

Legislative Journal

TUESDAY, DECEMBER 11, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 89

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE MARILYN S. LEWIS, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Heavenly Father, as this week progresses, we feel the continued need for Thy guidance and support. With the year-end holidays just a few days away, please help us with our current deliberations. Keep our attention on the issues we are facing, and help us in making determinations that are in the best interests of the citizens of this great Commonwealth. Be with all of those who are serving this Commonwealth and, particularly, be with our President and our leaders in Washington. Give courage and strength to those being held hostage in Iran. We ask all of this in Thy name, Dear Lord. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, December 10, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2093 By Representatives BURNS and GALLAGHER.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for authority of school officials over pupils and providing penalties for certain interference therewith.

Referred to Education, Dec. 10, 1979.

HB 2094 By Representatives GEESEY and A. K. HUTCHINSON.

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled "An act to provide revenue by taxation, ***," providing for distribution of the tax on the basis of population.

Referred to Finance, Dec. 10, 1979.

HB 2095 By Representatives CESSAR, RYAN, ARTY, FREIND, EARLEY, POLITE, SPITZ, ALDEN, NAHILL, DURHAM, WEIDNER, SERAFINI, S. E. HAYES, JR., ZELLER, ZWIKL, PYLES, FRYER, DININNI, NOYE, CUNNINGHAM, RITTER, M. R. CLARK, A. C. FOSTER, JR., TELEK, CORNELL, GLADECK, BELARDI, McVERRY, SIEMINSKI, LEWIS, KANUCK, BOWSER, LASHINGER, MANMILLER, PICCOLA, STUBAN, SIRIANNI, LEHR, ANDERSON, GALLEN, COSLETT, MICOZZIE, GANNON, MILLER, GEIST, MACKOWSKI, L. E. SMITH, TRELLO, WASS, HONAMANN, E. Z. TAYLOR, SWIFT, DIETZ, SCHEAFFER, MOWERY, PUNT and A. K. HUTCHINSON.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the issuance of firefighter registration plates.

Referred to Transportation, Dec. 10, 1979.

HB 2096 By Representatives STUBAN, ZITTERMAN, SCHEAFFER, CAPPABIANCA, ZELLER, WACHOB and STEWART.

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the furnishing of United States flags for deceased members.

Referred to Military and Veterans Affairs, Dec. 10, 1979.

HB 2097 By Representatives PRATT, CAPPABIANCA, and F. TAYLOR.

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

Referred to Labor Relations, Dec. 10, 1979.

HOUSE RESOLUTION INTRODUCED AND REFERRED

Serial No. 159 By Representatives PETRARCA, KOLTER, GATSKI, MANDERINO and TADDONIO

Speaker appoint a bipartisan committee to study the feasibility of converting utility vehicles in the Commonwealth to electric power.

Referred to Rules, Dec. 10, 1979.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communications from his Excellency, the Governor:

APPROVAL OF HOUSE BILLS Nos. 631 and 777.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

December 7, 1979.

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

I have the honor to inform you that I have this day approved and signed House bill No. 631, printer's No. 2293, entitled "An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting trading in motor vehicles and trailers and making A REPEAL."

DICK THORNBURGH,
GOVERNOR

December 10, 1979.

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

I have the honor to inform you that I have this day approved and signed House bill 777, printer's No. 2541, entitled, "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."

DICK THORNBURGH,
GOVERNOR

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

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

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

Mr. GREENFIELD. Mr. Speaker, I request leave of absence for Mr. LETTERMAN for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—193

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallagher	Madigan	Schmitt
Arty	Gallen	Manderino	Schweder

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

NAYS—0

NOT VOTING—9

Armstrong	Donatucci	Hayes, D. S.	Pyles
Beloff	Grieco	Letterman	Zord
Brunner			

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

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1716, PN 2655; SB 449, PN 1430; HB 2045, PN 2589; SB 518, PN 1426; HB 1794, PN 2197; and SB 790, PN 1403.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1574, PN 2516, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to fish and fishing and boats and boating.

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

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

The question is, shall the bill pass finally?

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

YEAS—181

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

NAYS—0

NOT VOTING—21

Armstrong	Hayes, D. S.	Miller	Rhodes
Beloff	Knepper	Mowery	Richardson
Brunner	Letterman	Mullen, M. P.	Street
DeWeese	Lynch, F.	Pyles	White
Donatucci	McIntyre	Reed	Zord
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 Cumberland, Mr. Mowery.

Mr. MOWERY. Mr. Speaker, I would like to be recorded in the affirmative on HB 1574.

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

MISS EBONY OF PENNSYLVANIA PRESENTED

The SPEAKER. The Pennsylvania House of Representatives is very fortunate today to have a special guest, and to introduce the guest, the Chair now recognizes the lady from Philadelphia, Mrs. HARPER.

Mrs. HARPER. Thank you. Mr. Speaker.

Members of the House, I am pleased to have as my guest Miss Ebony of Pennsylvania, Ann Kilcollum. Ann is a sophomore student at the Philadelphia College of Art. She is involved in civic work, especially helping children.

I have a citation to present to her and I shall read it for you:

Commonwealth of Pennsylvania
Citation by The House of Representatives

December 7, 1979.

Whereas, The selection of Miss Ann Kilcollum of Philadelphia as Miss Ebony for Pennsylvania attests to her superior academic achievements, warmth, sensitivity, outstanding leadership and beauty.

Now therefore, The House of Representatives of the Commonwealth of Pennsylvania, extends congratulations to Miss Ann Kilcollum on being selected Miss Ebony for Pennsylvania and extends best wishes for continued success in future endeavors; and further directs that a copy of this citation be delivered to Miss Ann Kilcollum.

Submitted by:

RUTH B. HARPER

Sponsor

H. JACK SELTZER

Speaker of the House of Representatives

Attest:

CHARLES J. MEBUS

Chief Clerk of the House of Representatives

Miss KILCOLLUM. Mr. Speaker, members of the House of Representatives, ladies and gentlemen, I am delighted and proud to be here to greet you as Miss Ebony Pennsylvania 1979, and I am especially grateful to be here as the guest of Representative Ruth Harper. Thank you.

PERSONAL PRIVILEGE

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

Mr. WILLIAMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, I think it would be the right time, for the first time, for us to reconsider the Dawida amendment on busing.

STATEMENT BY MR. DAVIES

Mr. DAVIES, under unanimous consent, addressed the House.

Mr. DAVIES. Mr. Speaker, I call attention of both the leadership and the management of the House in reference to HB 1574, PN 2516, which we just passed by this body. I expressed concern last week about the matter of printing expenses for this House and I would have the record show that the only difference between PN 2516 and PN 1884 is that two words, a word on page 32, I believe it is, and a word on page 42 have been changed. There was an error in the original spelling. I would ask that leadership in some way or other, with his wisdom, seek to devise some kind of change in the rule which we could live with, that we would be able to make either corrections to the piece of legislation necessary in some manner, shape or form, be it in the Legislative Reference Bureau or wherever it be, to rectify this kind of error without going through the expense that this is placing upon this House. Thank you, Mr. Speaker.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. LEHR. I would like to announce that the Liquor Control Committee will meet at the rear of the House. Thank you.

The SPEAKER. The gentleman from York, Mr. Lehr, announces that at the call of the recess, there will be a meeting of the Liquor Control Committee immediately in the rear of the House.

HOUSE SCHEDULE REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that we recess now until 2:30 and that the Republicans report immediately to the caucus room and that we return to the floor as promptly as possible at the appointed hour and expect, probably, to be here until 6:30 to 7:30 tonight.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we would ask for an immediate Democratic caucus. Hopefully, we will be finished with it in approximately an hour, and then we will be prepared to return to the floor at the set time of 2:30.

PERSONAL PRIVILEGE

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

Mr. NOVAK. I rise to a point of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. NOVAK. Since it would be humanly impossible to do what I would like to do personally, and in order to get us together in the spirit of Christmas, I would like to use this means of expressing my family's best wishes to all the members of the House and to those listening to the microphone — Merry Christmas to all of you. Thank you very much.

The SPEAKER. Thank you very much.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2:30. The Chair hears none.

AFTER RECESS

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

SENATE MESSAGE

SENATE INSISTS ON NONCONCURRENCE IN HOUSE AMENDMENTS AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that the Senate insists on nonconcurrency in House amendments to **SB 316, PN 1364**, and has appointed Messrs. LEWIS, KURY and CORMAN

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 CONCURRENCE AND APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. RYAN moved that the House insist upon Senate concurrence in House amendments to SB 316, PN 1364, 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 SB 316, PN 1364 Messrs. BRANDT, SPITZ and FRYER.

Ordered, That the clerk inform the Senate accordingly.

PARLIAMENTARY INQUIRY

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

Mr. GRABOWSKI. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRABOWSKI. Is it possible to have a bill that is on the tabled calendar recommitted?

The SPEAKER. It is the opinion of the Chair that before a bill on the table can be recommitted to a committee of this House, a motion must first be made to take it from the table, and when the bill is taken from the table, the question recurs, Will the House agree to the bill?, assuming that it is on third reading. At that point then a motion to recommit to a committee would be proper.

Mr. GRABOWSKI. Okay. I will get back to you.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. KNEPPER. Mr. Speaker, I would like to be placed on the master roll call and have the record show that my absence this morning was due to the fact that I was in Allegheny County testifying as a witness in a trial. Thank you.

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

MOTION TO REMOVE HB 434 FROM TABLE MADE AND WITHDRAWN

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

Mr. GRABOWSKI. I would like to make a motion to remove HB 434 from the tabled calendar for the purpose of recommitting it to the Game and Fisheries Committee.

MOTION WITHDRAWN

The CHAIR. The Chair recognizes Mr. Grabowski.

Mr. GRABOWSKI. Mr. Speaker, I withdraw my motion.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1843, PN 2269**, entitled:

An Act designating Stony Creek as a component of the Pennsylvania 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.

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

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallagher	Madigan	Schmitt
Arty	Gallen	Manderino	Schweder
Austin	Gamble	Manmiller	Scirica

Barber	Gannon	McCall	Serafini
Belardi	Gatski	McClatchy	Seventy
Bennett	Geesey	McIntyre	Shadding
Berson	Geist	McKelvey	Shupnik
Bittle	George, C.	McMonagie	Sieminski
Borski	George, M.	McVerry	Sirianni
Bowser	Giammarco	Michlovic	Smith, E.
Brandt	Gladeck	Micozzie	Smith, L.
Brown	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Gruppo	Mullen, M. P.	Street
Chess	Halverson	Murphy	Stuban
Cimini	Harper	Musto	Sweet
Clark, B.	Hasay	Nahill	Swift
Clark, R.	Hayes, S. E.	Novak	Taddonio
Cochran	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	Irviss	Perzel	Vroon
Davies	Itkin	Peterson	Wachob
Dawida	Johnson, E.	Petrarca	Wagner
DeMedio	Johnson, J.	Piccola	Wargo
DeVerter	Jones	Pievsky	Wass
DeWeese	Kanuck	Pistella	Weidner
DiCarlo	Kernick	Pitts	Wenger
Dietz	Klingaman	Polite	White
Dininni	Knepper	Pott	Williams
Dombrowski	Knight	Pratt	Wilson
Dorr	Kolter	Pucciarelli	Wilt
Duffy	Kowalshyn	Punt	Wright, D.
Dumas	Kukovich	Rappaport	Wright, J. L.
Durham	Lashinger	Reed	Yahner
Earley	Laughlin	Richardson	Yohn
Fee	Lehr	Rieger	Zeller
Fischer, R. R.	Levi	Ritter	Zitterman
Fisher, D. M.	Levin	Rocks	Zwinkl
Foster, A.	Lewis	Rodgers	
Foster, W.	Livengood	Ryan	Seltzer,
Freind	Lynch, E. R.	Salvatore	Speaker

NAYS—0

NOT VOTING—12

Armstrong	Cohen	Hayes, D. S.	Pyles
Beloff	Donatucci	Letterman	Rhodes
Brunner	Grieco	Lynch, F.	Zord

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 SUBMITTED FOR THE RECORD

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

Mr. PICCOLA. Mr. Speaker, on HB 1843 I have a few brief remarks that I would like to submit for the record.

The SPEAKER. The gentleman will send the remarks to the desk.

Mr. PICCOLA presented the following remarks for the Legislative Journal:

Mr. Speaker, HB 1843 is a new act which will designate a por-

tion of Stony Creek in Dauphin and Lebanon Counties as a wild component of the Pennsylvania Scenic River System. If this bill becomes law, Stony Creek will become the first wild river in the Scenic River System. It is one of the few stream segments anywhere in Pennsylvania that will ever qualify for wild river status.

This designation has the support of the Department of Environmental Resources, which has completed an exhaustive study lasting more than 18 months. It has the support of a multitude of environmental and sportsmen groups who seek to preserve a relatively untouched wilderness less than 15 miles from the urban center of Harrisburg, and, most important, from my point of view, it has the support of the people living in close proximity of the study area.

I thank the House for taking up this issue in such rapid fashion and for your support of HB 1843.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1905, PN 2593**, 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. 2362, 2391, 2520
Printer's No. 2593

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1905
Session of 1979

INTRODUCED BY MR. McCLATCHY, OCTOBER 23, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, DECEMBER 3, 1979.

An Act

amending the act of July 4, 1979 (No. 10A), entitled "An act appropriating the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1979 to June 30, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979," changing appropriations and adding appropriations.

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

Section 1. So much as relates to the appropriations to the Governor's Office and the Departments of Aging, Agriculture, Commerce, Community Affairs, Education, Environmental Resources, Health, Justice, TRANSPORTATION and Public Welfare of section 3, act of July 4, 1979 (No. 10A), known as the "Federal Augmentation Appropriation Act of 1979," are amended and appropriations are added to read:

Section 3. The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Federal augmentation funds to the several hereinafter named agencies of the Executive and Judicial Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

I. EXECUTIVE DEPARTMENT
To the Governor
* * *

(b) For the Office of State Planning and Development

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

(1) "HUD Annual Program Grant" — For activities related to comprehensive planning by the Office of State Planning and Development, the State Planning Board, (including a carryover of approximately [\$125,000] \$137,000)	\$391,000]
	\$403,000

* * *

(c) For the Human Relations Commission

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

(1) "EEOC — Special Project Grant" — To undertake, identify and eliminate discrimination in employment due to race, color, religion, sex, ancestry or national origin, in hiring, recruitment, placement, promotion, referral, transfer, lay-off, discharge and other employment practices	[\$480,000] \$827,000
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(d) For the Pennsylvania Council on the Arts

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

(4) "National Endowment for the Arts — Dance Touring Program" — For the administration of the dance touring program	5,078
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(e) For the Governor's Energy Council

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

(8) "Small Scale Appropriate Technology Grant Program" — For the review of proposals and monitoring of contractors in a program to allow persons, governments and small businesses to participate in shifting the energy supply to renewable resources which are appropriate to the locale	60,000
(9) "Number 2 Fuel Oil Survey" — To conduct a biweekly survey of approximately 100 Number 2 heating oil dealers to obtain prices and inventories of Number 2 heating oil.	21,800

Governor's Council on Drug and Alcohol Abuse

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(4) "NIDA — Statewide Treatment Services to Drug Abusers" — For administrative expenses incurred in providing drug related projects within single county authorities . . .	[20,000] 60,000
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(5) "HIGHWAY TRAFFIC SAFETY GRANT" — [FOR ALL COSTS ASSOCIATED WITH THE PUBLIC AWARENESS CAMPAIGN TO COORDINATE THE COMMONWEALTH'S DRIVING UNDER THE INFLUENCE PROGRAM AMONG THE 67 COUNTIES] 20,000]

53,000

(8) "NIAA — State Manpower Development Program" — To identify the training resources and manpower needs within the Pennsylvania alcoholism treatment delivery field 30,000

To the Department of Aging

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

(1) "Programs for the Aging — Title III" — For support of programs for eligible older persons through Statewide planning, area planning and social services \$27,981,000
\$28,435,000

* * *

To the Department of Agriculture

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(10) "HUD — Comprehensive Planning" — To refine and implement the State's Agricultural Land Preservation Policy 21,000

(11) (10) "Noxious Weed Survey" — To conduct detection surveys for exotic noxious weeds in Pennsylvania. 16,000

To the Department of Commerce

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(4) "EDA — Media Advertising Program" — To implement a media advertising program directed toward reversing the negative economic effects of the Three Mile Island nuclear incident. 50,000

To the Department of Community Affairs

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(18) "State Agency Assistance — EOA, 1964" — To provide assistance to the State Economic Opportunity Office for the purpose of delivering grants, training and technical assistance to community action agencies, nonprofit social service agencies and local municipalities in their mission of serving the poor and disadvantaged. 274,000

The following Federal augmentation amounts, or as much

thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for economic opportunity assistance:

[(1) "State Agency Assistance — EOA, 1964" — To provide assistance to the State Economic Opportunity Office for the purpose of delivering grants, training and technical assistance to community action agencies, nonprofit social services agencies and local municipalities in their mission of serving the poor and disadvantaged. \$253,000

(2) (1) "CSA — Victims of Domestic Abuse" — To provide training and technical assistance to local nonprofit organizations in order to provide services to victims of domestic abuse. 100,000

[(3) (2) "Community Action" — To evaluate the Pennsylvania neighborhood assistance program 125,000

To the Department of Education

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(4) "Education of Exceptional Children — State Operated Program" — Administration of the initiation, expansion and improvement of educational programs for handicapped children (including a carryover of approximately \$400,000). [1,850,000]
2,236,000

(5) "Grants to State Educational Agencies for Title I ESEA" — Administration of ESEA Title I programs (including a carryover of approximately [\$43,000] \$202,000) [2,069,000]
2,317,000

(6) "Educational Information Centers" — To develop centers which will provide educational and vocational guidance and counseling for adults (including a carryover of approximately [\$25,000] \$41,000) [100,000]
116,000

* * *

(8) "Right to Read" — State level training program for local right to read directors and for the coordination of basic skills program (including a carryover of approximately \$71,000) [218,000]
266,000

* * *

(10) "Library and Learning Resources — Title IV B" — To administer a program to improve quality of education by distributing Federal funding for libraries, learning resources and guidance (including a carryover of approximately [\$49,000] \$43,000). [461,000]
500,000

* * *

(13) "Educational Innovations and Support — Title IV C" — To administer a program to encourage local educational agencies to compete for ESEA Title IV C competitive awards (including a carryover of approximately \$90,000). [389,000]
479,000

* * *

(15) "HEA Title XII — Comprehensive Planning" — To provide Statewide planning

for higher education postsecondary education purposes (1202 commission) (including a carryover of approximately \$28,000)	[112,000] 137,000
(16) "Food and Nutrition Service" — To administer all food nutrition programs, provide nutrition education, and to assess the need for nutrition services (including a carryover of approximately \$1,123,000)	[1,964,000] 2,656,000
* * *	
(18) "Educational Research and Development — Information" — To increase the exchange of information relating to the improvement of school programs (including a carryover of approximately \$90,000)	[107,000] 197,000
* * *	
(23) "Career Education" — To administer a program for school districts to develop comprehensive career education programs in grades kindergarten through 12	[165,000] 345,000
* * *	
(32) "Indochinese Refugee Children Assistance Program" — For the administration of a grant program to school districts for educational programs for Indochinese refugee children	400,000
(33) "NIE — Development of Materials for Integrating Assessment with Instruction" — To develop and field test three sets of materials which will assist classroom teachers in integrating assessment and instruction in class room situations	102,000
(34) "Improvement of Evaluation and Reporting Systems — Title I ESEA" — To improve the quality control of achievement data on disadvantaged pupils (including a carryover of approximately \$18,000)	58,000
(35) "Children's Educational Television Series" — To produce a regional series of one-half hour television programs designed to foster inter-racial and inter-ethnic understanding for the intermediate grade school age children	300,000
The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for vocational education match:	
(1) "Vocational Education" — To administer the support of vocational education programs, construction of vocational education facilities, guidance counseling and ancillary services such as teacher training and program evaluation (including a carryover of approximately \$103,000)	[\$2,872,000] \$2,975,000
(2) "Vocational Financial Accounting System" — To develop and implement an integrated vocational financial accounting sys-	

tem as part of the Department of Education data base to provide financial information required	50,000
The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the State Library:	
(1) "Library Services and Construction Act Title I, Public Library Services" — To provide library services and administer aid to public libraries (including a carryover of approximately \$261,000)	\$800,000
* * *	
The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the State Colleges and State-owned University:	
(1) "Upward Bound Program" — To provide remedial and developmental academic training for disadvantaged students with the ability to advance to postsecondary education:	
(i) Bloomsburg State College	[\$182,000] \$120,000
* * *	
(3) "Head Start Program" — For California State College to administer a program throughout Fayette County to provide preschool educational experience for three to five-year-old children from economically disadvantaged facilities (including a carryover of approximately \$50,000)	[750,000] 850,000
* * *	
(9) "Vocational Education Information Network — Millersville State College" — To provide resources and services in the area of instructional techniques administrative procedures, curriculum program and staff development to persons involved in planning and delivery of vocational education instruction	[180,000] 183,000
* * *	
(12) "Head Start — Shippensburg State College" — To provide health, educational, nutritional and social services to preschool economically disadvantaged children and their families	[137,000] 175,000
* * *	
(18) "Bilingual Education — West Chester State College" — To provide a training program for Bilingual Education Teachers	122,000
(19) "Special Student Services — Cheyney State College" — To provide services for special disadvantaged students	116,000
* * *	
The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Scotland School for Veteran's Children:	
(2) "National School Milk Lunch Program" — To supplement the costs of providing milk and food services at the Scotland School for Veteran's Children	[150,000] 250,000
* * *	
To the Department of Environmental Resources	
The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropri-	

ated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Coastal Zone Management Program" — For development of a management program for the use of the land and water resources of the State's coastal zone

[~~\$150,000~~]
\$300,000

(2) "Federal Water Resources Planning Act" — To be used for conservation, development and utilization of water and related land resources

[154,000]
~~204,000~~
704,000

* * *

(8) "Bituminous Demonstration Project" — For Field Inspection and Monitoring.

[12,000]
56,000

* * *

(11) "Soil and Water Conservation Act — Administration" — To provide for administrative expenses of the State program in supporting the flow through grants to local soil and water districts.

[16,000]
37,000

* * *

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the office of protection:

* * *

(4) "Solid Waste Planning, Study, Feasibility and Demonstration Grants" — To be used to demonstrate and evaluate reclamation, stabilization and erosion control of strip mine land for agricultural purposes using municipal sewage sludge (including a carryover of approximately \$22,000).

[33,000]
108,000

* * *

(6) "EPA — Planning Grant — Resources Conservation and Recovery Act" — For the administration and operation of a program to implement the requirements of the Federal Resource Conservation and Recovery Act (including a carryover of approximately \$70,000)

[1,301,000]
1,371,000

(7) "Water Pollution Control — State/Interstate Program Grants" and "Water Pollution Control Areawide Waste Treatment Management Planning Grants" (consolidated) — For the conduct and administration of the Statewide water pollution control program plan, including base grant, incentive areas and supplemental programs and for the conduct of a program relating to the Comprehensive Water Quality Management Planning Grant — Public Law 92-500, section 208, and other such activities as may be required to carry out the purposes of these grant programs (including a carryover of approximately \$192,000) [~~\$711,000~~]

[2,922,000]
3,537,000

* * *

(9) "Air Pollution Control Program Grants" — For the conduct and administration of a Statewide program for the control, abatement and prevention of air pollution and achievement of Federal ambient air qual-

ity standards [2,599,000]
2,993,000

* * *

To The Department of Health

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "State Health Planning and Development Agency — Title XV" — To establish the health priorities of the Commonwealth through studies of existing and potential health facilities, manpower, and services, and stimulate the development of Areawide Health Systems Agencies (including a carryover of approximately \$158,000).

[\$1,195,000]
\$1,400,000

(2) "Migrant Health Grants" — To provide clinic services at medical centers, and intensify public health nursing services and sanitary surveys of camps for migrant laborers and their families in the Commonwealth and to provide for health services for migrant children

[165,000]
210,000

* * *

(4) "Disease Control Immunization Program — Project Grants" — To enlist the aid of practicing physicians, official health agencies and volunteers in an immunization program for all susceptible persons in the community, particularly children under the age of five years (including a carryover of approximately \$80,000)

[180,000]
280,000

(5) "SURVEY AND FOLLOW UP — VENEREAL DISEASE" — FOR THE CARRYING OUT OF CASE-FINDING SURVEYS AND SEROLOGIC FOLLOW-UP SERVICES (INCLUDING A CARRYOVER OF APPROXIMATELY \$200,000).

[400,000]
500,000

(6) "Comprehensive Public Health Services — Formula Grants" — To develop coordinated programs of State and local public health services, including those directed at maintaining physical and mental health; detection, preventing and controlling disease, injuries and disability; and protecting and maintaining a healthful environment (including a carryover of approximately \$200,000) to be allocated in such a manner so that the Philadelphia Department of Health receives \$225,000 and the Allegheny County Department of Health receives \$150,000, such funds to be used for tuberculosis services and at least \$170,000 to the United Neighborhood Facilities Health Care Corporation for primary health care.

[1,500,000]
1,355,000
1,185,000

[(7) "Diabetes Control" — To develop and plan for upgrading the quality of diabetes information and to refine various health indices to monitor and evaluate diabetes control programs.

188,000

(8) "Effects of Different Educational Interventions on Drug Product Selection" — To develop and test a series of educational inter-

vention models on the use of generic drugs . . . 77,000
 (9) (7) "Community Health Intervention Project — Lycoming County" — To create a social environment conducive to an individual choosing healthful behavior in those areas most linked to coronary disease (including a carryover of approximately \$131,000) . . . 262,000
 [(10)] (8) "Center for Disease Control — TMI Population Registry" — To develop a population registry of residents in the Three Mile Island area [200,000]
 275,000

[(11)] (9) "Hypertension Services" — To screen, detect, prevent, refer for treatment and follow-up to assure appropriate health care is available to hypertensive patients (including a carryover of approximately \$80,000) [580,000]
 780,000

(10) "Health Education/Risk Reduction" — To reduce the burden of chronic disease in the Commonwealth through comprehensive risk reduction health education efforts 217,000
 180,000

(11) "Statewide Emergency Medical Services Information System" — To develop a computerized Statewide emergency medical services management information system 95,000

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR THE ADMINISTRATION OF THE QUALITY ASSURANCE PROGRAM.

(1) "MEDICARE — HEALTH SERVICES AGENCY CERTIFICATION" — PERFORM SURVEYS AND INSPECTIONS TO DETERMINE WHETHER HOSPITALS, HOME HEALTH AGENCIES, LABORATORIES, CLINICS AND OTHER PROVIDERS OF HEALTH SERVICES MEET REQUIREMENTS AS SET FORTH IN SECTION 1861 OF THE SOCIAL SECURITY ACT AND CERTIFYING THOSE THAT QUALIFY TO THE SECRETARY OF HEALTH, EDUCATION AND WELFARE [\$1,245,000]
 1,345,000

* * *
 The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the operation of the State Laboratory.
 * * *

(2) "Comprehensive Public Health Services — Formula Grants" — To develop coordinated programs of State and local public health services, including those directed at maintaining physical and mental health; detection, preventing and controlling disease, injuries and disability; and protecting and maintaining a healthful environment [250,000]
 112,000
 220,000

* * *
 The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the operation of the State health centers.
 * * *

(3) "Comprehensive Public Health Services — Formula Grants" — To develop coordinated programs of State and local public health services, including those directed at maintaining physical and mental health; detection, preventing and controlling disease, injuries and disability; and protecting and maintaining a healthful environment [1,750,000]
 1,372,000
 1,540,000

← ← ←
 (4) "MEDICARE — HOME HEALTH VISITS" — TO PROVIDE HOME NURSING VISITS TO MEDICARE PATIENTS (INCLUDING A CARRYOVER OF APPROXIMATELY \$37,000) [30,000]
 67,000

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR MATERNAL AND CHILD HEALTH:
 * * *

(6) "MATERNAL AND CHILD HEALTH — TMI PREGNANCY OUTCOME" — TO SUPPORT A RESEARCH PROJECT AIMED AT THE THREE MILE ISLAND POPULATION TO DETERMINE THE EFFECTS OF THE THREE MILE ISLAND ACCIDENT (INCLUDING A CARRYOVER OF APPROXIMATELY \$10,000). [80,000]
 150,000

[(7)] "CHILDHOOD ACCIDENT PREVENTION PROGRAM" — TO DEVELOP A COMPREHENSIVE EDUCATIONAL PROGRAM TO PREVENT CHILDHOOD ACCIDENTS 225,000

(8) (7) "MATERNAL AND CHILD HEALTH — IMPROVED PREGNANCY OUTCOME" — TO IMPROVE PREGNANCY OUTCOME MEASURES AND ASSURE PARENTAL CARE (INCLUDING A CARRYOVER OF APPROXIMATELY \$307,000) 707,000

[(9)] (8) "CRIPPLED CHILDREN'S SERVICES — PROJECTS" — TO PROVIDE DIAGNOSTIC, REHABILITATIVE AND FOLLOW-UP TREATMENT TO CHILDREN AND THEIR FAMILIES (INCLUDING A CARRYOVER OF APPROXIMATELY \$95,000) 705,000

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR THE DETECTION, DIAGNOSIS AND TREATMENT OF HEMOPHILIA:

(1) "CRIPPLED CHILDREN'S SERVICES" — TO PROVIDE MEDICAL, SURGICAL AND CORRECTIVE CARE AND SERVICES; FACILITIES FOR DIAGNOSIS, HOSPITALIZATION; AND POST-HOSPITAL CARE FOR CHILDREN WHO ARE CRIPPLED OR SUFFERING FROM CONDITIONS WHICH LEAD TO CRIPPLING (INCLUDING A CARRYOVER OF APPROXIMATELY \$340,000). [350,000]
 690,000

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR COAL WORKERS PNEUMOCOCONIOSIS SERVICES:

(1) "BLACK LUNG CLINIC PROGRAM" — TO EXPAND STATE EFFORT INTO THE SCREENING, DIAGNOSIS, TREATMENT AND REHABILITATION OF COAL WORKERS WITH RESPIRATORY DISEASES. \$1,600,000 \$1,200,000

To the Historical and Museum Commission

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(3) "National Endowment for the Humanities — Research Collections Program" — For the microfilming of the Harmony Society Records and the John Duss Papers 72,300

(4) "LOCAL RECORDS MICROFILMING PROGRAM" — TO PRESERVE RECORDS ON MICROFILM TO INSURE THE PERMANENT PRESERVATION OF A SECURITY COPY OF RECORDS OF HISTORICAL AND ADMINISTRATIVE VALUE 56,600

To the Department of Justice

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for State Correctional Institutions:

(1) "Contract Service in Non-Federal Institutions" — For maintenance of Federal inmates in State Correctional Institutions (including a carryover of approximately \$107,000) \$180,000 \$287,000

* * *

To the Department of Labor and Industry

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(5) "National Fire Prevention Act" — To define a State strategy and plan for prevention and control of destructive fires 10,000

To the Department of Military Affairs

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Hollidaysburg Veterans Home:

(1) "Hollidaysburg Veterans Home" — To maintain and operate a domiciliary and nursing unit for discharged, aged and indigent veterans of the United States Armed Services, and their spouses \$240,000 \$295,000

* * *

To the Pennsylvania Public Utility Commission

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum authorized to be billed to utilities

for the operation of the commission:

(1) "PURPA Grants, Title I" — To help the commission comply with the mandatory requirements of the Federal Public Utility Regulatory Policies Act (PURPA) \$200,000

Any Federal funds which the Public Utility Commission receives pursuant to these appropriations shall not be credited to any utility nor used to lower the annual assessment of any utility.

To the Department of Public Welfare

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(9) "DEVELOPMENTAL DISABILITIES — BASIC SUPPORT" — TO PLAN, ADMINISTER, PROVIDE SERVICES AND CONTRACT FACILITIES FOR THE DEVELOPMENTALLY DISABLED [2,440,000] 2,775,000

* * *

(11) "Planning, Delivery and Advocacy of Children's Services" — To provide financial support for research in planning, delivery and advocacy of children's services [20,000] 70,000

* * *

(13) "Community Food and Nutrition — Child Nutrition Programs" — For a program to expand participation in child nutrition programs [12,000] 82,000

* * *

(16) ["Assistance to Refugees from Cambodia and Vietnam" — To provide social services to needy Cambodian and Vietnamese refugees] "Indochinese Refugee Program Administration" — For administrative expenses incurred in general government operations in support of Indochinese refugees 225,000

* * *

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for county administration:

(7) "Emergency Energy Conservation Assistance Services" — To help lessen the impact of the high cost of energy on low income families and individuals. 30,000,000 84,000,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for State mental hospitals and State centers:

(4) "Medicare" — For provision of medical services at State mental hospitals that are reimbursable under Medicare [3,900,000] 7,800,000

(5) "Mental Health Training Grant — Mental Health Hospital Staff Development Grant" — To increase the effectiveness of staff in the mental hospitals [184,000] 202,000

* * *

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for community services for the mentally ill and mentally retarded:

- (1) "Comprehensive Public Health Services — Formula Grants" — To assist in establishing and maintaining adequate community, mental, and environmental public health services, including training of personnel for State and public health work \$625,000
\$1,027,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for [subsidies for the blind] services for the visually handicapped:

- (1) "Rehabilitation Services and Facilities — Basic Support" — For administration and provision of vocational rehabilitation services to blind persons; also, to provide small business opportunities for the blind through vending operations \$4,196,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for payments to counties for child welfare programs:

- (3) "Indochinese Refugee Program" — For provision of child welfare services to refugees from Indochina [700,000]
900,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for day care:

- (1) "Indochinese Refugee Program" — For provision of day care services to refugees from Indochina [\$347,000]
\$750,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for State General Hospitals:

- (1) "Medicare Services" — For the provision of medical services at State General Hospitals that are reimbursable under Medicare [\$26,000,000]
\$28,000,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Social Services Program:

- (1) "Indochinese Refugee Program" — For the provisions of social services to refugees from Indochina [\$2,787,000]
\$5,000,000

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for training personnel at geriatric homes:

- (1) "Medical Assistance Training For Geriatric Homes" — To provide training for personnel working in public nursing homes \$150,000

TO THE DEPARTMENT OF TRANSPORTATION
THE FOLLOWING FEDERAL AUGMENTATION

AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR MASS TRANSIT OPERATIONS:

- (5) "SURFACE TRANSPORTATION ASSISTANCE — PROGRAM OPERATIONS AND PLANNING" — FOR ADMINISTRATIVE AND PLANNING COSTS ASSOCIATED WITH THE FEDERAL PROGRAM FOR CAPITAL AND OPERATIVE ASSISTANCE TO PUBLIC TRANSPORTATION PROJECTS 95,000

- (6) "RIDESHARING — PROGRAM OPERATION AND PLANNING" — FOR ADMINISTRATIVE COSTS FOR THE PROMOTION AND IMPLEMENTATION OF COMPANY-BASED RIDESHARING PROGRAMS 216,000

THE FOLLOWING FEDERAL AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR INTERCITY RAIL AND RURAL BUSTransportation:

- (5) "SURFACE TRANSPORTATION ASSISTANCE" — TO PROVIDE MATCHING GRANTS TO BE USED TO SUPPORT PUBLIC TRANSPORTATION PROJECTS IN RURAL AND SMALL URBAN AREAS, FOR THE CONTINUATION AND IMPROVEMENT OF INTERCITY BUS SERVICE AND ADMINISTRATION (INCLUDING A CARRYOVER OF APPROXIMATELY \$1,300,000) [3,000,000]
2,905,000

SECTION 2. SO MUCH AS RELATES TO THE DEPARTMENT OF TRANSPORTATION IN SECTION 4 OF THE ACT IS AMENDED TO READ:

SECTION 4. THE SECRETARY OF THE BUDGET MAY CREATE THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS FOR THE PURPOSE OF ADMINISTERING FEDERAL GRANTS ONLY FOR THE PURPOSES HEREIN DESIGNATED DURING THE FISCAL PERIOD JULY 1, 1979 THROUGH JUNE 30, 1980.

