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Legislative Journal

WEDNESDAY, DECEMBER 12, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 90

HOUSE OF REPRESENTATIVES

The House convened at 9:30 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, today we are drawing the curtain on our legislative session for 1979. It is our prayer that our decisions of the past year have been made in the best interests of the citizens of this Commonwealth. We are leaving here today to return in a new year, a year we look to with great promise and continued opportunity to serve. May we enter into 1980 with a spirit of dedication and devotion to our responsibilities, and may we leave 1979 in the spirit of peace and good will toward all.

It is our prayer that upon our return we will find that our fellow Americans, presently held hostage, have safely arrived home. We pray that further misunderstandings between all nations of the world will be enhanced, rather than hindered, by the difficult Iranian situation. Thank You for Your guidance through this present year, and as we leave here today, Dear Lord, let us leave with the true meaning of Christmas — love. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, December 11, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 2098 By Representatives LEVI, A. C. FOSTER, JR. and STAIRS.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the determination of weight for class 1 trucks.

Referred to Transportation, Dec. 12, 1979.

HB 2099 By Representative DiCARLO.

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), changing a route in Millcreek Township, Erie County.

Referred to Transportation, Dec. 12, 1979.

HB 2100 By Representatives GALLEN, A. K. HUTCHINSON, LEHR and PETRARCA.

An Act amending the "Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), to remove the Governor and the Commissioner of the State Police from the initiation of court martial proceedings.

Referred to State Government, Dec. 12, 1979.

HB 2101 By Representative McCLATCHY.

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (9A), changing certain appropriations and language.

Referred to Appropriations, Dec. 12, 1979.

HB 2102 By Representatives BURNS, J. L. WRIGHT, JR., WILSON and M. H. GEORGE.

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for the powers of the supervisors.

Referred to Local Government, Dec. 12, 1979.

HB 2103 By Representatives D. R. WRIGHT, THOMAS, YAHNER, STUBAN, SIRIANNI, STEIGHNER, COLE, LIVENGOOD, M. H. GEORGE, SWEET, WACHOB, C. GEORGE, WASS, BURD, BOWSER, PETERSON, WENGER, W. W. FOSTER, WILT, A. C. FOSTER, JR., MADIGAN, DIETZ and DeWEESE.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing farm truck plates for buses used primarily for agricultural purposes, further providing for the operation of agricultural vehicles on certain highways and for the maintenance of certain highways.

Referred to Transportation, Dec. 12, 1979.

HB 2104 By Representatives FRYER, WEIDNER, SIRIANNI, DUFFY, LIVENGOOD, FEE, TRELLO, GAMBLE, NOVAK, KNIGHT, LEVI, A. C. FOSTER, JR., MADIGAN, CIMINI, WASS, GATSKI, B. D. CLARK, DAVIES, A. K. HUTCHINSON, C. GEORGE and MACKOWSKI.

An Act amending the "Pennsylvania Election Code,"

approved June 3, 1937 (P. L. 1333, No. 320), further providing for registration and reporting by political committees.

Referred to Local Government, Dec. 12, 1979.

HB 2105 By Representatives FRYER, WEIDNER, SIRIANNI, DUFFY, LIVENGOOD, FEE, TRELLO, GAMBLE, NOVAK, KNIGHT, LEVI, A. C. FOSTER, JR., MADIGAN, CIMINI, WASS, GATSKI, B. D. CLARK, DAVIES, A. K. HUTCHINSON, C. GEORGE and MACKOWSKI.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), changing the requirements for filing election finance reports.

Referred to Local Government, Dec. 12, 1979.

HB 2106 By Representatives FISHER and McVERRY.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to the creation of a Judicial Qualifications Commission and establishing its powers and duties and providing that the commission shall come into being only upon the filing with the Supreme Court of an executive order by the Governor.

Referred to Judiciary, Dec. 12, 1979.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

Serial No. 160 By Representative KERNICK.
PN 2667

Speaker appoint a bipartisan committee to investigate the administrative and financial aspects of the P.I.A.A. and W.P.I.A.L.

Referred to Rules, Dec. 12, 1979.

