and in a day when we have the kinds of inflationary measures impacting on business, when we have all the other high-rising costs that impact upon business, and we look at the railroad industry in its vulnerability with respect to them projecting specific amounts 5 years hence, I think is asking more than what is really a viable answer to the problem Mr. Manderino has addressed. I would ask the members to vote "no" on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, what Mr. DeVerter says may be true — it may be difficult to give an estimate, but we do a lot of difficult things. We give those kinds of estimates on fiscal notes out of our Appropriations Committee. I am sure that the business managers of the railroads ought to be a little more sophisticated dealing with the railroad problems. I am not imposing any penalty if they make a 5-year forecast and they are not able to meet that 5-year forecast. I am not saying that they cannot get the tax credit. I am simply saying to them, when you apply for the tax credit, which you are going to get almost automatically as long as what you spent last year is certified, you are going to get a tax credit. We cannot stop that. We are adopting a bill this afternoon that simply says, you tell us what

you spent last year you will get a tax credit of 25 percent of that amount. I am simply saying, if we are going to do that and we are going to make it so easy for them to get a tax credit, let us at least ask them to project for us what are their plans for the next 5 years in Pennsylvania. Because if a railroad comes in and says, I have got no plans for the next 5 years in Pennsylvania, as the majority of the railroads might tell us, we might reconsider the bill that we are passing today. I am not making any conditions to being accurate on those projections. I would expect that we would get their best estimates, and that is all we are asking for, their best estimates of what they intend to do in the Commonwealth in the next 5 years so far as improving the roadbeds. Sure, it may have some moral persuasion to get them to tell us that they are going to do well, and, yes, maybe they will try to live by what they told us they were going to do. Is that not what this is all about? Is that not what we are trying to do, get them to make an investment in Pennsylvania? I am not saying we are going to deny them the credit if they do not make it. Let us aim them in the right direction. Let us aim our votes in that direction. Let us adopt this amendment.

On the question recurring,
Will the House agree to the amendment?
(Members proceeded to vote)

VOTE STRICKEN

The SPEAKER. The Chair has held the board open for 7 minutes. It has been indicated to the Chair that certain members who wish to change their votes are unable to do so. The Chair is going to strike the vote and start a new vote and limit it to 3 minutes. The clerk will strike the vote.

On the question recurring?
Will the House agree to the amendment?
(Members proceeded to vote)

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I notice some people who have not voted who are in their seats. I think they ought to vote one way or other.

The SPEAKER. The rule of the House is that all those in their seats must vote. The clerk will record the vote.

Mr. MANDERINO. You did not give them much of a chance after you said that.

On the question recurring,
Will the House agree to the amendment?
(A roll-call vote was taken)

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

Mr. RITTER. Mr. Speaker, would the gentlemen, Mr. Kanuck, indicate how he would have voted the second time?

Mr. MANDERINO. Mr. Kanuck is in the hall of the House. You should have given him a chance to vote.

Mr. RITTER. That is a violation of the rules, Mr. Speaker. That is the second time it has happened.

How did the gentleman, Mr. Kanuck, vote, Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RITTER. The rules require the members to be in their seats. You specifically repeated that rule. I am asking, since Mr. Kanuck was in his seat, how did he vote on the roll call, Mr. Speaker?

The SPEAKER. The Chair is unable to determine whether or not Mr. Kanuck was in his seat at the time the roll call was to be taken. The Chair will ask the clerk whether the gentleman has been recorded.

Mr. MANDERINO. Mr. Speaker, would we not be better off just running the vote again. You have run it once for your party—

The SPEAKER. Will the gentleman, Mr. Manderino, yield until the question of the Chair has been answered by the clerk?

For the information of the gentleman, Mr. Ritter, the record shows that the gentleman, Mr. Kanuck, was not recorded.

Does the gentleman, Mr. Ritter, have any further questions?

Mr. RITTER. Mr. Speaker, this is the second time that I know of that Mr. Kanuck has sat in his seat when the roll call was taken and was not recorded on the roll call. My question to you is, what procedure can any member take if a member sits in his seat and refuses to vote? What can any other member do about that? That is a violation of the House rules, Mr. Speaker, and I just think that we have got to stop this.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there was a gentleman on our side of the aisle who was unable to vote, Mr. Mrkonic, because he was locked out. I suggest we run the vote again, Mr. Speaker.

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

Mr. MRKONIC. Mr. Speaker, I had to go to the bathroom. That is why I was locked out.

The SPEAKER. The gentleman indicated the amendment moved him deeply.

Mr. MRKONIC. And when I returned, my switch was locked.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, was the gentleman in his seat at the time the vote was taken?

The SPEAKER. The question has been asked, was the gentleman in his seat?

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

Mr. MRKONIC. Mr. Speaker, I was sitting in my chair, but I was locked out and did not have a chance to vote.

REMARKS ON VOTE

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

Mr. KANUCK. Mr. Speaker, I was in my seat. I was deciding how to vote when the switch became inoperative, and I wish now to be recorded "yes." Thank you.

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

The Chair recognizes the minority whip. For what purpose

does the gentleman, Mr. Manderino, rise?

Mr. MANDERINO. Mr. Speaker, am I going to have to file a reconsideration motion in order to get another vote or are you going to, with your usual graciousness, extend to the minority side that to which they are entitled, another vote?

VOTE RETAKEN

The SPEAKER. The Chair has learned all the fairness in presiding from the distinguished member from Westmoreland and, with that history in mind, the Chair will ask the membership if they would enjoy voting again on the gentleman's amendment. I assume that they would, and, therefore, the question before the House is the consideration of the amendment offered by the gentleman from Westmoreland, Mr. Manderino.

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

Mr. SCHWEDER. Mr. Speaker, I just want to get this on the record for everyone here. I intend to show that I have loyalty to my colleagues and to my caucus on this roll call, and I hope that someday that lesson will be learned by some people in leadership.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. Mr. Speaker, I would like to have the same courtesies on this side.

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

The following roll call was recorded:

YEAS—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
Chess	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	Telek
DeMedio	Jones	Pievsky	Trello
DeWeese	Knight	Pistella	Wachob
DiCarlo	Kolter	Pratt	Wargo
Dombrowski	Kowalshyn	Pucciarelli	Wright, D.
Duffy	Kukovich	Rappaport	Yahner
Dumas	Laughlin	Reed	Zeller
Fee	Letterman	Rhodes	Zitterman
Fryer	Levin	Richardson	Zwikl
Gallagher			

NAYS—98

Alden	Foster, A.	Mackowski	Scirica
Anderson	Foster, W.	Madigan	Serafini

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

NOT VOTING—11

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

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

The SPEAKER. The Chair recognizes the minority whip. Does the gentleman, Mr. Manderino, have an additional set of amendments?

Mr. MANDERINO. Mr. Speaker, I wish I had about six more amendments so we could go through this exercise over and over.

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

Mr. LAUGHLIN offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, inserting between lines 4 and 5

(d) Notwithstanding any other provision of this section, tax credits shall be granted only upon condition that railroad companies provide continued main east-west connection service from Philadelphia to Columbus, Ohio, via Harrisburg and Pittsburgh.