DEPARTMENT OF TRANSPORTATION

- (3) "RAILROAD REHABILITATION AND IMPROVEMENT ASSISTANCE."

Section 2 3. So much as relates to the appropriations to the Department of Public Welfare in subsection (a) of section 5 of the act are amended and appropriations are added to read:

Section 5. (a) The following sums, or as much thereof as may be necessary, are hereby specifically appropriated or allocated from the Federal Title XX Social Services Funds to the several hereinafter named agencies of the Executive Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

To the Department of Public Welfare

The following Federal Title XX Social Services augmentation amounts, or as much thereof as may be necessary, are hereby

specifically appropriated to supplement the sum appropriated from Commonwealth revenues for [subsidies for the blind] services for the visually handicapped:

* * *

The following Federal Title XX Social Services augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for social services programs:

* * *

(3) "Title XX — Social Services Training" — For subgrant from the Department of Public Welfare to the Department of Education for grants for training purposes in relation to social services programs for eligible persons. [3,935,000] 3,699,400

The following subgrants may be made from the above appropriation:

(i) "Lock Haven State College — Social Work Educational Extension Training" — To provide classroom instruction for training needs of Title XX personnel. 127,000

(ii) "West Chester State College — Educational Development of Human Service Workers" — To develop, expand or improve training for employees of the State agencies and providers. 108,500

* * *

(6) "Title XX — Social Services" — For provision of social service programs for eligible persons [19,463,000] 19,363,000

(7) "Title XX — Social Services" — For subgrant from the Department of Public Welfare to the Department of Aging for provision of aging services to eligible persons [16,154,000] 16,254,000

* * *

(9) "TITLE XX — SOCIAL SERVICES TRAINING" — FOR SUBGRANT FROM THE DEPARTMENT OF PUBLIC WELFARE TO THE DEPARTMENT OF EDUCATION FOR LOCK HAVEN STATE COLLEGE SOCIAL WORK EDUCATIONAL EXTENSION TRAINING. 127,100

(10) "TITLE XX — SOCIAL SERVICES TRAINING" — FOR SUBGRANT FROM THE DEPARTMENT OF PUBLIC WELFARE TO THE DEPARTMENT OF EDUCATION FOR WEST CHESTER STATE COLLEGE EDUCATIONAL DEVELOPMENT OF HUMAN SERVICE WORKERS. 108,500

* * *

Section 4. So much as relates to the appropriations to the Governor's Office, the Departments of Education and Environmental Resources of section 6 of the act, are amended and appropriations for the Department of Commerce DEPARTMENTS OF COMMERCE AND LABOR AND INDUSTRY, AND THE BOARD OF PROBATION AND PAROLE are added to read:

Section 6. (a) The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Comprehensive Employment and Training Act (CETA) funds to the several hereinafter named agencies of the Execu-

tive Department of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

To the Governor's Office

* * *

(b) For the Office of State Planning and Development

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for administration:

(2) "CETA Title II — Economic Development Committee" — To establish and operate an Economic Development Committee of the Cabinet in order to improve the State's economic climate for jobs. 209,000

(c) For the Pennsylvania Commission for Women

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(4) "CETA — Governor's Coordination and Special Services Plan" — For the first phase of a three-year project for the commission to promote and expand the involvement of women in the CETA work/training programs. 130,000

* * *

To the Department of Commerce

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA" — To provide technical assistance regarding the use and benefits of the CETA program to grant recipients who have received Commerce Department grants. \$49,500

(2) "CETA" — To expand the existing data base to include the nonmanufacturing sectors to serve as guidelines for economic development recruitment efforts. 195,000

* * *

To the Department of Environmental Resources

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA — Title VIII — Young Adult Conservation Corp." — For the implementation and administration of a program to provide employment to individuals between the ages of 16 to 23 years inclusive (including a carryover of approximately \$100,000). [\$4,384,000] \$5,234,000

(2) "CETA — Title II" — For flood protection — stream improvement projects. 100,000

* * *

To the Department of Labor and Industry

The following Federal augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "CETA — Title II" — For the operation of the State Employment and Training Council in the review of the availability, responsiveness and adequacy of State services which provide employment and training services \$1,367,000

(2) "CETA — Balance of State" — For the Governor's Balance-of-State Planning Council as the prime sponsor for the Balance-of-State area covering 22 rural counties 35,000,000

TO THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

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

(2) "CETA II — OFFENDER EMPLOYMENT DEMONSTRATION PROJECT" — FOR A DEMONSTRATION PROJECT IN THE SOUTHWESTERN PART OF THE STATE TO ASSIST INMATES AND PAROLEES TO SECURE EMPLOYMENT AND TRAINING OPPORTUNITIES 45,000

(b) The Secretary of the Budget may create the following restricted receipt accounts for the purpose of administering Federal comprehensive employment and training act grants for the purposes herein designated during the fiscal period July 1, 1979 through June 30, 1980.

[Governor's Office] Department of Labor and Industry

- (1) "Federal Grant — CETA":
 - Title II — Special Grant
 - Title II — Public Service Employment Programs — Subgrants to Prime Sponsors
 - Title IV — Statewide Youth Services Grant
 - Title VI — Public Service Employment
 - Title VIII — Young Adults Conservation Corps [Department of Education]

(2) "CETA" — To provide educational training opportunities to individuals falling within CETA eligibility requirements and training for unemployed and underemployed individuals.

Section 4 5. So much as relates to the appropriations to the GOVERNOR'S OFFICE AND THE Department of Justice in subsection (a) of section 7 of the act are amended and appropriations for the ~~Department of Education~~ DEPARTMENTS OF EDUCATION AND GENERAL SERVICES AND THE BOARD OF PROBATION AND PAROLE and Pennsylvania State Police are added to read:

Section 7. (a) The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the Federal law enforcement assistance administration funds to the several hereinafter named agencies of the Executive and Judicial Departments of the Commonwealth for the payment of the expenses of implementing and carrying out the programs stated herein for the fiscal year beginning July 1, 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

GOVERNOR'S OFFICE

(A) OFFICE OF BUDGET AND ADMINISTRATION THE FOLLOWING FEDERAL LEAA AUGMENTATION AMOUNTS, OR AS MUCH THEREOF AS MAY BE NECESSARY, ARE HEREBY SPECIFICALLY APPROPRIATED TO SUPPLEMENT THE SUM APPROPRIATED FROM COMMONWEALTH REVENUES FOR ADMINISTRATION:

(1) "LEAA — TELECOMMUNICATIONS SUPPORT" — FOR PROVISION, BY THE BUREAU OF MANAGEMENT SERVICES, OF TELECOMMUNICATIONS CONSULTING SERVICES TO THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY (INCLUDING A CARRYOVER OF APPROXIMATELY [\$66,000]) \$210,000
 \$48,000

To the Department of Education
 The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government operations:

(1) "Justice Education for Elementary Students" — To adapt the Teaching Individual Protective Strategies to Pennsylvania's Justice Education and Community Action Program and develop a system to implement it in elementary school curriculum \$95,000

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

(1) "LEAA — TELECOMMUNICATIONS SUPPORT" — FOR PROVISION OF TELECOMMUNICATIONS SUPPORT SERVICES TO THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY \$162,000
 OF THE ABOVE AMOUNT \$18,000 REPRESENTS A TRANSFER OF CARRYOVER FUNDS APPROPRIATED TO THE OFFICE OF ADMINISTRATION IN THE PREVIOUS FISCAL YEAR.

To the Department of Justice

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Juvenile Court Judges Commission:

(1) "LEAA — Statistical Analysis Center for the Juvenile Courts" — Statistical analysis center for the juvenile courts (including a carryover of approximately \$16,000) \$51,000
 \$66,000

(2) "LEAA — Youth Aftercare Project" — For personnel and operating costs related to staff assigned to the Youth Aftercare Project of the Office of Correction Education of the Pennsylvania Department of Education [38,000]
 53,000

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the legal services:

(1) "LEAA — Community Advocate Unit" — Youth Project (including a carryover of approximately \$19,000) [100,000]
 \$170,000

TO THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

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

(1) "LEAA — PAROLE GUIDELINE IMPLEMENTATION STUDY" — TO MONITOR AND EVALUATE THE PAROLE DECISION-MAKING GUIDELINES FOR DECISION-MAKING CONSISTENCY AND CONFORMITY \$38,000

To the Pennsylvania State Police

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for general government revenues:

(1) "LEAA — Aid to Local Law Enforcement" — To define the tasks performed by local law enforcement officers, and the skills, knowledges, abilities and personal characteristics to enable effective performance of these tasks. \$145,000

(2) "LEAA — Criminal History Record Information System" — To implement an automated file to provide cross-references necessary to identify, by fingerprints, individuals in Pennsylvania's Criminal History Record Information System 111,000

II. JUDICIAL DEPARTMENT

To the Court Administrator

The following Federal LEAA augmentation amounts, or as much thereof as may be necessary, are hereby specifically appropriated to supplement the sum appropriated from Commonwealth revenues for the Office of Court Administrator:

(10) "LEAA — Docket Transcript" — To transfer the function of data collection, including coding and keypunching, to the Court Administrator's Office [51,000] 187,000

* * *

Section 5 6. 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 do concur in the amendments inserted by the Senate.

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—188

Table listing names of members who voted 'YEAS' (188 total). Includes names like Alden, Anderson, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Cole, Cornell, Coslett, Cowell, Cunningham, Davies, Dawida, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dininni, Dombrowski, Dorr, Duffy, Dumas, Durham, Earley, Fee, Fischer, R. R., Fisher, D. M., Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, 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, Kernick, Klingaman, Knepper, Knight, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Levi, Levin, Lewis, Livengood, Lynch, E. R., 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, Petrarca, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Rappaport, Reed, Richardson, Rieger, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Stewart, Street, Suban, Sweet, Swift, Taddonio, Taylor, E., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wagner, Wargo, Wass, Weidner, Wenger, White, Williams, Wilson, Wilt, Wright, D., Wright, J. L., Yahner, Yohn, Zeller, Zitterman, Zwikl, Seltzer, Speaker.

NAYS—0

NOT VOTING—14

Table listing names of members who did not vote (14 total). Includes names like Armstrong, Beloff, Brunner, Burd, Cohen, Donatucci, Grieco, Hayes, D. S., Letterman, Lynch, F., Piccola, Pyles, Rhodes, Zord.

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 735, PN 985, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the making of grants to nonprofit art corporations.

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—184

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

NAYS—2

Kernick	Livengood
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NOT VOTING—16

Armstrong	Freind	Kolter	Pyles
Beloff	Gray	Letterman	Rhodes
Brunner	Grieco	Lynch, F.	Sirianni
Donatucci	Hayes, D. S.	Polite	Zord

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.

REMARKS ON VOTE

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

Mr. FREIND. While Mr. Williams is looking for his glasses, I was not in my seat when we voted on SB 735. I would like to be recorded in the affirmative.

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

The House proceeded to third consideration of SB 857, PN 988, entitled:

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), entitled "Second Class City Law," authorizing grants to be made to nonprofit art corporations by cities of the second class and second class A.

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

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

Mr. ZELLER. Is this in regard to Pittsburgh?

The SPEAKER. Will the gentleman restate his question?

Mr. ZELLER. Does this bill pertain to Pittsburgh?

The SPEAKER. It is the understanding of the Chair that this bill refers to second class cities and second class A cities.

Mr. ZELLER. Well, I had amendments for all of the other nonprofit art corporations and I had a cap put on. This concerns contributions from the cities, and I thought that all of those bills were passed; that they passed about a month ago and were signed into law. I did not know this one was hanging fire. I had amendments drawn for all of them including this one. It had been circulated and I do not have my copy here.

The SPEAKER. Is the gentleman indicating that he has an amendment to SB 857?

Mr. ZELLER. Mr. Speaker, could I interrogate someone who represents a second class city or knows something about this, or whoever?

The SPEAKER. Will the minority leader, Mr. Irvis, permit himself to be interrogated?

Mr. IRVIS. Yes, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, do you remember about a month ago we passed a series of Mrs. Reibman's bills that pertain to boroughs, townships, and a whole mass of local government bodies, and I amended them all with a cap? Would this be the same type of bill?

Mr. IRVIS. Yes, Mr. Speaker, they are identical. These two bills — the ones which we just passed, SBs 735 and 857 — are

part of that same package, and your amendments should be offered to these two bills also.

Mr. ZELLER. Yes, but to be perfectly honest with you, I did not notice it, and I am sorry. On SB 735, do you mean they will be automatically in them?

Mr. IRVIS. No, Mr. Speaker, they would not be automatically in it. The way to correct the issue is to reconsider the vote by which SB 735 was passed. That would make the bill available for your amendments—which incidentally I have no objection to whatsoever—and you can offer your amendments to these two bills and it would make them, as I said, synchronous with the other bills.

Mr. ZELLER. The reason I asked you if they were automatically taken care of, I did not remember whether or not we amended them and they were taken care of at the time, and these are coming back up again. I do not know. So if you do not mind, I will do that, and I appreciate your kindness.

The SPEAKER. Does the gentleman have his amendments prepared for these two bills?

Mr. ZELLER. Mr. Speaker, I had them drawn for all these bills and I know they have been circulated. They were the same as the ones we had for the local government bodies. They are for the same identical cap of 1 mill, and that is why I do not have my copy here.

The SPEAKER. The Chair has been informed that the gentleman's amendments have not been circulated for these two bills.

Mr. ZELLER. Well, if you do not mind, otherwise I will have to abide by the rule of the Chair. I want to reconsider SB 735, if you do not mind. I do not want to delay the House, but I feel it would be consistent with the other bills. We should place a cap on these.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, my recollection of the balance of this series is that Mr. Zeller's amendments did go into the other bills of Senator Reibman's. Under the circumstances, I think it would be inconsistent for us to pass two Senate bills without the amendments, having passed three or four with the amendments in them, and I would ask that the appropriate motion be made, and I suppose that is to reconsider the vote by which they passed.

The SPEAKER. Will the gentleman, Mr. Zeller, indicate, does he have the amendments prepared in his office for these two bills.

Mr. ZELLER. Mr. Speaker, I would have to check with the Legislative Reference Bureau. I am sure they are up there, but I have to check and get them down here right away. So I would appreciate if you would reconiser SB 735.

SB 857 PASSED OVER TEMPORARILY

The SPEAKER. For the information of Mr. Zeller, the Chair will pass over at this time, without objection, SB 857, and when the gentleman has his amendments, we will then reconsider the vote by which SB 735 passed.

Without objection, SB 857 will be passed over temporarily.

The House proceeded to third consideration of SB 137, PN 1402, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Scranton Primary Health Care Center, Inc., a certain parcel of land together with a building erected thereon, situate in the City of Scranton, County of Lackawanna, Pennsylvania.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

Mr. ZITTERMAN. Mr. Speaker, normally on a building of this nature by which this bill, SB 137, transfers the Scranton Primary Health Care Center over to a not-for-profit corporation, I would consider transferring this building over only for fair consideration and the actual appraisal costs of this building. However, in this case, Mr. Speaker, this was a building owned by the Commonwealth of Pennsylvania, which was deteriorated and ready to be torn down. The principals in this corporation have rebuilt it and have spent approximately \$250,000 to give the city of Scranton a much needed primary health care center. The Department of General Services, Mr. Speaker, has reviewed this building and has checked the total expenditures and feels that the fair market value in this case would be \$1. I, therefore, support the legislation.

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

Mr. BELARDI. Mr. Speaker, I rise to ask my colleagues to support this bill. The bill addresses itself principally to an abandoned school building, and, as my colleague, Mr. Zitterman, said, the Scranton Primary Health Care Center expended some \$250,000 in renovation, and the bill has the support of the Department of Welfare as well as the Department of General Services. I ask for support of this bill. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Belardi, who shares a common heritage with me, has asked us to vote for the bill. The gentleman, Mr. Zitterman, has asked us to vote for the bill, and I am going to vote for the bill only because Miss Sirianni asked me to vote for the bill.

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

Miss SIRIANNI. I wish I could have those words in writing so I could frame them.

On the question recurring,
Shall the bill pass finally?

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

YEAS—190

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallagher	Madigan	Schmitt
Arty	Gallen	Manderino	Schweder

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

NAYS—1

Dininni

NOT VOTING—11

Armstrong	Donatucci	Letterman	Rhodes
Beloff	Grieco	Lynch, F.	Zord
Brunner	Hayes, D. S.	Pyles	

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

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

REMARKS BY MISS SIRIANNI

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

Miss SIRIANNI. Mr. Speaker, is that an indication that Mr. Manderino is going to follow my lead after this?

The House proceeded to third consideration of **HB 1850, PN 2539**, entitled:

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

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

Amend Sec. 1 (Sec. 6308), page 2, lines 22 and 23, by striking out " IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT THAT," and inserting has been adjudicated delinquent for the commission of an act that,

Amend Sec. 1 (Sec. 6308), page 3, lines 1 through 4, by striking out all of said lines and inserting
(3) Fingerprints and photographic records shall be taken at a juvenile detention or shelter care facility or other location which is under the supervision or direction of the court.

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

MOTION TO RECOMMIT HB 1850

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

Mr. STREET. Would the gentleman yield?

The SPEAKER. The question before the House is the consideration of the amendment offered by Mr. White. Will the gentleman, Mr. White, yield?

Does the gentleman, Mr. Street, wish to be recognized?

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

I would like to have the attention of the House. I would like to make a motion that this bill, HB 1850, be referred back to the Judiciary Committee and I would like to discuss the reasons why, if it is in order, Mr. Speaker.

The SPEAKER. The gentleman's motion is in order. The gentleman from Philadelphia, Mr. Street, moves that HB 1850 and the amendment be rereferred to the Judiciary Committee.

The question is on the motion, and on the motion to recommit, the Chair recognizes Mr. Street.

Mr. STREET. Mr. Speaker, while this bill addresses itself to juvenile justice, I, too, am in favor of juvenile justice, but I become appalled and extremely angry when I find myself in the position where I am being manipulated and controlled for one individual's political ambitions. This is a bill of the DA Ed Rendell and the city of Philadelphia, who has ambitions and will announce to run for attorney general of this State of Pennsylvania, and he needs to use this bill as a vehicle. I do not think that this House of Representatives should be put in a position to deal with one individual's political ambitions, and for that, I would make a motion that this bill go back to the Judiciary Committee until June.

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

Mr. SCIRICA. Mr. Speaker, this is a bill that was developed by Mr. Berson and myself, and both of us take full responsibility for everything that is in here. Many individuals across the Commonwealth have proposed amendments to our Juvenile

Act, but HB 1850 is my bill and is Mr. Berson's bill and is a bill that the Judiciary Committee has considered on three separate meetings, has debated at considerable length, and now is ready for a vote. If there are objections to any provisions of the bill, I suggest that we debate the merits of each individual provision, but that we not send it back to the Judiciary Committee, and I would respectfully ask for a "no" vote.

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

Mr. RICHARDSON. Mr. Speaker, I would like to know if the chairman of the Judiciary Committee would submit to a brief interrogation?

The SPEAKER. The question before the House is the motion to recommit.

Mr. RICHARDSON. Right. Can we ask questions on recommitment?

The SPEAKER. The gentleman will confine his interrogation to the motion to recommit. Will the gentleman, Mr. Scirica, permit himself to be interrogated on the motion to recommit? The gentleman indicates he will, so the gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not there have been any public hearings on this matter concerning this particular bill?

Mr. SCIRICA. Mr. Speaker, last summer there was a series of joint hearings held by the House and Senate Judiciary Committees on various pieces of legislation that were introduced in the House and in the Senate to amend the Juvenile Act. House bill 1850 was not introduced by Mr. Berson and myself until early this fall, and really was the result of the public hearings that we attended. It represents what we think is the best thinking in this area, after consulting with juvenile court judges, juvenile advocates, public defenders, district attorneys, and everybody in the field.

Mr. RICHARDSON. Mr. Speaker, would you answer now my question? You answered your own. Could you answer whether or not, for the record, there have been any public hearings on HB 1850 specifically? I am not concerned about House and Senate joint committees that do not even deal with this bill, because that was a whole conglomerate of issues and concerns around juveniles. I just want to know whether or not there have been public hearings to which the community and other persons involved in juvenile justice have been allowed to come in and talk about this bill.

Mr. SCIRICA. There was no specific public hearing held on HB 1850. However, every provision that is in HB 1850 in one form or another was in the previous bills that I mentioned and was addressed by many groups across the Commonwealth in hearings last summer. With respect to the Judiciary Committee's treatment of HB 1850, it was brought up at three different meetings of the Judiciary Committee, and at two of those meetings the public was given a chance to testify, and, in fact, at the last meeting—I am sorry, the second to the last meeting—the opponents of this bill were given about 2½ hours. Everybody in the room was afforded the opportunity to testify.

Mr. RICHARDSON. Okay. On that point, I would just like to

know whether or not this information here has anything to do at all with the Ed Rendell package that was sent to every member of this House, which talks specifically about some of the things that are in HB 1850?

Mr. SCIRICA. It does insofar as I have had conversations with Mr. Rendell and other district attorneys and other interested individuals across the state. This bill does not represent his legislative package or anybody else's legislative package other than Mr. Berson and myself.

Mr. RICHARDSON. Well, thank you very much for the information.

What I would like to do now is address myself to the recommitment. The reason why I raised the question is I support Mr. Street's motion for recommitment and I do so because I think it is awfully strange that we are now into the last couple of days before there will be a break here in this House of Representatives and all of a sudden now we are doing a lot of highly controversial bills. I think that the general public in fact has not had an opportunity to in depth discuss this bill, particularly around the whole juvenile question. I also think that it is just a definite ploy to help in fact Ed Rendell, who does want to become attorney general here in this Commonwealth of Pennsylvania, to run, and by Mr. Scirica's own admission, this is part of a package that was sent in fact to members here in this House of Representatives to support a package. Even though some information might have been extracted from that in order to put that particular information into a separate bill, HB 1850, it still has the tone of Ed Rendell, regardless of what you say, and I would think that in the spirit of unity and in the spirit of trying to get to really the bottom line of really finding out what the effects of fingerprinting and photographing juveniles would be, that we should, in fact, recommit this bill immediately to the Judiciary Committee.

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

Mr. WILLIAMS. Mr. Speaker, very briefly, I was a member of the subcommittee that handled this bill, and on the recommitment I want to say that at the last hearing when this bill was reported out, it is true that there were people from all throughout the state. A coalition came and discussed and opposed the reporting out of this bill, which was reported out by a small margin. But one of the most central complaints that these ladies in the main expressed was that with a radical change in how we treat juveniles, the public should indeed have input. Their chief complaint was that the law enforcement people, in particular Mr. Rendell, had organized and made organized input by several suggestions for a radical change in this bill, but that indeed Allegheny County, one of the largest areas affected by this bill, never had a public hearing. And Philadelphia, which most people concede to be the problem in this area, had but one limited hearing. I tell you that these were people who were attached to the criminal justice system; indeed it was the juvenile justice center coalition from throughout the State of Pennsylvania. It was very clear, very, very clear that the public who has the problem, whatever it is, never had a chance to make that input. Indeed—

Mr. Speaker, may I have a little bit of order, please? Thank you.

Indeed, there are two main provisions in this bill. There were several others that were taken out after the discussion. One of those provisions having to do with photographs and fingerprints was added only on the last day when it was reported out. Indeed when the suggestion was made about fingerprinting and photographs at the meeting before that, Mr. Rendell, whose representatives could not give good any solid answers, required Mr. Rendell to later come up. He then came, and then one provision of the two was reported out. Indeed the fingerprints and photograph aspect of the bill had no hearing whatsoever of any nature by anybody in the public, and, therefore, Mr. Speaker, I join Mr. Street in his motion to recommit, because we are talking about no less than children, and we are talking about no less than mothers who at least want to tell you what they think and mothers who want to ask questions of those who propose this bill as to what are the implications of this bill, and, Mr. Speaker, I think that it is a subject that deserves clear and thorough examination by statewide public hearings on a matter which presumably has most to do with Philadelphia and Mr. Rendell.

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

The following roll call was recorded:

YEAS—25

Barber	Harper	Kukovich	Richardson
Clark, B.	Hutchinson, A.	Livengood	Stewart
Cohen	Irvis	Milanovich	Street
DeWeese	Johnson, J.	Mullen, M. P.	Wachob
Dumas	Knight	Novak	White
Earley	Kolter	Oliver	Wright, D.
Grabowski			

NAYS—164

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

DeVerter	Kernick	Pott	Wenger
DiCarlo	Klingaman	Pratt	Wilson
Dietz	Knepper	Pucciarelli	Wilt
Dinirni	Kowalyszyn	Punt	Wright, J. L.
Dombrowski	Lashingner	Rappaport	Yahner
Dorr	Laughlin	Reed	Yohn
Duffy	Lehr	Rieger	Zeller
Durham	Levi	Ritter	Zitterman
Fee	Levin	Rocks	Zwinkl
Fischer, R. R.	Lewis	Rodgers	
Fisher, D. M.	Lynch, E. R.	Ryan	Seltzer,
Foster, A.	Mackowski	Salvatore	Speaker
Foster, W.	Madigan		

NOT VOTING—13

Armstrong	Grieco	Lynch, F.	Shadding
Beloff	Hayes, D. S.	Pyles	Williams
Brunner	Letterman	Rhodes	Zord
Donatucci			

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

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

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

Mr. WHITE. If I might indulge the patience of the House for just a moment to explain the amendment which I am offering this afternoon. Fingerprinting and photographing juveniles in many circles is viewed as the crux of the issue in which we are dealing today.

As I started to state earlier, in many circles the issue of fingerprinting and photographing juveniles is viewed as the crux of the issue with which we are dealing in HB 1850. I would suggest, Mr. Speaker, that we not simply look at the issue of fingerprinting and photographing and be blind to the problems that are sometimes caused by the use of this provision. For example, in many cities and municipalities around this Commonwealth, the problems arising from fingerprinting and photographing serve to complicate that whole system of justice.

PARLIAMENTARY INQUIRY

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

Mr. WILLIAMS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, would this be a proper time to suggest that a bill that is before us require a fiscal note, and I wanted to find out what the report from the Appropriations Committee would be. My first question is, is this the appropriate time?

The SPEAKER. The Chair would suggest to the gentleman from Philadelphia, Mr. Williams, that the gentleman, Mr. White, be permitted to continue his explanation of the amendment, and at the conclusion of that the Chair will then be in a better position to answer the gentleman's inquiry as to whether or not this bill needs a fiscal note.

Mr. WILLIAMS. Mr. Speaker, my question was not whether the bill needed one but was whether—

The SPEAKER. The Chair will research it while the gentleman, Mr. White, continues explaining his amendment.

Mr. WILLIAMS. Mr. Speaker, I am afraid that you do not understand my question. My question is, is this the appropriate time to ask whether or not to inquire about fiscal notes?

The SPEAKER. The Chair understands the gentleman's question. The Chair's response to the gentleman is, the Chair would suggest that the House permit Mr. White to continue explaining his amendment while the Chair researches the question put by the gentleman, Mr. Williams. The Chair will then respond to Mr. Williams.

Mr. White may continue.

Mr. WHITE. For the third time, we will try it again.

We are very much concerned about the problems that are caused by the fingerprinting and photographing of juveniles with regard to the whole criminal justice network — the problems relating to overcharging; the problems arising from indiscriminate mass roundups by local police departments; also problems caused by the long delays of having to wait for the fingerprinting to take place in police stations and in adult institutions. This is also the question of expungement and the destruction of those records and the accompanying administrative problems that undoubtedly will arise in that process.

What we try to do here by offering this amendment is to try to streamline that whole process. It seems that the bottomline with respect to what the proponents of this measure are trying to achieve is the use of fingerprinting and photographing of juveniles as a deterrent and as a means of better identifying those perpetrators of felonies as defined in this act. The amendment that I offer, Mr. Speaker, is one which simply suggests that the fingerprinting and the photographing of juveniles only take place after that juvenile has been adjudicated delinquent.

According to a memorandum that was circulated regarding a meeting that took place among members of the Juvenile Justice Commission—I believe this memo is dated on May 9, 1978, and the meeting was called by Judge Montemuro of Philadelphia—as a result of Mr. Rendell's letter of April 11, 1978, proposing that photographing and fingerprinting of juveniles take place after they had been adjudicated delinquent felonies. The memorandum further outlined the comments that were made by one Harry Tischler, who presently serves as the chief of the Juvenile Division of the District Attorney's Office, and in support of Rendell's proposal, Mr. Tischler suggested that the fingerprinting and photographing take place immediately after an adjudication of delinquency.

It seems, Mr. Speaker, that in the original thought pattern of the district attorney and those on his staff, that to fingerprint and to photograph juveniles after they had been adjudicated delinquent was a reasonable alternative.

I offered this amendment in hopes that the members of this House, through their wisdom, will support it so that we can circumvent many other problems which arise from fingerprinting and photographing and that we might have an opportunity to expedite justice. Thank you, Mr. Speaker.

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

Mr. SCIRICA. I oppose the amendment.

I think that it is important to realize that at the present time there is no uniform policy across the state with respect to fingerprinting and photographing of juveniles. It is handled differently from county to county, and even within certain counties it is handled differently from police department to police department. What we are attempting to do is establish a uniform standard.

Those of you who worked on the Criminal History Record Information Act know that for the first time we have now mandated fingerprinting for adults and adult crimes. This does not mandate fingerprinting and photographing of juveniles, but it does give police the authority to fingerprint and photograph juveniles under certain circumstances, and I think that it is important that you recognize this.

This nontestimonial information can only be taken where a juvenile who is over the age 15 is charged with a felony, only with a felony, and the law enforcement officials who spoke to us about this need, I think, presented some compelling arguments.

In the first place, they said that fingerprinting and photographing are legitimate, important investigative tools, and if they are legitimate, then they should be utilized in all cases involving serious crimes, not just for the situation where a person is on the second time around. If you adopt this amendment, the police will be able to utilize fingerprinting and photographs only for somebody who is a second offender, and I do not think that is proper under the circumstances.

I think Mr. White has correctly raised the problem of what is to be done in the event somebody is found not guilty or, under the terms of the Juvenile Act, is adjudicated not delinquent and that existing provisions of the bill take care of the problem that Mr. White mentioned, because they provide that there shall be automatic expungement of all fingerprints and photographs in every case where the juvenile is not an adjudicated delinquent. So the effect is going to be the same as Mr. White wants because it means that in the permanent files, fingerprints and photographs will only be kept for the adjudicated delinquent. For the one who is not an adjudicated delinquent or if an informal adjustment procedure is followed or some other informal procedure, they will be wiped from the record. We further provide that there can be no secondary dissemination of these records unless a court so orders it.

So for those reasons, Mr. Speaker, because it is limited to juveniles over the age of 15, because it is limited to juveniles who only commit felonies, and because of the expungement provisions in the cases where they are not adjudicated delinquent, I would respectfully ask for a "no" vote.

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

Mr. WHITE. Mr. Speaker, it almost sounds as though the sponsor of the bill is supporting the amendment in that we are both trying to reach the bottom line, and this is a situation as that commercial goes, that you can pay me now or pay me later, Mr. Speaker. In our provision we are saying that fingerprinting and photographing and the expense involved in doing that

will only take place for those juveniles who are already adjudicated delinquent. In the cases of 1978, I believe there were more than 25,000 juveniles who were arrested for class I crimes, who, I believe, under the provisions of this act would qualify to be fingerprinted and photographed. However, of those 25,000—and I might be incorrect. Of those 25,000—only 1,500 were in fact certified for adult court and adjudicated delinquent. So what we are saying is, we can forego a great deal of expense, a great deal of the expense of the Commonwealth by simply stating that the fingerprinting and the photographing not take place for those juveniles who have been found innocent; that the fingerprinting and the photographing only take place when that particular juvenile has been adjudicated delinquent by a court of law. In addition to that, there are already situations in the Commonwealth, in counties, in cities, in townships and other municipalities where adults are not fingerprinted and photographed until after arraignment, so, consequently, what we are saying is, if we take the bill as drafted, as written, that a juvenile is not entitled to the same rights and privileges that are afforded adults in that they in fact will be fingerprinted and photographed upon arrest within the provisions of this act. That is not the case now with adults where adults are sometimes not fingerprinted and photographed until after arraignment.

The SPEAKER. Does the gentleman, Mr. Williams, wish to debate the amendment? The gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I would like to request of Mr. Scirica interrogation, brief interrogation.

Mr. Speaker, as related to you, what were the reasons that the prosecutors and the authorities indicated to you that photographing—

The SPEAKER. The Chair would like to remind the gentleman from Philadelphia that the question before the House is the recommittal motion. The Chair asks that the gentleman confine his debate to the reasons to recommit. The Chair is in error; it is on the amendment.

Mr. WILLIAMS. My interrogation is on the amendment. Mr. Speaker, my question is, what were the reasons advanced to you by the authorities as to why fingerprints and photographs would be an investigative tool for them? Do you understand my question?

Mr. SCIRICA. Yes, Mr. Speaker. There is one principal reason, and that is, simply that it is an invaluable aid in investigating crime. For example, a burglary is committed in a house. Some juveniles may be found a block away from the house because a neighbor called the police. They did not find any of the stolen goods or perhaps they were found in the bushes somewhere outside the house; the police go into the house; they are able to raise some fingerprints; they are able to ascertain that those fingerprints do not belong to anyone who lives in the house. They have those juveniles or adults or whoever it may be; they are able to take their fingerprints and they can establish that they were inside the house. There are any number of circumstances like that where it is a legitimate law-enforcement tool, and if you restrict it to only children who have been adjudicated delinquent, then you are denying the police the

right to use that tool in the case where somebody has never been adjudicated as delinquent. For that reason, I object to the amendment.