Serial No. 161 By Representatives PICCOLA,
PN 2668 DURHAM, LASHINGER and
SIRIANNI.

House memorialize Congress to provide for voting representation for the District of Columbia.

Referred to Federal-State-Relations, Dec. 12, 1979.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HOUSE BILL NO. 852.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

December 11, 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 852, printer's No. 2372, entitled, "An act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes

thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing for the gross receipts tax on electricity PRODUCED in the Commonwealth AND SOLD IN CERTAIN STATES."

DICK THORNBURGH.
GOVERNOR

BILL SIGNED BY SPEAKER

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

HB 1905, PN 2593.

An Act amending the "Federal Augmentation Appropriation Act of 1979," approved July 4, 1979 (No. 10A), changing appropriations and adding appropriations.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the Democratic caucus chairman, Mr. Greenfield.

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

The SPEAKER. Without objection, leave is granted.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1739, PN 2125

By Mr. SPENCER

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for the filing of accounts.

Judiciary.

HB 1986, PN 2496

By Mr. SPENCER

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the Prisoner Transfer Law, further providing for transfers.

Judiciary.

HB 2076, PN 2665 (Amended)

By Mr. GALLEN

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

State Government.

SB 86, PN 1442 (Amended)

By Mr. LEHR

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," authorizing licensed clubs composed of volunteer firemen to serve persons who are active members of any volunteer fire fighting group in this Commonwealth.

Liquor Control.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor.

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—195

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

NAYS—0

NOT VOTING—7

Beloff	Brunner	Grieco	Zord
Bennett	Donatucci	Hayes, D. S.	

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to make a short

announcement. The Chair has been informed that Reid Bennett, who was taken to the hospital yesterday, has suffered no heart damage. He is coming along well and could be released late this afternoon or early tomorrow morning. He thanks his fellow members who have been concerned about him and he hopes that you all have a very happy holiday season.

STATEMENT BY MR. STAIRS

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

Mr. STAIRS. Mr. Speaker, last week we were very fortunate. One of the hostages from Pennsylvania was released, Kathy Gross. I also spoke after her pleasant moment of being here with us. We still do have one American, a Pennsylvania boy, still held hostage by the Iranian government, and I ask you to remember him in your prayers and your thoughts and your deeds.

Just last Friday, the families of the American hostages being held in Iran were invited to a special meeting in Washington with President Carter and officials of the State Department.

The families drew up an appeal to the American people to involve them in a writing campaign, asking them to send a message to the Iranian Embassy immediately. Sister Carmelita Miele, a sister of Jerry Miele, attended the meeting, and I will quickly read the essence of their plea.

(Reading:) "Those we love are being held hostage in Iran. We wish to speak with one voice on behalf of all of them in thanking you, the American people, for your strong steady and calm support during the last few weeks. Today we are asking that you let the Iranian people know that all Americans are united in calling for the release of the hostages. We are asking that each send a postcard or that a group of you send a petition to the embassy of Iran, saying only to the Iranian people, the American people ask that the hostages be freed immediately. Please limit your message to a few words.

This is just a simple human plea for the release of fellow Americans and a show of support for them. I am asking you to write to the Embassy of Iran, Washington, D. C. 20008, but in the meantime, I am circulating a petition.

Simply, it states to the Iranian people: "We, the undersigned, as American people, ask that the hostages be freed immediately." And I would ask that you sign your name and address.

I know we are very frustrated in trying to get these hostages freed and we are flying our Flags; we are doing many symbolic gestures, and I hope you would follow with the Speaker of the House and me in signing your name in hoping for speedy release. Thank you.

HB 1457 REMOVED FROM TABLE AND PLACED ON CALENDAR

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, on page 8 of the tabled calendar, I move that we remove HB 1457, PN 2651, from the table and place it on the active calendar.

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

SUPPLEMENTAL CALENDAR

BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1457, PN 2651**, entitled:

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), making it unlawful for an employer to refuse to release certain documents to certain persons, establishing a procedure for the handling of complaints concerning segregation or discrimination in public schools and further providing for educational programs.

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?