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

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

Mr. LAUGHLIN. Mr. Speaker, I believe the amendment is agreed to and I would offer it in that tone.

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, we think Mr. Laughlin has an excellent amendment and we agree to it.

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

Mr. DeVERTER. Mr. Speaker, although I understand there has been considerable capitalization done recently in Mr. Laughlin's district, I see no reason to object to the amendment.

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

Mr. FRYER. Mr. Speaker, now that the leadership has agreed to this grave matter, could they impart to the rest of the troops precisely what it is?

Mr. LAUGHLIN. Yes, Mr. Speaker, I would be glad to.

The SPEAKER. The gentleman, Mr. Laughlin, is recognized to explain his amendment.

Mr. LAUGHLIN. Mr. Speaker, as briefly as possible, back in 1975-76, when the corridor studies, which are the mainlines of the Conrail system which travels east and west across the United States, were put together, there was considerable debate about the utilization of the rail system that would travel up across the New York area, the southern portion of New York, and on east from Chicago and from the other western sections of the United States. Because of that concern, Mr. Speaker, I had requested information regarding their intent in the future. I was assured that this amendment would not be objectionable. It does not harm any railroad in the State of Pennsylvania presently. I contacted the entire list of the railroad associations in the state for confirmation on that, Mr. Speaker.

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

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

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

Mr. POTT. Mr. Speaker, my understanding is that we have eight railroad companies that are potentially affected by SB 915. Is that your understanding also?

Mr. LAUGHLIN. Yes, sir.

Mr. POTT. Reading your amendment, I question whether you are requiring all eight companies to maintain this service, or how can you restrict it—

Mr. LAUGHLIN. If you read the amendment, Mr. Speaker, you will find that it says that mainline and the corridor study on that mainline is the core line of the Conrail system that travels east and west across the state. There is no other railroad along that route, Mr. Speaker, that carries that same corridor which carries it from Columbus, from Pittsburgh, on to Harrisburg and on to Philadelphia.

Mr. POTT. What you are stating is the main east-west connection service means Conrail and would not affect any of the other seven rail companies?

Mr. LAUGHLIN. That is right, sir. And I have the names of those companies right here.

Mr. POTT. Thank you, Mr. Speaker. No further questions.

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

The following roll call was recorded:

YEAS—188

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

NAYS—2

Cunningham	Vroon
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NOT VOTING—12

Beloff	Goodman	Kernick	Wagner
Brunner	Grieco	McIntyre	White
Donatucci	Hayes, D. S.	Rieger	Williams

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

The SPEAKER. Are there any additional amendments to be offered to SB 915?

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

Mr. ZELLER. Mr. Speaker, I just left you a love note there that I do have an amendment coming down.

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

Mr. ZELLER. No. I said it is coming down. It is on the way.

As a matter of fact, if the House agrees, it is a very simple one. All I want to do is use American steel. That is all. That is all it says; in the construction of new railroads and the maintenance or replacement of rails, just use American steel and knock out this foreign stuff.

SB 915 PASSED OVER TEMPORARILY

The SPEAKER. The Chair will pass over temporarily SB 915 and the amendments, awaiting a further amendment to be offered by the gentleman from Lehigh, Mr. Zeller.

SUPPLEMENTAL CALENDAR REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 1261, PN 2633**:

Prior Printer's Nos. 1422, 1496, 1573, 1723, 1871
Printer's No. 2633

Report of the Committee of Conference
on House Bill No. 1261

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1261, entitled: "An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; *** and repealing certain acts and parts of acts relating to elections,' further providing for campaign finances and providing for certain refunds."

respectfully submit the following bill as our report:

ROY W. WILT
JAMES J. GALLEN
REID L. BENNETT

(Committee on the part of the House of Representatives.)

PATRICK J. STAPLETON
JEANETTE F. REIBMAN
R. BUDD DWYER

(Committee on the part of the Senate.)

An Act

amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for late filing fees.

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

Section 1. Section 1632, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," is amended by adding a subsection to read:

Section 1632. Late Filing Fee; Certificate of Filing.—

(c) No late filing fees shall be imposed under section 1632 for pre-election filings due any primary, special, or municipal election held through November 6, 1979. Late filing fees paid for

any primary, special, or municipal election held through November 6, 1979 shall be refunded after any candidate or committee in violation has filed the required pre-primary, pre-special, pre-municipal, post-primary, post-special, or post-municipal election report. No late filing fee shall be imposed under section 1632, for the required post-primary election report for the primary election held May 15, 1979 where such post-primary election report is filed on or before July 16, 1979. No late filing fee shall be imposed under section 1632 for the required pre-election or post-election report for the municipal election held November 6, 1979 where such report is filed on or before February 15, 1980: Provided, however, That no one shall be issued a commission or take the oath of office until all reports required on account of his or her candidacy shall be filed. Any pre-election or post-election late filing fees, collected for primary, special, or municipal elections held on or before November 6, 1979, shall be refunded within thirty (30) days.

Section 2. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

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

Mr. WILT. Mr. Speaker, the conference report is not very complicated. It is an amendment to the election law. In the general elections, because there were not sufficient rules promulgated and given to the election bureaus, there was a great deal of confusion within the 67 counties as to the necessity of filing forms to the county election boards. As a result, a lot of innocent people have been caught up in the law which we passed last year and imposed in the primary election of this year, which we then suspended.

Now some would argue that the suspension of the primary rules should have been enough of a forewarning for those candidates that they should have followed through in the fall, and I would agree with that basically. However, in lieu of our forgiveness at that point in time, still there was no communication given in a lot of our counties to the candidates, and what we have found by random phone conversations and also, particularly in my own county where there were in excess of 100 candidates, these were candidates for everything from local townships and borough auditors to school directors who have been fined by my county election board up to and including \$250.

What this has done is cause widespread discontent with local government and with this legislature, not because of the act itself, because most agree with the intent, but the problem lies and the dissent lies with the fact that they were never notified, and therefore in a lot of cases never knew that they had a responsibility to file the necessary forms.

What this conference report does is suspend the necessity of that filing to February 15 of this year, to take those people off the hook for one election, for one election only. It also would give us time through this legislative process and also through the state election boards to write rules and regulations which then can be given to the local election boards, the county elec-

tion boards, to follow in ensuing elections so that this same problem does not exist and innocent and honest people who are willing to serve in a lot of positions, most of which do not have any pay to them, not be forced into paying these horrendous fines, especially going into the Christmas season.

That is what it does; that is my intent; and I would hope that the majority of this House would vote for it.

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

Mr. KUKOVICH. Mr. Speaker, we are going to make a grave mistake if we pass this conference report today. Now at some point we are going to have to start enforcing this law, and I think we should refuse to set another precedent today. So all right, you do away with the law, but quit perpetrating this sham. Now if we do not start to enforce the law, it is going to be unenforceable whenever we do try to enforce it in the next election. I would suggest, if there has been a county where there has been a problem—not because of the fault of the law but because of the fault of the people in that county—I would say that there is enough discretion on the part of the election bureau, I would say that there is enough discretion on the part of prosecuting officers to solve that problem without drafting a law and *throwing it at us at the last minute*. That is going to affect every county, every election, and provide a moratorium in refunds for those who violated the law and work a hardship on those county election bureaus that did the job right. I would suggest you vote against this conference report.