There were some other corollary considerations that I do not consider nearly as important as that one. For example, in Philadelphia, according to the court records, we have been advised that there are approximately 100 no-shows for juvenile adjudication hearings each month; that is, people who are supposed to be in court for the trial and they do not show. The probation people have testified that if they had photographs, it would be easier to identify and find those individuals. But that is a corollary consideration, in my opinion. The main factor is a legitimate investigative tool.

Mr. WILLIAMS. Thank you, Mr. Speaker. I want to address myself to that area on this particular amendment, because we heard repeatedly when put under question by a very sincere inquiry, people were really concerned. District attorneys told us—mainly Mr. Rendell and his assistants told us—that the reason was that because in Philadelphia they said 400 young people do not show up. It has since been reduced to 100. The argument has since been reduced to a corollary, because it, in fact, is untrue. Most of those cases—and they will tell you in the court records—the kids and the adults do not show up because they do not get proper service.

Number two, when it comes to children, they are locatable through their parents, their schools; they are the easiest persons to find. And I say that as a matter of experience, and I challenged the district attorney with that experience, and they backed off that lie as to why they needed it for that reason. That is just not true.

The reason advanced by the speaker I have never heard of by the district attorneys. It is the example of two children who might have entered a house who might be somewhere in the neighborhood and it has just been burglarized. Well, I am here to tell you that we can talk, in all respect to Mr. Scirica, we can talk in various forms of poppycock. Let us be real. If children are in the neighborhood, there is no right in law for the police to stop them just for being in the neighborhood. Everybody knows that; and, number two, in the hundreds of cases I have seen where you have similar kinds of circumstances, no one ever checked for fingerprints. They just do not do it. If that is sloppy, that is sloppy.

On the other hand, Mr. Speaker, the power that those fingerprints and photographs have falls into this category. A child, a good child, a redeemable child, a child who may be I or any one of you for the rest of his life, going to college, working, whatever he has to do—and I have seen the cases—and the fingerprints and the photographs are there, and the reality of this society is that employers do not look at that too well. Other people do not look at that too well. We do not look at that too well. And we are talking about good kids.

Now you say about automatic expungement. Well, let me tell you that we have automatic expungement in some Accelerated Rehabilitation Disposition cases. In more than half of them it does not happen. We have court-ordered expungement, and many times it does not happen. When Mr. Rendell sent the police lieutenant here to say what happened, the person in charge

could not tell us what happened, because it goes through too many hands, and no one cares once you get on a blotter. We cannot point to anyone—and I am talking about the redeemable kid, the good, solid citizens who become legislators, lawyers, athletes, painters, and the rest—because the hard-core people that we are talking about will always get in trouble and they will always be on somebody's blotter. And I say to you that we have been lied to; they do not need it as an investigative tool, and when there was a poll taken by the mayor-elect of Philadelphia about this area, then they started this year, in Philadelphia, with no legislative authority, fingerprinting and photographing kids, and right now, if they were so trustworthy with our children, black and white, and good, they would have a procedure for expunging them already, and they told us 2 weeks ago they do not, they did not even think about that. I tell you the same attitude with our good, redeemable kids who have contacted the law, whether that felony be in John Wanamaker's, picking up a pocketbook, because you are poor or because you are cute, is a felony; or if you break in somebody's car, because that is what they do in the neighborhood, that is a felony and does not depend on the cops to photograph you or not. On fingerprints and photographs and what they have done at the highest level of this country on records on kids, it is baloney that they need it, and they know it, and they did not prove it to us, and they gave us this awesome bill late.

If the arguments and the need were so obvious, Mr. Rendell would not have to lobby that strong. I tell you, Mr. Speaker, there just is no need. I refer very briefly—and this debate is going to be longer because I have a lot of examples—to a 15-year-old young man who was certified for homicide and convicted, 15 years, and the two guys who really did it in a family argument confessed and got probation. We could not even unscrew his guilt. We went to the Supreme Court of this state, *Commonwealth v. Abney*. The case was reversed and retried, and we had to prove, we had to prove that John Abney was not even there. I would not take his case because I told his mother she could not afford it and she made me. Then I felt so good because he became an honor student and a boxer. I felt so good and so brilliant, I forgot to this day to get his photographs and fingerprints, and they are still down there. And I was on his side. Thank you.

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

Mr. SPITZ. Mr. Speaker, I rise in opposition to the amendment. I think that the gentlemen who have spoken previously have made some valid points concerning fingerprints and juveniles, and if you are opposed philosophically to juveniles being fingerprinted, the thing to do is to vote against this bill, and I would agree with Mr. Williams that we should not support the bill or the amendment for any reasons of juveniles not showing up at hearings. However, I believe it is the intention of the sponsors of this bill—it certainly is my intention in supporting it—that fingerprints are to be used as investigative tools, and while they are not used that often, there are those occasions where fingerprints are the best evidence in a case.

The amendment, to my way of thinking, frankly, is not ap-

propriate. What you are saying, if you are in favor of fingerprints, is that, yes, under some circumstances we will fingerprint the juveniles; however, let us have a case and see if you can prove them guilty without the best evidence that you might have, and only if you can adjudicate them delinquent, then can you fingerprint them. It just does not make any sense. Those people who believe that juveniles should be fingerprinted in some instances believe it should be done so that the fingerprints are evidence in the trial, and the amendment would restrict that. It, frankly, to my way of thinking, is inappropriate.

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

Mr. EARLEY. Mr. Speaker, I rise in support of the amendment to HB 1850 for the following reasons: One of the major problems facing the courts today with respect to juveniles are the hard-core offenders, and it is necessary, where we are dealing with hard-core offenders, to obtain investigative tools to root them out. However, in the administration of the Juvenile Act as we now have it, you have a rather irresponsible administration of that act too often by the police officials of this state. Now if juveniles are to be fingerprinted, they should be printed in a uniform and controlled manner. This amendment is simply saying that inasmuch as juveniles are to be fingerprinted and inasmuch as there is presently no uniform fingerprinting procedure in this state with respect to juveniles or adults, that by making this act effective at this point, we should have some uniform beginnings, and that is all that this amendment is doing. It is saying that when a juvenile has been adjudicated, then he may be fingerprinted. If that adjudicated juvenile develops to be a hard-core juvenile, you have your investigative tool.

On the other hand, there is a practice extant in this state which we must bear in mind in considering this, and that is the practice of many police departments of making sweeps of juvenile areas. They make these sweeps knowing fairly well, clearly, that there is no real reason for doing so except the purpose of obtaining a photograph or fingerprints of the many juveniles, and you will have, therefore, here in this bill as it now stands that ability sanctioned by the legislature. I think that is inappropriate; I think it should not happen. The provision of the bill that provides for automatic expunging of the record is all right, but as Mr. Williams has indicated, as others have indicated, and as I have experienced in close to 20 years of practicing in the criminal courts of this state, that, notwithstanding even with a court order of expungement, getting the expungement of a record is almost impossible, particularly in the Philadelphia courts or in the Philadelphia police department. For that reason, I believe that the fingerprinting of juveniles should be controlled; they should be uniform throughout the state in every police jurisdiction of the state, and I urge your support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, I rise in support of the White amendment. We have heard much rhetoric on both sides today,

both in opposition and in support, although limited in support in regard to the fingerprinting and photographing of juveniles. We have heard about the political aspirations of certain individuals; we have heard about expungement and the destroying of juvenile records and photographs upon an unsuccessful conviction for a crime, but I do not believe that we have fully addressed the subject that is before us here today, and that is whether or not we should photograph and fingerprint juveniles, young children aged 14 years of age and older. To me, that is the bottomline question we must address, and I do not think that we are doing it adequately here today.

The truth of the matter is that a juvenile can be fingerprinted and photographed, given the provisions of the current bill, only upon arrest, having no guarantee and no assurance that that juvenile has in fact committed the crime or is ever going to be convicted of that crime. I think that is very important and I think the White proposal is very reasonable in that it takes into account photographing and fingerprinting of juveniles only when they have been arrested and successfully convicted and adjudicated as delinquent. Therefore, I urge the members of this body to support the White amendment. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment. I would like to tell you why by an example. An elderly couple lives in the downtown section of the city of Pottsville in an apartment over a store front. At 4 a. m. in the morning their apartment is invaded by a young person 16, 17 years old, between those ages. The person who invades the home wrestles with the elderly husband, drops him to the floor; he is unconscious. The wife comes out; she cannot get a description. He rifles the apartment, threatens the people with serious bodily harm and death, leaves the apartment. A policeman picks someone up a short distance away and he is taken to the police station. A fingerprint is found in that home. The next day, after making a complaint, the elderly couple makes a complaint, they call the police and ask about fingerprinting this person because they say that this would establish the identity. They are told that no, we cannot fingerprint him because he is a juvenile. The person is not convicted, and they, this elderly couple, cannot understand why the fingerprint could not be taken, nor can I.

Now under the White amendment, the fingerprint could not be taken, again, because that person would not have been adjudicated as a delinquent. The evidence which is necessary to adjudicate him in the form of a fingerprint is not available because of a ridiculous law. Now I do not understand that and I think that perhaps what has people upset, who are arguing for the White amendment and indeed against fingerprinting at all of juveniles, is that they are concerned about the stigma, and I am concerned about that too. But think about the White amendment. The White amendment says, oh, yes, we will take your fingerprint once you have been adjudicated, and then you have it as a stigma. That is not what we are doing on this bill as it now is; what we are doing is saying, take the fingerprint for a legitimate investigative purpose to solve a criminal act and

then, if the person is not adjudicated, expunge it. I think we need this bill. This elderly couple cannot understand why a fingerprint was not taken in that case, and I do not think I understand it and I know I could not explain to them how this happened on the floor of this General Assembly, if the White amendment passes. I oppose the amendment.

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

The following roll call was recorded:

YEAS—29

Barber	Irvis	Milanovich	Shadding
Cohen	Johnson, J.	Mullen, M. P.	Stewart
Dawida	Jones	Murphy	Street
DeWeese	Kolter	Oliver	Wachob
Dumas	Kukovich	Petrarca	White
Earley	Livengood	Richardson	Williams
Harper	Michlovic	Rieger	Wright, D.
Hutchinson, A.			

NAYS—163

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

NOT VOTING—10

Armstrong	Donatucci	Letterman	Rhodes
Beloff	Grieco	Pyles	Zord
Brunner	Hayes, D. S.		

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

The SPEAKER. The Chair now is able to respond to the question asked of the Chair by the gentleman from Philadelphia, Mr. Williams. The Chair read HB 1850; the Chair queried the prime sponsor of the bill as to its intent and purpose, Mr. Scirica; the Chair further talked to the chairman of the House Appropriations Committee and to the minority chairman of the Appropriations Committee, and it is my opinion that HB 1850 does not need a fiscal note.

Mr. WILLIAMS. Mr. Speaker, you misunderstood my inquiry. My inquiry was whether it was a proper time for me to raise the question which you anticipated I was going to raise, but I wanted to raise my question by my stating to the Speaker and to the House that I indeed thought, under our rules as they read, that this procedure, the photographing and fingerprinting, very clearly would require the expenditure of money. Secondly, if it did not require the expenditure of money, it would be very foolish, with all the mechanisms in there, not for it to go to the committee, as required by the rules, to examine that. We are talking about fingerprinting; we are talking about equipment; we are talking about personnel; we are talking about the interchange between jurisdictions. I do not know anything that is more obvious that persons ought to examine about than what monies are going to be expended, and, indeed, when asked that question in the committee, no one yet replied as to what the monies are that are being expended already.

MOTION TO RECOMMIT HB 1850

The SPEAKER. The Chair had responded to the question that he understood the gentleman wanted to hear. The Chair would now suggest that the member would move that the bill be recommitted to the Committee on Appropriations for a fiscal note and let the House decide the question. Does the gentleman want to make such a motion?

Mr. WILLIAMS. Mr. Speaker, I would like to make a motion and also to speak on the motion.

The SPEAKER. It has been moved by the gentleman that HB 1850 and the amendments be recommitted to the Committee on Appropriations for a fiscal note.

The gentleman is recognized to speak on the motion.

Mr. WILLIAMS. Mr. Speaker, can you tell me the rule number, so I will not have to waste time looking for it?

The SPEAKER. Rule 19A.

Mr. WILLIAMS. Mr. Speaker, rule 19A clearly says: "No bill except a general appropriations bill or any amendment thereto which may require an expenditure of Commonwealth funds or funds of any political subdivision which may entail a loss of revenues overall or to any separately established fund shall be given second consideration . . ." et cetera and so forth and so on.

Now, Mr. Speaker, I challenge anybody in this House to dare say that this procedure of fingerprints and photographs is not going to require an expenditure of funds of a political subdivision, namely, Philadelphia or any other subdivision, and indeed

of the state. Photographs are made by photographers. Photographers are paid money. Fingerprints are made by personnel who do fingerprints. They are paid money. Mr. Speaker, whether this House or you or the sponsor of the bill wants to read this rule clearly, that is what it says. I think that it is irresponsible for a fiscally tended legislature to always talk about money when it is convenient to them and not to examine money when it is examining the lives of children. Thank you.

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

Mr. WHITE. On the motion, Mr. Speaker.

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

Mr. WHITE. I would like for the chief sponsor of the bill to answer one brief inquiry on the motion.

The SPEAKER. The gentleman will state his question.

Mr. WHITE. Mr. Speaker, if HB 1850 passes in its present form, does it in fact make it easier for juveniles to be sent to adult correctional institutions?

The SPEAKER. The question before the House is the recommendation to the Committee on Appropriations for a fiscal note.

Mr. WHITE. I understand that, Mr. Speaker.

The SPEAKER. It is the opinion of the Chair that the question does not speak to that motion.

Mr. WHITE. If I could just take a moment to explain that, Mr. Speaker, I think that you will reverse that particular decision, because if we are in fact saying in essence that it will be easier for juveniles to be certified for adult court and be sentenced to adult institutions, certainly the Commonwealth would have some obligation to provide educational resources, vocational resources, rehabilitative resources for juveniles in adult correctional institutions that do not presently exist. If that is the case then, Mr. Speaker, it is going to be a great expense to the general Commonwealth of Pennsylvania. That is the basis of the question.

The SPEAKER. Within the confines of the debate, the gentleman may respond.

Mr. SCIRICA. With respect to Mr. Williams' question, I think it should be noted that the authority to fingerprint and photograph is not mandatory. It is discretionary with the police agency. So it is going to be impossible for us to determine ahead of time how often this is going to be used. It is presumed that there is not a police department in the Commonwealth that does not have a camera or a fingerprint blotter that they use routinely for adults. So it is difficult for me to see how there is going to be any expense in that regard.

As to Mr. White's question, if HB 1850 does pass, it will allow the juvenile courts to transfer juveniles to adult courts, who are now first offenders. Last year in the Commonwealth there were 12 juveniles who were transferred from juvenile court to adult court as first offenders in those counties that believe they have the authority to do so. In many counties, the juvenile courts do not think they have the authority to transfer first offenders, and that is one of the reasons for this bill. Overall there were 239 individuals who were transferred from—

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

mittal to the Committee on Appropriations for a fiscal note. The gentleman is going far afield in his response.

Mr. WHITE. Mr. Speaker, he has not responded to my question. I please beg the leniency of the Chair to allow the Representative—

The SPEAKER. The Chair has suggested to the gentleman in his response he is going far afield.

Mr. WHITE. He still has not responded.

The SPEAKER. The Chair has noticed that the question of the gentleman from Philadelphia, Mr. White, has gone far afield.

Mr. WHITE. How can the question be far afield, Mr. Speaker, when you are talking about having to provide education, vocational training, and rehabilitative methods for juveniles being sentenced to adult institutions? That results in costs to the Commonwealth.

The SPEAKER. The gentleman may respond.

Mr. SCIRICA. Mr. Speaker, we anticipate that the transfer provision will affect very few juveniles, and those will be first offenders who have committed particularly atrocious crimes. Those individuals, if they are not handled in the adult system, would be committed to the youth development centers that are under the control of the Department of Welfare. In either case, Mr. Speaker, they are going to be there at state expense, and so I see absolutely no difference whether they are handled as an adult or handled as a juvenile delinquent.

Mr. WHITE. Mr. Speaker, I do not think you believe that yourself. Will the educational opportunities that are afforded them under the Department of Welfare and the expenditures thereto follow them through the adult correctional system? The answer to that is "no." If we are not providing those services now, those services are going to have to be provided by someone. Who intends to pay for that?

Mr. SCIRICA. In either case, whether they are treated as an adult or treated as a juvenile, it is a state responsibility, and there are services provided in both systems.

Mr. WHITE. I will see you on the bench.

Mr. WILLIAMS. Mr. Speaker, I would like to be recognized on the motion again in response to what Mr. Scirica answered.

The SPEAKER. The Clerk will strike the vote.

Mr. WILLIAMS. Mr. Speaker, I know that a lot of us are very intense about this bill. However, at least we ought to know what we are voting for, regardless of what our passions are.

The SPEAKER. The question before the House is the recommitment. The Chair recognizes the gentleman on the motion.

Mr. WILLIAMS. Mr. Speaker, you called me a lover today. I did not strike that off.

In any event, Mr. Speaker, Mr. Scirica said that they have photographers and everything would be okay. I am here to tell you that if you read the state's report for 1978, throughout this state we had 40,000 cases processed; 1,775 were placed in public institutions; 1,242 were placed in private institutions, but the rest of those juveniles were processed. Now all of them were not felonies, but let us say 20,000 were. You are talking about 20,000 new processings, fingerprints and photographs, or a substantial part of that.

What I am saying, Mr. Speaker, is that the facts and the fig-

ures in your state facts tell you very obviously that it is foolish to suggest not to examine the money, foolish to suggest that Philadelphia, which is the largest part of that, will be coming back to you asking for more money, and I suggest to you that when it is convenient for us to scratch your back, it is okay, but it is very clear that this bill needs a fiscal note, money. Financial responsibility is the prime theme of this legislature. My logic did not prevail, but the money that we spent to reproduce this research ought to tell you that we are talking about 25,000 to 30,000 new people. That is personnel, that is fingerprints, that is extra time that we always have in Philadelphia on police. Yes, overtime. That is hard, cold dollars, and there is no rush that I see that every one of us cannot say, okay, let us see how much it costs, and I will tell you, Mr. Speaker, we are afraid, because the costs that you see will hesitate our hands.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Street, on the motion to recommit.

Mr. STREET. On the motion to recommit which deals with the fiscal note, I would like a point of clarity from Mr. Scirica on one of his answers to Mr. White, if I may, Mr. Speaker.

The SPEAKER. The gentleman will proceed, and the Chair will listen diligently.

Mr. STREET. Mr. Speaker, did you answer Mr. White in the affirmative by saying that the Department of Welfare now provides the educational services and the training services in adult prison institutions now presently?

Mr. SCIRICA. I am not sure that I said that, Mr. Speaker.

It is my understanding that with respect to educational services in both the adult and juvenile institutions, that is handled by the intermediate unit of the Department of Education. But generally the other services, if you are held in a secure facility — a youth detention center — as a juvenile, the other services in my understanding are provided by the Department of Public Welfare where, as in the adult system, they are provided by the Bureau of Corrections.

Mr. STREET. Mr. Speaker, then we are to assume that the services that are now provided in the juvenile institutions will be transferred or will follow the juvenile who is transferred to the adult institutions?

Mr. SCIRICA. No, sir, I do not think that is the case.

This does not apply to a transfer. This section does not apply to a transfer from a juvenile institution to an adult institution. It goes to the trying of that individual in the first instance. It is a question of whether he is going to be tried as an adult or tried as a juvenile.

Mr. STREET. I understand that, and what we are saying is, for those juveniles who will end up for some reason or other incarcerated in an adult institution, will the services that they would receive in training and education through this intermediate program, that they would receive in a juvenile institution, will that service follow that juvenile to the adult institution so that he still has access to it?

Mr. SCIRICA. I am not sure that I understand the question, Mr. Speaker. I think my answer is "no" though.

Mr. STREET. Well, the question is this, in case you do not understand it. We are talking about services, educational service,

vocational service, rehabilitation services being provided for juveniles in adult institutions that do not now exist. Correct?

Mr. SCIRICA. No, sir, they do exist.

Mr. STREET. For juveniles in adult institutions?

Mr. SCIRICA. Yes, sir.

Mr. STREET. Can you give me several examples?

The SPEAKER. The gentleman has asked the gentleman, Mr. Scirica, a question. The gentleman responded. Does the gentleman have any further questions?

Mr. STREET. Mr. Speaker, if I may, I have been to Holmsburg; I have been to Muncy; I have been to a number of these prisons since I have been here, and in none of them have I been able to identify a program that addresses the vocational training, the rehabilitation training of a juvenile in those adult institutions. The answer was in the affirmative, so all I am asking for now is to give me something because I do not know where. Is it Huntingdon?

The SPEAKER. The gentleman responded to your question. The answer was "no."

Does the gentleman, Mr. Richardson, wish to debate the motion?

The Chair recognizes the gentleman, Mr. Richardson, on the motion?

Mr. RICHARDSON. Mr. Speaker, I would just like to interrogate Mr. Scirica, please?

The SPEAKER. The gentleman, Mr. Richardson, would like to interrogate the gentleman, Mr. Scirica, on the question which is on recommittal.

Mr. RICHARDSON. On the question of recommittal for a fiscal note, I would like to clarify that because there is a difference.

Mr. Speaker, I would just like to ask you whether or not you are knowledgeable of the facilities in Philadelphia concerning juveniles and where they are presently housed when they are incarcerated now, and where do you think this fingerprinting and photographing will take place and why do you feel that it is not going to cost us any money?

The SPEAKER. The gentleman has responded to a similar question at least three times. In the opinion of the gentleman, there is no additional cost.

Mr. RICHARDSON. What I am saying is that he did not respond to that question because he has been to Philadelphia before with me on the same question. I just wanted to know whether or not he could respond to the question I asked. I cannot speak for anybody else.

Mr. SCIRICA. Mr. Speaker, I am beginning to see the advantage of having a gavel. Mr. Speaker, my understanding in Philadelphia is that most of the fingerprinting and photographing is done in the districts.

Mr. RICHARDSON. No, that is incorrect. Eighth and Race.

The SPEAKER. Will the gentleman, Mr. Richardson, yield until Mr. Scirica has completed his response.

Mr. SCIRICA. And in talking to the police officers in Philadelphia, they told me that the fingerprinting would be done in the districts and the photographing would be done in the districts.

Mr. RICHARDSON. Well, I will say to you respectfully, Mr. Speaker, that in Philadelphia we have a place called Eighth and Race. If you are not familiar with it, it is probably one of the most dingy looking places that you have ever been to, with a glass cage, and people take your fingerprints and your photographs inside of this particular place.

There have been no other provisions other than what has been allotted at Eighth and Race, which is the main building at Eighth and Race that deals specifically with that.

I would just like to know whether or not it is your opinion now—I mean it just seems to me that on this question for some reason you are not understanding any of the things that you fought for on behalf of the juveniles that relate to this question. I just wanted to know whether or not now there is a feeling—that there is no money needed in fact to deal specifically with getting somebody at one of these institutions, since they voted down Mr. White's amendment, to get someone to exactly deal with the fiscal note and fiscal responsibility?

I know you all think this is funny but I do not. I think it involves a very serious matter when you talk about kids. And regardless of whether you laugh or not, Mr. Speaker, it does not matter. The most important thing is that we get somebody to understand that this is very, very important to the lives of the children.

The SPEAKER. Has the gentleman completed his statement?

Mr. RICHARDSON. I am waiting for a response from Mr. Scirica.

Mr. SCIRICA. Mr. Speaker, I have got a copy of the Philadelphia Police Department regulations which simply say that in all cases they are taken to the police district and, if appropriate, they are fingerprinted and photographed there. That is the procedure that was outlined to me verbally.

Mr. RICHARDSON. Well, I will say this to you, Mr. Speaker, perhaps, maybe the police department has turned over that information to you—

The SPEAKER. Will the gentleman please confine his interrogation to the reasons for recommittal?

Mr. RICHARDSON. Well, I am because—

The SPEAKER. The Chair has listened as closely as possible and it is the opinion of the Chair that the gentleman is going far afield. The Chair asked the gentleman to please confine his question—

Mr. RICHARDSON. Perhaps, maybe you do not understand how important this bill is to juveniles in this Commonwealth, and to just ramrod it down people's throats when I have an opportunity to speak is incorrect and wrong, and you can bang the gavel, Mr. Speaker, but without listening to us it is unfair. I am still speaking on the motion of recommittal—

The SPEAKER. The gentleman has gone far afield. The Chair has been very lenient.

Now, if the gentleman has additional questions on the motion to recommit, the Chair will permit the gentleman to continue.

Mr. RICHARDSON. I do not have to interrogate him anymore. I am going to speak to the motion to recommit on the fiscal note.

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

Mr. RICHARDSON. I would just share with you that the in-

formation shared by Mr. Scirica as coming from our Philadelphia Police Department in the city of Philadelphia—and I do not know where he got the information from—I have traveled in and out of police districts inside of my own particular district, which is the 14th district, and share with you that there are no facilities there to fingerprint and take photographs of individuals.

His staff, as well as Mr. Scirica's, knows the problems that we have inside of the city of Philadelphia. In fact, when we went to the Youth Study Center, the same problem prevailed. We expressed that with some of the same staff people, that there is a serious problem in Philadelphia and regardless of whether or not you listen to us, we are still going to try to get this point across: that it is going to cost money to the Commonwealth to fingerprint and take photographs of individual juveniles regardless of where they go, and presently they have to go to a place where they are incarcerated with adults, which is supposed to be in violation of the law. The laws are written and broken every day just as fast as they are written. It does not seem to me that the House of Representatives are concerned with that matter. But just to photograph and fingerprint kids in this Commonwealth without having a full in-depth study and knowledge on this matter and say to us that it does not require a fiscal note because you checked with the Appropriations Committee chairman and Mr. Scirica, the answer is wrong.

It does not happen in any other case and matter. Any bill that requires a fiscal note, according to rule 19A, is automatically sent there. Then the fiscal implications are picked out based on the study that has been done by the Appropriations Committee.

You are saying that that rule does not have to apply any longer, and then I say that you will do what you normally do, just run it anyway. But if you are dealing with fairness and decorum of this House of Representatives, who are supposed to be above the average individual, and then I will share with you that this bill should be reported to the Appropriations Committee correctly for a fiscal note.

If it does not require a fiscal note, then the chairman of the Appropriations Committee should send it along with the bill. It should not be a verbal statement.

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

The following roll call was recorded:

YEAS—33

Barber	Hutchinson, A.	Manderino	Rieger
Clark, B.	Irviss	Milanovich	Shadding
Cohen	Johnson, J.	Mullen, M. P.	Stewart
DeMedio	Jones	O'Brien, B.	Street
DeWeese	Kolter	Oliver	Wachob
DiCarlo	Kukovich	Petrarca	White
Dumas	Laughlin	Pratt	Williams
Grahowski	Livengood	Richardson	Wright, D.
Harper			

NAYS—160

Alden	Freind	Madigan	Schmitt
Anderson	Fryer	Manmiller	Schweder
Arty	Gallagher	McCall	Scirica

Austin	Gallen	McClatchy	Serafini
Belardi	Gamble	McIntyre	Seventy
Bennett	Gannon	McKelvey	Shupnik
Berson	Gatski	McMonagle	Sieminski
Bittle	Geesey	McVerry	Sirianni
Borski	Geist	Michlovic	Smith, E.
Bowser	George, C.	Micozzie	Smith, L.
Brandt	George, M.	Müller	Spencer
Brown	Giammarco	Moehlmann	Spitz
Burd	Gladeck	Mowery	Stairs
Burns	Goebel	Mrkonic	Steighner
Caltagirone	Goodman	Murphy	Stuban
Cappabianca	Gray	Musto	Stuban
Cessar	Greenfield	Nahill	Swift
Chess	Gruppo	Novak	Taddonio
Cimini	Halverson	Noye	Taylor, E.
Clark, R.	Hasay	O'Brien, D.	Taylor, F.
Cochran	Hayes, S. E.	O'Donnell	Telek
Cole	Helfrick	Perzel	Thomas
Cornell	Hoeffel	Peterson	Trello
Coslett	Honaman	Piccola	Vron
Cowell	Hutchinson, W.	Pievsky	Wagner
Cunningham	Itkin	Pistella	Wargo
Davies	Johnson, E.	Pitts	Wass
Dawida	Kanuck	Polite	Weidner
DeVerter	Kernick	Pott	Wenger
Dietz	Klingaman	Pucciarelli	Wilson
Dininni	Knepper	Punt	Wilt
Dombrowski	Knight	Rappaport	Wright, J. L.
Dorr	Kowalyszyn	Reed	Yahner
Duffy	Lashingner	Rhodes	Yohn
Durham	Lehr	Ritter	Zeller
Earley	Levi	Rocks	Zitterman
Fee	Levin	Rodgers	Zwinkl
Fischer, R. R.	Lewis	Ryan	
Fisher, D. M.	Lynch, E. R.	Salvatore	Seltzer,
Foster, A.	Lynch, F.	Scheaffer	Speaker
Foster, W.	Mackowski		

NOT VOTING—9

Armstrong	Donatucci	Hayes, D. S.	Pyles
Beloff	Grieco	Letterman	Zord
Brunner			

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

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

Amend Sec. 1 (Sec. 6308), page 2, line 26, by removing the period after "ACT" and inserting , only after a child receives an informal hearing as provided in section 6332 (relating to informal hearing), and the case is held for adjudication or transferred as provided in section 6355 (relating to transfer to criminal proceedings). In the case of a child to be released pursuant to section 6331 (relating to release from detention or commencement of proceedings), an informal hearing substantially similar to that provided in section 6332, shall be held to determine whether probable cause exists that the child has committed a delinquent act which, but for the application of this chapter, would constitute a felony or violation of Subchapter A of Chapter 61 of Title 18 (relating to Uniform Firearms Act), prior to the taking of any photographs or fingerprints of the child. Notwithstanding, no photographs or fingerprints of a child may be taken without the expressed approval of the court or master presiding over the informal hearing.

On the question,

Will the House agree to the amendment?

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

Mr. STREET. Mr. Speaker, in the present code that exists in section 6332, there is an informal hearing that is provided for juveniles who are taken into custody, whether they will be held over for adjudication or not. This amendment simply states that before fingerprinting can take place, that the informal hearing must be held to make a determination as to whether the juvenile will be held over or whether there is probable cause to hold the juvenile over for trial.

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

Mr. SCIRICA. Thank you, Mr. Speaker. I just saw this amendment for the first time and I think I understand it now.

It provides, if I am correct, that before fingerprinting and photographing can occur on a juvenile who has committed a felony, who is over 15 years of age, that there would first have to be an informal hearing before a juvenile court judge to determine whether or not probable cause existed that the child had committed the delinquent act which, in fact, would constitute a felony.

I fail to discern a reason for this amendment in that it is my understanding of existing law that before the police can photograph or fingerprint any individual, they need probable cause to arrest that person.

I think what Mr. Street is going to do here is that he does not want the fingerprinting and photographing to appear on the record of somebody who in fact is not going to be found guilty of this particular felony.

I think we meet that objection with the other part of the bill that provides for expungement in the event that individual is discharged for any reason. So I do not think the amendment is necessary, Mr. Speaker. I would ask for a "no" vote.

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

Mr. STREET. Mr. Speaker, the amendment goes to arbitrary pickup up of young people who may be charged with something, maybe like disorderly conduct or maybe assault and battery that would be charged, perhaps with aggravated assault and battery, so that the case is thrown over into the category of a felony. So that at that point that child can be fingerprinted and photographed.

What we are trying to prevent here is the police charging young people with aggravated assault or a felony, fingerprinting them, photographing them, and then they cannot even substantiate those charges at a preliminary hearing. And the aggravated assault may be dropped at the preliminary hearing before trial, but the fingerprints and photographs would still be there and a matter of record.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. SPEAKER, I have the highest regards for Mr. William Hutchinson, both as a Representative and as an attorney, and I

have the highest regard for Mr. Scirica for both being a competent attorney and excellent Representative. I listened to their arguments concerning the last amendment, the one that was offered by Mr. White.

If you will recall what Mr. Hutchinson said, he told you a story about a young man who was arrested or at least apprehended near the scene of a crime but who could not be tied in with the crime because it was not possible to, under the current law, have him fingerprinted and compare his fingerprints with prints apparently to be found inside the rifled apartment. Now that argument was a very good argument against Mr. White's amendment because Mr. White said you would have to wait until trial and conviction, and here it was not even possible to get the juvenile to trial to be convicted.

But under the amendment offered today by Mr. Street, the situation would be different. Under this amendment, the elderly man and elderly woman's case would be taken care of adequately because all that would be required in that situation under this amendment would be that the police would take this young man before a master, have a preliminary hearing to show probable cause, and then go into the apartment, lift the fingerprints which they knew were there, take the young man's fingerprints and compare them. So that the old people, who could not understand, under Mr. Hutchinson's illustration, as to why the police were helpless, would certainly understand this situation, if we adopt this amendment.

What this amendment says—and it is important, I think, for you to get the distinction—is that those of us who are for these amendments are philosophically opposed to fingerprinting and photographing juveniles unnecessarily, and, furthermore—and this is with all due respect to Mr. Scirica whom I am extremely fond of personally—I think he is a bit naive if he believes, as I think he probably does, that simply by putting into a bill that all unnecessary fingerprints and photographs of innocent juveniles shall be expunged solves the problem.

Now it solves the problem for Mr. Scirica who is an honest man, and it solves the problem for all those who are honest within the police departments, but for those policemen who feel that any means justify the end, and who feel that they are at war with juveniles, they will keep those fingerprints and those photographs anyway they can and as long as they can.

What we are saying in this amendment is: If you can show probable cause that this juvenile was the committer of a crime, the equivalent of an adult felony, then we will allow you to photograph him and fingerprint him. I think that is a reasonable, and to borrow a word from my opponent, a defensible amendment.

I think it is a reasonable middle ground between Mr. White's extreme of wait until they are convicted before you photograph and fingerprint and Mr. Scirica's extreme of assuming to arrest them, fingerprint them and photograph them.

This says take them at least before an informal hearing and see if there is probable cause. If there be such, then fingerprint them and photograph them. That is precisely what this amendment means, and I ask your support.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker. I rise in opposition to the Street amendment. I think we are confusing here a couple of issues that are raised both in this amendment and that were raised in the prior amendment which was offered by Mr. White.

One of the things which we are overlooking, I believe, is what happens prior to the time when a fingerprint can be taken. Under the language in the bill as it is right now, the juvenile has to have been arrested. Prior to the arrest having taken place, the police officer had to have had probable cause to effectuate that arrest.

Now what the language in HB 1850 at present would permit is, it would permit the police agency, whichever agency that is—and the administration of the agencies, granted, differ from county to county, from jurisdiction to jurisdiction, around the state, but it would permit that police agency—to photograph and fingerprint the juvenile in the event he was arrested and charged with, charged with after the establishment of probable cause, a felony. Okay. This is what the bill does in its present form.