RECONSIDERATION OF VOTE ON HB 1457

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

Mr. ITKIN. Mr. Speaker, I move that the vote by which HB 1457 passed on third consideration as amended on December 12 be reconsidered.

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

Mr. J. J. JOHNSON. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. ITKIN offered the following amendments:

Amend Sec. 2 (Sec. 8), page 2, line 25, by inserting after "ANY" elementary

Amend Sec. 2 (Sec. 8), page 2, lines 25 and 26, by striking out "OF THE PROPER GRADE LEVEL CLOSEST" and inserting closest or next closest

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I rise today with mixed emotions to offer this amendment. I recognize the problems that the integration has caused in our large urban areas, including the city of Pittsburgh, a part of which I represent. I recognize also the concerns that integration has created among parents of school-age children in these communities and I can appreciate the intention of Mr. Dawida in offering his amendment to HB 1457.

But I think that Mr. Dawida's amendment is no solution to the problem, because it will be an open invitation by those persons that were aggrieved, if this particular bill were to become law, to seek redress in the state and Federal courts. A violation of the law is a violation of the law, and whether or not the Human Relations Commission is the enforcing agent or a judge of a state or federal court.

Nevertheless, I can understand the sentiments of many parents who are concerned that the decisions of the courts have gone too far in that it may require the assignments of elementary school children to schools that are far away from their homes. I have tried to seek, in this amendment, a compromise between these competing forces. Recognizing the fact that there should be some protection to the concerns of parents to young school-age children, the ones in the elementary schools, from having to be transported large distances outside their own neighborhoods, at the same time providing an opportunity to enforce the law that would foster integration throughout the Commonwealth and throughout the nation.

What my amendment does is significantly restrict the powers of the Human Relations Commission, but not to the extent that Mr. Dawida has proposed in his amendment. If the concern is—and that is the concern that has been addressed to me in my district—the 5-year-old, the 6-year-old, the 7-year-old, the 8-year-old being forced to be transported long distances away from their neighborhood and their neighborhood school, then I think that this amendment addresses those concerns and at the same time provides the opportunity to reach an equitable solution to the problem which will not go away.

This amendment would restrict the Human Relations Commission from developing a plan which would require the assignment of elementary school children except to the nearest school, closest school, or next closest school, thereby still providing elementary school children with the opportunity of attending school in their neighborhood school, but still giving some flexibility to the Commission in working with the school board and meeting the laws which pertain to integration.

Mr. Speaker, I am afraid that if this amendment is not adopted in the bill, then the attempts by those persons who share similar concerns as mine, and those who supported Mr. Dawida in his original amendment, will not see this particular proposal become law. I am not even convinced that if my amendment is to be adopted or were to be adopted that this would still be compatible to those people who oppose any restraints on the Human Relations Commission. Nevertheless, I think that it is a compromise worthy of pursuit and I hope that this House will support it. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—31

Austin	Johnson, J.	Michlovic	Pott
Cohen	Jones	Milanovich	Rhodes
DeWeese	Knight	Mrkonie	Richardson
Earley	Kukovich	Mullen, M. P.	Stewart
Grabowski	Laughlin	Murphy	Sweet
Harper	Letterman	Novak	Trello
Irviss	Levin	Petrarca	Wachob
Itkin	Manderino	Pistella	

NAYS—154

Alden	Foster, A.	Lynch, E. R.	Scirica
Anderson	Foster, W.	Lynch, F.	Serafini
Arty	Freind	Mackowski	Seventy