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

Mr. BENNETT. Mr. Speaker, I would ask the members of the House to adopt the conference report that is before them. Mr. Wilt *has made what I believe is a strong effort in behalf of the conference committee report*. I will not attempt to reiterate everything that he has told this House. I would suggest to the members that what he has said is, as far as I know, absolutely true. We are not attempting to make a sham of a law, as Mr. Kukovich has suggested. What we are attempting to do is to alleviate a situation in our County of Mercer in which 112 candidates for public offices are being fined substantially for something that I consider is not their fault and was not their fault. Mr. Speaker, I would ask that the members of this House adopt the conference report.

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

Mr. COWELL. Mr. Speaker, I appreciate the problem that this bill originally attempted to address. That was back in the spring. We had a number of people who, for the first time, were living with some new provision of an election-reporting bill, and we tried to deal with that by saying that those who missed the deadline back in the spring would be forgiven any fines. But now we are a year into this law. This is not a month after this law passed; this is 11 or 12 months after the law passed. This is the second election, the primary and the general election. This is the second election now that this law has been effective, and I am not so sympathetic any longer for those who have missed the deadline.

Additionally, I think if we are going to try to forgive even for the general election, it should be limited to the preelection filing that was required. The postelection requiring forgiveness makes absolutely no sense. That is not even a new provision of the law. Candidates have always had to file within 30 days after an election. There is nothing new about that, so nobody should have been surprised about that.

The problem is some people simply chose to violate the law or to ignore the law. I would suggest that we reject this provision and send it back to the conference committee and tell them to come back with something a little bit less forgiving. I will go along with forgiving those who would be fined for failing to file for the preelection, but this is only December 5; a lot of people are required to file their postelection report only as of yesterday or today, and already we are saying, we are going to forgive you for missing a deadline that only occurred today or within the last 24 hours; and, secondly, that deadline is not new law. That has been the law for many, many, many years. Nobody should have been surprised by that. I urge that we reject this.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I urge support of the conference report. To listen to some of the other speakers, it would appear that the problem is that they put the problem on people violating the law. Let me tell you what is happening in a township in my legislative district. They do not have any supervisors, and I have letters from the candidates for that position, and there was confusion in my county. Maybe it was attributable partly to the election bureau in the county; perhaps it was attributable to conflicting press reports; perhaps it was attributable to the problem of confusion over the filing requirements and the campaign reporting and the Financial Disclosure Act, but I am telling you, out in the small townships in the rural areas, you are not going to have any local government because these people have called me and they have said, I am not going to pay that fine. I am not going to take the office. I have a small job. I am on social security. I am trying to do a community service, and now they want to impose a fine.

Now the gentleman, Mr. Kukovich, said there was discretion. Let me tell you I have read that act, and I would like him to point out to where there is any discretion in it. I do not find any; *the election bureau in my county has not found any; the head of the election bureau does not find it; the district justices in my area, charged with enforcing the law, do not find it, and I have got an area where we are not going to have any local government. People are tired of it out in the rural areas; they are tired of giving community service and then finding they are being fined for it.*

Now as far as the principle of the bill is concerned, I have no objection. I think personally it is good; I am prepared to comply with it in my elections; and perhaps you might even argue that it should get all the way down to local government when they get used to it, but when you get down into those rural areas in that local government, you are putting the onus on all of these people of being crooks, and they are saying, I do not want to serve in government. And I do not blame them.

I think this is little enough to try this one more time, and per-

haps the election bureaus in Mercer County and Schuylkill County and elsewhere can get their act together and perhaps the confusion will stop. I know one thing that I would propose to do, because I did not know that this was going to come up again. I did not know that this problem would occur. I would propose the next time, whenever anybody files, that I would write them a letter for local government and explain the requirements of the law to them, and maybe every member here, if they took that upon themselves and did that—and that is not much of a burden—your local officeholders would know about it and then, if that were done by every member, then, yes, if they did not file, maybe they should be penalized. But we passed a law here that has created a major problem, and I would like to know how many members did take the trouble to write to their local people and tell them about the requirements. I am ashamed of myself that I did not think of that, because we create problems over here and then we do not follow through.

Mr. Speaker, I think we should approve this conference report.

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

Mr. HOEFFEL. Mr. Speaker, I urge the House to reject this report. There is little I can add to the comments made by Mr. Kukovich and Mr. Cowell. I concur with what they said. Clearly this conference report not only forgives the penalty provisions of the bill we enacted into law a year ago, but, as Mr. Cowell pointed out, it goes beyond that and actually undoes law that has been on the books for 40 years. We are forgiving candidates from the postelection requirement of filing their campaign expense forms; they have been doing that for 40 years in this state, and it is just absurd to me that we would go to such lengths to forgive people for failing to follow the law. I listened with some care to what Mr. Hutchinson had to say, and I just cannot accept the arguments that he is making. We are not, through the act that we passed into law 12 months ago, fining people for running for office and trying to serve their communities back home; we are fining them if they fail to live up to the law. I just do not see why we can permit people to continue to do this. I think it makes a travesty of the entire election law if we do not require people to live by the provisions that they certainly should have been aware of. So I urge that we reject this report.

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

Mr. COHEN. Mr. Speaker, I also agree in urging the rejection of this. The 30th day in the postelection law is today. I do not know how many people failed to meet the deadline at 5 o'clock and I do not think anybody else here knows, but I think we can call home and we could urge everybody if they have not met the deadline today, they can do it tomorrow. And I agree if we are going to do it, we ought to do it for just the preelection filing, which this bill does not do. I think anybody in 1980 is going to feel there is no sense obeying the law in 1980 because we passed a law in 1978, first eliminating the preelection fine in the primary; then eliminating the postelection fine in the pri-

mary; now eliminating it for the general election. I think the people are going to get advice in 1980 that the legislature is probably going to change the law. I think if we mean business and we pass the law, we should not keep amending it. I think three amendments to the law in a very short period of time is ridiculous and I urge a "no" vote.

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

Mr. FRYER. Mr. Speaker, I would urge the members of the House to accept the conference committee report. I think, Mr. Speaker, we have come to the point in time when some of our more zealous members should look back on their actions in the past and see that they have imposed something upon local government that is intolerable. It is almost amusing to me to listen to state legislators who are paid over \$25,000 a year plus and say that this same law, this same rule, shall apply to people who are working for little or no money. These gentlemen, overzealous as they are, who spend 5 days, 6 days, 7 days a week looking over the law and who are trying to apply the formula of ivory soap, which is 99 point something, have said, "Ye shall do this. We want to know this."