What the Street amendment proposes is that the police officer cannot take those fingerprints until the juvenile is taken to court, until an informal hearing is held by some 72 hours later at the court, not at the police agency, and, in addition thereto, the last sentence of that amendment says that notwithstanding everything else, I suppose, no photographs or fingerprints can be taken without the expressed approval of the court or the master.

Now, in my opinion, this amendment goes too far. If fingerprints and photographs are to be a viable investigatory tool—and I believe they are—in the prosecution of felonies for juveniles 15 years of age or older in the investigations of juvenile crimes, then I think police officers in all the jurisdictions around the state should have the right to take prints as are set out in HB 1850 as it is.

For these reasons, I urge that we defeat the Street amendment and that we pass this bill with the fingerprinting language as it currently is stated. Thank you, Mr. Speaker.

MR. ANDERSON REQUESTED TO PRESIDE

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

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

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

Mr. STREET. Mr. Speaker, the gentleman who just spoke, will he stand for a brief interrogation?

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. D. M. Fisher, stand for interrogation? He indicates that he will. The gentleman may proceed.

Mr. STREET. Mr. Speaker, did I understand you to say that an arrest only takes place when a police officer makes a determination as to whether there is probable cause to make that arrest?

Mr. D. M. FISHER. Mr. Speaker, the law of arrest in the

Commonwealth is clear both under the Pennsylvania Constitution and the United States Constitution that before any arrest can be made, there must be probable cause.

Mr. STREET. Then what you are saying is that the police officer could also determine whether a juvenile could be charged with aggravated assault?

Mr. D. M. FISHER. If a police officer observes a felony being committed in his presence or has probable cause to believe that a felony had just recently been committed, he can effectuate that arrest. That is correct.

Mr. STREET. When he effectuates that arrest, then all he needs to do is take that juvenile, if I am correct, into the police district and charge him right there based on what he has determined as a police officer as probable cause for charging that youth?

Mr. D. M. FISHER. That is correct.

Mr. STREET. And at that point, you are saying that he should be able to take his fingerprints and his photograph?

Mr. D. M. FISHER. That is correct.

Mr. STREET. Without an informal hearing to determine before a judge or a master and to make certain that there is enough evidence to hold that juvenile over for a hearing on a felony and all the rest of those charges that he may be charged with?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. STREET. What I am saying is, Mr. Speaker, that before or prior to that police officer being able to fingerprint and photograph that youth, he is at least entitled to an informal hearing before a master or a judge or a court to make a determination of whether the police officer has erred, whether the police officer has gone far astray in charging this child, this youth, with aggravated assault, and not simple assault or just assault which would not constitute a felony and which would not at that point put that child or that youth into the category of being able to have a permanent record, that we do not believe will ever be expunged or destroyed. That is the purpose of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. I believe there was to be a response by Mr. Fisher.

The SPEAKER pro tempore. The Chair was in error. Does the gentleman from Allegheny wish to reply?

Mr. D. M. FISHER. Yes, Mr. Speaker, I think one other thing I would like to add and I think it is germane to what Mr. Street has just added. If in fact an improper arrest were made, and if in fact probable cause did not exist, the fingerprints that were taken 3 days before would be expunged. So there is no harm done to the juvenile. The fingerprints have not been disseminated and they have been expunged.

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

Mr. STREET. It has been my experience, and we have brought to the attention of this House, Mr. Williams, Mr. Richardson, Mr. White, that that has not been the case in Philadelphia, the expungement of records. Under the Accelerated

Rehabilitation Disposition program in Philadelphia, where people go voluntarily, at the end of that probation period the records are automatically expunged. It never happens. There is no procedure in the Philadelphia police department for the expungement of records.

What we are saying is, this law will be abused, that fingerprinting, and it will be established as a vehicle to identify youths regardless of whether they have committed a felony. It does not matter, we have their fingerprints; we have their photographs.

And we submit to this House of Representatives, based on our experience in Philadelphia which we can document, that expungement, never, never takes place and we do not believe under this act that expungement will take place. And this very act here will be a detriment to youth across this state and particularly in the city of Philadelphia.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. Mr. Speaker, I refer to Mr. Fisher's debate and Mr. Scirica's argument on this bill. There are certain things that we must guard against and there are certain realities we must face. I agree with Mr. Scirica and Mr. Fisher that the law is that a police officer must have probable cause in order to make an arrest. But we all know from experience that the police officer many times takes people into custody, and particularly juveniles, without having probable cause.

One of the reasons for that, we all know, is that the basis for a police officer's determination for probable cause are certain matters that come to his attention and he quite frequently has merely seconds or a very few minutes in which to make that decision.

Now just as Mr. Hutchinson told a story of certain victims of crimes, I would like to tell you a short story also illustrating the danger that we are concerned about here. As an assistant district attorney in Delaware County for a number of years, over 7 years to be exact, I must have, at least 100 times, challenged police officers who brought juveniles and adults before me, and when I questioned them as to why they were taken into custody, the answer I received was, we do not have their picture and prints on file yet. So after we get that, you can let them go. This is a common everyday practice throughout this Commonwealth, and we must take steps to guard against that kind of interference with the rights of innocent people.

We know that a practice with respect to dealing with juveniles is to make mass roundups whenever an offense is committed. If it is believed that a juvenile was involved, there are mass roundups of juveniles until they get to the one they think actually committed the act. All this amendment does is ask that the police refrain from fingerprinting and photographing these juveniles until a proper inquiry has been made as to the probable cause—not proof, not adjudication, but sufficient reason to believe that those are the parties who are involved in this act—and at that point the photograph and prints are taken. Then the safeguards contained in the act will take care of the expungement of the records in the event that they are not adjudicated pursuant to that arrest.

But this does protect those many, many hundreds, perhaps thousands, of juveniles who are picked up indiscriminately, at random, throughout the streets of this Commonwealth merely because they are juveniles and because they happen, for whatever their reasons may be, to be in a particular area. I urge the support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I would like to speak in behalf of the Street amendment and I would like to totally reject the need for the fingerprints on any level.

Mr. Speaker, as I said before, in 1978 we had 40,522 juveniles processed in this situation. Philadelphia, here is the problem, make no mistake, Philadelphia is the problem in this issue. Out of that 40,000, Philadelphia has processed 14,151 cases total. Out of those 14,000 cases, 2,968 were informal hearings. Nothing happened. No problem, go home, informal, as Mr. Street is talking about. In terms of consent decree—that means no problem; we will work it out; no big problem, go home—2,992; in terms of cases dismissed because they were not proven, 3,220; dismissal because of some form of adjustment, 507; informal adjustment, 2,221. That is 11,908 out of 14,000 cases. Even approximately 2,000. Out of that, 680 went into incarceration because they did something serious.

What Mr. Street is telling this House by your very own statistics is that the vast majority of the juveniles we processed already, we agree, did nothing substantial or created a problem, especially on first offense.

The Street amendment says, okay, some of us say that it is dangerous; some of us say, investigative tool—and were going to argue about that some more—but Mr. Street says, okay, you are going to bring them in whether the charges are real or not. Let someone look at it, because when they look at it later on, they send home 11,900 one way or another. His amendment you are talking about is a most intelligent procedure for us to follow.

In closing, Mr. Speaker, I would just want to tell members of this House that if they have anybody who want to be fingerprint classifiers, that the notice by the Civil Service Commission for a job is here. They do not give the salary but they are hiring because they do need fingerprint personnel very badly. Thank you.

The SPEAKER pro tempore. Does the gentleman from Philadelphia, Mr. Street, wish to be recognized for the second time?

Mr. STREET. Yes, Mr. Speaker.

I would urge a "yes" vote on this amendment. And if those of us who are on the floor of the House would pay very close attention and if you had listened to the debate between Mr. Scirica and Mr. White and at the time we were talking about a fiscal note, in the city of Philadelphia, according to those figures just taken from 1978 in juvenile justice court, 11,900 juveniles were picked up, taken into the courts in Philadelphia and dismissed. Now, are you going to say that we do not need a fiscal note to fingerprint 11,000 people and then in turn dismiss them? And I say to you, a substantial number of that 11,000, with this law, HB 1850, would have been charged with aggravated assault or

something constituting a felony.

So I say this is a good amendment for we need to protect all of our young people, give them an informal hearing, and if they are bound to be held over or if it is necessary to hold them over, at that point we would authorize the law enforcement agencies to take fingerprints and the photograph. I urge a "yes" vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would the gentleman, Mr. Scirica, consent to interrogation?

The SPEAKER pro tempore. Will Mr. Scirica consent to interrogation?

He indicated that he will. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, I am quite concerned about some of the speeches that were given here this afternoon and the contents of the speeches that were given by some of the members when they spoke about arrests that take place in some parts of the state and when they spoke about the difficulty of expunging records in some parts of the state.

In any of the hearings that were held, as you alluded to, last year—let us take first expungement—did the question of the difficulty of expungement of records in Philadelphia or in any of the other urban areas in this Commonwealth come up? Was that matter discussed?

Mr. SCIRICA. I cannot recall, Mr. Speaker.

Mr. MANDERINO. Are you aware then personally, Mr. Speaker, of the difficulties spoken to by the gentleman from Philadelphia, the difficulty of having a record expunged?

Mr. SCIRICA. I am aware that Mr. Williams raised this at the committee meeting. There was a lieutenant from the Philadelphia police department there who testified at our committee meeting, as opposed to the hearing, about the process of expunging records, both adult and juvenile. And, in addition, Mr. Berson and I have looked into this matter on the Criminal History Records Information Act and actually we have gotten more information in connection with that act than we have under this one.

Mr. MANDERINO. Is there a difficulty, is there a problem with expunging records when the law would seem to indicate that they should be expunged?

Mr. SCIRICA. I am not aware of it, Mr. Speaker.

Mr. MANDERINO. What information did you get from the police officer, and you said, you and Mr. Berson had additional information that you received?

Mr. SCIRICA. The information that we got from the Philadelphia lieutenant was that when a court ordered an expungement, the records were physically taken and expunged and notification was sent. In the event there was secondary dissemination, notice was sent out to the agencies. Now in an attempt to track where that secondary dissemination took place, we said that the Philadelphia police department or any other police department cannot send photographs and fingerprints to any other jurisdiction unless they have a court order.

Mr. MANDERINO. Mr. Speaker, on the facts given to us by another one of the speakers this afternoon, I was concerned

that there are police departments in any areas of the Commonwealth that might arrest people in what might be considered general roundups just to get fingerprints and photographs on record. Did any of this kind of testimony come out at your hearing or did you investigate this kind of going on?

Mr. SCIRICA. The only time I remember any testimony to that effect is when it was raised by, I believe, Mr. Williams, in the committee meeting.

Mr. MANDERINO. Well, this afternoon it was the gentleman from Delaware, Mr. Earley, who indicated that it was his experience as an assistant district attorney in Delaware County that in over 100 cases when he questioned police officers about their reason and probable cause for arrest that he was given information that they had not yet had these persons' photographs and fingerprints on record and they wanted to get them on record and that is the reason the arrest took place. Do you doubt that that kind of thing is going on in the Commonwealth?

Mr. SCIRICA. I am certainly not going to question Mr. Earley's word, Mr. Speaker. If he said that is the case, then I am sure—

Mr. MANDERINO. If that is going on in Delaware County as the Representative has indicated, and if, as the other Representatives have indicated from Philadelphia, there is a problem of expungement of records, do you not think that this bill ought to, in the smallest degree, if nothing more, either provide this kind of amendment that does not allow fingerprinting and photographing without probable cause or at least some better method to insure expungement?

Mr. SCIRICA. I think that the bill adequately protects the individual with respect to the question of probable cause, because an arrest cannot be made unless it is on view or on probable cause and nontestimonial information cannot be obtained unless it is pursuant to a lawful arrest. Now—

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. SCIRICA.—excuse me, Mr. Speaker.

Mr. MANDERINO. I am sorry.

Mr. SCIRICA. If in fact there is not probable cause to make the arrest or to take the nontestimonial information such as the fingerprints, then that arrest is going to be thrown out and that information with it. So I think the individual is amply protected under that case.

If you have a question as to the expungement provision, then I would suggest that we look at that. I think that the provision that is in there is perfectly adequate. If you have some suggestions for me, I would be glad to listen to them. But it seems to me that it covers just about every situation. It says where an individual is not adjudicated delinquent for any reason whatsoever, that there shall be an expungement.

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

Mr. WHITE. Mr. Speaker, this is basically to correct what I think is some misinformation—Mr. Scirica, if he could kind of pay close attention to this—and to correct some misinformation that I think Mr. Scirica presented to the House.

First of all, the issue of expungement was not addressed during the public hearings that were held on the—pardon the use

of the term—Rendell bill. The question of expungement was raised at a hearing just prior to the Judiciary Committee reporting HB 1850 to the floor for a vote. Upon the questioning of Mr. Williams of the police lieutenant from the city of Philadelphia, the question was raised as to whether or not the city of Philadelphia police department had a formal set procedure for the expungement of records of juveniles. To that question, the lieutenant from the city of Philadelphia police department responded, "No." So clearly from his response, the city of Philadelphia police department does not have any system of expunging or destroying juvenile records, and I thought that that was very, very apropos given what Mr. Street is attempting to do with this particular amendment.

Based on the comments of the police lieutenant from Philadelphia, I think that that offers us sufficient reason to seriously consider delaying any action on this bill until such time that the police department in Philadelphia and in other counties establish some set of formal procedures whereby juvenile records can be expunged and destroyed.

MOTION TO TABLE HB 1850

Mr. WHITE. With that, Mr. Speaker, I would move or ask that HB 1850, along with the proposed amendments, be laid upon the table until such time as those local police districts have an opportunity to present to this House, more specifically to the Judiciary Committee, exactly what their procedures, their formal procedures are with respect to fingerprinting and photographing, as well as the whole question of the expungement of records.

The SPEAKER pro tempore. Do I understand the gentleman has made a motion to table the bill?

Mr. WHITE. That is correct, on the basis, Mr. Speaker, that the very serious issue of how records are to be expunged and destroyed were never sufficiently answered by the representative from the Philadelphia police department to the general satisfaction of the Judiciary Committee. I think members of the committee who were present at that meeting could attest to the fact that the lieutenant specifically said that he had no formal procedures dealing with the expungement or the destruction of juvenile records in spite of the fact that they have been following this procedure since February of this year. I so move, Mr. Speaker.

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

Mr. SCIRICA. I oppose the motion, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. PICCOLA. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PICCOLA. We have had two motions to recommit on this bill and now we have had a motion to table. My inquiry is: Is this motion dilatory?

The SPEAKER pro tempore. No, the motion is in order.

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

The following roll call was recorded:

YEAS—38

Barber	Hutchinson, A.	Manderino	Rieger
Brown	Irvis	McIntyre	Shadding
Clark, B.	Johnson, J.	Mullen, M. P.	Stewart
Cohen	Jones	O'Brien, B.	Street
DeWeese	Kernick	Oliver	Wachob
Dumas	Kolter	Petrarca	White
Earley	Kukovich	Rappaport	Williams
Gatski	Laughlin	Rhodes	Wright, D.
Grabowski	Livengood	Richardson	Wright, J. L.
Harper	Mackowski		

NAYS—155

Alden	Foster, W.	Madigan	Schmitt
Anderson	Freind	Manmiller	Schweder
Arty	Fryer	McCall	Scirica
Austin	Gallagher	McClatchy	Serafini
Belardi	Gallen	McKelvey	Seventy
Bennett	Gamble	McMonagle	Shupnik
Berson	Gannon	McVerry	Sieminski
Bittle	Geesey	Michlovic	Sirianni
Borski	Geist	Micozzie	Smith, E.
Bowser	George, C.	Milanovich	Smith, L.
Brandt	George, M.	Miller	Spencer
Burd	Giammarco	Moehlmann	Spitz
Burns	Gladeck	Mowery	Stairs
Caltagirone	Goebel	Mrkonic	Steighner
Cappabianca	Goodman	Murphy	Stuban
Cessar	Gray	Musto	Sweet
Chess	Greenfield	Nahill	Swift
Cimini	Gruppo	Novak	Taddonio
Clark, R.	Halverson	Noye	Taylor, E.
Cochran	Hasay	O'Brien, D.	Taylor, F.
Cole	Hayes, S. F.	O'Donnell	Telek
Cornell	Helfrick	Perzel	Thomas
Coslett	Hoeffel	Peterson	Trello
Cowell	Honaman	Piccola	Vroon
Cunningham	Hutchinson, W.	Pievsky	Wagner
Davies	Itkin	Pistella	Wargo
Dawida	Johnson, E.	Pitts	Wass
DeMedio	Kanuck	Polite	Weidner
DeVerter	Klingaman	Pott	Wenger
DiCarlo	Knepper	Pratt	Wilson
Dietz	Knight	Pucciarelli	Wilt
Dininni	Kowalyshyn	Punt	Yahner
Dombrowski	Lashinger	Reed	Yohn
Dorr	Lehr	Ritter	Zeller
Duffy	Levi	Rocks	Zitterman
Durham	Levin	Rodgers	Zwinkl
Fee	Lewis	Ryan	
Fischer, R. R.	Lynch, E. R.	Salvatore	Seltzer,
Fisher, D. M.	Lynch, F.	Scheaffer	Speaker
Foster, A.			

NOT VOTING—9

Armstrong	Donatucci	Hayes, D. S.	Pyles
Beloff	Grieco	Letterman	Zord
Brunner			

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

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

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to support the amendment of Mr. Street and I do so, Mr. Speaker, in light of the fact that I do not think that a number of the members are listening to any of the things that are said by the members who are attempting to wage a very serious battle on a very serious problem concerning juveniles and its pictures.

I had earlier indicated—and I went and checked with the minority chairman of the Judiciary Committee—that in Philadelphia there is presently no place for which a juvenile at a local district can be fingerprinted and mugged properly and then have his fingerprints and picture recorded in the courts without having to go to Eighth and Race. That still stands, Mr. Speaker, and I have not heard any information contrary to that yet presented to this House. I just wanted to make reference to the fact that in having informal hearings, it would certainly allow us the opportunity to make sure that perhaps in front of a judge who is willing to listen that perhaps maybe then they would be capable of having persons who need to be fingerprinted after the case has been adjudicated and it would then be in order.

I am concerned with the fact that we are not looking at any of these provisions that have been shared particularly when it deals with criminal proceedings. It seems that a number of persons who are dealing with this particular bill feel that this automatically will lock up and put in jail juveniles. The only thing that this is dealing with is fingerprinting and mug shots. Therefore, Mr. Speaker, in relationship to specific requests for informal hearings, I would ask for a vote in favor of it.

Finally, I want to say one thing. It surprises me to no end that the same attitude that prevailed in allowing of hearings to take place in this Commonwealth on other matters and other issues of concern when it concerns other legislators and their particular major interests, that these particular hearings are held to at least get a fair and honest judgment about what we are talking about. But here in this instance, it seems that because of the political pressures being applied to get something passed before this Christmas holiday and before the new year, that none of that is being taken into consideration. The Senate is not in session and therefore cannot act on that, and as a result we will not be back to operate on this any time before probably January 21, and to just deny the members who are offering the amendments the opportunity to at least hear what those particular problems are seems to me to be far afield.

We have also looked at the problems concerning juveniles in the districts. Most juveniles presently are incarcerated inside of cells where other adults are, although they may have a small room where they detain a juvenile in. These fingerprints that are taken are usually taken right along with other adults that are taken, and that again is a violation of the law, and I certainly know that the chairman of the Judiciary Committee knows that.

I strongly believe, Mr. Speaker, that this amendment is something that we have to consider along with the other problems that we have encountered and that we would ask for a favorable vote to support the Street amendment.

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

The following roll call was recorded:

YEAS—39

Barber	Earley	Laughlin	Richardson
Brown	Grabowski	Livengood	Rieger
Cappabianca	Harper	Manderino	Shadding
Chess	Hutchinson, A.	Michlovic	Stewart
Clark, B.	Irvis	Mullen, M. P.	Street
Cohen	Johnson, J.	Murphy	Wachob
Cowell	Jones	Oliver	White
Dawida	Knight	Petrarca	Williams
DeWeese	Kolter	Rappaport	Wright, D.
Dumas	Kukovich	Rhodes	

NAYS—154

Alden	Gallagher	Manmiller	Schweder
Anderson	Gallen	McCall	Scirica
Arty	Gamble	McClatchy	Serafini
Austin	Gannon	McIntyre	Seventy
Belardi	Gatski	McKelvey	Shupnik
Bennett	Geesey	McMonagle	Sieminski
Berson	Geist	McVerry	Sirianni
Bittle	George, C.	Micozzie	Smith, E.
Borski	George, M.	Milanovich	Smith, L.
Bowser	Giammarco	Miller	Spencer
Brandt	Gladeck	Mochlmann	Spitz
Burd	Goebel	Mowery	Stairs
Burns	Goodman	Mrkonic	Steighner
Caltagirone	Gray	Musto	Stuban
Cessar	Greenfield	Nahill	Sweet
Cimini	Gruppo	Novak	Swift
Clark, R.	Halverson	Noye	Taddonio
Cochran	Hasay	O'Brien, B.	Taylor, E.
Cole	Hayes, S. E.	O'Brien, D.	Taylor, F.
Cornell	Helfrick	O'Donnell	Telek
Coslett	Hoeffel	Perzel	Thomas
Cunningham	Honaman	Peterson	Trello
Davies	Hutchinson, W.	Piccola	Vron
DeMedio	Itkin	Pievsky	Wagner
DeVerter	Johnson, E.	Pistella	Wargo
DiCarlo	Kanuck	Pitts	Wass
Dietz	Kernick	Polite	Weidner
Dininni	Klingaman	Pott	Wenger
Dombrowski	Knepper	Pratt	Wilson
Dorr	Kowalshyn	Pucciarelli	Wilt
Duffy	Lashingier	Punt	Wright, J. L.
Durham	Lehr	Reed	Yahner
Fee	Levi	Ritter	Yohn
Fischer, R. R.	Levin	Rocks	Zeller
Fisher, D. M.	Lewis	Rodgers	Zitterman
Foster, A.	Lynch, E. R.	Ryan	Zwinkl
Foster, W.	Lynch, F.	Salvatore	
Freind	Mackowski	Scheaffer	Seltzer,
Fryer	Madigan	Schmitt	Speaker

NOT VOTING—9

Armstrong	Donatucci	Hayes, D. S.	Pyles
Beloff	Grieco	Letterman	Zord
Brunner			

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

**THE SPEAKER (H. JACK SELTZER)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman from York,

Mr. Anderson, for presiding temporarily.

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

Mr. STREET. I offer, Mr. Speaker, amendment A4354, which also goes to the probable cause issue.

This, if you were listening, amendment does almost the same thing that we attempted to do in the other amendment. And what happens is that we are saying that no fingerprints or photographs should be taken before a hearing for probable cause. And we are saying that that hearing should be held within 8 hours after the child or the juvenile is taken into custody.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STREET offered the following amendment:

Amend Sec. 1 (Sec. 6308), page 2, line 26, by inserting after "ACT)." No photographs or fingerprints of an alleged delinquent child may be taken or caused to be taken by law enforcement officers without the express approval of the court or master, after an informal hearing substantially similar to that provided by section 6332 (relating to informal hearing), is held to determine whether probable cause exists that the child has committed a delinquent act, which but for the application of this chapter, would constitute a felony or violation of Subchapter A of Chapter 61 of Title 18 (relating to Uniform Firearms Act) and whether photographing or fingerprints should be taken; such a hearing must be held within eight hours after the child is taken into custody.

On the question,

Will the House agree to the amendment?

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

Mr. SCIRICA. Mr. Speaker, this is substantially the same amendment as the other, and I would oppose the amendment.

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

Mr. RICHARDSON. Mr. Speaker, is it possible for us to get copies of the Street amendment? I do not see them being circulated and I do not have a copy.

The SPEAKER. For the information of the gentleman, all of Mr. Street's amendments have been circulated.

Mr. RICHARDSON. Well, I really did not get any, for your information.

The SPEAKER. Will a page carry a copy of the amendment back to Mr. Richardson, please?

Does anybody else wish to debate?

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

Mr. WILLIAMS. Mr. Speaker, may I interrogate Mr. Street?

The SPEAKER. The gentleman indicates he will stand for interrogation on the amendment. The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, I understand this particular amendment will require, if there is fingerprinting and photo-

graphing, that it take place within 8 hours?

Mr. STREET. No, what I am saying is that there should be a hearing to determine whether there is probable cause to hold the juvenile over and that hearing should take place within 8 hours to make that determination, and if he is not held over, then, of course, he is dismissed and then there will be no fingerprinting and photographs.

Mr. WILLIAMS. Thank you, Mr. Speaker. Mr. Speaker, I would like to—

The SPEAKER. The gentleman is in order and may proceed. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, once again I say that we are talking again about a Philadelphia bill. Only we are talking about the fact that Mrs. Harper, right in front of me here, could be going out with her nephew, and, by some roll of the dice, he gets arrested, mistaken identity, of course, or some other thing. The fact of the matter is that that young man, and even adults, can stay at that police station all night just because someone made a mistake or because the system moves very, very slowly, and what Mr. Street is saying here is, whether you are good or whether you are bad, whether you are a criminal or whether you are not, let us get some relatively swift response to this arrest. Now everyone deserves that, and what Mr. Street's amendment addresses is the fact that a lot of innocent people, in this case children, and that very few of us care about children, and we are in the International Year of the Child. Why not? Why can a child not get some disposition of that arrest?

Now in Philadelphia, I have just said, out of 14,000 people, we send 12,000 of them home at some point, and I have an amendment that I want to speak to that later on. But if, indeed, we send home 12,000 people eventually anyway—I am talking about white kids and I am talking about black kids—what is wrong with a prompt disposition of that? On the question of fingerprints, yes or no. Whether the police do it or what they do or do not do is not an issue here. We merely want to take the power of somebody, whoever that is, away from them to just hold somebody, and we are suggesting that if you are going to hold somebody, let us deal with the problem and deal with it swiftly. I think that is the least we can do out of respect for our children and I would urge that we support Mr. Street's amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—36

Barber	Hutchinson, A.	Michlovic	Rodgers
Clark, B.	Irvis	Milanovich	Shadding
Cohen	Johnson, J.	Mullen, M. P.	Stewart
Dawida	Jones	Murphy	Street
DeWeese	Kolter	Oliver	Trello
Dumas	Kukovich	Petrarca	Wachob
Earley	Laughlin	Rhodes	White
Grabowski	Livengood	Richardson	Williams
Harper	Manderino	Rieger	Wright, D.

NAYS—154

Alden	Foster, W.	Lynch, E. R.	Scheaffer
Anderson	Freind	Lynch, F.	Schmitt
Arty	Fryer	Mackowski	Schweder
Austin	Gallagher	Madigan	Scirica
Belardi	Gallen	Manmiller	Serafini
Bennett	Gamble	McClatchy	Seventy
Berson	Gannon	McIntyre	Shupnik
Borski	Gatski	McKelvey	Sieminski
Bowser	Geesey	McMonagle	Sirianni
Brandt	Geist	McVerry	Smith, E.
Brown	George, C.	Micoozie	Smith, L.
Burd	George, M.	Miller	Spencer
Burns	Giammarco	Mochlmann	Spitz
Caltagirone	Gladeck	Mowery	Stairs
Cappabianca	Goebel	Mrkonic	Steighner
Cessar	Goodman	Musto	Stuban
Chess	Gray	Nahill	Sweet
Cimini	Greenfield	Novak	Swift
Clark, R.	Gruppo	Noye	Taddonio
Cochran	Halverson	O'Brien, B.	Taylor, E.
Cole	Hasay	O'Brien, D.	Taylor, F.
Cornell	Hayes, S. E.	O'Donnell	Telek
Coslett	Helfrick	Perzel	Thomas
Cowell	Hoeffel	Peterson	Wagner
Cunningham	Honaman	Piccola	Wargo
Davies	Hutchinson, W.	Pievsky	Wass
DeMedio	Itkin	Pistella	Weidner
DeVerter	Johnson, E.	Pitts	Wenger
DiCarlo	Kanuck	Polite	Wilson
Dietz	Kernick	Pott	Wilt
Dininni	Klingaman	Pratt	Wright, J. L.
Dombrowski	Knepper	Pucciarelli	Yahner
Dorr	Knight	Punt	Yohn
Duffy	Kowalyshyn	Rappaport	Zeller
Durham	Lashinger	Reed	Zitterman
Fee	Lehr	Ritter	Zwinkl
Fischer, R. R.	Levi	Rocks	
Fisher, D. M.	Levin	Ryan	Seltzer,
Foster, A.	Lewis	Salvatore	Speaker

NOT VOTING—12

Armstrong	Brunner	Hayes, D. S.	Pyles
Beloff	Donatucci	Letterman	Vroom
Bittle	Grieco	McCall	Zord

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STREET offered the following amendment:

Amend Sec. 1 (Sec. 6308), page 2, line 26, by inserting after "ACT)." No photographs or fingerprints of an alleged delinquent child may be taken or caused to be taken by law enforcement officers without the express approval of the court or master, after an informal hearing substantially similar to that provided by section 6332 (relating to informal hearing), is held to determine whether probable cause exists that the child has committed a delinquent act which, but for the application of this chapter, would constitute a felony or violation of Subchapter A of Chapter 61 of Title 18 (relating to Uniform Firearms Act) and whether photographs or fingerprints should be taken.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Street.

Mr. STREET. Mr. Speaker, this amendment is attempting to do what I attempted to do in the prior two amendments, but a little differently. This amendment simply states that the fingerprints and the photographs of a juvenile cannot be taken without the consent or an order from the court or the master who is in charge of that juvenile. That is what it is essentially designed to do.

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

Mr. SCIRICA. This, too, is substantially the same as the first amendment, and I would ask for a "no" vote.

Mr. STREET. May I respond to that? It is not substantially the same.

The SPEAKER. The Chair recognizes Mr. Street.

Mr. STREET. Mr. Speaker, maybe I can get the attention of some of the people who are voting. You know I am pushing on the probable cause because Mr. Scirica was wrong. He was wrong when he stated that there has to be probable cause before an officer can pick up a juvenile. That is just not correct. I direct your attention to section 63.25 of the Juvenile Code. A juvenile can be picked up if he is perceived by the officer to be a runaway, to be sick, to be involved in a crime of some nature. There does not have to be probable cause for a juvenile to be taken into custody, and I ask you, what happens to your child when some officer says, "I perceived him to be a runaway."? And we brought him into custody, and after we got him down here, we understood that in the area where he was picked up there had been a crime, and at that point we decided that maybe your child was the one who did it, and they fingerprint him and they photograph him, and then after that they say, well, we decided that he was not involved in the crime. And then you have to go through the problem of trying to have your child's—who may have the potential to go on to college and be a productive citizen—record expunged, and I say to you, all over this Commonwealth it is going to be a problem.

I do not see anything wrong with trying to protect against people's photographs and fingerprints being taken and then saying, well, if he is not guilty, if he is not guilty, we will expunge it. Why not find out? All I am asking you to do is to find out, just find out if there is reason that that child should be charged with a felony, and then take the fingerprints and photographs. I do not think that is asking too much, and I ask for a "yes" vote on this amendment.

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

Mr. WILLIAMS. Mr. Speaker, I would like to request Mr. Scirica or someone representing the bill to consent to interrogation.

Mr. Speaker, as your bill stands, the photographs and fingerprinting would take place at the judgment of the police officer or detective. Is that correct?

Mr. SCIRICA. That is correct, but only if he is charged with a felony and he is over 15 years of age. Mr. Street said that this could be done for any person who is picked up for a runaway,

and he is right in bringing up that problem, and that is why this bill, as it was drafted, would apply only to juveniles 15 years of age or older who have committed felonies.

Mr. WILLIAMS. Okay, my question went at the fact that the police officer would decide whether to take the fingerprints; he would decide what the charge is going to be, whether it is a felony or not; he would decide whether the person was 15? Is that correct?

Mr. SCIRICA. That is the system in Pennsylvania.

Mr. WILLIAMS. Under the bill?

Mr. SCIRICA. No, that is the system in Pennsylvania for adults and juveniles. He makes that determination.

Mr. WILLIAMS. I am merely saying that HB 1850 permits that the policeman decide whether or not it is a felony, the policeman decides whether or not to take the fingerprints or photograph, the policeman decides whether or not the person is in fact 15. That is correct, is that not true?

Mr. SCIRICA. Yes, sir. That is the system in Pennsylvania.

Mr. WILLIAMS. Okay. To the extent that some of us have raised some problems both with regard to expungement, with regard to quote, unquote "cover charges" that might be misdemeanors or might be felonies, or in some other areas, we have raised those questions, not that we have necessarily proved it, but do I understand that you basically would trust a reasonable result to come from the police officers in terms of making those judgments?

Mr. SCIRICA. No, I trust the judicial system, which says that if there is not a lawful arrest, that if evidence is obtained improperly, then it will be suppressed, and if a child is not adjudicated delinquent, those records will be expunged.

Mr. WILLIAMS. Mr. Speaker, in that response to the question you trust the judicial system, would it not be much safer and more trustworthy if the judge made those decisions? I mean, would it not be a lot more feasible and a lot more accurate and a lot more satisfactory in regard to the problem that we raised if the judge in that judicial system would be the place or the person who would say, okay, we want a photograph, and all of those things? Would that not provide for a more accurate designation of the children we are talking about rather than the police officers', in your opinion?

Mr. SCIRICA. I believe the present system as envisioned under this bill will fully and adequately protect the juvenile's rights to due process.

Mr. WILLIAMS. In that you are going to grace the bench shortly, would you not think that a judge making that decision would be more accurate in making those determinations in that he would be both trained in the law, also in the position as a judge, to judge, and also would he not have more responsibilities as a judge in terms of how to relate and adjust to the juvenile system? Would you not be more comfortable with a judge?

Mr. SCIRICA. Mr. Speaker, the judge will make those decisions under the way the bill is written right now.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Williams.

Mr. WILLIAMS. My comment on this particular aspect is

that once again I want to relate to those 12,000 people who go through this machinery that Mr. Scirica has referred to as the justice system, and the machinery tells us that we send 12,000 of them. Mr. Street's amendment says, okay, before we go through something additional, something more cumbersome and something more expensive, let us take into consideration the dangers and why do we not have a judge make those determinations? Then we will not have to worry about adding those 12,000 people to our records. We will not have to worry about the millions of dollars it is going to cost; we will not have to worry about someone charging that you fingerprinted my child and you did not fingerprint someone else's child.

Mr. Speaker, in all due respect to Mr. Scirica and this bill, and I know that there is some desire to accommodate his wishes, but I think once again that what Mr. Street's amendment has pointed out to us is a suggestion that we can avoid all of these dangers that we all have been talking about. We can also avoid a lot of money; we can also avoid being a little bit stupid about the statistics we have already in our files in the state as to what happens to children. We can also, I would say, take a little time to think about the fact that once again we are only talking about Philadelphia. If you look at the statistics, Allegheny County processes about 6,000 people. The rest of the state, no basic problem, and the problem in Philadelphia, I suggest, has been presented to this House and to those who offer this bill in a deceptive manner and a manner that is going to cost us a lot of money, and a manner that is going to expose white children and black children throughout this Commonwealth to a lot more danger in terms of these criminal records.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—36

Barber	Hutchinson, A.	Manderino	Richardson
Clark, B.	Irvis	Michlovic	Rieger
Cohen	Johnson, J.	Milanovich	Shadding
Dawida	Jones	Mullen, M. P.	Stewart
DeWeese	Knight	Murphy	Street
Dumas	Kolter	Oliver	Wachob
Earley	Kukovich	Petrarca	White
Grabowski	Laughlin	Rappaport	Williams
Harper	Livengood	Rhodes	Wright, D.