Barber	Fryer	McCall	Shadding
Belardi	Gallagher	McClatchy	Shupnik
Berson	Gallen	McIntyre	Sieminski
Bittle	Gamble	McKelvey	Smith, E.
Borski	Gannon	McMonagle	Smith, L.
Bowser	Gatski	McVerry	Spencer
Brandt	Geesey	Micozzie	Spitz
Brown	Geist	Miller	Stairs
Burns	George, C.	Moehlmann	Steighner
Caltagirone	George, M.	Mowery	Stuban
Cappabianca	Giammarco	Musto	Swift
Cessar	Gladeck	Nahill	Taddonio
Chess	Goebel	Noye	Taylor, E.
Cimini	Goodman	O'Brien, B.	Taylor, F.
Clark, B.	Gray	O'Brien, D.	Telek
Clark, R.	Greenfield	Oliver	Thomas
Cochran	Gruppo	Perzel	Vroon
Cole	Halverson	Peterson	Wagner
Cornell	Hasay	Pievsky	Wargo
Coslett	Hayes, S. E.	Pitts	Wass
Cowell	Helfrick	Polite	Weidner
Cunningham	Honaman	Pratt	Wenger
Davies	Hutchinson, A.	Pucciarelli	White
Dawida	Hutchinson, W.	Punt	Williams
DeMedio	Johnson, E.	Pyles	Wilson
DeVerter	Kanuck	Rappaport	Wilt
DiCarlo	Kernick	Reed	Wright, D.
Dietz	Klingaman	Rieger	Wright, J. L.
Dombrowski	Knepper	Ritter	Yahner
Dorr	Kolter	Rocks	Yohn
Duffy	Kowalyszyn	Rodgers	Zeller
Dumas	Lashinger	Ryan	Zitterman
Durham	Lehr	Salvatore	Zwinkl
Fee	Levi	Scheaffer	
Fischer, R. R.	Lewis	Schmitt	Seltzer,
Fisher, D. M.	Livengood	Schweder	Speaker

NOT VOTING—17

Armstrong	Donatucci	Hoeffel	Piccola
Beloff	Dininni	Madigan	Sirianni
Bennett	Grieco	Manmiller	Street
Brunner	Hayes, D. S.	O'Donnell	Zord
Burd			

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

On the question recurring,

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

Mr. ITKIN offered the following amendment:

Amend Sec. 3 (Sec. 9.2), page 4, lines 14 and 15, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this amendment would delete on page 4, section (i) of the bill that reads, "Nothing herein shall authorize the busing of pupils from one school district to another school district."

Those of us who live in urban areas, in urban communities, are experiencing the problem of declining population, and it is becoming increasingly difficult for these communities to integrate our schools with the declining enrollment. A principal reason being that families, especially white families, are mov-

ing to the suburbs outside of our cities. There are many schools in our city which are close to the boundaries of the school districts, and integration can be effected far more easily involving far less transportation and displacement of school students if they were allowed to be assigned to a near school which happens to be in an adjacent school district. Not having that type of opportunity in many instances requires that students within the city have to be bused far longer distances in order to accomplish the integration of the schools.

We who are in the legislature who are responsible for the public school system should not necessarily allow the creation of school district lines to prevent integration from occurring and should not allow these creations of school boundaries, which is in essence a de jure segregation, being permitted.

Consequently, I think it would be far better to delete this particular requirement and at least allow this as an opportunity for consideration that when integration is to be accomplished that it not be immediately excluded, that the assignment of students from one school district to another should not occur.

Mr. Speaker, I would hope that the members of the House will support this deletion. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—32

Barber	Harper	Milanovich	Seventy
Chess	Irvis	Mullen, M. P.	Shadding
Cohen	Itkin	Murphy	Shupnik
Dawida	Johnson, J.	Oliver	Sweet
DeWeese	Jones	Pistella	Wachob
Dumas	Kukovich	Rappaport	Wargo
Early	Manderino	Rhodes	White
Grabowski	Michlovic	Richardson	Williams

NAYS—155

Alden	Gallagher	Mackowski	Scheaffer
Arty	Gallen	Madigan	Schmitt
Austin	Gamble	Manmiller	Schweder
Belardi	Gannon	McCall	Scirica
Berson	Gatski	McClatchy	Serafini
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	Gray	Mrkonic	Stewart
Cessar	Greenfield	Musto	Stuban
Cimini	Gruppo	Nahill	Swift
Clark, B.	Halverson	Novak	Taddonio
Clark, R.	Hasay	Noye	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cole	Helfrick	O'Brien, D.	Telek
Cornell	Honaman	Perzel	Thomas
Coslett	Hutchinson, A.	Peterson	Trello
Cowell	Hutchinson, W.	Petrarca	Vroon
Cunningham	Johnson, E.	Piccola	Wagner
Davies	Kanuck	Pievsky	Wass
DeMedio	Kernick	Pitts	Weidner
DeVerter	Klingaman	Polite	Wenger