I had a call last week from a gentleman friend of mine from a borough in the district that I represent, and he called me and told me that he received a bill, a bill of an \$80 fine, and he said he received this bill because he agreed to run for the position of councilman. I have known this gentleman for many years. He said, "I did not really want to serve on council, but I felt I owed it to my community, and," he said, "I have another man who is in the same position." He then raised a question to me and said, "How in the world did you fellows there in Harrisburg pass something like this?" Well, you know it was difficult to explain to him how clean some of our zealous members want to keep local government, and you know it is somewhat very difficult to explain, because they are involved people, and it seems to me that this is the greatest blow to local government that we have ever experienced, because we do have a system of volunteers, and we are driving our very best people out of local government due to these overzealous people. Now I wish they would review their positions and finally realize that what was passed in that last session, in that hurried day, by the amendment process, that maybe possibly, just possibly—I know it is going to scare the hell out of them—but they may have made a mistake. I wish they would review that, but I say to you that the thrust of a general assembly should be to encourage people to get into local government, and this very act drives people from it. I say it is a shameful thing. I say, shame to you who do not support this conference committee report.

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

Mr. RAPPAPORT. Mr. Speaker, I rise with some trepidation to follow my good friend, the gentleman from Berks. I do not hope to match his eloquence.

I would suggest to the members of the House that if this provision for the prefiling is not workable—and apparently it is not—then let us repeal it, and I will vote for that, but so long as

it is on the books, then there can be no excuses for not obeying it.

I might point out to the House that the three people who ran against me 2 years ago — two in the primary and one in the general election — have yet to file their 30-day expense accounts despite the fact that I have had them in court for almost a year and a half. If we are going to require filing, then let us require it, and, therefore, I would urge that we reject this conference report until we are going to take an objective look at this law and decide whether it is practical or not. Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, I am a little bit amused at the eager-beaver approach that has been expressed by some of our younger members here tonight and even by my learned colleague, Mr. Rappaport, and I am somewhat dismayed. Why do we not just have a heart and use our common sense?

Let me tell you a story of one fellow who is very close to me. He is a local supervisor and a very fine, intelligent fellow. He was elected a number of times without any opposition, and he never had to file any reports before. This is what is different, Mr. Speaker, from what was previously the case. Now he is required to file a report, and he did not know that he was, and his political mentors did not tell him that he had to file a report. He collected no money; he spent no money; and because he did not file a report until the last day and filed it in the wrong office, he was fined \$60. That is absolutely ridiculous, and this is repeated over and over again by small, unpaid officeholders all over the state. These are the people we are trying to forgive here. We are not trying to forgive anybody who has something to evade. Let us have a heart and let us pass this thing.

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

Mr. TRELLO. Mr. Speaker, I rise to support this conference report. Let me give you a little story similar to Mr. Vroon's, and I want you to have a lot of heart when I tell you this story, too.

We could not get any candidates in my borough to run for constable or council. We did not have any members of the minority party, which is the Republican Party, who filed, and this is the first time that ever happened, and it is directly because of Act 170. Neither one of these candidates had any opposition. They did not spend any money either, and they found themselves in a position similar to Mr. Vroon's friend, with a \$60, \$70, \$80, or \$90 bill. I say, why not exempt them for this first time?

I urge everybody to support it.

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

Mr. ZELLER. Mr. Speaker, I want to bring to the members' minds something that was said here, two items which bothered me very much, actually three.

We talk about having a heart, and we talk about shame on you, and then we heard a gentleman say that he does not see anything wrong with the law. He actually said this, and then

out of the next breath he said that it is wrong to have such a law since he will have a problem in his county to find people to run. They are talking out of both sides of their mouths, because the very guy who got up here and said it is a shame on us, evidently, according to my records here, voted for it. Then he is telling that fellow back there, when he voted for it, that now he wants to save him because it is a terrible thing we are doing in Harrisburg, but he voted for it. I do not understand this kind of thinking, because it is very easy to tell the folks back home one thing and to do something else. As long as you have a press that will cover you, you are okay.

We do not have this problem in Lehigh County. I do not know why you people have such a problem. I am sure you have the same types of schools. I am sure your people are educated. I am sure they are dedicated, patriotic people. We do not have that problem in Lehigh County. I do not know of any cases. There is no one beating our doors down asking us to save their necks. They are patriotic citizens, and if they find themselves in trouble with problems, they pay their fines. They are not trying to get off the hook for a measly \$30, \$50, \$80 you are talking about if he wants to run for office, but now you are out here trying to say that, oh, what I voted for. Did you tell that guy it was wrong? Did you tell him you voted wrong? Did you tell him it was a bad law? Mr. Hutchinson, when you said you did not see anything wrong with the law—

Mr. W. D. HUTCHINSON. The gentleman has asked me a question. I would like to respond.

Mr. ZELLER. I will. I have not asked—

Mr. W. D. HUTCHINSON. I would like to respond. He has asked me a direct question. I would like to respond.

Mr. ZELLER. I have not asked for interrogation, Mr. Speaker.

The SPEAKER. The gentleman will yield. The Chair is unable to hear either the gentleman from Schuylkill, Mr. Hutchinson, or the gentleman, Mr. Zeller. Is the gentleman from Schuylkill raising a point of order?

Mr. W. D. HUTCHINSON. A point of personal privilege, Mr. Speaker. The gentleman has made statements and asked questions rhetorically of me concerning my actions and then refuses to give me an opportunity to respond. I think I should be given, as a matter of—

Mr. ZELLER. I have the floor.

Mr. W. D. HUTCHINSON. —personal privilege, an opportunity to respond to his question.

Mr. ZELLER. He will.

The SPEAKER. The gentleman, Mr. Zeller, will please confine his debate to the question before the House, which is the adoption of the conference committee report.

Mr. ZELLER. Mr. Speaker, if that is the case, I would like to interrogate Mr. Hutchinson. Is that okay?

Mr. W. D. HUTCHINSON. Yes.

The SPEAKER. As long as the interrogation is pertinent to the question before the House, the gentleman is in order and may proceed.

Mr. ZELLER. Mr. Speaker, I have nothing personally with Mr. Hutchinson, except this: Did you, Mr. Speaker, not say, following your information you gave us, what a problem you

have in your county finding people to run, trying to adhere to such a law, and then out of your next breath you said you did not see anything wrong with the law? Did you not say that?

Mr. W. D. HUTCHINSON. No.

Mr. ZELLER. You did. Oh, brother.

The SPEAKER. The question has been asked, and the gentleman responded.

Mr. W. D. HUTCHINSON. Mr. Speaker, it is my recollection that what I said was that the law may be perfectly all right as applied to us, to us people, but it creates a problem with local government.

Mr. ZELLER. That is the end of my interrogation.

The SPEAKER. The Chair thanks the gentleman. Has the gentleman completed his statement?