NAYS—156

Alden	Foster, W.	Mackowski	Schweder
Anderson	Freind	Manmiller	Scirica
Arty	Fryer	McCall	Serafini
Austin	Gallagher	McClatchy	Seventy
Belardi	Gallen	McIntyre	Shupnik
Bennett	Gamble	McKelvey	Sieminski
Berson	Gannon	McMonagle	Sirianni
Bittle	Gatski	McVerry	Smith, E.
Borski	Geesey	Micozzie	Smith, L.
Bowser	Geist	Miller	Spencer
Brandt	George, C.	Moehlmann	Spitz
Brown	George, M.	Mowery	Stairs
Burd	Giammarco	Mrkonjic	Steighner
Burns	Gladeck	Musto	Stuban
Caltagirone	Goebel	Nahill	Sweet
Cappabianca	Goodman	Novak	Swift

Cessar	Gray	Noye	Taddonio
Chess	Greenfield	O'Brien, B.	Taylor, E.
Cimini	Gruppo	O'Brien, D.	Taylor, F.
Clark, R.	Halverson	O'Donnell	Telek
Cochran	Hasay	Perzel	Thomas
Cole	Hayes, S. E.	Peterson	Trello
Cornell	Helfrick	Piccola	Vroon
Coslett	Hoeffel	Pievsky	Wagner
Cowell	Honaman	Pistella	Wargo
Cunningham	Hutchinson, W.	Pitts	Wass
Davies	Itkin	Polite	Weidner
DeMedio	Johnson, F.	Pott	Wenger
DeVerter	Kanuck	Pratt	Wilson
DiCarlo	Kernick	Pucciarelli	Wilt
Dietz	Klingaman	Punt	Wright, J. L.
Dininni	Knepper	Reed	Yahner
Dombrowski	Kowalshyn	Ritter	Yohn
Dorr	Lashinger	Rocks	Zeller
Duffy	Lehr	Rodgers	Zitterman
Durham	Levi	Ryan	Zwinkl
Fee	Levin	Salvatore	
Fischer, R. R.	Lewis	Scheaffer	Seltzer,
Fisher, D. M.	Lynch, E. R.	Schmitt	Speaker
Foster, A.	Lynch, F.		

NOT VOTING—10

Armstrong	Donatucci	Letterman	Pyles
Beloff	Grieco	Madigan	Zord
Brunner	Hayes, D. S.		

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

The SPEAKER. Does the gentleman, Mr. Street, have an additional set of amendments?

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STREET offered the following amendment:

Amend Sec. 1 (Sec. 6308), page 3, by inserting between lines 4 and 5

(4) It is unlawful for any person to take or maintain any photographs or fingerprints of a child alleged to have committed a delinquent act except as authorized herein; violation of this provision shall constitute a misdemeanor of the third degree.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. STREET. Mr. Speaker, I withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman have an additional set of amendments?

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STREET offered the following amendment:

Amend Sec. 1 (Sec. 6308), page 3, by inserting between lines 4 and 5

(4) Violation of the provisions of this section, through the

unauthorized taking of photographs or fingerprints, or otherwise, shall serve as a permanent bar to the prosecution of future offenses by the defendant, so long as such photographs or fingerprints are used in the identification of the defendant for any offenses occurring after the fingerprints or photographs are taken.

On the question,

Will the House agree to the amendment?

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

Mr. STREET. Mr. Speaker, this amendment addresses what we think is going to be a serious problem. Although the bill indicates that a child or a juvenile should not be photographed or fingerprinted unless that child has been charged or has been reasonably charged with a crime of a felony, what we are saying is that if the police department decides to abuse this and just fingerprint people and does not expunge them before the adjudication; in other words, if it is determined within 3 days that the child will be held over or will not be held over, if the child is held over and we find that for some reason that that child is not being held over for a felony but the fingerprints and the photographs have not been destroyed, at the time of the hearing on the misdemeanor, if they do not destroy the fingerprints, then the attorney would have the right to petition the court, because the district attorney's office would be barred from prosecution if the fingerprints and the photographs that were taken for a charge of a felony were not destroyed.

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

Mr. SCIRICA. Mr. Speaker, I oppose this amendment. There is simply no justification for barring prosecution of future offenses by the defendant. That could be anything that a defendant may conceivably commit during the rest of his lifetime where they need fingerprints and photographs if there is a violation of any provision of this act with respect to the taking of fingerprints or photographs. I see no reason for this at all and I would oppose the amendment.

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

Mr. STREET. That is not the intent of the amendment, and I believe Mr. Scirica knows that. The intent of the amendment is—and this is very important—that a child was fingerprinted and photographed and has been charged with a felony, and they find at the preliminary hearing, which may be 3 days after that, that that child was charged unjustly with a felony, and it was dropped. Then the law says that immediately there would be an expungement and the fingerprints and the photographs would be destroyed, and I am saying that immediately means immediately. And I am saying that if that has not been done prior to the adjudication trial, which may not take place for 4 months or 5 months in Philadelphia—certainly the 190-day rule does not always apply in Philadelphia—what I am saying is that if it has not been done by that time, then the DA's office is barred from prosecution.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Williams, wish to be recognized on the amendment?

Mr. WILLIAMS. Yes, Mr. Speaker.

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

Mr. WILLIAMS. I wanted to get a clarification before I spoke to it. I thought that Mr. Scirica's understanding of the amendment was that, basically, if the case was dropped, that that particular case would no longer be up for adjudication and, therefore, whatever they did with the fingerprints would not apply to that case, but Mr. Street says that was the wrong interpretation. Are you saying that the case in which the fingerprints have been taken and not destroyed is the same case that was dropped and the same case that later came up for adjudication?

Mr. STREET. No. What I am saying is, Mr. Speaker, that this bill authorizes the taking and the photographing only for what they call a felony, or bad crime, but what the bill does is, as soon as the child is picked up and charged, they take the photographs and the fingerprints. And I am saying that if the preliminary hearing, which is prior to the adjudication trial, finds that that child should have not been tried or charged with a felony, then at that point those fingerprints and photographs should be destroyed. And if that has not been done by the adjudication trial, then the DA should be barred from prosecution.

Mr. WILLIAMS. Mr. Speaker, I agree with the amendment, but I would like to ask Mr. Scirica if he would stand for a brief interrogation.

Mr. Speaker, on this area of photographs and fingerprints, you have stated that it is needed for an investigative tool. Do I understand that this bill arose because we wanted to get the hard-core juvenile offender and also to be able to have a tool so that we can more easily get to the hard-core juvenile offender?

Mr. SCIRICA. That is basically correct.

Mr. WILLIAMS. Okay. Mr. Speaker, are you aware that out of the 40,000 cases—or take the 14,000 cases in Philadelphia for 1978—that out of that number there were only about 61 that were asked to be certified to adult court and certified to adult court?

Mr. SCIRICA. It is about 61.

Mr. WILLIAMS. Or do you know the number, the most recent number that was actually certified to adult court?

Mr. SCIRICA. I believe the number was 76.

Mr. WILLIAMS. I am sorry, 76. Are you aware of that number? And are you aware also that about 40 percent of those who requested certification were withdrawn by the district attorney of Philadelphia on the district attorney's own motion?

Mr. SCIRICA. I do not have the percentages in front of me, but—

Mr. WILLIAMS. It is about 40 percent.

Mr. Speaker, would it not be fair to say that out of that 14,000 juveniles, that the hard core identified would be those 76? Mr. Speaker, my question was: Looking at the totality of the juveniles that we took in and the district attorney requested those particular certifications, would it not be fair to say that the hard core were either those 76 or a number within that 76 range at least for that year?

Mr. SCIRICA. No, sir.

Mr. WILLIAMS. It would not.

Mr. Speaker, in the totality of that, could you identify any other areas where you would think that the hard core would reside in these figures for 1978 other than the 76 that were certified to adult court?

Mr. SCIRICA. Mr. Speaker, I do not have those records here with me, but certainly the number of tough or violent juveniles exceeded the number of 76, because most of those had not been transferred to adult court but had been handled through the regular juvenile system. If they have been adjudicated delinquent, they have been sent to various institutions including the most severe institutions for Philadelphia, which is the Youth Development Center at Cornwells Heights.

Mr. WILLIAMS. Mr. Speaker, for your information, 76 were certified for adult court; 265 were incarcerated in public institutions; 419 were incarcerated in private institutions and the rest, some 13,000 or more, were sent home in some form or another.

Mr. Speaker, I am suggesting that of the 76 that were sent to adult courts, everybody ought to know that once they are sent to adult courts, they do get fingerprinted and they do get photographed. So that is no problem; that is automatic. Of the 265 that were sent to public and 400 sent to private, those 600 people, they had been adjudicated and they required incarceration, and Mr. Street and everybody else who had amendments said, okay, photograph them, fingerprint them, do whatever you want to do. So I am suggesting that all of the children who possibly would fall into the category of hard core, which is what this bill is supposed to be about, have either been taken care of by the adult court, or as Mr. Street said, they could be and should be taken care of because they are incarcerated anyway.

However, in his particular amendment, he is merely saying that if you charge someone with rape, if you charge a child with rape, and it could be your child, because all teenagers fool around at some point in time, and sometimes it is misunderstood and you are charged with rape and it goes to the court, and the girl says, when it was just fooling around, so maybe it is assault because he kissed me and I did not want him to. Mr. Street says, why should your son have his mug and have his fingerprints in that folder when he is not a rapist? And they agree when he comes to the preliminary hearing, and he is saying, if the police that we trust so well are that sloppy as to not take care of that or expunge that, he says drop the whole case, even the kissing, and if we do that by law, by God, a district attorney will tell their attorneys, let us make sure we get the expungement.

So what we are talking about is soft-core children, number one, and we are saying, by God, let us put some pressure on the system and not leave it to the policemen to pull the mug shots of your child who is not a rapist.

And I ask you, Mr. Speaker, and I ask Mr. Scirica, who is a fine man, what more do you want out of the hides of our children? I think it is a very sensible amendment. I think all of these amendments that have been offered have been offered to try to meet what Mr. Rendell alleges, and that is hard-core chil-

dren. It seems as though those of us who are parents, those of us who are grandparents, do not even want to listen to a danger that might go to children.

This particular amendment is the softest of them all, and Mr. Berson is there reading a great big piece of paper. Let us take a little time to think and, once again, Mr. Speaker, I wish you very well in your new endeavor, but I do not think that your new endeavor should be a major reason for us to sloppily allow this to happen to the soft-core kids that Mr. Street is talking about now. He is not talking about hard-core children. He is talking about the soft core. How hard can we be?

Mr. Rendell said, and scared everybody, this should be against hard-core children. They are right here in this book. *They go to adult courts and because there are not any facilities for white children, they send them to adult courts, to black institutions, and later on you will hear some more about that because this proposition—People say that it is not a race question, but it is. It is a black question; it is a white question; an American children question. It messes with all of them in some fashion or another. I just ask you to pay attention at least, for the black and white children of this Commonwealth. They can have a fair shake at least. We are talking about soft-core American children, black and white, and just because it is black, Mr. Milton Street, it does not change it. It is hitting black and white soft-core children that you want to put a mug shot on and call them a rapist, and we want to guarantee that if your child is not a rapist, that that does not happen.*

I would ask us to support at least this very sensible and well-thought-out amendment, because in the words of Martin Luther Jones, everything that goes around, comes around.

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

Mr. RICHARDSON. Mr. Speaker, I rise to support the Street amendment. This time I rise in support of this particular amendment as I have all the others — to try and share, I guess, some of the light on the subject matter concerning juveniles in this Commonwealth.

Do you know that it is funny but it seems to me that we have liberals on this side of the question who talk out of one side of the mouth one day and then on another day they talk out of the other side of their mouths when it is convenient politically. But in this particular amendment that deals with children who walk the streets of Philadelphia, particularly to note the problem that we have in the city of Philadelphia, we had the Federal Government come into this city, tell you that we have widespread police brutality, and indicate to you the problems that exist, and then we come here to the House of Representatives to let you know that there is no system by which they in fact deal with the problems of juveniles in our city, and you turn around and tell us that they do because the police department said that we have a system. It is really funny to me. Some of the same individuals who are voting today for this particular bill, ironically enough, are also supportive of the problems that we had at the Youth Study Center, but are now on the other side of the question. But children who cannot defend themselves look for models, designs and patterns for them to follow. We are

supposed to be their model, design or pattern.

It is unfortunate that today we cannot even take the time to deal with such an important question as children, without having the milling around and laughing and joking as if what we are presenting to this House of Representatives is a big, fat joke.

I resent—and I just want to make it clear for the record—that I will continue to stand on the floor of the House and nobody listens, and say what has to be said along with every other member of this House who has always been given a right to speak. I think that this issue concerning children, as it relates to them being fingerprinted and mugged and having that on their records over and over again, is wrong and is a violation. *Perhaps in Mr. Street's amendment A4352, maybe you can see the damage that it does to our average child who has just been picked up because of a mistake in identity, taken down to the nearest district, fingerprinted and mugged before there is any particular hearing; then later on they find that that person has been taken into custody, and correctly, and then you are telling us that in our city, where we have a very serious problem, that we can be guaranteed that those children will have their fingerprints and their mug shots expunged. I think that it is wrong and I think that if you listen to the amendment offered by Mr. Street that you will take into consideration that the fingerprinting and the barring of those persons who are involved in that matter would be a wise choice in fact from which to deal.*

Perhaps some of you are not aware of the fact that the Philadelphia police department does not need, as you heard earlier, probable cause. A child is picked up, sometimes for nothing, off the streets of the city of Philadelphia just because they happen to be juveniles. A lot of times they are going by a picture, which in several instances has been used. You will find that those mug shots of those individuals in a number of cases have been wrong. In fact, one time Mr. Rhodes, who was conducting a hearing of the House of Representatives, had a gentleman stopped, an incarcerator, and said that this gentleman looked like this mug shot they had of the particular individual who was testifying before our committee. Fortunately, we had an opportunity to look at the mug shot. He walked out of the church where we were holding the hearing and as a result was stopped by the police. If we had not been there as a committee and showed the officer that the mug shot looked nothing like the gentleman who was there who had spoken before our committee, he would have been locked up and put in jail.

That just goes to show you the type of insensitivity that we have in the city of Philadelphia when you are dealing with fingerprinting and mug shots. Those mug shots a lot of times do not even look like the individual children whom you might be arresting or locking up, and you do not have the kind of expertise with some of the police officers in the city of Philadelphia who can make that kind of determination. The training is not there; we are not dealing with law enforcement individuals who have been trained with the extensive training of the state police or other higher authorities who have had that kind of training.

I would think, Mr. Speaker, that the amendment offered by Mr. Street tends to serve as a focal point in the beginning to at

least allow those youngsters, who might walk into an area where they just happen to be picked up and taken in incorrectly, would have an opportunity not to have their records blemished for the rest of their lives.

Perhaps some of you who are listening who are a little more concerned with the fact that we sometimes look at things a little differently if it involves our own particular homes. Right now we do not think that will affect our children, so, therefore, we do not pay it any mind.

I will share with you that a minister's son got 72 years the other day for what had seemed to be, in a number of individual minds, a mistake in identity on some problem in the city of Philadelphia which started off when he was a juvenile. All of these things continued to brew and brew and brew, and they showed this particular picture to a number of individuals and they took this particular individual and now he is facing the 72 years in jail. Of course the case is on appeal. But I share that with the members to just cite to you that a number of real innocent juvenile individuals are picked up.

The percentage that you are talking about that is hard-core in this Commonwealth is a very small amount. We are willing to subject all of the other juveniles in this Commonwealth to that type of treatment without dealing specifically with the individual crimes and those cases, and I just think that we handle it differently or we talk about going to those institutions, seeing how juveniles are treated. Now these individuals, on the other side of the coin, are saying that now because I am going to get a higher position, I do not see it the same way.

Fingerprinting and mugging carry a life-long type of history with a child. Perhaps, you do not realize it but if they go to apply for a job and the man asked you do you have a record and you say, no, but you were picked up once, that being picked up with the fingerprints and mug shots will carry with that child for the rest of his or her life. I just share with you, if that is what you want to do, so let it be. At least remember that there are persons in this Commonwealth who have a different point of view because they want to see these youngsters given a fair shake.

We have not talked about crime today. All we are talking about is fingerprinting youngsters, and that is the point that is missed. We have not talked about crime or making sure that someone was locked up because they snatched a pocketbook or beat somebody in the head; we are talking only about the fact that if we fingerprint the children and we photograph the children, that we will resolve the problem in this Commonwealth, and I can go back to my district and tell everybody in my district that just before Christmas I said that we need to fingerprint children and that will get you re-elected next year. I share with you that this is not an answer to the problem of crimes in the streets. It is not an answer to the delinquent crimes that exist with juveniles; it is not an answer to the problems dealing with juvenile centers that we have in this Commonwealth that do not take care of our kids. Maybe there will be some people who will believe in this amendment and vote in favor of it. I think it is an amendment that has taken some considerable time particularly dealing with the juvenile question and I would ask for a favorable vote. Thank you very much.

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

The following roll call was recorded:

YEAS—26

Barber	Hutchinson, A.	Milanovich	Rieger
Cohen	Irvis	Mullen, M. P.	Shadding
DeWeese	Johnson, J.	Oliver	Street
Dumas	Jones	Petrarca	Wachob
Earley	Knight	Rhodes	White
Grabowski	Kolter	Richardson	Williams
Harper	Manderino		

NAYS—166

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

NOT VOTING—10

Armstrong	Donatucci	Letterman	Pyles
Beloff	Grieco	Moehlmann	Zord
Brunner	Hayes, D. S.		

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. STREET. I rise to a question of personal privilege.
 The SPEAKER. The gentleman will state it.
 Mr. STREET. Mr. Speaker, I have no additional amendments.
 The SPEAKER. The Chair will return to the gentleman, Mr. Street, at the end of the completion of the amendments. The gentleman, Mr. Williams, has an amendment to offer.

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

Amend Title, page 1, line 3, by removing the period after "juveniles" and inserting and establishing a Domestic Peace Corps.

Amend Bill, page 8, by inserting between lines 3 and 4 Section 2. Title 42 is amended by adding a section to read: § 6358. Establishment of Domestic Peace Corps; Purpose.

(a) Establishment.—There shall be established in the Department of Welfare a Domestic Peace Corps into which there shall be placed for a period to be determined by the court, children who are found to be delinquent, but who are not committed to an institution.

(b) Purpose.—The purpose of the Domestic Peace Corps shall be to rehabilitate children by providing them with opportunities to pursue activities designed to improve the quality of urban life.

Section 3. The intent of the General Assembly in providing for the establishment of a Domestic Peace Corps is to provide a rehabilitation vehicle for certain children and to further provide for the improvement of the quality of life in the cities of the Commonwealth. The General Assembly declares the establishment of a Domestic Peace Corps to be of the utmost importance. To secure funding for the Domestic Peace Corps the General Assembly declares its intent to memorialize Congress to enact legislation that will provide moneys to the states for the maintenance of a Domestic Peace Corps.

Amend Sec. 2, page 8, line 4, by striking out "2." and inserting 4.

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

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

Mr. WILLIAMS. Mr. Speaker, as I said, I have two amendments, the one just passed up and another amendment which I was prepared to offer, but I found out that Mr. Street was offering the same amendment, and I therefore did not choose to offer it. Having been deprived of that opportunity, it is amendment No. 4347 which I would like to offer first before I offer amendment No. 4582.

The SPEAKER. The amendment before the House, as just read by the clerk, is A4582.

Mr. WILLIAMS. Mr. Speaker, I am requesting permission to withdraw that amendment temporarily and to offer amendment 4347, in view of the fact that I was going to offer this amendment and found that Mr. Street had it to offer and I found out later that he withdrew his amendment. Having been deprived of a right that I have to offer the amendment, I would like to withdraw A4582 and offer first 4347 and then 4582. Does the Speaker understand?

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman, Mr. Williams, is withdrawing amendment A4582 and has now submitted A4347.

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

Amend Sec. 1 (Sec. 6308), page 3, by inserting between lines 4 and 5

(4) It is unlawful for any person to take or maintain any photographs or fingerprints of a child alleged to have committed a delinquent act except as authorized herein; violation of this provision shall constitute a misdemeanor of the third degree.

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

Mr. WILLIAMS. Mr. Speaker, this amendment is an amendment that should be common to the concerns of everybody who has spoken on this bill, because the amendment just guarantees that the hazardous question of expungement does take place in fact. It also guarantees that the hazardous question of properly taking them does take place, and it merely states that if persons do not take them according to law or if they do not maintain or destroy them according to law, they would have a criminal punishment, and it makes that charge one of a misdemeanor of the third degree.

I think that the amendment would put some teeth into the promises that we have received by those who think everything is going to be all right. Well, if we all agree with that and if the district attorney agrees with that and if the police department agrees with that, it would prevent, once and for all, people from violating the provision of expungement and maintaining of these records, and it would alert them that indeed the legislature which passes this law does mean business, and I would urge support of the amendment.

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

The following roll call was recorded:

YEAS—28

Barber	Harper	Manderino	Richardson
Cohen	Irvis	Milanovich	Rieger
DeWeese	Johnson, J.	Mullen, M. P.	Shadding
Dumas	Jones	Oliver	Street
Earley	Kolter	Petrarca	Wachob
Gallagher	Kukovich	Pucciarelli	White
Grabowski	Laughlin	Rhodes	Williams

NAYS—164

Alden	Foster, W.	Mackowski	Schmitt
Anderson	Freind	Madigan	Schweder
Arty	Fryer	Manmiller	Scirica
Austin	Gallen	McCall	Serafini
Belardi	Gamble	McClatchy	Seventy
Bennett	Gannon	McIntyre	Shupnik
Berson	Gatski	McKelvey	Sieminski
Bittle	Geesey	McMonagle	Sirianni

Borski	Geist	McVerry	Smith, E.
Bowser	George, C.	Michlovic	Smith, L.
Brandt	George, M.	Micozzie	Spencer
Brown	Giammarco	Miller	Spitz
Burd	Gladeck	Moehlmann	Stairs
Burns	Goebel	Mowery	Steighner
Caltagirone	Goodman	Mrkonie	Stuban
Cappabianca	Gray	Murphy	Sweet
Cessar	Greenfield	Musto	Swift
Chess	Gruppo	Nahill	Taddonio
Cimini	Halverson	Novak	Taylor, E.
Clark, B.	Hasay	Noye	Taylor, F.
Clark, R.	Hayes, S. E.	O'Brien, B.	Telek
Cochran	Helfrick	O'Brien, D.	Thomas
Cole	Hoefel	O'Donnell	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wagner
Cowell	Hutchinson, W.	Piccola	Wargo
Cunningham	Itkin	Pievsky	Wass
Davies	Johnson, E.	Pistella	Weidner
Dawida	Kanuck	Pitts	Wenger
DeMedio	Kernick	Polite	Wilson
DeVerter	Klingaman	Pott	Wilt
DiCarlo	Knepper	Pratt	Wright, D.
Dietz	Knight	Punt	Wright, J. L.
Dimini	Kowalyshyn	Rappaport	Yahner
Dombrowski	Lashinger	Reed	Yohn
Dorr	Lehr	Ritter	Zeller
Duffy	Levi	Rocks	Zitterman
Durham	Levin	Rodgers	Zwilk
Fee	Lewis	Ryan	
Fischer, R. R.	Livengood	Salvatore	Seltzer,
Fisher, D. M.	Lynch, E. R.	Scheaffer	Speaker
Foster, A.	Lynch, F.		

NOT VOTING—10

Armstrong	Donatucci	Letterman	Stewart
Beloff	Grieco	Pyles	Zord
Brunner	Hayes, D. S.		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. WILLIAMS offered the following amendments:

Amend Title, page 1, line 3, by removing the period after "juveniles" and inserting and establishing a Domestic Peace Corps.

Amend Bill, page 8, by inserting between lines 3 and 4 Section 2. Title 42 is amended by adding a section to read: § 6358. Establishment of Domestic Peace Corps; Purpose.

(a) Establishment.—There shall be established in the Department of Welfare a Domestic Peace Corps into which there shall be placed for a period to be determined by the court, children who are found to be delinquent, but who are not committed to an institution.

(b) Purpose.—The purpose of the Domestic Peace Corps shall be to rehabilitate children by providing them with opportunities to pursue activities designed to improve the quality of urban life.

Section 3. The intent of the General Assembly in providing for the establishment of a Domestic Peace Corps is to provide a rehabilitation vehicle for certain children and to further provide for the improvement of the quality of life in the cities of the Commonwealth. The General Assembly declares the establishment of a Domestic Peace Corps to be of the utmost importance. To secure funding for the Domestic Peace Corps the General Assembly declares its intent to memorialize Congress to

enact legislation that will provide moneys to the states for the maintenance of a Domestic Peace Corps.

Amend Sec. 2, page 8, line 4, by striking out "2." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. WILLIAMS. Mr. Speaker, the amendment that I offer here, No. A4582, is the amendment which I think strikes right at the heart of this problem. We have been told by Mr. Rendell that we want to stop juvenile crime. Well, I am here to tell you that it is not good, but in various major areas it has decreased, and that is not good. We have been told that this problem is one of hard-core juvenile criminals. Of course, we know that the adult situation is no better, and it is far, far worse.

We have been told—we have really been told—that it is not our job to deal with the causes; we are prosecutors in law enforcement and therefore we are going to do something about the situation. I did ask Mr. Rendell, if you are a prosecutor, then why are you doing so much lobbying? Why are you calling and writing to the legislators every day? Why do you have the mayor-elect writing to us as his first official act? Why are you going around the state talking about the issue so much? Indeed our jobs are not limited to those that we are elected for, whether that be district attorney or legislator. Our job as public officials nevertheless is to deliver the substantive services that our people need, and one of those services is to be relieved of crime.

We have heard over the last umpteen years by law-and-order political psychologists, put him in jail, lenient judges, all the code words. We are dealing here also with another code word, hard-core juveniles. Mr. Speaker, whatever we do with this bill, whether we fingerprint or photograph our children to death, is another matter, and whether we put white children in black adult prisons or not or whether we promote homosexuality in prison or not or whether we even deal with the concept of rehabilitation or not is another question. I do not know how it is in your county, but in Philadelphia County the job situation is bad, and among juveniles it is worse, and among black juveniles—please listen to me—it is 56 percent. That is not only awesome, it is immoral.

The 12,000 children that we send home in Philadelphia, black and white, just what are we going to do about them? Just what is Mr. Rendell going to do about them? Just what are the proponents of this bill going to do about them? They are soft core, not so soft core. They are children who have not had the experience of years and therefore are less mature than us, and we are very immature sometimes. But the 12,000 in Philadelphia, your record and your book says they are not hard core, and it is totally irresponsible not to even whimper about—

The SPEAKER. Will the gentleman please confine his debate to the amendment he has offered? The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, my words are confined to what we are going to do, and this amendment addresses that. Please allow me to do that, because no one else wants to.

I am saying some of these kids are on probation out of court.

Some just go home, and all of us have our personal civic groups, and I have mine. I am working on a black men's group, and there are some white men in it, too. It is for black children and white children. But over in Iran right now they are talking about us dirty Americans, and we sent paid Peace Corps people to Iran and Caracas and Peoria, Illinois, or wherever all over this world, and America said fine. And the very children we are talking about now—and some of you went to Korea, and some of you were in the Second World War—a lot of them were in Vietnam, and if it is Iran, you are going to send the same children to fight your war.

You can laugh. I really mean it. I love children, and I think we are only all grown-up children. All I am saying is, what America did for the foreign people, why can you not do for your own? They go home. We do not even think. We do not even scratch our heads and say let us send someone there, and a lot of us here have done that personally. I have, and they are cool, and some of them are doctors and some of them are lawyers and some of them are teachers and some of them are legislators right now. I am suggesting to this Commonwealth, if we think our children are so serious a threat to us, let us exercise our responsibility, whether it is jobs or some man or group of men who work with their children so they will not come back to be fingerprinted, so they will not come back to be hard core so some politician can say elect me and I will get rid of the hard core, and 20 years later the same people close down Camp Hill and other institutions, the same people pushing this bill, because we had the juveniles in with the adults, hard-core adults. So now we do not have adequate facilities. That is the problem. We want to send them to those adult jails.

I say prevent that. I say prevent that. I say let us establish in this bill. Let us meet the threat, and let us meet the opportunity to our children. This might not be worded right. It may be a better idea, but let us put on our books a policy that follows, a policy that helps, a policy that builds children, a policy that says we will not stand for 56 percent unemployment with youths. What are they to do? What are they to do if you want to work and cannot work, if you live in an area where the adults are into crime, if you live in a society where the President says I am no crook and they say he is? We have a basic responsibility and should have no philosophical differences.

So, Mr. Speaker, this amendment speaks to that crying opportunity. It says let us establish in the State of Pennsylvania a Peace Corps or something like it that follows hand in hand these 12,000 children in Philadelphia we send home, these 30,000 children in Pennsylvania we send home, and by establishing a policy I tell you there are a lot of men who do not like politicians, but we could create a framework within which their creativity, their hard work, their dedication, their sincerity, and their faith with children will have something to hook into. We have Big Brothers, and that is too small, and we have all these other things, and they are too small, and we moved right above the heads of our children and went into far-off lands and spent a lot of money doing it. I do not know what our returns are, but I think that more than anything we have discussed today, if you are talking about Philadelphia, you ought to be wondering when you go home tonight what hap-

pens to those 12,000 children who are soft core, who by the throw of the dice are going to be back in, because hard-core children and hard-core adults can take soft-core children and turn them into some hell raisers. So let us fill that gap and let us protect against that danger.

Yes, I know sometimes folk may mind about how one may say things, but as I expressed to the gentlemen over there, I am serious; I am sincere, and whether that child is black, white, yellow, or brown—and Marty Mullen is always talking about children; we talk about the value of life—we have a chance right here now to say we are going to try to do something. I would hope that you would think about that and vote favorably on this amendment to establish such a concept, a policy, and a direction so that in 2 years or 3 years or 4 years we will not even have the issue, not even raised by a politician, about what we are going to do with our American kids. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—32

Barber	Harper	Laughlin	Rhodes
Brandt	Hutchinson, A.	Manderino	Richardson
Cohen	Irviss	Mullen, M. P.	Rieger
Dawida	Johnson, J.	Oliver	Shadding
DeWeese	Jones	Petrarca	Street
Dumas	Knight	Pott	Wachob
Earley	Kolter	Pucciarelli	White
Grabowski	Kukovich	Rappaport	Williams

NAYS—161

Alden	Freind	Madigan	Scirica
Anderson	Fryer	Manmiller	Serafini
Arty	Gallagher	McCall	Seventy
Austin	Gallen	McClatchy	Shupnik
Belardi	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
Brown	George, M.	Milanovich	Stairs
Burd	Giammarco	Miller	Steighner
Burns	Gladeck	Moehlmann	Stewart
Callagirone	Goebel	Mowery	Stuban
Cappabianca	Goodman	Mrkonc	Sweet
Cessar	Gray	Murphy	Swift
Chess	Greenfield	Musto	Taddonio
Cimini	Gruppo	Nahill	Taylor, E.
Clark, B.	Halverson	Novak	Taylor, F.
Clark, R.	Hasay	Noye	Telek
Cochran	Hayes, S. E.	O'Brien, B.	Thomas
Cole	Helfrick	O'Brien, D.	Trello
Cornell	Hoeffel	O'Donnell	Vroon
Coslett	Honaman	Perzel	Wagner
Cowell	Hutchinson, W.	Peterson	Wargo
Cunningham	Itkin	Piccola	Wass
Davies	Johnson, E.	Pievsky	Weidner
DeMedio	Kanuck	Pistella	Wenger
DeVerter	Kernick	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Dietz	Knepper	Pratt	Wright, D.
Dininni	Kowalyshyn	Punt	Wright, J. L.
Dombrowski	Lashingner	Reed	Yahner
Dorr	Lehr	Ritter	Yohn

Duffy	Levi	Rocks	Zeller
Durham	Levin	Rodgers	Zitterman
Fee	Lewis	Ryan	Zwinkl
Fischer, R. R.	Livengood	Salvatore	
Fisher, D. M.	Lynch, E. R.	Scheaffer	Seltzer,
Foster, A.	Lynch, F.	Schmitt	Speaker
Foster, W.	Mackowski	Schweder	

NOT VOTING—9

Armstrong	Donatucci	Hayes, D. S.	Pyles
Beloff	Grieco	Letterman	Zord
Brunner			

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. STREET. Mr. Speaker, I think that it is only fair to the members of this House that we advise you that we have extensive debate on the merits of this bill that may even exceed hours, and I would request, in view of that, that we take a brief dinner break.

The SPEAKER. It is the opinion of the Chair that this could be served best by continuing today's session.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. WHITE. We have had prolonged debate on a number of the amendments that have been offered by members of this House of Representatives. To some it might appear that the efforts of Mr. Street, Mr. Williams, myself, and others were somewhat dilatory, but we view this gathering, this General Assembly, as an opportunity to express the views and the concerns of the people whom we represent not just in our individual legislative districts but throughout the entire Commonwealth of Pennsylvania. The distinguished minority leader has reminded us on numerous occasions that our responsibilities extend far beyond the individual legislative districts from which we were all elected. The issues of juvenile crime in this Commonwealth is in fact a statewide issue. The issue of what happens to young people who run afoul of the law and who get caught up in that maze of the criminal justice system is a statewide issue.

I think that Mr. Street is absolutely correct; I think that Mr. Williams is absolutely correct when they say that this General Assembly is being asked to react to the whims and to the wishes and to the emotional appeal that has been made by one elected official from one city in this Commonwealth. I would

ask that you examine the counties and the districts and the municipalities and the towns from which you come. Examine the extent of juvenile crime that you are experiencing in your local communities, and after conducting that careful examination, look again at HB 1850 and tell me whether or not this particular legislation, as it is drafted, meets the critical needs of bringing about reasonable solutions to the problems of juvenile crime.

We must not ever forget that the issue of crime cannot be addressed simply by changing a law with respect to the Juvenile Act, simply by making it easier for a judge to transfer a child from a juvenile court to an adult court, that the real solutions to solving the problem of juvenile crime we have time and time again rejected. Unemployment among young people in the Commonwealth has never been higher, yet at every opportunity to address that issue, at every opportunity to try to provide gainful and meaningful employment for young people not only during the summer but on a part-time basis throughout the year, this General Assembly has turned thumbs down to that proposition. Every time we have come to this body suggesting that we need additional money, that we need additional mandated programs to meet the educational needs and desires of young people in this Commonwealth, this General Assembly has turned a deaf ear.