DiCarlo	Knepper	Pott	Wilson
Dietz	Knight	Pratt	Wilt
Dombrowski	Kolter	Pucciarelli	Wright, D.
Dorr	Kowalshyn	Punt	Wright, J. L.
Duffy	Lashinger	Pyles	Yahner
Durham	Laughlin	Reed	Yohn
Fee	Lehr	Rieger	Zeller
Fischer, R. R.	Levi	Ritter	Zitterman
Fisher, D. M.	Levin	Rocks	Zwikl
Foster, A.	Lewis	Rodgers	
Foster, W.	Livengood	Ryan	Seltzer,
Freind	Lynch, E. R.	Salvatore	Speaker
Fryer			

NOT VOTING—15

Anderson	Brunner	Hayes, D. S.	O'Donnell
Armstrong	Dininni	Hoeffel	Street
Beloff	Donatucci	Letterman	Zord
Bennett	Grieco	Lynch, F.	

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to Miss Sue Klemens from UPI to take pictures for 10 minutes on the House floor, commencing now.

On the question recurring,

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

Mr. J. J. JOHNSON offered the following amendments:

Amend Title, page 1, line 17, by striking out "AND" and inserting a comma

Amend Title, page 1, line 18, by removing the period after "PROGRAMS" and inserting and conferring additional powers.

Amend Bill, page 2, by inserting between lines 18 and 19

Section 2. Clause (h) of section 7 of the act is amended to read:

Section 7. Powers and Duties of the Commission.—The Commission shall have the following powers and duties:

(h) To inspect upon request such records of the Commonwealth or any political subdivision, board, department, commission or school district thereof as it may deem necessary or advisable to carry into effect the provisions of this act; and when advisable, the commission may review the distribution and spending practices of the Department of Education or any school district to determine whether or not such distribution or spending practices are in accordance with the policies expressed in this act.

* * *

Amend Sec. 2, page 2, line 19, by striking out "2." and inserting 3.

Amend Sec. 3, page 2, line 27, by striking out "3." and inserting 4.

Amend Sec. 4, page 4, line 16, by striking out "4." and inserting 5.

On the question,

Will the House agree to the amendments?

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

Mr. J. JOHNSON. Mr. Speaker, I would like to take a few moments of the House's time. Mr. Speaker, my amendment

calls for the Human Relations Commission to be allowed to investigate and to monitor moneys that are going to school districts.

I understand Mr. Dawida's problem about busing children from one school district to another, but my concern has been, for the last 10 years in this House, where are the moneys going into the city of Philadelphia to educate our children? I have a deep concern, Mr. Speaker, because I know every child in this Commonwealth is supposed to have a chance for equal education. And we know for a fact, in the city of Philadelphia, moneys are going into the city of Philadelphia to educate our children, and the quality of the education is not being administered in certain areas of our city. For instance, in our city it has been proven in the papers that there has been a lot of political hiring; there is equipment being bought and some areas of our city are being neglected.

I have taken investigation committees into the city of Philadelphia for three times, trying to find out how they are spending the moneys in the city of Philadelphia. We have a social problem, too, in our area, and we have a concern, like everyone else in their area, about how are their children faring in their school.

In the city of Philadelphia, the school district in my area, we know that books are not being bought; we know that kids are using secondhand equipment, and there has to be a reason why, Mr. Speaker.

All I am asking today is for this House to give me the same consideration they gave Mr. Dawida, and that is, to make sure that every school district, every child in this state is getting the same equal education and the opportunity for advancement in the Commonwealth of Pennsylvania.

My amendment asks that the Human Relations Commission just be given the chance to monitor the moneys and to make sure that every child in the Commonwealth of Pennsylvania is getting a quality education. This does not cost the Commonwealth any more money, and we are trying to make sure that every child in this Commonwealth is given the same chance for a quality education. I ask for favorable support on this, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. DAWIDA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAWIDA. Mr. Speaker, if Mr. Johnson's amendment goes into the bill, will it then require a fiscal note?