Mr. ZELLER. No; I have not, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, as I said, we do not have the problem in Lehigh County, and we should look at our actions of the past. As far as what the gentleman said and what the gentleman from Berks County said, that we find ourselves in violation when we make statements to our people back home when we vote on one thing down here and then tell our people back home how terrible it is, why, right before the election in 1978, did we so eagerly then vote for this thing when it was so wrong? That is what I cannot understand, and if we are going to stand up here and make those kinds of laws, we had better adhere to them, because we are going to set one of the terrible precedents. The next election coming up in the primary, we are going to be back down here helping somebody else off the hook. When is it going to end? In other words, we are making a mockery of what we do down here. It is absolutely a mockery. We do not mean what we do, and then we talk out of both sides of our mouths back home.

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

Mr. A. C. FOSTER. Mr. Speaker, I just thought I would bring to the light of the group just what manner of malefactor we are exposing by this particular act.

I am strongly supportive of the conference committee report, and I urge everyone to vote for it, but I would just like to point out in my own district one of those lurking in the shadows of the political landscape who happened to run afoul of this. It happened to be our local minister who was persuaded to run for borough council. He filed his report, and thanks to the inconsistencies and inefficiencies of mail delivery, it somehow arrived at the board of elections a day late. Now, of course, he is under the gun for a penalty.

What other persons are running afoul of this particular act? Someone who happens to be a write-in candidate. He did not run for anything. He did not seek any office, but those people of his community saw fit to write his name in. He winds up running afoul of this and penalized when he finally acquiesces to serve his community.

In the name of common sense, I would ask everyone to adopt the conference committee report. Then when we happen to be running next year, yes, let the law apply to us. That is whom it

was initially intended for anyhow. It was intended to apply to people running for statewide office or for legislative office, higher office. If we would have known the difficulties that we would have run into on the local level, I think a lot of people would have had second thoughts on this. I urge adoption of the report.

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

Mr. DUFFY. Mr. Speaker, I urge the adoption of this report. On the state level here, I think that we should adhere to these laws very, very strictly. We are running into problems on the local level. We people who have to go out and get the candidates are running into a difficult time each and every election. People do not want to serve because they do not want to go through the paperwork that they have to try to capture a local office. You have people who did not spend a penny, and they have to go ahead and file these forms, and if they do not file the forms, they are fined by the local authorities.

I think it is about time we use some common sense and exonerate the local candidates from this act, and I think that is what we should do in the near future. Thank you, Mr. Speaker.

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

Mr. BENNETT. Very briefly, Mr. Speaker, I think the record ought to show that an elected official in Mercer County feels so strongly about what we are saying here that he actually told the people, look, I am not going to pay it; put me in jail if that is what you have to do. The problem of that is that we in our—and I use the word advisedly—wisdom did not provide a jail term. What we are saying to that man is, we will not put you in jail; we will put a lien against your property.

Mr. Speaker, I think it is totally unfair, what we are doing, and I ask for adoption of the conference report.

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

Mr. COWELL. Mr. Speaker, I will be brief. I simply want to comment about several of the issues that were raised and to correct them.

First of all, the argument was made that this language resulted from an amendment that was hastily passed in the dying days of the 1978 session. That is false. This language was inserted in a House bill in the House State Government Committee during the summer of 1978. It passed this House in a normal process. It went over to the Senate, passed the Senate in a normal process, and this language stuck throughout that process. I think most of the people, if not everybody, who spoke for this exemption today voted for this legislation last year.

Secondly, some people have indicated that this law was really for state officials and statewide candidates. It is not only for those people; it was for local people, and we should not get bogged down with the notion that we are only talking about a few school directors. We are talking about county commissioners; we are talking about city councilmen in Philadelphia and Pittsburgh; we are talking about county commissioners and the mayor of Philadelphia. So we are not just talking about peopl-

who are basically working for nothing or working for a few dollars in some rural communities, but we are talking about exempting everybody if we pass this conference report.

Thirdly, the point was made that, once again, some individuals had never had to file these papers before, these forms before. That is false. Everybody has always had to file a report 30 days after election. Even if they spent nothing, they had to file a report saying they spent nothing. So that is not new law; that is the same old law that we have had for 30 or 40 years.

Finally, I have heard a contradiction in the arguments. We have had a number of people say that they were not able to get candidates this year because of this law, but, on the other hand, the basic argument that we are hearing today is that a lot of people were ignorant about the law. Frankly, there may have been some people ignorant about the law, but I do not think this law had any impact on anyone's decision about whether or not to run.

Finally, today is December 6. Today was the last day for people to file their report, their post-general election report. Some of the people who are standing here today—

The SPEAKER. The gentleman will yield. Today is December 5.

Mr. COWELL. Then there is still time for those folks to be saved. Excuse me. I would suggest the people vote against this today and call up those folks who have not filed their postelection report and tell them that tomorrow is the last day. They had better get it in, because there is no fine for the general election yet, and I think many of us are willing to support a different conference report that would exempt them from fines for deadlines that have passed, but it would be ridiculous for us to tell them that tomorrow is the deadline, but today we are going to exempt you from all fines that might be incurred later on. I urge that we reject this version of the conference report.

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

Mr. WILT. Mr. Speaker, for those people who argue about the doing away with the postelection reports, might I point out that we are not doing away with them, that we are doing away with the fines and that the report still would have to be submitted before February 15. So we are not exempting people from the report.

We have done an injustice to local government by not providing guidelines, adequate guidelines, through our election bureaus across the state. I was reluctant initially to get involved in this fray, because I thought it was a localized problem in my own county, and when people called me, I told them the buck stopped with me because, yes, in fact I did vote for this act. But the truth of the matter is that after we made a cursory phone sampling across the state, or at least with certain counties, I found that in Crawford County there were 67 people who did not file; Venango County had 38 who did not file; Schuylkill County had 71; Armstrong County had 36; Northumberland had 30; and my own had in excess of 100. To be sure, my problem is more exaggerated than some of the other counties, but to say that it is a localized problem is not so.

I will have no conscience at all with the persons who get fined

at the point at which there are some standardized guidelines in a systematic way delivered to candidates. Until that time I will do what I can to protect those people who have not been notified. I ask you to support this conference committee report. Thank you.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

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

YEAS—139

Alden	Gallen	Lewis	Rodgers
Anderson	Gamble	Livengood	Ryan
Armstrong	Gannon	Lynch, E. R.	Salvatore
Barber	Gatski	Lynch, F.	Scheaffer
Bennett	Geesey	Mackowski	Schmitt
Bittle	Geist	Madigan	Schweder
Bowser	George, C.	Manderino	Scirica
Brandt	Giammarco	Manmiller	Shupnik
Burd	Gladeck	McCall	Sieminski
Burns	Goebel	McClatchy	Sirianni
Caltagirone	Goodman	McKelvey	Smith, E.
Cimini	Gray	McMonagle	Smith, L.
Clark, B.	Greenfield	Micozzie	Spencer
Clark, R.	Gruppo	Milanovich	Stairs
Cochran	Halverson	Moehlmann	Stuban
Cole	Hasay	Mowery	Swift
Cornell	Hayes, S. E.	Musto	Taddonio
Coslett	Helfrick	Nahill	Taylor, E.
Davies	Honaman	Novak	Telek
DeMedio	Hutchinson, A.	Noye	Thomas
DeVerter	Hutchinson, W.	O'Brien, B.	Trello
DiCarlo	Iris	O'Brien, D.	Vroon
Dietz	Johnson, E.	Oliver	Wargo
Dininni	Johnson, J.	Perzel	Wass
Dombrowski	Jones	Peterson	Weidner
Dorr	Klingaman	Petrarca	Wenger
Duffy	Knepper	Piccola	Wilson
Dumas	Knight	Pievsky	Wilt
Durham	Kolter	Pitts	Wright, D.
Earley	Kowalshyn	Polite	Wright, J. L.
Fee	Laughlin	Pratt	Yahner
Foster, A.	Lehr	Punt	Yohn
Foster, W.	Letterman	Pyles	
Freind	Levi	Rieger	Seltzer,
Fryer	Levin	Rocks	Speaker
Gallagher			