I would suggest, Mr. Speaker, that if we are in fact serious about solving the problems of juvenile crime, we will turn a deaf ear to this proposal and address the other means that we have at our disposal.

We must further recognize that we have not made complete and adequate use of the alternatives available to us. Undoubtedly our energy would be better spent in upgrading the institutions that are responsible for violent youth offenders rather than placing these same young people in state correctional institutions. I do not know how many of you have taken the time to visit the state penitentiaries around this Commonwealth and to see what is actually taking place at institutions like Huntingdon, at institutions like Muncy, at institutions like the Western State Correctional Institution and like Graterford and like Dallas, but if you take the time to visit these institutions to see the lack of adequate programming, of adequate rehabilitative measures, you will stop and decide that juveniles should not be sent to institutions of this nature.

What we have overlooked is that this bill does not address the problem of developing secure facilities for the violent juvenile offender. Rather than meet the critical need for additional beds and secure units, we opt to send these same children to Graterford, to Huntingdon, to Dallas, to Western Penn, and to the other state correctional institutions. We spent literally years in this body — the chief sponsor of this legislation, Mr. Rhodes, and members of the Subcommittee on Crime and Corrections — studying the critical needs of juvenile offenders. This same body voted nearly unanimously, if not unanimously, to move Pennsylvania out of the Dark Ages and into the light so that we could qualify for the millions of dollars available on the Federal level to provide for the additional beds, for secure facilities around the Commonwealth, and now less than 2 years later we are making a 360-degree turn and saying that though we have

not even tried this method, we are now opting for jails for juveniles.

Having the district attorney involved contradicts the basic philosophy in dealing with juveniles. The district attorney's role in the judiciary process is one of prosecution and punishment. The purpose of taking the juvenile out of these proceedings is to substitute the punishment orientation for one that is geared to rehabilitation, and by simply allowing the district attorney to run rampant around this state, pushing for the reform that you are considering today, and not allowing those people in the public defender's office, those folks who work day in and day out with juvenile offenders, to have significant input I think is just as criminal.

Allowing fingerprinting and photographing of juveniles is in no way going to deter juveniles from committing crimes. We must deal specifically with the basic issues.

Supreme Court Justice Robert N. C. Nix, Jr., I believe, once said that fear robs us. The thief robs us of our worldly possessions, but fear robs us of what might have been. You will look back in years to come, and you will see quite clearly that those young people who have the potential to be saved will not be saved, that those young people who have an opportunity to achieve the highest in education and vocational training will substantively be denied that opportunity by this act.

You are moving on emotion, and you are moving on fear. You are not addressing the key issue. You have chosen not to address the problem of the cost of this legislation, and I do not think that there is a member of this House, from the city or from the rural areas of this Commonwealth, who does not see the handwriting on the wall with respect to the additional costs of the enactment of HB 1850. You will be listening to the same cries for additional funding, particularly coming out of Philadelphia, for additional police, for additional correctional officers, for additional money going into our state correctional institutions, and I predict, Mr. Speaker, that you will also turn a deaf ear to those cries, too.

We are going to be here for quite some time tonight, because there are proponents on both sides of this issue who have a lot more to say about it than I have brought forward this evening. But I would simply hope, after you have cast your vote, that your conscience is one that is clear, that you will not subject juveniles to the inhuman type of treatment, the lack of services, the lack of concern, the lack of quality that presently exist within the correctional systems of this Commonwealth.

The issue goes far beyond photographing and fingerprinting juveniles. It goes to whether or not you think that it is morally correct to have a 15-year-old juvenile, a 15-year-old boy or girl, in the same jail, in the same facility, as the hard criminals of this Commonwealth. If you choose that direction, then the responsibility lies clearly on your shoulders for the detriment that any young person might suffer as a result of your activities.

I might further add, Mr. Speaker, that for all intents and purposes, what you accomplish through HB 1850 you already have in present law. According to section 6355 of the Juvenile Act, the court can already transfer, particularly if the child is over 14 years of age, if there is prima facie evidence against the

child, if the delinquent act would be considered a felony and the court finds that the child is not amenable to treatments, if the child cannot be committed to an institution for the mentally retarded or the mentally ill and the interests of the community require that the child be placed under the legal restraints of the state correctional institution. So judges already have an opportunity to send juveniles to adult courts, to adult trials, to adult jails.

Allowing fingerprinting and photographing further goes against the philosophy in dealing with juveniles by subjecting them to the same proceedings as adults. All of us presently realize that in various counties and jurisdictions around this Commonwealth, even adults are not fingerprinted and photographed until after arraignment in many cases. We will be denying juveniles the minimal right to have an opportunity to present the case by a qualified legal representative before we involve them in the development of a criminal record.

Finally, there are two groups of people — the Department of Welfare and the Pennsylvania Council of Criminal Justice — that are presently studying the juvenile security system and the lack of units available. It would appear to me very clearly that maybe what we need to do is to examine the reports that they will be coming forth with.

Many of you have been told that there is a juvenile crime explosion in this Commonwealth, but the fact is that there is no juvenile crime explosion in Philadelphia, at least where we are concerned. The official court statistics show that there has been a 30-percent drop in juvenile robbery rates between 1975 and 1978 and a 40-percent decline in weapon offenses around the same period. Nationwide the robbery rate has dropped a clear 18 percent from 1974 to 1978. A similar trend characterized burglary rates, resulting in an 8-percent drop from 1974 to 1978. In Philadelphia from January to June of 1979, juvenile arrests were down for aggravated assault; they were down for arson; they were down for rape; they were down for motor vehicle theft; they were down for vandalism; they were down for drug abuse and drug violations.

You have been told that judges want to put more juveniles in the adult system. The fact is that the Juvenile Court Judges' Commission is sincerely interested in better programs, more services, and beds that provide security within the juvenile justice system, and there are very few judges in this state who desire to sentence juveniles, youngsters, to the adult criminal system.

You have been told undoubtedly that this same legislation will reduce vandalism. The fact is that this legislation does not address that act of vandalism and that extensive studies have shown that vandalism and acts of minor criminal nuisance are acts of frustration against a system seen as racist and designed to create barriers between those who achieve a measure of economic success and those who see themselves as society's throwaways.

You have been told, Mr. Speaker, that more people in security prisons will result in less crime. The fact is that in the State of Texas, whose population in numbers and racial mix approximates that of Pennsylvania, there are 25,419 state prisoners, as compared to 8,000 in Pennsylvania. The crime rate in Texas

has risen 25 percent more sharply than in Pennsylvania. Murder is almost tripled in Texas over what it is in Pennsylvania. There are 15 percent more muggings and twice as many rapes in Texas as there are in Pennsylvania.

In New York a direct statistical correlation has been demonstrated between the passage of get-tough legislation designed to try more juveniles in adult courts and the sharp rise in crime. In the first year of New York's new act, 1,455 juveniles were taken to adult court for trial in New York City. Eighty-six percent of those cases were for robbery. Twenty-four in fact were sentenced. Of those sentenced, four received stiffer sentences than allowed under juvenile law, and three were placed on probation. Out of those 1,455 cases, 11 percent were dismissed and 63 percent were sent down to the family court.

Mr. Speaker, justice is blind to some, but it is not blind to others. The fact is that out of the first 343 youngsters held at Rikers Island under the New York 1978 Juvenile Offender Act, 263 were black, 66 were Hispanic, and 13 were white. Too often, pandering to fear and racial prejudice masquerades as get-tough-with-juveniles legislation. Amendments to the Juvenile Act are currently being peddled to the public like snake oil, a cure-all for street crime, violent crime, serious crime, and stomach aches. In those states where such salesmanship has succeeded, the product has shown to be costly, misrepresented, and sadly defective. Whereas those charged with prosecution are naturally looking to make their task easier, a substantial portion of Pennsylvania citizens clearly understand that proposed changes will be counterproductive.

Once again, Mr. Speaker, we stand not necessarily to change minds but to hopefully begin to change attitudes. That is our attitude toward making justice for all in the Commonwealth a reality, something not just for some but for all. Martin Luther King, Jr., posed the question some years ago, "Where do we go from here — community or chaos?" I would suggest that by the passage of HB 1850, we will be taking one giant step, not toward developing a community that is safe for all people but one that creates chaos in the lives of many young people whom we otherwise have an opportunity to help. Thank you, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, first of all, I want to say that we are under a number of misapprehensions here, and maybe the first thing I really want to say is I, too, have the greatest respect for Mr. Scirica, and I think he is well intentioned on this particular bill here. On the other hand, I really think that some politicians from Philadelphia have given Mr. Scirica a bumner. I really sincerely believe that.

One of the things that is really strange to me is that the issue that was involved here originally was secure facilities for juveniles, enough secure facilities for those juveniles we are talking about. I look back to last year or a few years ago—and Mr. White spoke about it some—the same liberals were the ones who closed down those facilities, whether they were bad or good, that would be available to house these youngsters, and now we have a situation where we say, okay, we want to promote putting youngsters into the adult system and they will go

into the same adult prisons with those adults. I just do not understand that, unless the liberals have taken leave of their senses.

On the other part of it, conservatives, who generally speaking want a good, solid law-and-order situation, are being hoodwinked—I do not mean that as a pun, but we are just being hoodwinked—and I say that because the promise of District Attorney Rendell is, we are going to get those hard-core juveniles. Well, first of all, he does not have anything to do with your county, and just to read off some of the counties, those matters that rise serious enough to be certified as adults, in Adams County you have got 3 out of 180; in Allegheny County even you only have 9; in Beaver County you have 1; in Butler County you have 12; Columbia County does not have any; Crawford County does not have any; in Dauphin County they have 11; Delaware County has 15; Elk County has none; a lot of these counties do not have any; a number of counties do not have any — Wayne, Westmoreland, Wyoming, York — Lebanon only has 1; Lycoming has 7; Mercer only has 2; Mifflin County does not have any; and the list goes on and on, where the threat that Mr. Rendell has given you just does not exist in most of the counties. I mean, these hard core just do not exist. Now if you are going to take Philadelphia County, Philadelphia County had 76 last year, and the district attorney said we want to certify a certain number, and by the time they got to court they said, well, 20 percent of those we are going to back off on; we do not really mean it.

Now we have heard a lot about Philadelphia over the years, but one thing is true, and that is that I have never seen this legislature, if it understood what was going on, buckle under to Philadelphia for any reason. The years have been, as I have seen it, that pretty much the legislature has sort of questioned those things that came out of Philadelphia. Well, this situation came out of Philadelphia, and it came out for 1 day's debate, and it came out affecting all the counties of Pennsylvania. You should have seen some of your constituents from all over this state, a coalition — some were ministers; some were housewives; some were professionals — black and white, Hispanic, all over the state. They said essentially, how dare Philadelphia to radicalize the whole law and system in my area of the state. You all did not share that a couple of weeks ago. It was a meeting we had in the subcommittee, and it really caused a problem, because Mr. Rendell had to hurry his buns up here 10 days afterwards because the people said, essentially this is a Philadelphia bill, and they really talked about how we could make a state law that would only apply to Philadelphia in the criminal law. We really talked about that for a long time, talked about whether it could be constitutional to provide a state law for Philadelphia. If that could have happened, everybody would have gone home and been satisfied, but as you know, we cannot pass a state law on crime that applies only to one city.

Now as I said, Mr. Scirica is very well intentioned, but we are being asked by the district attorney of Philadelphia to spend 1 open day in the sunlight where you do not have most of the information. In all due respect to Anthony Scirica, neither does he, because the statistics are in this book. Mr. Rendell never showed them to Mr. Scirica; Mr. Rendell never discussed them

with anybody. Mr. Rendell reduced all of the demands he had to what is in the bill. I say to you, I say to you here tonight, that Adams County and Mercer County and Lackawanna County and Potter County and Union County and Warren County and Westmoreland County and York County and Montgomery County had an awful lot of women at that last meeting to prove their case. I want to take what you heard, because we had an argument on the floor tonight. We had a philosophical argument, and in most cases when you are arguing, you know, you really do not examine the facts, because we get caught in the argument as to whether it is a Republican argument or a Democratic argument or a conservative argument or a liberal argument. I imagine since most of the black guys spoke, this is a black and white argument. It is crazy, it is really crazy, because I will tell you something, a lot of us felt why is Mr. Rendell coming down on the black kids? I followed this thing very closely. I love kids, black, white, you name it; I just love kids. But I will tell you this, and I debated on the radio station with Mr. Rendell yesterday morning, this bill did not start because of black kids. *It is true that we are so heavily underemployed, with 56-percent unemployment, that it scares the hell out of me as to what we are going to be able to do next. We need something affirmative. So it scares me for black kids, and I know the abuses. I told you about Johnny Abney; I can tell you some more. But it started because there were some complaints about some white kids in certain areas of the city, and Mr. Rendell's response is, we will deal with them; we will get them off the streets.*

Yesterday morning, he agreed with me—and I tell you no lie. Most of the time I try to tell the truth—he said, yes, the courts discriminate where they send children. They send the black children to Cornwells Heights and we will send the white children to St. Gabriel's, and so forth and so on, and we do not have too many secure facilities. And you are right, Hardy Williams, it will put the white kids who are certified, more white kids, into the adult courts, and now when they do not have any place for them, if they seem that serious, they put them in the adult court. And so I tell you I am not ready for this, because I saw his picture, Justice For All. Maybe some of you all saw it.

And what happens to some people in prison who are not used to it and who really do not belong there? I tell you here and now, and Mr. Rendell, who is the chief agitator of this bill, I tell you here and now in a public forum, yes, they will send those white kids to adult prisons. You are talking locally it will be prisons occupied by black adult males.

Now I am not talking about busing or not busing. We are not ready for schools yet. I do not think we are ready for that prison environment, and especially if we make mistakes. And so I just want to make sure that everybody here has the kind of denominators here I am talking about.

I wonder why some white leaders here frankly have not investigated this matter as to how it impacts on white children. Although I love them all, only the black Representatives essentially were talking. When you look at it, you will find that throughout this state last year, talking about juveniles, 55 percent are nonblack Caucasians, 40-something black. So when I said earlier that we are talking about a race question, black and

white, black and white together, kids, it is true, and I really wonder if Mr. Rendell took the time with all of you to share those matters with you, to share those procedures with you, to share those statistics with you. I do not need to tell you about the well-known studies about homosexuality in prison, which should not exist; raping certain people and all of that. We should not, but we all know it now. You want to exacerbate that by race in prison? I am not pleading equality in prison right now, but I do think that some of you ought to uncover your psychology and not think, well, Hardy Williams, he is talking something black again. I do not do that; you all just do not read it right; or Milton Street or John White. It is not a black question, so whatever you do and whatever you want to do, please just understand very clearly that you are talking about numbers, you are talking about white children, you are talking about the need or the incipency for the bill; you are also talking about its origin being with white children. And I add that I do not think that that is proper for them or for black children, and I think, I know, we do not know that. Mr. Rendell, *what does he care? If he can get a bill through here, it would be all symbolic. Rendell does this, you know, and by the time—like we never knew by the time that prison closed they were there because the liberals were talking about closing it. The same liberals are here talking to you today. If they were so smart before—I do not mean liberals negatively. I mean we all have various categories. If they were so smart before and not so selfish, then they would have predicted a need for secure facilities, rather than a few years later coming back to you and saying that we are scared of kids and we have to put them in adult prisons. If that is so smart, are you going to trust that judgment now? I mean, really, emanating from a political campaign because someone took a poll which said—and it was repeated yesterday on the radio—a politician relied on a poll that another politician took, running for mayor, saying should we treat violent juvenile offenders as adults, and the people said "yes." Of course, they said "yes." They said, "We do not like Carter; we like Kennedy, on leadership," till the fellow in Iran came along and they had to face it. Now the polls have changed. They did not ask him whether they wanted juveniles in prison with grown men. They did not say whether or not they would trust that prison on the question of homosexuality. They did not ask them whether or not you wanted white children with black criminals. They did not ask vice versa. They did not ask the questions to which they clearly would have said no. Let us find out what the facts are first. I mean how specious. I mean how specious. That is the kind of judgment that you are relying on. The same liberals who have lost leave of their senses, in my opinion, because the same people will be back here fighting 2 years from now, saying we want to take these people out of these situations for those same reasons. And they cannot even read numbers. I mean the numbers here say 79 people were certified. That means that that child did something or was so situated that we sent him to adult court. Of course, all homicides go there anyway, so I do not know how many homicides were in there. Let us say there were about 10. That means these 69 other offenses for which they sent them over there and 39 percent of those cases were acquitted. So the kids apparently*

did not do anything or they did not have the evidence. So we are talking, roughly, maybe 50, 40, I do not know. You mean it is so difficult to harness—Jack, pay attention—to find a situation for 50 people? Because the other 1,350 children apparently did not do things so bad that there is a penalty. I mean so said the system. Now if you are being requested to be certified, and last year the same district attorney was in power, so if he found a hard-core problem in 1978 out of 14,000, he should have said, well, we have got a problem, and I want to certify 502,000, or what have you. But for 50 people. If the district attorney with his budget alone, could not take a situation and find something appropriate for those, quote unquote, hard-core people, I do not know what he does with his money. If we cannot find in our money and resources something appropriate to do with 50 kids in Philadelphia, hey, what are we? Now I tell you that we paid for this study, not Rendell, not Hardy Williams, not Milton Street, not John White, not Tony Scirica.

I want to add one other thought to that observation. This bill says that for a first offense, for a first offense, the judges can certify you to adult court. Now Rendell and others say, we are trying to clarify what is happening throughout the state. The judges do not know whether they can or not. And then there was a Greiner decision, and the D. A.'s say, well the Greiner decision makes it such that for one offense, maybe we do not know if you want to clarify it. The Greiner decision did not say it at all. The Greiner decision said that the nature of the offense alone could not be the only factor. That is all it said. Anybody else who says anything else is kidding you.

Putting this in the bill that with one offense you can certify him as an adult does one thing, that is, to say the legislature said this to your judges, that we are encouraging you to put those kids in the adult courts. Giving the district attorney a handle to argue that policy is crazy.

Now what does hard core and first offense really mean? They are interwovenly contradictory. The philosophy has always been if someone is charged with a first offense and just comes before the court, that should generally probably mean that we do not have a kid who is hard core. So they are saying for a first offense we want to make him hard core.

I am saying that the statute the way it is, either with a first offense, there is enough there if they find the information to send him to adult court because of nonamenability; it is all there. To specify first offense discourages treating these children and getting them after one offense for one charge.

I know a lot of cases but I will call to mind a real-life case in which there were several fellows and a girl and the charge was rape. By the time that case was over there in juvenile court, as I spoke before, it turned out to be a different kind of thing, although it was close. The young man who I represented in that case is a very fine, very exceptional citizen now, and, as a matter of fact, he is related to an exceptional citizen. That case, first offense, was a charge of rape. So going to the adult court, I do not know what could have happened, and there we have a young man, as all young men, you know, who was not hard core. But the offense was a serious charge, and that happens all the time.

And who is going to decide, and when are they going to de-

cide? A charge of a first offense seems to me ought to alert a juvenile court to a juvenile situation. Okay, what is wrong with this fellow? Even if he is guilty or not, what is wrong? Is he sick? Does he need treatment? Does he have some other problem than first offense? Let us get down with it. What is the alternative? You send that child for whatever that charge is to adult court. He gets off with a good lawyer, goes back out into the system, has not yet learned a lesson, because he is still a young man, and no one has approached whatever the dynamics of his problems are, and I say to you that this first-offense-we-can-still-certify-him-thing is a scare tactic, having nothing at all to do with hard core. We are being trampled and frightened and cajoled into a really wild situation. We have a Philadelphia Democrat telling a Republican House what they need to do. That is what it amounts to, and you all do not even know it. And yet some of the people from the suburbs are very, very concerned, and some of the people from Allegheny County were very, very concerned, and mothers related the same problems that I am talking about now to those of us on the committee, and the committee had difficulty getting the bill out, and we give it to you on 1 day's notice. We line up Republicans, conservative Democrats, misguided liberals, and those of us who have been politicized extremely well by a Philadelphia district attorney in the last several months. And I say to you, you know we had a death penalty bill here about 5 years ago, Mr. Manderino, maybe something like that. I remember Mr. Irvis and I remember Mr. Fineman and maybe a Republican leader or two, say, look the votes are there, forget it. They are there. The death penalty, that is it. And, of course, that really bothered me because I said at that time I am not sure which way I am philosophically, but I did say, let us have some alternative before we rush to that, but we went through that bill, and after I looked at that bill, what it showed, really, was a very sloppy approach that would expose white kids and black kids, and we did what was wise. We took that bill back and studied it and we had our minds made up, and I was not here when we passed the other death penalty bill, but presumably it was a lot better, and I am just saying that we have the same situation here.

Another thing that really gets to me is when the Republicans were last in power, one of the things I liked about it was that we began to get some understanding of the Philadelphia gang problems, and I was very pleased that after a lot of discussion a lot of the members really began to understand the death trap. You are talking about hard-core problems. You are talking about it; I think everybody here knows about the Philadelphia gang problem in your neighborhood. Boy, that was something. I mean physical violence, death, terror, two children among children. I mean nothing more hard-core than that. I do not know where the Philadelphia district attorney was then, but this House of Representatives, through some very sensitive help by leadership—I really appreciated that—began some momentum. We had some hearings; we established some pressure, and what we really did, I think, was to give Philadelphia the key element of pressure to make sure that the facets of the problem were working together, and some positive things came out of it, and I am here to tell you if you do not know, those of you who are not from Philadelphia, that our gang problem in a

violent manner, the deaths, 43 or 50 a year, went down. Essentially it is very minor now. We have problems, but what you did was that you listened, and what you did was say, okay, and we took one step at a time, and we solved the most serious, the most heinous juvenile crime problem ever to hit Philadelphia. And it happens over and over again. I am here to tell you that, and I thank you again. I thank you again and again. That was real life. That was not some politicized district attorney saying let us do this, go ahead and blindly do that. You responded to a reality that was not necessarily legislation, but it was approached. With the interest that people had, we put the forces together. Even the then-mayor of that time, whoever it was, was opposed to that, but it happened. We got cooperation even from them. I thank you again, and I am saying that in this bill what we have is just the opposite. We have the creation of a monster. We have the creation of several hands now, several additional hands, hundreds of additional attitudes, hundreds of different subtleties, depending upon whether that D. A. or that police or that judge woke up on the right side of the bed with his wife, and what we are doing is, we are refusing to make the system and the courts that exist already do their job.

The D. A. said that they had all of these bench warrants to serve. That is the reason that they gave for fingerprints and photographs, and they take really bad photographs. They had to find these guys. What they are really saying is that those who have to serve and find the children, those who have to, are not doing their jobs. We are not making them work. They get state money. We got \$14 million special a couple of years ago for Philadelphia for the courts. It shifted from the courts to education, and these people say, we cannot find the children. They are not getting up off of their buns to look for them, for those whom they have to find. I do not have much trouble finding a young person, even when he is a witness in a case of mine. And so I am saying that we are allowing some general representations which, in the pale of examination, are actually downright stupid. Fifty people of 14,000; here it is in black and white. If the man has a problem, tell him to work on it. Fifty children. Now if there are any more, if there are any more hard core out there, then he ought to bring them in and identify them. I am just saying that, not even talking about the morality of it, we are allowing ourselves to act irresponsibly as men and grown women.

Politically, I do not think we have examined how stupid we are. I mean, sometimes they say bad bills make good law, or good bills make bad law. I think that is probably true. But here we have a bad bill that is going to make a lot of good law. It is going to make a lot of good law because of all the thousands of cases that you are going to spend state money for, and the lawyers are going to have a field day on the photography; they are going to have a field day on the constitutionality; they are going to have a field day on the certification; they are going to have a field day where the young people are going; they are going to have a field day with the cases in adult court, and it is going to make a lot of good law. It is going to make a lot of law, like the Abney case I spoke to you about, and that is a true story. Nobody cares, least of all the D. A. I will say there was one D. A. who kept looking at it and he did help, but that is the

way this system goes along. You know we are in the International Year of the Child. For that reason alone, I mean if you want to say you got bad kids, if all that is proven, if we can handle our kids in America, you know it is really Americans who have become so spineless and so empty and so without substance that we cannot deal with our children. If that is a fact and if it is just a fact that we have that kind of a cop-out, why are we going to do it in the International Year of the Child? Can you not wait until next year and say, well, gee, this is a problem? I mean how duplicitous, how contradictory, how unproductive, how unpolitical, how un-American.

You know, it is Christmastime. You all are going to listen to the words of Jesus pretty soon and you are going to hear and go into your houses and think about all of that music and talk about the words of God and the tenderness of children and their capacity and their potential and love. Love, at least means paying attention; love at least means being accurate. Love does not necessarily mean that you cannot be firm. Love does not mean that you do not discipline.

We are going to listen to the words of Jesus Christ in a couple of weeks and we are going to go to church. We are in the International Year of the Child, and internationally we have some very, very serious problems, as we know. That reason alone ought to tell Edward Rendell, look, politicians, come back next year and get your birthday gift. Come back next year and get some information together and convince this House. Do not let it slide into a fear. Do not let it slide into a combination of a fine gentleman, Tony Scirica. That is not a good enough reason. We are in that year. We are in that year right now.

You know, I guess race will always be with this, so we will have that year after year; but this year with these statistics, this bill is on white kids mainly and you ought to know it, and, like I said, I do not like it being on any kids.

You know, I just wonder if some other aspects of this bill had been brought to your attention. One of the things to be considered when a judge sits there and determines whether or not a child may be certified to adult court under this present bill is the degree of criminal sophistication exhibited by the child.

If you live in north Philadelphia, some areas in west Philadelphia, Kensington, some areas of south Philadelphia, the black and white areas, I am here to tell you that the kids there know about crime. They are sophisticated. I mean they will walk into court and you will know it on their faces, and any one of those black Representatives can walk like those kids because they came from that and they can talk like that because they came from that, with the possible exception of maybe Mr. Oliver; but what I am saying is that if you are born in Sunbury or if you are born in some nice suburb, except if you see Kojak, and you commit or are charged with an offense, you are not going to exhibit any sophistication. But your mind may be racing about what is going to be done next, whereas another kid born in those areas, white and black, are going to say, hey, man, what are you talking about? They are going to say, hey, judge baby, and the judge who has come from a nice background is not going to like that, but that is criminal sophistication. Should the accident of birth have a judge then decide, well, he is a smarty, he is an adult, and another guy another way, that is crazy. That does

not make any kind of sense at all, especially in this bill.

The way it is in the present act without these amendments, no problem. If children are amenable or nonamenable, you put them into adult court or you do not put them into adult court, and the machinery is there to make that decision if the district attorneys are interested enough to identify those people.

I was in court one day about 3 years ago—this is another story but this is also true—and there were five young males, all black, ranging in age from 10 to maybe 14. The guy I represented committed maybe two offenses. He was not so bad. I got a hold of him too. No problem. But the 10-year-old or the 11-year-old had been there 10 times for stealing radios, dealing, 10 times. I said to those guys, man, what are you, are you crazy? Do you realize that you are giving your mother gray hair? I used some choice adjectives because it made me mad. I took them all back to my office. Every one of them. I am here to tell you that my client won a prize. I do not know what he did later on about college, but the one with the 10 or 11 arrests, no more trouble, no more trouble. No one had ever yanked him, no one ever yanked him or talked to him at all. No more trouble. He just kept going on and on and on. He would do nothing.

What I am saying is that these irresponsible pushers of the buttons in our system that we finance do not give a damn about dealing with the children. We present an excuse of here is how we are going to solve the problem, and they come back and ask for some more money. I am saying, let us tell them to make this work. Decide who you are going to certify, put some tracking on kids; maybe the Peace Corps, maybe something else. Maybe you can tell by his first offense that he might possibly do some more. You do not know. Maybe you can send a Big Brother or something else. Nobody cares.

What happens after the first offense anyway? Does someone say—one of those college-educated professors—well, gee, this gentleman looks like he has a problem. Let us see if we can do something. He didn't even do that. You know, going out of the door until 3 years later they say, well, gee, you are a hard core maybe. Nobody has even seen him. And we spend all of this money with all of these people who do not know what they are doing, and then we get someone else, who also does not know what he is doing, to say, we are going to solve the problem, and I just think that we ought to give some thought to that. We ought to give some thought to what to do. We called it "Sunset." Maybe we are talking really about a sunset opportunity here. Does the money we spend work? Does it work? I will give you some examples, if you want, of where it is not working and how it ought to work, but we have a responsibility on the money that you send to Philadelphia because you are only talking about Philadelphia.

If we were arguing about education, I would agree that you are right about a lot of those things, but what you are saying is that we pour all of that money into Philadelphia and we do not care how you use it as far as crime is concerned, and we will sit here and allow you to spend some more money because we do not want to hear that it is going to cost some more money.

I say that maybe a sunset psychology will require Mr. Rendell, to prove that his political motivations have little or nothing to do with it, to meet the argument that we have been

talking about. To require Mr. Rendell to come here and to tell us that, in fact, the Speaker or the Appropriations Committee believes it will cost a lot of money.

The state police has need already, and we have not given them any additional money, as I said, for some additional fingerprint classifiers, and I suppose it is a number. It is from \$10,000 to \$13,000, and they discard what is needed, and this is just on fingerprints. They tell you about the skills; they tell you where you can go, but they have need of that and we have not given them any more money or any more responsibilities, not unless they see this bill coming and they are going to have to up their situation, because they are going to get the records that come from Philadelphia or wherever else. So everybody here knows that we are just fooling ourselves when we talk about it not costing money, but you do not have any idea how much more money multiplied by the problems it is going to create in court costs too; and if we want to tell ourselves that lie around Christmastime, go ahead and do it. Be my guest, but everybody here knows that that is untrue.

Again I say on children, it is not sufficiently good reason for accommodation or fear, and so we are going to face the money question. We are going to spend. We ought to face the money question that we are mispending now; we ought to face the failures that we are repeating, and one of these days, I know in Pennsylvania, we are going to be as American as apple pie—Joe I am not looking at you intentionally—and we are going to have a Peace Corps, because I know that in your heart you do not like spending those billions of dollars that we have spent in foreign countries on the Peace Corps for the return that we got, and we do not even do it in our neighborhoods. That is crazy, just absolutely crazy.

So I do not feel bad that we did not pass the amendment, but I know that one of these days—maybe the Democrats will do it when they are in power. Usually the Republicans did those things when they were in power, but everybody knows—that it is a damned good idea. Everybody here knows that and out of this I just hope that we will get along that direction.

I do not know whether the people who proposed this bill have even told you what the facilities are, the facilities we are talking about. Mr. Rhodes is an expert in facilities. I have not heard a word from him in the last day. All of these experts we had on facilities for juveniles have not even told us what they are now, what is secure, how much we are spending; just a general idea that they are insecure. We have Cornwells Heights in Philadelphia, we have Lawrysville, we have New Castle, we have Waynesboro, we have the forestry camps, we have North Central, we have Oakdale, we have Weaversville. However, all of these other facilities, other than Cornwells Heights in Philadelphia are in some way integrated to some extent; black and white children go there.

In Philadelphia, at Cornwells Heights it is 87 percent black. In 1974 it was 100 percent black. That means that for the few secure allotments that they make—and last year it was 46 in Cornwells Heights—there is nowhere secure if we are talking about a hard-core white offender. There is nowhere for them to go—

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the lady from Allegheny, Mrs. Kernick, rise?

Mrs. KERNICK. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. KERNICK. Would it be in order to ask that the no-smoking rule be suspended while this debate is going on?

The SPEAKER. In response to the lady, the Chair is not privileged to suspend any rule of this House. The rules of this House can only be suspended by motion.

Mrs. KERNICK. All right. Then I would like to make a motion that the rules of the House be suspended. I think we could take this by a voice vote.

The SPEAKER. The Chair is in a very peculiar position in that under another rule of the House, the gentleman who has the floor can only be interrupted for two reasons, neither of which is the suspension of the rules.

Mrs. KERNICK. Can I suspend that rule?

The SPEAKER. In response to the lady, the answer is "no," because the gentleman cannot be interrupted to suspend the rule, any rule.

Mrs. KERNICK. Thank you.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, may proceed.

Mr. WILLIAMS. Apparently there is an exception, Mr. Speaker. An interruption can take place to explain what cannot be interrupted.

The SPEAKER. For the information of the gentleman, the Chair can interrupt.

Mr. WILLIAMS. For the information of the Chair, I stand interrupted.

The SPEAKER. The gentleman may proceed if he will please confine his remarks to the final passage of the bill.

Mr. WILLIAMS. Before I was interrupted, I was talking about the various facilities in the state, and I said that Cornwells Heights is not a place where basically white—

The SPEAKER. The Chair has been very lenient in permitting almost unlimited debate to go on on this bill and the amendments on the bill. The Chair is asking the cooperation of the gentleman from Philadelphia to please confine his remarks to the bill at hand.

Mr. WILLIAMS. Mr. Speaker, I understood that one of the basic tenets of this bill was certification of children to adult facilities and that the issue was the need for secure facilities. The point I was talking about then was the existing facilities and the danger of certification, so I thought.

In any event, it is very clear that one aspect of this certification is to certify and to take into adult confinement an area of juveniles who have not yet been anticipated or expected by this body. Moreover, Mr. Speaker, I have been told that if there is a rush into the adult prison system from this measure, the cost to this Commonwealth per unit would be perhaps \$30,000, and an overall estimate for a larger number would go into the millions of dollars as opposed to making provisions for secure juvenile facilities under the existing law. I do not know that we have taken into consideration in any intelligent way, except in the

committee, some of those items of cost that would be thrown at us if we made the change that is proposed in this law, and once again I say to you, Mr. Speaker, it is your sworn duty, it is your fiscal obligation, it is your moral imperative to examine those basic facts. I suggest to you that by the throw and the roll of the dice, this bill comes before us with just arguments, with fears, with nuances of philosophy, and those have not even been discussed very thoroughly.

I think that we are going to pass this bill, and I think we are going to do a wrong thing. I think we are going to do this thing, and that disturbs me a whole lot, but for the fact that I can remember some days back when on a few important occasions when this House really bit the bullet and did a job. I remember that, and I do not know whether we are in a different period now or not. I never thought, I really never thought, that we would come to a situation that basically involved just children and that the race question would not opt either way because it is on both. I just never thought we would stiffen blindly in that kind of situation and, even more, never really could understand how we could have a Democrat leading a Republican assembly and taking credit for something that is not going to work. That really throws me a bit, but I guess anything is possible today. But I just want you to know that I am really personally disturbed; I am intellectually disturbed; I am morally just ripped up in a lot of ways, and I just hope that as we pass this, somewhere down the pike we will just pick up the pieces and remember that we do have something to reconstruct, and maybe we can change a bad situation.