The SPEAKER. It is the opinion of the Chair that this amendment does not require a fiscal note. A further explanation: It is the opinion of the Chair that the Commission must live within the budget which is adopted by the General Assembly, and within that framework the Commission can only operate.

Mr. DAWIDA. Thank you. May I then speak on the amendment?

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

Mr. DAWIDA. I believe that Mr. Johnson's intent in this amendment is good and I would suggest that we vote in the affirmative on it.

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

Mr. CHES. Mr. Speaker, I also speak in favor of this amendment. Our intention, as we have said all along, is not to keep our schools segregated, but to make education better throughout the system. An amendment like this set, going towards making education equal, is one I think we all should support.

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

The following roll call was recorded:

YEAS—119

Austin	Giammarco	Michlovic	Seventy
Barber	Goodman	Milanovich	Shadding
Berson	Grabowski	Miller	Shupnik
Borski	Gray	Mowery	Sirianni
Brown	Greenfield	Mrkonic	Stairs
Burns	Harper	Mullen, M. P.	Steighner
Caltagirone	Helfrick	Murphy	Stewart
Cappabianca	Hoeffel	Musto	Stuban
Chess	Hutchinson, A.	Novak	Sweet
Clark, B.	Irvis	O'Brien, B.	Taylor, F.
Cochran	Itkin	O'Brien, D.	Telek
Cohen	Johnson, J.	O'Donnell	Thomas
Cole	Jones	Oliver	Trello
Cowell	Kernick	Perzel	Wachob
Cunningham	Knight	Petrarca	Wagner
Dawida	Kolter	Piccola	Wargo
DeMedio	Kowalyszyn	Pievsky	Wass
DeWeese	Kukovich	Pistella	Weidner
DiCarlo	Laughlin	Pratt	White
Dombrowski	Letterman	Pucciarelli	Wilson
Duffy	Levi	Punt	Wilt
Dumas	Levin	Rappaport	Wright, D.
Earley	Livengood	Reed	Wright, J. L.
Fee	Manderino	Rhodes	Yahner
Fischer, R. R.	Manmiller	Richardson	Zeller
Fryer	McCall	Rieger	Zitterman
Gallagher	McIntyre	Ritter	Zwinkl
Gamble	McKelvey	Rodgers	
Gatski	McMonagle	Schmitt	Seltzer,
George, C.	McVerry	Schweder	Speaker
George, M.			

NAYS—73

Alden	Fisher, D. M.	Klingaman	Pyles
Anderson	Foster, A.	Knepper	Rocks
Arty	Foster, W.	Lashingner	Ryan
Belardi	Freind	Lehr	Salvatore
Bittle	Gallen	Lewis	Scheaffer
Bowser	Gannon	Lynch, E. R.	Scirica
Brandt	Geesey	Lynch, F.	Serafini
Burd	Geist	Mackowski	Sieminski
Cessar	Gladeck	Madigan	Smith, E.
Cimini	Goebel	McClatchy	Smith, L.
Clark, R.	Gruppo	Micozzie	Spencer
Cornell	Halverson	Moehlmann	Spitz
Coslett	Hasay	Nahill	Swift
Davies	Hayes, S. E.	Noye	Taddonio
DeVerter	Honaman	Peterson	Vroon
Dietz	Hutchinson, W.	Pitts	Wenger
Dininni	Johnson, E.	Polite	Williams
Dorr	Kanuck	Pott	Yohn
Durham			

NOT VOTING—10

Armstrong	Brunner	Hayes, D. S.	Taylor, E.
Beloff	Donatucci	Street	Zord
Bennett	Grieco		

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

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, on amendment A4538 to the bill, HB 1457, just voted, I was mistakenly recorded as voting in the affirmative when I should have, in fact, been recorded as voting in the negative.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. TAYLOR. Mr. Speaker, earlier today on the vote on the Johnson amendment to HB 1457, I was called from the floor. Had I been in my seat, I would have voted in the negative.