NAYS—47

Arty	Fischer, R. R.	Miller	Spitz
Austin	Fisher, D. M.	Mrkonic	Steighner
Belardi	George, M.	Murphy	Stewart
Brown	Grabowski	O'Donnell	Street
Cappabianca	Harper	Pistella	Sweet
Cessar	Hoeffel	Pott	Taylor, F.
Chess	Itkin	Rappaport	Wachob
Cohen	Kanuck	Reed	Zeller
Cowell	Kukovich	Rhodes	Zitterman
Cunningham	Lashingier	Ritter	Zord
Dawida	McVerry	Serafini	Zwinkl
DeWeese	Michlovic	Seventy	

NOT VOTING—16

Beloff	Donatucci	McIntyre	Shadding
Berson	Grieco	Mullen, M. P.	Wagner
Borski	Hayes, D. S.	Pucciarelli	White
Brunner	Kernick	Richardson	Williams

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate, December 4, 1979.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 1, 1980 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, December 10, 1979; and be it further

RESOLVED, That when the House of Representatives adjourns the week of December 10, 1979 it reconvene on Tuesday, January 1, 1980 unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—109

Table listing names of representatives who voted 'YEAS' (109 total). Includes names like Alden, Anderson, Armstrong, Arty, Belardi, Berson, Bittle, Bowser, Brandt, Burd, Burns, Caltagirone, Cessar, Cimini, Clark, B., Clark, R., Cornell, Coslett, DeMedio, DeVerter, Dietz, Dininni, Duffy, Durham, Earley, Fee, Fisher, D. M., Foster, A., Foster, W., Freind, Gallagher, Gallen, Gannon, Geesey, Geist, George, C., Gladeck, Goebel, Greenfield, Gruppo, Hasay, Hayes, S. E., Honaman, Hutchinson, W., Irvis, Johnson, E., Kanuck, Klingaman, Kowalyshyn, Lehr, Levi, Lewis, Livengood, Lynch, E. R., Mackowski, Madigan, Manderino, McKelvey, Micozzie, Miller, Moehlmann, Mowery, Mullen, M. P., Musto, Nahill, Noye, O'Brien, B., O'Brien, D., Peterson, Petrarca, Pievsky, Pitts, Polite, Punt, Pyles, Rappaport, Ritter, Rocks, Ryan, Salvatore, Scheaffer, Schmitt, Scirica, Serafini, Shupnik, Sieminski, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Swift, Taddonio, Taylor, E., Vroon, Wargo, Wass, Weidner, Wenger, Wilson, Wilt, Wright, D., Wright, J. L., Yohn, Zeller, Zord, Zwinkl, Seltzer, Speaker.

NAYS—74

Table listing names of representatives who voted 'NAYS' (74 total). Includes names like Austin, Barber, Bennett, Borski, Brown, Gamble, Gatski, George, M., Giammarco, Goodman, Laughlin, Letterman, Levin, Lynch, F., Manmiller, Pott, Pratt, Reed, Richardson, Rieger.

Table listing names of representatives who were present but did not vote. Includes names like Capparebianca, Chess, Cochran, Cohen, Cole, Cowell, Cunningham, Dawida, DiCarlo, Dombrowski, Dorr, Dumas, Fischer, R. R., Fryer, Grabowski, Gray, Halverson, Helfrick, Hoeffel, Hutchinson, A., Itkin, Johnson, J., Jones, Knepper, Knight, Kolter, Kukovich, Lashingier, McCall, McMonagle, McVerry, Michlovic, Milanovich, Mrkonic, Murphy, Novak, O'Donnell, Oliver, Perzel, Piccola, Pistella, Schweder, Seventy, Sirianni, Street, Stuban, Sweet, Taylor, F., Telek, Thomas, Trello, Wachob, Yahner, Zitterman.

NOT VOTING—19

Table listing names of representatives who did not vote. Includes names like Beloff, Brunner, Davies, DeWeese, Donatucci, Grieco, Harper, Hayes, D. S., Kernick, McClatchy, McIntyre, Pucciarelli, Rhodes, Rodgers, Shadding, Stewart, Wagner, White, Williams.

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

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

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

Mrs. TAYLOR. Mr. Speaker, I move that the rules be suspended so that a resolution I am offering can be considered immediately by this House.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Table listing names of representatives who voted 'YEAS' (186 total). Includes names like Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Capparebianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, Foster, A., Foster, W., Lewis, Livengood, Lynch, E. R., Lynch, F., Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McKelvey, McMonagle, McVerry, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Murphy, Musto, Nahill, Novak, Noye, O'Brien, B., O'Brien, D., O'Donnell, Oliver, Perzel, Ryan, Salvatore, Scheaffer, Schmitt, Scirica, Serafini, Seventy, Shupnik, Sieminski, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Stewart, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob.

Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner
DeVerter	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	Wilson
DiCarlo	Kanuck	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D.
Dininni	Knepper	Pott	Wright, J. L.
Dombrowski	Knight	Pratt	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kowalshyn	Pyles	Zeller
Dumas	Kukovich	Rappaport	Zitterman
Durham	Lashing	Reed	Zord
Earley	Laughlin	Richardson	Zwilk
Fee	Lehr	Ritter	
Fischer, R. R.	Letterman	Rocks	Seltzer,
Fisher, D. M.	Levin	Rodgers	Speaker

NAYS—2

Levi	Schweder
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NOT VOTING—14

Beloff	Hayes, D. S.	Pucciarelli	Wagner
Brunner	Kernick	Rhodes	White
Donatucci	McIntyre	Rieger	Williams
Grieco	Mullen, M. P.		

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

RESOLUTION

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

Mrs. TAYLOR. Mr. Speaker, I offer the following resolution.

The SPEAKER. The clerk will read the resolution.