I quoted a person earlier. Martin Luther Jones is not a real person, but Martin Luther Jones is really a very, very eloquent speaker, because it is a figurative personality on the streets that the children walk in our community, and Martin Luther Jones, we say, is responsible for the expression, "What goes around comes around." If you have not heard that, what that really means basically is something like what we do here now comes back to us, and I say to you that what we do today on this bill I guarantee you will make homosexuals out of our children; I guarantee you it will triple criminals among our children; I guarantee you it will solve no crime; I guarantee you lawyers will get rich; I guarantee you that judges will say, wow, I did not know that they were that unresponsive; I guarantee that some of the males here will have their wives tell them—and maybe some of the ladies will have their husbands tell them—at some time or another, honey, how could anybody ever have done that; and some of you will have a neighbor or relative tell you, the law cannot be that way because I know you did not vote for that, who is in that situation, who will be like a boy whose case I was checking out on Friday. He committed a couple of offenses. They certified him for an adult offense. He was acquitted of the adult offense. The paperwork is still in his juvenile file keeping him in jail, because after all these months, the adult court never told the juvenile court. It took me 10 people to go through on Friday. I mean, this is the truth—

The SPEAKER. The gentleman will please confine his remarks to the bill before us.

Mr. WILLIAMS. Mr. Speaker, I was trying to make a point with regard to recordkeeping, expunge—

The SPEAKER. Will the gentleman please confine his debate to the bill before us?

Mr. WILLIAMS. Mr. Speaker, recordkeeping is part of this bill, and I am getting ready to tell you about some very sloppy recordkeeping in Philadelphia that kept a young man in jail. It seems to me that that is very, very relevant. Everybody else has been talking about it all day long.

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

Mr. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WILLIAMS. And after going through 10 people, do you know nobody knew the answer? Nobody?

And finally Charlie—

The SPEAKER. The gentleman will please confine his remarks to the bill.

Mr. WILLIAMS. Well, you know the story. It is true. There is a young lady sitting right up there under the exit sign. She can tell you it is true—

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

Mr. WILLIAMS. Mr. Speaker, this is the juvenile bill for recordkeeping and juveniles—

The SPEAKER. The Chair is well aware—

Mr. WILLIAMS.—and I am talking about juveniles—

The SPEAKER.—of what the bill is, and the gentleman will—

Mr. WILLIAMS.—and I am talking about recordkeeping—

The SPEAKER.—please confine his remarks to the bill.

Mr. WILLIAMS.—and I am talking about incarceration, and I am talking about certification. What more do we want?

Mr. Speaker, you are cutting off, even though you are going to win this thing, a very relevant input, and I do not think that that is right, sir.

The SPEAKER. The gentleman may continue within the confines of the provisions of the bill before us.

Mr. WILLIAMS. Mr. Speaker, I have an inquiry. Why did you let Mr. Itkin talk about all that idiocy last night? I was tired. I waited. And my remarks are very relevant. They may be different, but they are relevant.

The SPEAKER. Two wrongs never made a right.

Mr. WILLIAMS. It makes a left though.

Anyway, in regard to the provision relating to expungement immediately of these children's records, I am here to say that an additional danger of that—from my experience just last Friday—is that after acquittal the paperwork still kept the juvenile in jail, and, upon discovery, it took going through several people to get a procedure. No one knew the procedure. How on expungement, which is just a clerical thing that anybody can do or not do, are we going to have anybody responsible for that? I tell you here and now somebody here in this House is going to have a relative or friend or a constituent, who you know is a good boy, lose a job, cannot go into the service, cannot go to the legislature or somewhere because that system does not care. That will happen to somebody in this particular House.

Finally, Mr. Speaker, I want to once again make a cry to your conscience concerning the awesome unemployment problem among black juveniles in Philadelphia. I want to cry because I

think it is an international shame that we sit here talking about a bill from a district attorney and not be concerned about that. Where are those children going to go? Some of them are going to be harmful to somebody here, me, somebody else. I wish that you would think about some alternatives to some affirmative, positive growth and safety.

I have reviewed with some of my peers here and I have reviewed with some other people some alternatives, discussed it thoroughly, and for hard-core dangerous situations, I would propose some legislation that meets the problem. One of the problems is older people, defenseless people, attacks on them. I think that we need to teach our young people and our older people that you do not attack those people who pay their dues and their contributions to this society. I do not know how we choose, but I especially have some ideas. But I think that we need to teach them some discipline and some values. One value is that we do not attack old people in this state or in this country. Nobody really cares about the senior citizens. They tell you the tear-jerking stories as a way to do something else, but no one says let us do something to protect them.

I am here to tell you that we need to do some positive alternatives on senior citizens. Why do we not do it? We care about our mothers, our aunts, our grandmothers. Why do we fool around with a piece of paper that says this? Why not do something—sit down and find out what would help senior citizens?

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, nowhere in the bill do I see any reference to senior citizens. I wish the Chair would not allow the gentleman to speak about senior citizens since the bill is dealing with juveniles.

The SPEAKER. The gentleman is correct.

Mr. WILLIAMS. Mr. Speaker, let me respond to that.

The SPEAKER. Will the gentleman yield?

The gentleman may continue as long as he confines his remarks and his debate to the question before the House.

Mr. WILLIAMS. Mr. Speaker, I believe that as a member of this House I have a right, first of all, to speak; and, secondly, Mr. Speaker, in your very rule, every member has a right to indicate why he is germane.

The SPEAKER. Will the gentleman yield?

The Chair would like to read for the benefit of the gentleman and all of the members of the House from Mason's Manual, Decorum in Debate: (Reading:)

Equality of Members in Debate

The rights and duties of members of a legislative body are derived from and founded upon the absolute equality of the members. Every member has the same right as any other member to present questions for the consideration of the house, and has the same right to be heard. Members must not be permitted by their conduct to deny to others that which they may claim for themselves. It is the duty of every member to conduct himself so as not to obstruct the like rights of

other members. Freedom of speech involves obedience to all the rules of debate.

The Chair would ask the gentleman to observe the obedience of the rules of debate. The gentleman, within the confines of this bill before us, may continue.

Mr. WILLIAMS. Mr. Speaker, you have said what you wanted to say. I am offering to the Chair, within the framework of your rules, a claim. I do not have the truth to deny anybody, and my claim is that I have an absolute right to indicate to the Chair, either on the rule or just plain courtesy, why I think my line of comments is germane. Mr. Ritter asked a question, "How are senior citizens germane?" And I am prepared to tell him.

The SPEAKER. The Chair has defended the gentleman from Philadelphia's right to speak for an hour and 40 minutes.

Mr. WILLIAMS. Mr. Speaker, I have that right. You do not have to defend that.

The SPEAKER. The Chair has defended the gentleman's right to speak for an hour and 40 minutes and the Chair will continue to defend the member's right to speak as long as he speaks within the rules of this House.

The gentleman is in order to continue as long as his debate is confined to the bill before us. The gentleman may proceed.

Mr. WILLIAMS. In this bill we are talking about juveniles. We have, therefore, raised the question of age. In this bill the main arguments by the proponents have been that violent juveniles attack on weary senior citizens. And if that line of observation is not understood, I am merely saying that if that is a concern as a question of argument, if that is a concern, please why do we not do something about it? And I am merely suggesting that there is something we can do about it, and this bill is not it. We will leave those same senior citizens in danger and we do not care.

And so to end up, apparently around Christmastime we do not care about our children nor do we care about our senior citizens. It appears as though, at least this Christmas, a district attorney is going to lead us, and I suggest that he is going to lead us into the dark, into more crime, into more danger, into more money, into more trouble, and I would ask you to think twice before you vote.

Thank you, Mr. Speaker, for your courtesies and your kindnesses and your indulgences during the few minutes that I took to express myself.

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

Mr. RICHARDSON. Mr. Speaker, I would like to yield to Mrs. Harper who wants to speak for just a moment.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. I rise to oppose this bill, and if I thought for 1 minute that this piece of legislation would curb crime, would be for the benefit of the citizens of Pennsylvania, I would vote for this bill. But I just do not believe that this bill will curb juvenile crimes. It will only do harm to our youth, to our future leaders.

I am a mother and I am concerned about our youth, and I should like to ask the prime sponsor if this bill has had a public

hearing? I would like to know how the citizens of Pennsylvania feel about this bill, about our youth.

Is Mr. Scirica available?

The SPEAKER. The gentleman, Mr. Scirica, indicates that he will stand for interrogation. The lady, Mrs. Harper, may proceed.

Mrs. HARPER. Have we had public hearings on this bill?

Mr. SCIRICA. That question was asked this afternoon about 5 hours ago.

Mrs. HARPER. I am sorry, I was upstairs and I missed that.

Mr. SCIRICA. I answered that. There were public hearings on the provisions or on similar provisions that were in this bill this summer, joint hearings held by the Senate and the House Judiciary Committees.

Mrs. HARPER. Thank you.

Well, I do not think that we have had sufficient hearings on this bill and I think that in Philadelphia, especially where this bill will have the most effects, we should have more public hearings on this bill before it is passed.

MOTION TO RECOMMIT HB 1850

Mrs. HARPER. I should like to ask for this bill to be recommitted to the Judiciary Committee.

The SPEAKER. It has been moved by the lady from Philadelphia, Mrs. Harper, that HB 1850 be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—20

Barber	Harper	Petrarca	Shadding
Cohen	Johnson, J.	Rappaport	Street
DeWeese	Jones	Rhodes	Wachob
Dumas	Kolter	Richardson	White
Earley	Oliver	Rieger	Williams

NAYS—161

Alden	Freind	Lynch, E. R.	Scheaffer
Anderson	Fryer	Lynch, F.	Schmitt
Arty	Gallagher	Mackowski	Schweder
Austin	Gallen	Madigan	Scirica
Belardi	Gamble	Manderino	Serafini
Bennett	Gannon	Manmiller	Shupnik
Berson	Gatski	McCall	Sieminski
Bittle	Geesey	McClatchy	Sirianni
Borski	George, C.	McKelvey	Smith, E.
Bowser	George, M.	McMonagle	Smith, L.
Brandt	Giammarco	McVerry	Spencer
Brown	Gladeck	Michlovic	Stairs
Burd	Goebel	Milanovich	Steighner
Caltagirone	Goodman	Miller	Stuban
Cappabianca	Grabowski	Moehlmann	Sweet
Cessar	Gray	Mowery	Swift
Chess	Greenfield	Mrkonic	Taddonio
Cimini	Gruppo	Murphy	Taylor, E.
Clark, B.	Halverson	Musto	Taylor, F.
Clark, R.	Hasay	Nahill	Telek
Cochran	Hayes, S. E.	Novak	Thomas
Cole	Helfrick	Noye	Trello
Cornell	Hoefel	O'Brien, B.	Vroon
Coslett	Honaman	O'Brien, D.	Wagner

Cowell	Hutchinson, A.	O'Donnell	Wargo
Davies	Hutchinson, W.	Perzel	Wass
Dawida	Irviss	Peterson	Weidner
DeMedio	Itkin	Piccola	Wenger
DeVerter	Johnson, E.	Pievsky	Wilson
DiCarlo	Kanuck	Pitts	Wilt
Dietz	Kernick	Polite	Wright, D.
Dininni	Knepper	Pott	Wright, J. L.
Dombrowski	Knight	Pratt	Yahner
Dorr	Kowalshyn	Pucciarelli	Yohn
Duffy	Kukovich	Punt	Zeller
Durham	Lashinger	Reed	Zitterman
Fee	Lehr	Ritter	Zwinkl
Fischer, R. R.	Levi	Rocks	
Fisher, D. M.	Levin	Rodgers	Seltzer,
Foster, A.	Lewis	Ryan	Speaker
Foster, W.	Livengood	Salvatore	

NOT VOTING—21

Armstrong	Geist	Letterman	Pyles
Beloff	Grieco	McIntyre	Seventy
Brunner	Hayes, D. S.	Micozzie	Spitz
Burns	Klingaman	Mullen, A. P.	Stewart
Cunningham	Laughlin	Pistella	Zord
Donatucci			

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

On the question recurring,
Shall the bill pass finally?

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

Mrs. HARPER. Mr. Speaker, will you strike the vote, please, and ask for only those in their seats to vote?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the bill.

Mr. RICHARDSON. I do not know whether or not there was an answer to the lady's question from Philadelphia. I do not want to go over top of her—

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

Mr. RICHARDSON. When I have—

The SPEAKER. Does the gentleman, Mr. Richardson, wish to debate the bill?

Mr. RICHARDSON. When I have the opportunity to. She asked the question—

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

Mr. RICHARDSON. What I am saying, Mr. Speaker, is that I do not think the lady had an opportunity to have an answer to her question.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Street, wish to be recognized on the bill?

Mr. RICHARDSON. Well, I was in order. What I did was I yielded the floor, and you must remember I yielded the floor to Mrs. Harper—

The SPEAKER. The question before the House is final passage of HB 1850. Does the gentleman, Mr. Richardson, wish to debate the bill?

Mr. RICHARDSON. Right. I am going to debate the bill. Mrs. Harper did not get an answer to her question, Mr. Speaker.

The SPEAKER. There was no question posed to the Chair.

Mr. RICHARDSON. Well, I yield to let her ask it again.

The SPEAKER. The gentleman may proceed.

If the gentleman does not wish to debate the bill, we will go to final passage.

Mr. RICHARDSON. Mr. Speaker, you are not going to ramrod this down my throat. I ask to yield to the lady from Philadelphia, and you refused to recognize her.

All that noise does not mean anything.

The SPEAKER. If the gentleman wishes to debate the bill, he is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, since you did not recognize the lady, I just wanted to take this opportunity to speak on final passage of this bill.

In relationship to HB 1850, which we have debated for quite some time this afternoon, I would like to point to the fact that there are a number of things which I feel have not been brought out. There are a number of things which I feel have not been brought out that my colleagues have covered to some extent.

The SPEAKER. The House will come to order. The gentleman is entitled to be heard. The Chair would ask the respect of all of the members. The gentleman may proceed.

Mr. RICHARDSON. Thank you, Mr. Speaker.

The SPEAKER. It has been a long day and a tiring day. The Chair asks the indulgence of the members.

Mr. Richardson may proceed.

Mr. RICHARDSON. Thank you again, Mr. Speaker.

I felt that there were a number of things that really need to be discussed in this bill that relates to juveniles and the movement to have fingerprints and photographs taken in this Commonwealth. I can remember going back to June of 1974 in Philadelphia at the Youth Student Center, which at that time was in the district of State Representative Lucien E. Blackwell, who was a former member of this House, and going in and witnessing one of the most bizarre criminal acts of injustice that I feel has been perpetrated on young people. The place was in a mess; it was in shambles, but this was the juvenile detention facility to hold children.

In this bill attempts have been made to tell us that we are going to now bind those youngsters 15 years of age and older in cases of a felony and hold them for adult court, which seems to go far beyond the scope of the responsibility of the jurisdiction of the Philadelphia law enforcement agencies that are supposed to deal with that particular problem.

We had asked Mr. Scirica, during this particular crisis, whether or not he recognized the problem that we had in the city of Philadelphia. In fact, at that time we sat on the subcommittee dealing specifically with law and order. We went into the Youth Study Center and we even, at that time, brought Governor Shapp in to witness the problems that we had with the juvenile center, the Youth Study Center, and that that was not a place for children.

In all of that we saw youngsters in this Commonwealth—and we have some that do bad, no question about it; we also have a lot of youngsters—who require some attention, require some discussion, require a lot of input from outside sources. And we appealed to a number of persons in this Commonwealth to look at that. The committee then, at that time, seemed to be very responsive. We went into the Youth Study Center and we cleaned

it up. We allowed ourselves to get rid of a number of people inside of the Youth Study Center who were in fact misfits and misrepresented young people. But it seemed as though that was not enough because we had a director there who did not speak directly to the problems of the poor and indigent.

In this bill, HB 1850, we find that there have been a number of editorials that have gone down in this Commonwealth saying that we need to look very closely at this piece of legislation. In fact, I would like to quote from the Pittsburgh Post Gazette of Saturday, November 24, 1979, from an editorial there. The caption of that was "Caution on the Juvenile Code." It said:

"As Pennsylvania approaches its first election next year of an attorney general, vigilance is necessary to avoid politics spilling over into areas where it doesn't belong.

Present efforts to change the juvenile laws appear to be related to that race. Philadelphia District Attorney, Edward Rendell, considered a possible candidate for attorney general, has been made a prime mover for what some consider drastic changes in the law. And another possible candidate, State Sen. Michael O'Pake of Reading, chairs the Senate Judiciary Committee through which the bills must pass.

Fortunately, some of the more objectionable elements of the Rendell proposals have been deleted or softened since they first surfaced in September. Opponents had contended his proposals would move juveniles wholesale out of the juvenile court system and into the adult criminal courts. Not surprisingly, disputes continued as to the need for the current bills which come up in the Legislature next week.

A major problem seems to be in Philadelphia itself where the juvenile system — courts, public and private agencies — is not working well in protecting the public and rehabilitating juvenile offenders.

Mr. Rendell may well have cause for concern. But, if so, an effort should be made to strengthen up the Philadelphia system, rather than tampering needlessly with laws affecting not just Philadelphia but the rest of the state. The juvenile code may be in need of improvement, but that the Legislature should not rush to judgment at the behest of persons who have at least one eye on the attorney general race next year.

I would like to say, Mr. Speaker, that that editorial seemingly speaks directly to the mood that we have here in this House of Representatives where so many persons have left this chamber and have not felt that this issue concerning juveniles is important. And basically they are correct because really they are trying to attack Philadelphia. They are not trying to attack anywhere else in the Commonwealth, but directly at Philadelphia where we have the most serious problem concerning juvenile offenses and juveniles breaking in, and we do not have the kinds of controls in some of the other areas, in the rural and those other urban areas, and that whether or not they are cities of the first class. We have seen throughout this Commonwealth that there are some provisions, and even in some cases you have places where you can put juveniles who do act wrongly and do violate the law.

In Philadelphia we have a very serious problem. In the wisdom of this House or the wisdom of the Department of Welfare, they chose to close down the Youth Development Center at Second and Laverne Streets while we fought to ask that it remain open. We said that there was a need to keep an institution like that open so that we would not have to force juveniles into

a situation where we would see that they would be incarcerated for life, they would be locked up for life, they would be sent away, they would start a system which they cannot fall back on. For once you go into the system—and particularly in the urban settings and the urban communities—and once you get intertwined in that particular system, it is very hard to get out. Over 85 percent of the prison system here in this Commonwealth of Pennsylvania are black who are locked up in prison; a lot of manpower is locked up and cannot be out because of the environment. The Juvenile Justice Law Center, one of the organizations which has been helpful to us in trying to deal with the problems as we continually fight oppressive pieces of legislation, and that, when we came up with getting group homes for youngsters, we felt was a direct way to deal with the particular problem. But to tell us now that at age 15, a tender age, that we all recognize, we say, because we have a hard-core crew that all the juveniles in the Commonwealth of Pennsylvania should suffer, that raises a suspicion with me because it does not speak directly to the problems we see and that really resolve the problems of juveniles and crime.

This bill in no way speaks to any particular crime at all in here. There is nowhere in the bill, no page, but just a fast attempt to try and ram down the throats of some persons here in the House of Representatives that they were acting in good faith, that they chose to use a bill or components of another piece of a package that was sent to them by Ed Rendell to help promote his whims and his wishes, but not because there have been public hearings held on this bill. There have not been public hearings held on this bill. We asked Mr. Scirica, the chairman of the Judiciary Committee, whether or not in fact there had been hearings held on this juvenile justice bill. He said to us that there had been a conglomerate of hearings held through a joint effort with the House and the Senate to discuss various pieces of the Juvenile Code and juvenile law. And a part of that had discussions about this particular bill that we have now extracted out of that discussion. But at no time has there been any effort geared towards trying to deal specifically with recognizing what are the causes and effects of fingerprinting young people in the Commonwealth of Pennsylvania. And I raise that question to him as an intelligent man who is getting ready to sit on the bench of this Commonwealth. Perhaps maybe he will have to make some serious decisions concerning what the effects of juvenile justice are, and maybe those particular issues and concerns might affect the outcome of what he is doing here today.

But I share with you this, that we have a major concern about the youngsters running around wild and rampant in the city of Philadelphia who need to be put away for problems that they have by going out and causing an old person to be knocked on her head. This bill does not address that. It does not address that at all. There is some concern about those particular points of crime in our community that we see over and over again that need to be addressed by juveniles. This bill does not address that. It just says, take a fingerprint and take a picture. Well, some of you did not listen earlier when we said to you that there is no place in Philadelphia other than at Eighth and Race where they are taking fingerprints and photographs. Do you

know why? Because they say they do not have any personnel that they can hire; that they are laying off people. Well, I guess you did not know that a number of city employes were laid off. That if a juvenile is busted tomorrow—

The SPEAKER. The Chair asks the gentleman to please confine his remarks to the bill before us. The gentleman may proceed.

Mr. RICHARDSON.—that if a juvenile is locked up tomorrow and he is taken down to city hall, the first thing that will happen is that he will have to be taken all the way to Eighth and Race to be fingerprinted and mugged. No one listened to us when we said that.

It seems to me that we are going to pay quite a price in terms of dollars and cents just to make sure that they have someone at every one of the police districts in Philadelphia to make sure that when a juvenile is brought in that they are going to be able to fingerprint and mug them there on the spot. There are no photographers inside those districts. Did you think they were sitting there waiting for someone to be brought in and then they will take their picture? Well, I share with you that that is not the case in the city of Philadelphia. For some reason some of the members here and others who feel that this is a laughing matter, have not looked into that situation at all.

This speaks directly to the bill. It speaks directly to it because you have a problem when you do not look into matters that concern the juveniles. We just want to deal with only effects; we do not want to deal with the basic root cause of the problem. We have a root cause of juvenile crime in Pennsylvania, but I have not heard anyone talk about the root cause of our problem. So there we are faced with an overabundance of individuals who have taken it upon themselves to be lords and masters, who sit before the public and will judge the public. Well, we are no more than public servants—not public masters—who have an opportunity to serve at the pleasure of our constituents to try and make some reasonable decisions about problems facing us.

But tonight we are in such a rush because we want to show the citizens of Pennsylvania that we are doing a lot of work, but this bill was reported out of the committee on October 15, and we amended it on November 28 and now we are debating it on the floor to show there is quick action. Well, if you ask them whether or not we checked in the 67 counties of the Commonwealth of Pennsylvania to find out what is procedure for dealing with fingerprinting juveniles and how they will be able to do it in each one of those counties, there has been no discussion on that here. We just say, well, pass it anyway and let it take care of itself. That is wrong. You know it is wrong, and I know it is wrong, and yet and still we have the pleasure of one man in Philadelphia who said that he wants this bill passed and we should do whatever is necessary to get it passed. And do not think for one moment what anybody else has to say, because I am going to be going all over this Commonwealth to rally and lobby my DAs to support this. So what did they do? They went out and got all the other DAs to support his package, to support what he is doing. Then he extracted little bits and pieces out of it and said, well, we cannot go with a full package; maybe we will go with a piece of a package. And this was the package.

It is unfortunate, because there are so many things that could

be done to deal with the bill, to really begin to recognize how really bad it is and to begin to look at what the courts can do. I do not know whether or not you know it now, but it takes a long time for a juvenile to come to court. And even after you fingerprint him and mug him, do you think that would keep them in jail for life? It does not. It only keeps them in jail temporarily, and then they will be out on the street again on probation. They will be out on the streets and something else will happen. But we have not dealt with the problem. But yet you will be able to go home to your own particular district and say, at least I voted for that bill. And people will think that you have done an outstanding job when you still have not resolved the problem as it deals with those little grass-root communities, house by house, door by door, dealing with those particular things. Then you see that you have something that is really worthwhile. Then you see that people are concerned with what you are talking about.

Fingerprinting youngsters, which relates to this bill, and taking pictures of them does not answer the problem of this Commonwealth of Pennsylvania juvenile justice problems that we have. It does not address itself at all.

I went on to get some records that I knew were most important in dealing with this bill, from the Juvenile Justice Center, that deal specifically with HB 1850. They are opposed to the bill. Do you know why they are opposed to the bill? Because it does not change any of the problems that we presently have in this Commonwealth, where we had people who ran through here telling us that it works, saying that this is going to solve the problem concerning juveniles. It does not solve the problems of juveniles.

We had some amendments right here today—

The SPEAKER. The gentleman will please confine his remarks to the question before the House, which is final passage of HB 1850.

Mr. RICHARDSON. I am. I have to relate to something in order to talk about the final passage.

We have to talk about the fact that there were amendments that were placed here in the bill today—

The SPEAKER. The question before the House is final passage. Would the gentleman please confine his remarks to the question before the House?

Mr. RICHARDSON. There were attempts made here today to discuss the—

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I want to make a point of personal privilege that I have the right to call for the previous question, allowing 5 minutes for all members to get on this floor. The reason why I say this is, we have been very lenient, and I just talked to some of the members here who intend to speak longer, and they call it a filibuster, and you are going to be here all night. So I am sick and tired of it. We have got two members of

the House who are very ill here right now, and I know one thing—I am probably considered Peck's bad boy anyway, and I care less—and I will tell you right now, I would have never been given the privilege these people have been given tonight. I know I would never have been given that privilege.

Mr. RICHARDSON. Do not call us "these people" any more either. I will take you to the Ethics Commission. Do not call us "these people." I resent it and I am telling you on the floor.

Mr. ZELLER. I am talking about these people who have spoken.

Mr. RICHARDSON. You said, "these people." We are the only ones who spoke. So when you talk about it, you are talking about us. I resent it and you need to take it back.

Mr. ZELLER. Well, I did not call you any kind of a name and I do not take anything back.

Mr. RICHARDSON. I resent it.

Mr. ZELLER. I call for the previous question, Mr. Speaker. I call for the previous question, and you have 5 minutes to get the people on the floor.

Mr. RICHARDSON. I did not yield the floor and I am still speaking. If he wants to cut me off, he cuts me off. I do not yield the floor to anybody.

As I was saying—

The SPEAKER. Will the gentleman yield? Will the gentleman, Mr. Richardson, yield?

Did the Chair hear the gentleman, Mr. Zeller, move the previous question?

Mr. ZELLER. I have called for the previous question.

Mr. RICHARDSON. You move for the previous question on every bill that is offered.

The SPEAKER. Will the gentleman, Mr. Richardson, yield, please?

Mr. RICHARDSON. No problem.

The SPEAKER. The Chair has been reluctant, in his entire years of service in this House, to support any limitation on debate. The Chair certainly feels for the gentleman from Lehigh, Mr. Zeller, in what he is attempting to do, but the Chair would hope that he would withdraw his motion at this time.

Mr. ZELLER. Mr. Speaker, the only reason I would do it is because of your patience and kindness. That is the only reason I would do it. And I will not take back any remarks that I made sincerely.

The SPEAKER. The Chair thanks the gentleman.

Mr. RICHARDSON. And I will not take back any I made either.

The SPEAKER. Does the gentleman from Lehigh, Mr. Ritter, wish to be recognized?

Mr. RITTER. No, not right at the moment, Mr. Speaker, but probably in a few minutes.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Richardson, may proceed within the confines of the question before the House on final passage of HB 1850—

Mr. RICHARDSON. I am dealing directly with the bill and I would like—

The SPEAKER. The gentleman will yield.

Mr. RICHARDSON. Well, I will wait until you are finished.

The SPEAKER.—within the confines of the bill before us which is HB 1850. The gentleman may proceed.

Mr. RICHARDSON. First of all, I would like to say this: Number one, I am not going to allow anybody to stand on the floor, just like you will not, to allow anybody to discredit—

The SPEAKER. Does the gentleman wish to further debate the bill?

Mr. RICHARDSON.—when a member discredits somebody else on this floor—

The SPEAKER. Does the gentleman wish to further debate the bill? The gentleman is out of order.

Mr. RICHARDSON. No, I am not either, Mr. Speaker. I have a right to respond to what—

The SPEAKER. Does the gentleman wish to further debate the bill? For that purpose the gentleman is recognized and he may proceed.

Mr. RICHARDSON. I am going to continue, but I just want to make that point for the record very clear.

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. We are not going to be intimidated by anybody.

Earlier we tried to attempt to bring to the House of Representatives a call for action in relationship to several amendments. Those amendments that spoke to the bill were not passed, by the wisdom and the knowledge of certain members of this House who voted outstandingly against those particular amendments. But, in that, it afforded the opportunity for us to at least begin to recognize the seriousness of this particular piece of legislation and why we stand on the grounds that we do. No one has ever taken or moved to take someone else not serious for what their convictions are on this floor regardless of maybe how serious it might be from A to Z. And it seems to me that just because we are attempting to deal with something that deals with this crucial and critical bill that we would get that kind of remark, as I was told earlier, that, you know, you do not allow your druthers to diminish your clarity. And that alone is the reason I stand here to continue to debate the bill and not resort to other action which might result in resolving the problem much quicker.

Mr. Speaker, I would share with you that Constance Voynow, who is president of the Juvenile Justice Center, made it very clear in an article that was recently in the Tribune discussing HB 1850, that there is a need continuously for rehabilitation; that we had tried to get in contact with a number of persons to sit down and deal with how we can begin to look at where we should go relevant to HB 1850. How could we make this bill something that is going to deal with the real question of juvenile justice in this Commonwealth and how are we going to begin to recognize that we have a problem of crime. Fingerprinting and taking pictures does not resolve crime. And it seems to me that we put the cart before the horse in not recognizing that, for whatever reason, I do not know. But certainly some have said to us privately that they felt this was a beginning. I do not know what they meant by that, beginning of what, I do not know. But they said that this was a beginning. A beginning of what?

You do not have any photographers at the 35th district in

Germantown, where my district crosses, or in the 14th district to take pictures of juveniles in the event that they are locked up or they cannot be adjudicated because they have just been picked up. The only person who can determine that is the law enforcer who is there presently, which this bill speaks directly to. The law enforcer is going to have the right to fingerprint those particular individuals.

We say to you that that is wrong, because that law enforcement officer could be anybody who said that they should be fingerprinted or they shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child 15 years of age and older who is alleged to have committed a delinquent act; but the application of this chapter would constitute a felony or violation of subchapter A of chapter 61 of Title 18, relating to the Uniform Firearms Act.

Now, in that, if you were to listen to what that says, you would see very clearly that it is so broad that if any of those officers were to have stopped a juvenile out on the street and had taken him into the station and to ask those persons to in fact take fingerprints, there are no facilities available at these particular districts. Who is going to set them up? Who is going to deal with them? Who is going to handle those particular problems?

Earlier we argued about the fact that there is no fiscal note required for this bill. Well, where is the money coming from? Every day they are telling us that they have to lay off people in YDC, the Cornwells Heights Youth Development Center Secure Facility where juveniles go right now, and nobody is dealing with that, and that relates to this bill because that is where they would be incarcerated. So I raise the question: When do we begin to focus our attentions in on resolving—and I will keep saying it until someone hears us—the root cause of problems as opposed to just a simple effect? When do we do that? I do not know. Maybe sooner or later members of this House will wake up and realize that we will not resolve anything by just using Band-Aids on cancer. That does not resolve the problem.

We find that people look today at life, they look at life like a roach. You step on it, and you just keep on getting up. People do not even care any longer about whether or not you have a problem, just as long as you eradicate that particular thing that is in your way at that particular time and you feel that the problems are resolved.

The juvenile justice in this Commonwealth is predicated on what the members of this House do. Just to move into some direct way to tell us that fingerprinting and taking photographs of youngsters at 15 years of age is going to resolve our problems is erroneous. It is not going to resolve the problem. It is not going to, in fact, change the attitudes of those individuals who are presently involved.

We have a serious problem and nobody wants to deal with that. You continue to go on and on and on about the fact that we have to pass something before the holiday. Well, I say to you, call in the people of the Commonwealth and let them testify, let them testify before this Commonwealth. Let the police department come in and testify about what fingerprints are all about and what they do presently, how do they deal with expungement and what is the process for it.

In this bill right here it says that in the event that they say they are going to expunge records, I would just like to know where are the facilities to expunge records. Presently now you can go into and take any person who has a juvenile record, who thought their record was expunged because the court said, expunge that record, and you can go down and pull their record and all of it is still there. The only way to expunge it is if you tear it up while you are in front of it. That is when you see the expungement. But then you still do not know whether or not there are copies of that particular arrest that is on your record. It is not gotten rid of forever. Some of them even send them down to the Federal Government, the FBI, the CIA, and other Federal agencies.

But in this bill it says that they will now allow that to go on. Well, we do not have any jurisdiction over what happens in the Federal courts or in Federal law. We do not have any jurisdiction over that. Some people think we must have some jurisdiction because they said that no other agency will be allowed to keep it. What are they going to do if they say we want to keep them? Who is going to tell them from the state that they cannot? I think that is wrong.

So I speak today to this bill. I just recognize that we are dealing with how institutions are going to commit people to these jails; how they are going to commit youngsters after being tried as adults and after saying that we have now certified them and that this is going to answer the problem dealing with juvenile crime in the Commonwealth of Pennsylvania.

We do not have enough secure facilities, not that we advocate that they should build more, but that we certainly recognize that there is a problem around the fact that we cannot even secure those secure facilities that we presently have in front of us. What are we going to do about that? I think that is a very serious problem in this Commonwealth. The courts are overcrowded; they say that sometimes they cannot even handle cases in 120 days because the Commonwealth of Pennsylvania and others have not gotten their case together. The lawyers are out sick, or whatever the situation is. But yet and still we have thousands and thousands and thousands of cases that go through the court system every year that are not dealt with.

The juveniles in this Commonwealth need a model—

The SPEAKER. Will the gentleman yield?

Mr. RICHARDSON. Do you want to ask a question?

The SPEAKER. The gentleman is not discussing the question before the House.

Mr. RICHARDSON. Page 5, line—

The SPEAKER. The gentleman is not discussing the proposition before the House. Will the gentleman please confine his remarks to HB 1850?

Mr. RICHARDSON. Page 5, line 7—

The SPEAKER. Will the gentleman please confine his remarks?

Mr. RICHARDSON. That is what I was speaking to, Mr. Speaker—

The SPEAKER. The Chair has been listening to the gentleman for the last 20 minutes. The gentleman has not once referred to the bill.

Mr. RICHARDSON. “. . . and transfer until”

The SPEAKER. Will the gentleman yield? Will the gentleman yield?

Mr. RICHARDSON. I am just giving you the information I am reading from, Mr. Speaker. You said I was not reading from the bill.

Page 5, line 7—

The SPEAKER. Will the gentleman yield?

Mr. RICHARDSON.—HB 1850, PN 2539—

The SPEAKER. Will the gentleman yield?

The Chair has been very lenient. He intends to continue to be lenient within the confines of the rules of this House.

The SPEAKER. Will the gentleman yield?

Mr. RICHARDSON. I will continue to speak to the bill.

The SPEAKER. As long as the gentleman will confine his remarks to the bill before us, the Chair will permit him to continue, and within those restraints the gentleman is in order and may proceed.