The following resolution was read by the clerk:

In the House of Representatives,

WHEREAS, The Government of Iran is currently holding 50 Americans hostage at the American Embassy in Teheran; and

WHEREAS, These Americans are diplomatic personnel who under international law possess diplomatic immunity; and

WHEREAS, The Government of Iran has violated the immunity of these people and is apparently holding them in difficult and degrading conditions; and

WHEREAS, The citizens of the Commonwealth as well as the rest of the Nation wish to show their support for the country in this crisis situation; and

WHEREAS, There is being launched this month a National Headlight Vigil which shall commence Thursday, December 6, at 12:00 Noon at the Court House at West Chester, Chester County, the purpose of which is to demonstrate National unity for the safe return of our diplomatic personnel, for the preservation of the honor of our country and to remind all Americans of the plight of our fellow countrymen; therefore be it

RESOLVED, That the House of Representatives do endorse the National Headlight Vigil and urges all motorists of the Commonwealth of Pennsylvania to drive with their headlights on until such time as the hostages have been safely returned to our country.

On the question,

Will the House adopt the resolution?

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

Mrs. TAYLOR. Mr. Speaker, I appreciate your indulgence and also the members of the House in permitting me to bring in

front of the House of Representatives today this resolution.

Last week, we heard from Mr. McCall, who gave a very stirring, very serious, and a very enlightening talk concerning just exactly what it means to the hostages for them to know that their fellow Americans are really behind them.

In my community of West Chester in the County of Chester, a young man has decided that it might be well for Americans to demonstrate a national unity for the safe return of our diplomatic personnel and to remind all Americans constantly that we do have the plight of our fellow countrymen at heart. He has asked that we launch this month a national headlight vigil, and I would ask an affirmative vote on this resolution. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Alden	Foster, W.	Livengood	Ryan
Anderson	Freind	Lynch, F. R.	Salvatore
Armstrong	Fryer	Lynch, F.	Scheaffer
Arty	Gallagher	Mackowski	Schmitt
Austin	Gallen	Madigan	Schweder
Barber	Gamble	Manderino	Scirica
Belardi	Gannon	Manmiller	Serafini
Bennett	Gatski	McCall	Seventy
Berson	Geesey	McClatchy	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.	Street
Cimini	Halverson	Murphy	Stuban
Clark, B.	Harper	Musto	Sweet
Clark, R.	Hasay	Nahill	Swift
Cochran	Hayes, S. E.	Novak	Taddonio
Cohen	Helfrick	Noye	Taylor, E.
Cole	Hoefel	O'Brien, B.	Taylor, F.
Cornell	Honaman	O'Brien, D.	Telek
Coslett	Hutchinson, A.	O'Donnell	Thomas
Cowell	Hutchinson, W.	Oliver	Trello
Cunningham	Irvis	Perzel	Vroon
Davies	Itkin	Peterson	Wachob
Dawida	Johnson, E.	Petrarca	Wargo
DeMedio	Johnson, J.	Piccola	Wass
DeVerter	Jones	Pievsky	Weidner
DeWeese	Kanuck	Pistella	Wenger
DiCarlo	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wilt
Dininni	Knight	Pott	Wright, D.
Dombrowski	Kolter	Pratt	Wright, J. L.
Dorr	Kowalshyn	Pucciarelli	Yahner
Duffy	Kukovich	Punt	Yohn
Dumas	Lashing	Pyles	Zeller
Durham	Laughlin	Rappaport	Zitterman
Earley	Lehr	Reed	Zord
Fee	Letterman	Rhodes	Zwilk
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Levin	Rocks	Seltzer,
Foster, A.	Lewis	Rodgers	Speaker

NAYS—0

NOT VOTING—12

Beloff	Grieco	McIntyre	Wagner
Brunner	Hayes, D. S.	Richardson	White
Donatucci	Kernick	Rieger	Williams

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

RESOLUTION RECOMMENDED

Mr. RYAN called up **HR 54, PN 1730**, entitled:

Speaker of the House and President Pro Tempore of the Senate, appoint a committee to investigate Philadelphia traffic court procedures.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HR 54 be recommitted to the Committee on Rules.

The SPEAKER. It has been moved by the majority leader, Mr. Ryan, that HR 54 be recommitted to the Committee on Rules.

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

The following roll call was recorded:

YEAS—179

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

Dombrowski	Kowalyshyn	Pott	Yahner
Dorr	Kukovich	Pucciarelli	Yohn
Duffy	Lashinger	Punt	Zeller
Dumas	Laughlin	Reed	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Ritter	Zwinkl
Fee	Levi	Rocks	
Fisher, D. M.	Levin	Rodgers	Seltzer,
Foster, A.	Lewis	Ryan	Speaker
Foster, W.			

NAYS—5

Cappabianca	Miller	Pratt	Stairs
Fischer, R. R.			

NOT VOTING—18

Beloff	Hayes, D. S.	Pyles	Scirica
Berson	Hutchinson, A.	Rappaport	Wagner
Brunner	Johnson, E.	Rhodes	White
Donatucci	Kernick	Rieger	Williams
Grieco	McIntyre		

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

The SPEAKER. The resolution is so recommitted.

MOTION TO ADD ALL MEMBERS AS SPONSORS

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

Mr. TRELLO. Mr. Speaker, on Mrs. Taylor's resolution, I respectfully request and so move that all members of the House be put on the resolution as cosponsors.

The SPEAKER. For the information of the gentleman, the resolution will not be reprinted and there will be no opportunity. The Chair would suggest that since the members voted unanimously for it, they are on record in favor of the resolution.

Mr. TRELLO. Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. FRYER. Mr. Speaker, I attempted to be recognized after the gentleman from Lehigh, Mr. Zeller, made certain charges which I regarded as personal.

For the gentleman's information, I am not talking out of one side of my mouth at home and another side of the mouth up here. If the members will recall, and if the member was not asleep in his seat, the honorable gentleman, he will recall that at the time of the final passage of what became Act 170, I stated clearly there my strong opposition to the point of local government being in that bill. My position was well known. I then introduced a bill in this new session which would exclude local government.

Now, Mr. Speaker, normally I do not rise to this because I cannot equal the gentleman in appearing at the microphone. And, further, I do not have the expertise that he enjoys in

various fields. I know that in some fields he had 3 years' experience, in others, 5, and others as much as 8 or 10 years. I did a rapid total on this, Mr. Speaker, and it reaches me that the gentleman from Lehigh must be at least 412 years old. Mr. Speaker, I cannot compete with that type of expertise, being a normal mortal, but I would say to the gentleman that if he has anything to say, I wish he would keep to the subject; I wish it would not be a personal attack, and if he would not get to the microphone so often, I think we would have a much shorter work week. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, as a point of order, I would like to reply to Mr. Fryer. Am I allowed to do so, sir, since my name was so well used?

The SPEAKER. Is the gentleman attempting to apologize to Mr. Fryer?

Mr. ZELLER. No. I do not think the Speaker has to speak for me. I am capable of doing that myself.

The SPEAKER. Would the gentleman back away from the microphone? The Chair is having a difficult time understanding him.

Mr. ZELLER. Mr. Speaker, if you can hear me from here, what I said was—

The SPEAKER. The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Thank you, Mr. Speaker. Since we are having so much humor at this hour of the night, I would like to remind Mr. Fryer that we are talking about Act 171. And for the benefit of all of you who had a little joke here, I get serious and I have the facts. As a matter of fact, Mr. Fryer, we were talking about Act 171. Well, he made his remarks in regard to Act 170. There is a difference, unless Mr. Fryer does not understand it. Now that is what happened. So when you talk out of both sides of your mouth, please, Mr. Fryer, get your facts. That is what happened. We were talking about Act 171 and you in your remarks on the floor of the House were referring to Act 170. What Mr. Fryer failed to tell his folks back home is that although he made the remarks, he still voted for it right before the election. Is that not cute?

Mr. Fryer, I have my facts; you had better get yours straight, and as far as being the Jeremiah and all that, as far as age is concerned, you are damned right. I have got a lot of experience and I will match yours anytime.

The SPEAKER. The gentleman's name was Methuselah.

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

Mr. COHEN. Mr. Speaker, I ask permission to address the House for a minute.

BILL REMOVED FROM TABLE AND PLACED ON CALENDAR

The SPEAKER. Will the gentleman yield until the majority leader makes a motion?

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, we found the elusive HB 1843 and I

would now move it from the table to the active calendar, and I so move.

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

STATEMENT BY MR. COHEN

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

Mr. COHEN. Mr. Speaker, I voted for and I support the resolution we just passed on the Iranian crisis. This was the only opportunity we have had in the House to express our opinion on Iran, and I am glad we passed that resolution unanimously.

It will be my hope, however, that in seeking gestures in order to show our opposition to Iran, that after this national headlight movement goes, we try to find ways that will not consume extra energy and extra oil. Putting the headlights on is only going to use up more oil, and that is the very problem that has us in this mess we are in right now. So I would hope that future symbolic gestures would have a better effect.

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

Mr. RYAN. No, Mr. Speaker.

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

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. BRANDT. Mr. Speaker, it goes in great line with what Mr. Cohen had said about conserving energy. I would just like to point out to the House that I am about to introduce a bill that deals with the issue of solar energy, and since we have an energy-conscious society at this time, this bill would put the responsibility into the Department of General Services that when there are state moneys expended into the building of public buildings, they do look into the idea of using solar energy or a renewable source energy.

There are about 25 cosponsors who joined with me in this bill, and I am calling and asking that the committee to which it is assigned, look at this bill rather promptly. Thank you, Mr. Speaker.

SB 915 PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 915 be placed on the third consideration postponed calendar.

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

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on to-

day's calendar will be passed over.

The Chair hears no objection.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Senate informed that the Senate has concurred in:

HB 852, PN 2372; HB 1632, PN 2388; and HB 1977, PN 2508.

HOUSE AMENDED SENATE BILLS CONCURRED IN

The Senate informed that it has concurred in House amendments to **SB 756, PN 1383; SB 846, PN 1404; and SB 882, PN 1314.**

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

HB 571, PN 2512; and HB 1905, PN 2593.

The SPEAKER. The bills will appear on the calendar.

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in **HR 36, PN 954.**

SENATE ADOPTS REPORTS OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Reports of the Committees of Conference on **HB 830, PN 2629 and HB 1261, PN 2633.**

BILLS SIGNED BY SPEAKER

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

HB 118, PN 2394

An Act amending the act of July 19, 1979 (No. 48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, the State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," changing the effective date of the implementation of certain reviews.

HB 777, PN 2541

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), entitled "Legislative Officers and Employees Law," providing for the reorganization and management of the Senate and of the House of Representatives and providing a cost-of-living increase for certain employees.

HB 830, PN 2629

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probation and for criminal history records.

HB 852, PN 929

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the gross receipts tax on electricity provided in the Commonwealth.

HB 1108, PN 2578

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

HB 1261, PN 2633

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; ***, and repealing certain acts and parts of acts relating to elections," further providing for campaign finances and providing for certain refunds.

HB 1622, PN 1955

An Act authorizing the State Armory Board of the Department of Military Affairs and the Department of General Services with the approval of the Governor, to sell and convey to Endicott Johnson Corporation a tract of land, together with the building and structures thereto, in the Borough of Tunkhannock, Wyoming County, Pennsylvania, containing 8.985 acres, more or less.

HB 1686, PN 2058

An Act amending the act of July 1, 1978 (P. L. 742, No. 138), entitled "A supplement to the act of September 28, 1978 (P. L. 787, No. 151), entitled 'An act providing for the capital budget for the fiscal year 1978-79,' itemizing a transportation assistance project ***" itemizing a transportation assistance project to be acquired, purchased or constructed by the Pennsylvania Department of Transportation.

HB 1997, PN 2508

An Act authorizing and directing the Department of Justice, with the approval of the Governor, to accept as partial payment, *** and providing for the custody of such engines, cars and equipment.

SB 224, PN 1363

An Act amending the act of July 5, 1947 (P. L. 1258, No. 514), entitled "An act authorizing and empowering city treasurers of cities of the second class to sell at public sale, lands or real estate upon which the taxes, assessed and levied by the city or school district, are delinquent and unpaid; . . ." providing for the collection of municipal claims and liens, changing the periods for advertisement and redemption and establishing additional methods of perfecting title and selling property acquired by treasurer's sales.

SB 271, PN 1361

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for an annual actuarial valuation of the County Employees' Retirement System so that the board may increase or decrease monthly contributions; further providing for employees eligible for retirement allowances, and changing the date for credit for previous services.

SB 756, PN 1383

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

SB 825, PN 1275

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," further providing for change of interest on loans for property repair, alteration and improvement and loans secured by chattel paper; providing that delinquency charges be increased, that the charge on inactive accounts be increased, that the percentage of assets which may be invested in housing for the aging be increased, providing for further delegation of powers by directors and further defining maximum interest rate.

SB 826, PN 1320

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for real estate loans, mobile home financing and subordinated securities.

SB 846, PN 1404

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further providing for arbitration panels for health care and providing for severability.

SB 882, PN 1314

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

SB 1011, PN 1242

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," exempting the manufacture of dena-

tured ethyl alcohol for use in farm machinery from licensing requirements.

WELCOMES

The SPEAKER. The Chair welcomes to the front of the House Mr. Raymond Drukker and Miss Chloe Eichelberger, who are here today as the guests of Mrs. Arty of Delaware County.

The Chair also welcomes to the front of the House Don Bush, Richard Baltz, Daniel Mistichelli, Brian Yost, and Bob Cessar, who is the son of Mr. Rick Cessar. They are all students at Dickinson College and the guests of Mr. Cessar.

The Chair welcomes to the gallery Mrs. Mary Ann Reeser, Eric Reeser, Will Reeser, and Ann Reeser from New Holland, Lancaster County, and Mr. Jose Lopez, an exchange student from Caracas, Venezuela, who are here today as the guests of Mr. Wenger and the entire Lancaster County delegation.

The Chair welcomes to the floor of the House Richard Kline and his son Richard. Mr. Kline is a supervisor from White-marsh Township, Montgomery County. He is here today as the guest of Mr. Scirica.

ADJOURNMENT

Mr. STREET moved that this House of Representatives do now adjourn until Monday, December 10, 1979, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:02 p.m., e.s.t., the House adjourned.