Mr. RICHARDSON. That is the only thing that I was speaking to, Mr. Speaker, page 5, lines 6, 7, 8 and 9, dealing specifically with secure facilities in institutions and commitments from the courts. That is the only thing that I can talk about because that is the only thing that is in front of me.

This bill is so bad that when you begin to look at the fingerprinting of juveniles in this Commonwealth and saying to us that you are going to now send them to these particular secure facilities, you will find that you do not have the facility—that is what I was trying to say, before I was interrupted—to facilitate these youngsters.

You have brought this particular problem to us. You said that you wanted to discuss this matter and we wanted to share some great insight on the problems of juvenile problems in the city of Philadelphia relevant to fingerprinting and taking pictures. None of you has been to Eighth and Race Streets to witness what it looks like on the inside when they take photographs and they take fingerprints of youngsters that come through there. If you do not know, then how can you vote on something that you do not know and you do not see? You presented this. You said that this is the way that it is going to be dealt with. This is in your bill, and I am reading from page 5. Somehow, for some reason, someone does not think that I am speaking to that.

We are constantly saying that when you are talking about certification of taking juveniles and placing them into adult courts and saying that that is going to be the answer, that you will find that the system is so screwed up that they do not know juveniles from adults, and that is the problem that we have now. In Philadelphia, if they certify them today as an adult, they still leave them in a juvenile institution. When it is time for them to go up to court, you cannot find their names, you cannot find their number, you do not know who they are, and people are taken by mistaken identity; and in some instances people are freed and unfortunately wind up back in the system again. When do we resolve that particular problem?

So I will just share, Mr. Speaker, what we need to look at what the commitment order is that all of these documents that deal specifically with the bill address itself to, the fact that the bill talks about the court shall hold a hearing within 20 days after objecting to the transfer for the purpose of reviewing the

commitment order. It does not say where that youngster will be in that commitment order. Whether or not that child is, in fact, going to be locked up for those 20 days or whether he will be permitted to go out on the streets and deal with the particular problem, or whether or not he is going to wind up in a situation where there will be scheduled hearings so that more evidence can be brought forth to show why a child should be held. Earlier we tried to offer amendments that would allow a child not to have that on his record prior to adjudication. The wisdom of this House said, no, we are going to do it anyway. So we have a problem.

So we move on to talk about transfers on page 5, line 6, which will show you that it says, "Transfer to criminal proceedings . . . General rule.—After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this Commonwealth, the court before hearing the petition on its merits may rule that this chapter is not applicable and that the offense should be prosecuted, and transfer the offense, where appropriate, to the division or a judge of the court assigned to conduct criminal proceedings, for prosecution of the offense if all of the following exist:"

Then it gives an outline of some of the following. For instance, if "The child was 14 or more years of age at the time of the alleged conduct.", Which means that we reduce the age again, on page 1 from page 14, 14 from age 15 to age 14. Then it says that "A hearing on whether the transfer should be made is held in conformity with this chapter."

A written notice, ". . . of the time, place, and purpose of the hearing is given to the child and his parents, guardian," or whoever is in charge of the child, ". . . at least 3 days before the hearing." Then the court goes into its findings.

I share with you that we have a very serious problem.

The SPEAKER. The gentleman is talking about existing law, not the bill before us. The gentleman will please confine his remarks to the bill before us.

Mr. RICHARDSON. Well, I have a right. This is in the bill before us, and I read specifically from page 5.

The SPEAKER. The gentleman is quoting present law. Will the gentleman please confine his remarks to the bill before us.

Mr. RICHARDSON. This is present law because this is the bill that we are talking about, HB 1850. That is the bill that we are talking about, the one that has present law in it, and somebody has to amend it.

The SPEAKER. The gentleman is out of order. If he is going to continue to quote present law, the gentleman is out of order. Within the confines of the bill that is before us, he may proceed.

Mr. RICHARDSON. No, I am only talking about that which relates to this bill.

The SPEAKER. The gentleman will talk about what is before this House, and that is, final passage of HB 1850, not current law.

Mr. RICHARDSON. That is what I am talking about, Mr. Speaker.

The SPEAKER. The gentleman will confine his remarks to the matter before us.

Mr. RICHARDSON. Because in that it talks about the treatment, and I am glad that they show that to you, because it continues to talk about that on page 6, line 22. It deals with that even though there may not have been a prior adjudication or delinquency.

The SPEAKER. The Chair can read.

Mr. RICHARDSON. That speaks specifically with the bill.

The SPEAKER. The gentleman will please confine his remarks to the bill that is before us.

Mr. RICHARDSON. I have a right to read that which is in the bill to have an understanding about it, Mr. Speaker. This is about the present bill that you asked us to read, and I can see that there are going to be attempts to try to set us off just from speaking about those provisions that are in the bill. You brought this up, not me.

"Shall consider the following factors:" they say in this report; "Age," and the "Mental capacity." A lot of times you will find that juveniles cannot give you any mental capacity on how they feel about those issues. How can they? They are still juveniles. They cannot tell you what the procedure is. They cannot tell you how to resolve a particular problem or concern that they might have because, a lot of times, of the mental problem or the mental capacity of these individuals that you are dealing with. But we have not addressed ourselves to the mental capacity or the mental problems concerning these particular individuals here in the Commonwealth. We are only talking about a small group of them.

We talked about the maturity, and I say to you over and over again that to judge a person's maturity does not answer the problem. It will never answer the problem. You have a very serious problem with juveniles in this Commonwealth, and this bill does not resolve that at all. Voting in favor of it today will not resolve it at all, and I share with you that perhaps there can be some attempts later on—although we know that in your wisdom you are not going to pay any attention to what we are saying—and some of it might rub off on the Senate through the remarks that are going to be in the record, so that they can, in fact, make sure that we do get something that is going to deal with the root cause of why there must be fingerprints and photographs in section (c) of this bill.

We received letters that the Pennsylvania Committee for the International Year of the Child supported the following statement—

The SPEAKER. The gentleman will yield. The gentleman has continually spoken about matters which are not before this House.

Mr. RICHARDSON. Everything that I have spoken about—

The SPEAKER. Will the gentleman yield until the Chair is through?

Mr. RICHARDSON. I spoke about HB 1850.

The SPEAKER. What would the gentleman suggest that the Chair do to a member who continually violates the rules of this House?

Mr. RICHARDSON. I did not violate the rules of this House.

The SPEAKER. If the gentleman were in the Chair, what would he do when a member continually violates the rules of this House?

Mr. RICHARDSON. I did not violate the rules of this House.

The SPEAKER. The Chair is having a difficult time restraining himself because the gentleman has taken advantage of this House and his fellow members continually.

Mr. RICHARDSON. Earlier we asked that there be a recess so the members could go and eat and come back and readdress ourselves to this problem.

The SPEAKER. Does the gentleman wish to continue to debate the bill?

Mr. RICHARDSON. Just like you would do at any other time.

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

Mr. RICHARDSON. Yes. That is what I was doing, Mr. Speaker.

The SPEAKER. The gentleman is not debating the bill.

Mr. RICHARDSON. I am debating this bill. I have—

The SPEAKER. The gentleman is not debating the question before this House.

Mr. RICHARDSON. I am debating the question before this House.

The SPEAKER. The gentleman is not debating this—

Mr. RICHARDSON. I am debating the question before the House which deals with HB 1850. All of the matters which I have spoken to relate directly to HB 1850. I now have a position statement which was given to us by the Pennsylvania Committee of the International Year of the Child on HB 1850. May I submit it for the record also so that the members of this House will see it in the record. Their position—and I guess you want to hear what their position is—on juvenile justice concerning HB 1850, that is, the Pennsylvania Committee of the International Year of the Child, which speaks directly to HB 1850 that the General Assembly should acknowledge the pattern that—

The SPEAKER. The gentleman is out of order.

Mr. RICHARDSON. No, I am not.

The SPEAKER. The gentleman is out of order.

Mr. RICHARDSON. Is this the same committee that is chaired—

The SPEAKER. The gentleman is out of order.

Mr. RICHARDSON.—by Mrs. Ginny Thornburg? Well, Mr. Speaker, the only thing that I am speaking to—

The SPEAKER. The gentleman will suspend.

Mr. RICHARDSON. The only thing that I am speaking to, Mr. Speaker, is HB 1850.

The SPEAKER. Does the gentleman, Mr. Richardson, wish to further debate HB 1850?

Mr. RICHARDSON. Yes, I was still speaking, Mr. Speaker.

The SPEAKER. Does the gentleman wish to further debate HB 1850?

Mr. RICHARDSON. Yes, sir, I do.

The SPEAKER. HB 1850?

Mr. RICHARDSON. Yes, sir, that is what I said.

The SPEAKER. If the gentleman wishes to debate HB 1850 further, the gentleman may proceed.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

In the remarks given by the Pennsylvania Committee of the International Year of the Child on HB 1850, it said that the General Assembly should acknowledge that patterns of crimi-

nal behavior exist and are related to economic conditions. And I cite that in this bill there are a number of problems that relate to dealing with the fingerprinting of juveniles in this Commonwealth that relate to taking photographs, and that patterns of criminal behavior do not respond to changes in laws or regulations in the treatment of offenders.

Number four point—and I am just taking a synopsis; I am not reading the whole thing—therefore, the Pennsylvania Committee for the International Year of the Child believes that the General Assembly should respond to the cause of the behavior and the poor economic conditions in our state, and the fact that Pennsylvania has the highest rate of minority youth unemployment in the entire nation. No one has addressed that issue at all, not one time, in relationship to this bill that deals with that problem.

The Pennsylvania Committee for the International Year of the Child urges the General Assembly to responsibly—

The SPEAKER. The Chair realizes that this is the Year of the Child. The Chair has read HB 1850 and the Year of the Child is not in HB 1850.

Mr. RICHARDSON. No, but there was a—

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

Mr. DeVERTER. Mr. Speaker, if the gentleman would yield.

Mr. RICHARDSON. I am not yielding the floor.

Mr. DeVERTER. Mr. Speaker, I am going to insist as one member of this House that the contents of HB 1850 be addressed and, if not, then I move to adjourn this House.

Mr. RICHARDSON. Well, then adjourn it.

The Pennsylvania Committee for the International Year of the Child urges the General Assembly to responsibly address the need for increased opportunity for minority youth unemployment by lobbying for increased funds for Pennsylvania with Federal agencies in the Pennsylvania Congressional Delegation, and, where possible, the passage of state legislation to create jobs. And that is what we are saying about HB 1850, that if you are dealing with a subject matter such as this that deals with problems as they relate over and over again to just fingerprinting of juveniles and taking pictures of juveniles, you will not get an answer to this problem.

You have brought it up yourself and said this is what you want to do. And when we turned around and said to the members of this House that we have a way that we can deal with this particular problem, when we said that we think that perhaps maybe if we hold public hearings like you do for other bills that then, perhaps, we will have an answer to this problem, because then we will have input from the citizens of this Commonwealth. But, no, we took the word of one person, Ed Rendell, who became God, Lord and Master, and said, shove this down their throats and the members will accept it because we are all afraid that if we do not do this that we are going to be punished for it back in our districts. And I share with you that nobody is more concerned about the problems of juvenile crimes than myself.

Someone broke into my home earlier this year and I apprehended them; in my own home. It was in all of the papers, but it

does not take away the fact that you are still dealing with a problem that deals with kids, and we need to resolve this particular problem, and just photographing and fingerprinting is not the answer to that.

HB 1850 brings us to this question: Where do we go? And how do we begin to resolve the question of all the problems that are so enormous in this entire Commonwealth of Pennsylvania?

We think that there is a need to deal with these issues that are at hand by making it possible for there to be probation for juveniles to do. This, in fact, is the new law put into this bill, and institution reports, if any, and the nature of circumstances of the act for which the transfer is sought.

I think that the transferring of youngsters and putting them in juvenile facilities or adult facilities does not resolve our particular problem. If there is some way that we can move people to recognize, and particularly the members on this floor, that the juveniles in this Commonwealth need to have some people address those particular problems that really affect the whole continuous *modus operandi*, if fact sheets, particularly around juvenile accidents, were presented to Mr. Scirica and others, then perhaps we will get down to what the loopholes are; how we can begin to resolve that, and what do we have to do about making sure that we safeguard, in HB 1850, a way that children do not get abused. We will find that many individuals in this Commonwealth who are—

The SPEAKER. The gentleman has strayed again.

Mr. RICHARDSON. Those who are incarcerated—

The SPEAKER. The gentleman will please confine his remarks to the bill before the House.

Mr. RICHARDSON. Those who will be incarcerated in this Commonwealth of Pennsylvania—

The SPEAKER. The gentleman is continually ignoring the admonition of the Speaker. Will the gentleman please abide by his own rules? The Chair did not write these rules. This House of Representatives wrote these rules. The gentleman is a member of this House. Does the gentleman intend to confine his remarks to the bill before us?

Mr. RICHARDSON. I have been doing that, Mr. Speaker.

The SPEAKER. Does the gentleman intend to confine his remarks to the bill before us?

Mr. RICHARDSON. I have been doing that, Mr. Speaker, and I will continue to do so.

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. RICHARDSON. I said I have, Mr. Speaker.

The SPEAKER. The gentleman has not been confining his remarks to the bill.

Mr. RICHARDSON. I have, Mr. Speaker, that relates to this bill, HB 1850. I have been speaking directly to those particular pieces of the bill.

The SPEAKER. The gentleman will please confine his remarks to the bill before us.

Mr. RICHARDSON. Thank you, Mr. Speaker. I will continue to go on and speak on HB 1850. We have said that there has got to be some way that we can deal with the problems of juveniles who are going to be locked up by this bill of fingerprinting and having mug shots taken. Those particular mug shots and fingerprints have not, in this bill, been discussed as to where they

will be housed; where they will keep these particular files. Will they be kept somewhere in the archives of the city hall, or will they be kept in 1801 Vine Street in Philadelphia, or will they be kept at Eighth and Race Streets? Nobody seems to know whether or not there is going to be any resolution of the question that was raised earlier when we talked about how we can begin to make sure that particularly in this bill—and that is all that I have spoken to, Mr. Speaker—the point of expungement of the photograph record of children be immediately destroyed. But it does not talk about how they will be destroyed, who is going to destroy them, by what procedure will they be destroyed, or what agency will destroy them. Having records and not knowing where they are going to be kept or who will have access to these juvenile records, this has not been done before, so, therefore, how can there be any precedent that has been set that can deal with this particular problem that speaks directly to the bill.

It does not talk about where we are going to find these particular records. This does not talk about where they are going to keep these particular mug shots. It does not talk about that, and we have asked over and over again that you allow some of the amendments to be passed. But it was the wisdom of this House that said, no, we will not do that.

We said that we wanted to talk about how will they deal with the custody question, who has the authority to take these youngsters into custody, who has the authority to place juveniles under arrest and take their fingerprints. I have not got an answer to that yet. It seems that anybody can do that. We have not gotten an answer to all of the questions that earlier was said that are existing law, that is already present law that is on the books already, or what are we going to do with the law that now we are trying to incorporate inside of the existing law? Whether or not we are going to have a resolution of this particular question of crime in the Commonwealth. When others spoke to this bill, they said that this in fact would be a way to deal with that question.

The SPEAKER. The Chair is not interested in the gentleman continuing to repeat what other people say. Will the gentleman please confine his remarks to the bill before us? The gentleman is continually violating the rules of this House.

Mr. RICHARDSON. Is there a particular rule that I have violated by speaking on HB 1850, because I do not want to be dilatory or any of those kinds of things in the House of Representatives. Everything that I have spoken to I have taken directly out of HB 1850, PN 2539. I have attempted to try to show from the beginning to the end how the child is picked up on our streets in Philadelphia and taken into custody, fingerprinted and mugged, and you are saying that this is the bill that you want to support. I am opposing that position. I have a right to express those concerns in opposition to that piece of legislation. But you say I do not. Well, I disagree and I think that the rules of the House will indicate that I have a right to speak on the subject matter being discussed when it is in the bill. This particular matter being discussed in this bill is, in fact, HB 1850 concerning fingerprinting and photo taking, secure facilities and custody of juveniles. That is what I am talking about—

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

Mr. RICHARDSON. I have not yielded the floor, Mr. Speaker.

Mr. A. K. HUTCHINSON. Would you accept a motion to limit the debate from now on to 5 minutes for each person?

The SPEAKER. Will the gentleman yield? The Chair is going to read rule 13.

If any member in speaking or otherwise transgresses the Rules of the House, the Speaker or any member through the Speaker shall call him to order, in which case he shall immediately sit down unless permitted by the House to explain.

The House upon appeal shall decide the case without debate. If the decision is in favor of the member, he may proceed. If the case requires it, he shall be liable to censure or other punishment as the House deems proper.

It is the opinion of the Chair that the gentleman has continually violated the rules of this House.

Mr. RICHARDSON. How did I—

The SPEAKER. If the gentleman will continue to debate the point before us, which is final passage of HB 1850, the gentleman may proceed. If the gentleman will not confine his remarks to the bill before us, the Chair will rule the gentleman out of order, and then the gentleman may appeal the ruling of the Chair.

The gentleman may proceed within the confines of HB 1850.

Mr. A. K. HUTCHINSON. Mr. Speaker?

Mr. RICHARDSON. Since you raised that question, Mr. Speaker—

The SPEAKER. The gentleman, Mr. Hutchinson, will yield.

Mr. RICHARDSON. —I would like to know what law I violated.

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. No. I did not yield the floor, Mr. Speaker. I have not yielded the floor since I have been standing here. You can call on everybody else, but I would like to know what law—

The SPEAKER. The gentleman may continue to debate the bill.

Mr. RICHARDSON. I would like to know—

Mr. A. K. HUTCHINSON. Mr. Speaker?

Mr. RICHARDSON.—what law of this House I violated, Mr. Speaker. What law of this House—

Mr. A. K. HUTCHINSON. Point of order, Mr. Speaker.

Mr. RICHARDSON.—have I violated, Mr. Speaker? I would like to know. Since I am being attacked, I have a right to know what I am being attacked for.

Mr. A. K. HUTCHINSON. Point of order, Mr. Speaker.

Mr. RICHARDSON. I would like to know why.

POINT OF ORDER

The SPEAKER. The gentleman from Westmoreland, Mr. Hutchinson, raises a point of order.

Mr. RICHARDSON. You brought up—

The SPEAKER. The gentleman will state his point of order.

Mr. A. K. HUTCHINSON. To shut the—
 Mr. RICHARDSON. Mr. Speaker, I would like to know what law—
 Mr. A. K. HUTCHINSON.—debate off after 5 minutes.
 Mr. RICHARDSON.—I violated—
 The SPEAKER. Will the gentleman, Mr. Richardson—
 Mr. RICHARDSON. I have not—
 The SPEAKER.—yield?
 Mr. RICHARDSON.—yielded the floor.
 The SPEAKER. Under the rules of the House, a point of order is always—The speaker can be interrupted for a point of order under the rules of the House, and the gentleman is interrupted, and the Chair recognizes—
 Mr. RICHARDSON. Point of order then, Mr. Speaker, because—
 The SPEAKER.—Mr. Hutchinson. The gentleman will state his point of order.
 Mr. RICHARDSON. Point of order, Mr. Speaker. I still have the floor.
 Mr. A. K. HUTCHINSON. I think Mr. Richardson has violated the rules.
 Mr. RICHARDSON. I think Mr. Hutchinson violated the rules.
 The SPEAKER. The gentleman from Westmoreland, Mr. Hutchinson, has suggested that the gentleman from Philadelphia, Mr. Richardson, has violated the rules of this House, rule 13, and the gentleman may appeal the ruling.

RULING OF CHAIR APPEALED

Mr. RICHARDSON. I appeal the ruling then, Mr. Speaker.
 The SPEAKER. The question is on the motion.
 Mr. RICHARDSON. I have not violated anything that any other member has not done in this House.
 The SPEAKER. The question is on the motion.
 Mr. RICHARDSON. Mr. Speaker, I have a right to speak if you want to say I am in violation of a rule.
 The SPEAKER. The gentleman has a right to speak but does not have a right to—
 Mr. RICHARDSON. Well, if I am going to be in violation of a rule that you say I am in violation of, I have a right to speak.
 Mr. RITTER. Mr. Speaker?
 The SPEAKER. Will the gentleman yield one moment, please?
 Mr. IRVIS. Mr. Speaker, may the House be at ease for 2 minutes?
 The SPEAKER. The House will be at ease.
 Mr. IRVIS. Thank you, Mr. Speaker.
 The SPEAKER. The Chair recognizes the minority leader.
 Mr. IRVIS. Mr. Speaker, the gentleman, Mr. Richardson, will cease debate. He has informed me that he has no intention of violating the rules of the House nor debating with the Chair. He does cease debate under protest, and I advised him that he could send a written protest to the Chair, but he will no longer debate the bill. Thank you, Mr. Speaker.
 The SPEAKER. The Chair thanks the gentleman.

RULE 55 SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?
 Mr. RITTER. Mr. Speaker, I would like to move to suspend House rule 55, so that I might make a motion to limit further debate to no more than 2 minutes for each member. I so move, Mr. Speaker, to suspend rule 55.
 Mr. Speaker, I am sorry. I move to suspend rule 10, not rule 55; rule 10.
 The SPEAKER. It is the opinion of the Chair that the gentleman's first motion was proper and that to limit debate he should move to suspend rule 55.
 Mr. RITTER. I so move, Mr. Speaker.
 The SPEAKER. It would be the suggestion of the Chair that this will take two motions: First, to suspend the rule which takes 102, and then a second motion, assuming that passes, to limit debate. The question before the House is the suspension of rule 55.
 On the question,
 Will the House agree to the motion?
 The following roll call was recorded:

YEAS—141

Alden	Fisher, D. M.	Mackowski	Scheaffer
Anderson	Foster, A.	Madigan	Schweder
Arty	Foster, W.	Manmiller	Scirica
Austin	Freind	McCall	Serafini
Belardi	Fryer	McClatchy	Seventy
Bennett	Gallagher	McKelvey	Sieminski
Berson	Gallen	McMonagle	Sirianni
Bittle	Gamble	Michlovic	Smith, E.
Borski	Gannon	Micozzie	Smith, L.
Brandt	Gatski	Milanovich	Spencer
Brown	Geesey	Moehlmann	Spitz
Burd	Geist	Mowery	Steighner
Burns	George, C.	Mrkonic	Stuban
Caltagirone	George, M.	Mullen, M. P.	Sweet
Cappabianca	Giammarco	Murphy	Taddonio
Cessar	Goebel	Novak	Taylor, E.
Chess	Grabowski	Noye	Taylor, F.
Cimini	Greenfield	O'Brien, B.	Telek
Clark, B.	Gruppo	O'Brien, D.	Thomas
Clark, R.	Hasay	Perzel	Trello
Cochran	Hayes, S. E.	Peterson	Wagner
Cole	Helfrick	Pievsky	Wass
Coslett	Hoeffel	Pistella	Weidner
Cowell	Honaman	Pitts	Wenger
Davies	Hutchinson, W.	Polite	Wilson
Dawida	Johnson, E.	Pratt	Wright, D.
DeMedio	Kernick	Pucciarelli	Wright, J. L.
DeVerter	Klingaman	Punt	Yahner
DiCarlo	Knight	Rappaport	Yohn
Dietz	Kowalyszyn	Reed	Zeller
Dininni	Lehr	Rhodes	Zitterman
Dombrowski	Levi	Ritter	Zwikl
Dorr	Levin	Rocks	
Duffy	Livengood	Rodgers	Seltzer,
Durham	Lynch, E. R.	Ryan	Speaker
Fee	Lynch, F.	Salvatore	

NAYS—24

Cohen	Harper	Kolter	Piccola
Cunningham	Irvis	Kukovich	Richardson

DeWeese	Itkin	Manderino	Shadding
Earley	Johnson, J.	O'Donnell	Swift
Goodman	Jones	Oliver	Wachob
Gray	Knepper	Petrarca	White

NOT VOTING—37

Armstrong	Grieco	McIntyre	Shupnik
Barber	Halverson	McVerry	Stairs
Beloff	Hayes, D. S.	Miller	Stewart
Bowser	Hutchinson, A.	Musto	Street
Brunner	Kanuck	Nahill	Vroon
Cornell	Lashinger	Pott	Wargo
Donatucci	Laughlin	Pyles	Williams
Dumas	Letterman	Rieger	Wilt
Fischer, R. R.	Lewis	Schmitt	Zord
Gladeck			

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

DEBATE LIMITED

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

Mr. RITTER. Mr. Speaker, I further move that debate be limited to no more than 2 minutes for each member. That was good enough for the budget debate. I think it ought to be good enough for this.

The SPEAKER. The Chair was unable to hear the gentleman. Will the gentleman repeat his motion?

Mr. RITTER. Mr. Speaker, I move that the debate be limited to no more than 2 minutes for each member. I further added that it was good enough when we had the budget debate, and I think it should be good enough for this bill.

The SPEAKER. It is moved by the gentleman from Lehigh, Mr. Ritter, that further debate on HB 1850 be limited to 2 minutes, no more than 2 minutes for each member.

Mr. WILLIAMS. Mr. Speaker, I have a point of order.

The SPEAKER. The question is on the motion. The motion is not debatable.

Mr. WILLIAMS. Mr. Speaker, I have raised a point of order for six times.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—139

Alden	Gallagher	McCall	Schmitt
Anderson	Gallen	McClatchy	Schweder
Austin	Gamble	McIntyre	Scirica
Belardi	Gatski	McKelvey	Serafini
Bennett	Geesey	McMonagle	Seventy
Berson	Geist	McVerry	Sieminski
Bittle	George, C.	Michlovic	Sirianni
Borski	George, M.	Micozzie	Smith, E.
Brown	Giammarco	Milanovich	Smith, L.
Burd	Gladeck	Moehlmann	Spencer
Burns	Goebel	Mowery	Spitz
Caltagirone	Grabowski	Mrkonic	Steighner
Cappabianca	Gray	Mullen, M. P.	Stuban
Cessar	Gruppo	Murphy	Sweet
Chess	Hasay	Novak	Taddonio

Cimini	Hayes, S. E.	Noye	Taylor, E.
Clark, R.	Helfrick	O'Brien, B.	Taylor, F.
Cochran	Hoeffel	O'Brien, D.	Telek
Cole	Honaman	Perzel	Thomas
Coslett	Hutchinson, A.	Peterson	Trello
Cowell	Hutchinson, W.	Pievsky	Wagner
Davies	Johnson, E.	Pistella	Wass
Dawida	Kernick	Pitts	Weidner
DeMedio	Klingaman	Polite	Wenger
DeVerter	Knight	Pott	Wilson
DiCarlo	Kowalyszyn	Pratt	Wright, D.
Dietz	Lehr	Pucciarelli	Wright, J. L.
Dininni	Levi	Punt	Yahner
Dombrowski	Levin	Rappaport	Yohn
Dorr	Livengood	Reed	Zeller
Fee	Lynch, E. R.	Ritter	Zitterman
Fisher, D. M.	Lynch, F.	Rodgers	Zwikl
Foster, A.	Mackowski	Ryan	
Foster, W.	Madigan	Salvatore	Seltzer,
Freind	Manmiller	Scheaffer	Speaker
Fryer			

NAYS—34

Arty	Irvis	O'Donnell	Shupnik
Clark, B.	Itkin	Oliver	Stewart
Cohen	Johnson, J.	Petrarca	Street
Cunningham	Jones	Piccola	Swift
DeWeese	Knepper	Rhodes	Wachob
Earley	Kolter	Richardson	Wargo
Gannon	Kukovich	Rocks	White
Goodman	Laughlin	Shadding	Williams
Harper	Manderino		

NOT VOTING—29

Armstrong	Duffy	Hayes, D. S.	Nahill
Barber	Dumas	Kanuck	Pyles
Beloff	Durham	Lashinger	Rieger
Bowser	Fischer, R. R.	Letterman	Stairs
Brandt	Greenfield	Lewis	Vroon
Brunner	Grieco	Miller	Wilt
Cornell	Halverson	Musto	Zord
Donatucci			

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

Mr. WILLIAMS. Mr. Speaker, I have asked for a point of order—

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

Mr. WILLIAMS. Mr. Speaker, my name is Mr. Williams. I have raised a point of order for seven times. You have refused to recognize me seven times.

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

Mr. WILLIAMS. Mr. Speaker, I have a point of order, again, and a point of parliamentary inquiry.

POINT OF ORDER AND
POINT OF PARLIAMENTARY INQUIRY

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

Mr. WILLIAMS. Mr. Speaker, my point of parliamentary inquiry is that before you took the first of the last two votes, I raised, to the Speaker, a point of order twice. Even on the sec-

ond vote I raised it about seven times. It is my understanding that under the rules of this House—

The SPEAKER. The gentleman will state his point of parliamentary inquiry. The Chair did not recognize the gentleman for a speech. The gentleman will state his point of parliamentary inquiry.

Mr. WILLIAMS. I am raising a point of order and a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of order.

Mr. WILLIAMS. My point of order is that under the rules of this House, a point of order, you just said, has to be responded to by the Chair.

The SPEAKER. And the Chair has just responded to the gentleman.

Mr. WILLIAMS. My point of inquiry is—

The SPEAKER. Will the gentleman please state his point of order?

Mr. WILLIAMS. I just stated it. If the Speaker does not understand that—

The SPEAKER. The Chair was unable to hear the gentleman. Will the gentleman please repeat his point of order?

Mr. WILLIAMS. My point of order is that a point of order is always in order. I raised a point of order before the first of two votes. The Speaker did not respond to it and kept going beyond it.

My point of parliamentary inquiry is, why I, as a member of this House, am not entitled to what you just stated when talking to Mr. Richardson in response to Mr. Hutchinson, that a point of order should be responded to and is in order, and I want to know why the Speaker, seven times before both of those votes, did not respond to—

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. WILLIAMS. Well, that is just not true.

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

Mr. WILLIAMS. I have not finished, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Williams, is out of order.

Mr. WILLIAMS. I have not finished, and the Speaker heard what I have to say.

The SPEAKER. The gentleman, Mr. Street, is recognized to debate the bill. Does the gentleman, Mr. Street, wish to debate the bill?

Mr. STREET. I do, Mr. Speaker.

Mr. WILLIAMS. I appeal the ruling of the Chair.

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

Mr. WILLIAMS. Mr. Speaker, because the Speaker has not heard what I have to say—

The SPEAKER. Does the gentleman from Philadelphia, Mr. Street, wish to debate the bill? If the gentleman, Mr. Street, wishes to debate the bill, he is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I insist that my point of order be resolved.

Mr. STREET. I think my two minutes are up.

Mr. WILLIAMS. Mr. Speaker, my point of order is still being raised.

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

Mr. WILLIAMS. Mr. Speaker, my name is still Williams. My point of order is still on the table; it is still out there, and I want it responded to. I do not think it is a laughing matter.

The SPEAKER. The Chair responded to the gentleman.

Mr. WILLIAMS. You said that you did not hear me. Put someone in the Chair who can hear.

The SPEAKER. What else am I supposed to say, that I did hear you?

Mr. WILLIAMS. You said you did not. Well, put someone there who can hear. I have a small matter to clear up. I do not want to be in a position for a precedent that this Chair or any Chair will not allow me, as one member, to raise my point of order. It is a very simple one.

The SPEAKER. Does the gentleman, Mr. Street, wish to be recognized at this time?

Mr. WILLIAMS. Mr. Speaker, I will be recognized on my point of order.

The SPEAKER. If the gentleman does not wish to be recognized, the Chair is—

Mr. WILLIAMS. Point of order, Mr. Speaker.

Mr. STREET. Mr. Speaker, not only do I want to be recognized, I want to be heard.

On the question recurring,
Shall the bill pass finally?

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

YEAS—168

Alden	Fryer	Manmiller	Scheaffer
Anderson	Gallagher	McCall	Schmitt
Arty	Gallen	McClatchy	Schweder
Austin	Gamble	McIntyre	Scirica
Belardi	Gannon	McKelvey	Serafini
Bennett	Gatski	McMonagle	Seventy
Berson	Geesey	McVerry	Shupnik
Bittle	Geist	Michlovic	Sieminski
Borski	George, C.	Micozzie	Sirianni
Bowser	George, M.	Milanovich	Smith, F.
Brandt	Giammarco	Miller	Smith, L.
Brown	Gladeck	Moehlmann	Spencer
Burd	Goebel	Mowery	Spitz
Burns	Goodman	Mrkonic	Stairs
Caltagirone	Grabowski	Murphy	Steighner
Cappabianca	Gray	Musto	Stewart
Cessar	Greenfield	Nahill	Stuban
Chess	Gruppo	Novak	Sweet
Cimini	Hasay	Noye	Swift
Clark, R.	Hayes, S. E.	O'Brien, B.	Taddonio
Cochran	Helfrick	O'Brien, D.	Taylor, E.
Cole	Hoeffel	O'Donnell	Taylor, F.
Cornell	Honaman	Perzel	Telek
Coslett	Hutchinson, A.	Peterson	Thomas
Cowell	Hutchinson, W.	Piccola	Trello
Cunningham	Itkin	Pievsky	Wagner
Davies	Johnson, E.	Pistella	Wargo
Dawida	Kernick	Pitts	Wass
DeMedio	Klingaman	Polite	Weidner
DeVerter	Knepper	Pott	Wenger
DiCarlo	Knight	Pratt	Wilson
Dietz	Kowalyshyn	Pucciarelli	Wilt

Dininni	Lashing	Punt	Wright, D.
Dombrowski	Laughlin	Rappaport	Wright, J. L.
Dorr	Lehr	Reed	Yahner
Duffy	Levi	Rhodes	Yohn
Durham	Levin	Rieger	Zeller
Fee	Livengood	Ritter	Zitterman
Fischer, R. R.	Lynch, E. R.	Rocks	Zwikel
Fisher, D. M.	Lynch, F.	Rodgers	
Foster, A.	Mackowski	Ryan	Seltzer,
Foster, W.	Madigan	Salvatore	Speaker
Freind	Manderino		

NAYS—21

Barber	Harper	Kukovich	Shadding
Clark, B.	Irvig	Mullen, M. P.	Street
Cohen	Johnson, J.	Oliver	Wachob
DeWeese	Jones	Petrarca	White
Dumas	Kolter	Richardson	Williams
Earley			

NOT VOTING—13

Armstrong	Grieco	Kanuck	Pyles
Beloff	Halverson	Letterman	Vroon
Brunner	Hayes, D. S.	Lewis	Zord
Donatucci			

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

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

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair would like to announce that there is a meeting of the Finance Committee tomorrow at 9 a.m. in the Capitol Annex.

BILLS PASSED OVER

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

The Chair hears no objection.

WELCOME

The SPEAKER. The Chair takes great pleasure in introducing to the members of the House the mother and sisters, Marcella and Jean, of a member of this House, the family of Mr. Roy Wilt.

They are here today to take part in the signing of SB 335, which is the naming of the Raymond E. Wilt Highway in Allegheny County.

ADJOURNMENT

Mr. RYAN moved that this House of Representatives do now adjourn until Wednesday, December 12, 1979, at 9:30 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:07 p.m., e.s.t., the House adjourned.