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, I will be very brief.

Mr. Speaker, I am going to vote "no" today on HB 1457. The major reason I am voting "no" on HB 1457 today is because I do not want to give my constituents and the other members' constituents false expectations that this particular legislation is pending in the General Assembly and might have the reasonable extent of becoming law.

I have been in this General Assembly for the past 7 years when bills like this have passed one House, only to be sidetracked in the other. It is a game that we continually play. It allows sponsors to get recognition in their home district that they are doing their job as far as representing their people's interests, knowing fully that this bill or that bill will not pass into law.

This bill is a bill which amends the Human Relations Commission Act, and as it moves to the other chamber—and I expect it will pass this House—will only be assigned to two committees. It can only be assigned to two committees, the State Government Committee of the other body and the Labor and Industry Committee of the other body. And the members of this House are fully aware of the attitudes that prevail with the chairmen of those respective committees, and that this bill will never be reported from committee.

Therefore, rather than give people a false expectation—and I

have received numerous phone calls from people in Pittsburgh on this issue, that they think now that there is a glimmer of hope—I think it is a false expectation, and I do not want to contribute to that.

Therefore, Mr. Speaker, I intend to vote “no” because I know that this bill in its present form does not have a chance of becoming law and because I will not participate in such a sham. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—153

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

NAYS—40

Austin	Hutchinson, A.	Mrkonic	Scirica
Barber	Irvis	Mullen, M. P.	Shadding
Berson	Itkin	Oliver	Stairs
Cohen	Johnson, J.	Pistella	Taylor, E.
DeWeese	Jones	Pott	Wachob
Dumas	Kukovich	Rappaport	White
Earley	Lynch E. R.	Reed	Williams
Fischer, R. R.	McClatchy	Rhodes	Wilt
Harper	Michlovic	Richardson	Yahner
Hoeffel	Miller	Rieger	Yohn

NOT VOTING—9

Armstrong	Brunner	Grieco	Street
Beloff	Donatucci	Hayes, D. S.	Zord
Bennett			

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

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, earlier today when the vote was taken on HB 1457, I had been called from the floor to attend a committee meeting. I was recorded in the affirmative on HB 1457 and would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVIN. Mr. Speaker, on the previous vote on HB 1457, final passage, in checking the rollcall printout, I find that my switch had inadvertently been pushed so that it registered a “yes” vote when I had consistently voted “no” on the previous amendments in that bill. And I would like my remarks spread on the record so that the record is clear that I opposed that bill consistently to the end.

The SPEAKER. The Chair thanks the gentleman. The Chair makes receipt of a communication from Mr. Laughlin concerning a correction of his vote on HB 1457, which letter will be found in the Legislative Journal of Jan. 21, 1980.

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

Mrs. TAYLOR. Also, Mr. Speaker, on the final passage of HB 1457, I inadvertently voted in the negative and I wish to be recorded in the positive.

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

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

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

The SPEAKER. Will the gentleman yield until we have completed this bill and the Chair will then recognize him?

Mr. WILLIAMS. Thank you, Mr. Speaker.

CALENDAR BILL ON THIRD CONSIDERATION

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

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

On the question,
Will the House agree to the bill on third consideration?
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 Allegheny, Mr. Murphy.

Mr. MURPHY. Is there somebody I might interrogate about this bill?

The SPEAKER. The gentleman, Mr. Manderino, indicates that he will stand for interrogation.

Mr. MURPHY. Is it the intention of the bill that individuals over 40 years old would be limited from participating in apprenticeship programs for training for the building trade council?

Mr. MANDERINO. Mr. Speaker, the intention of the bill is to see that apprenticeship programs continue to exist. And the problem in the building trades especially, where you need, obviously, a certain agility of body, et cetera, to participate in the construction trades, they are having difficulty setting apprenticeship programs up because they are forced to take in people who are really unable to meet the requirements of the program. And the investment of money, so far as management is concerned, appears in many cases to be unwarranted, and, therefore, apprenticeship programs are suffering.

Labor, in the form of the Pennsylvania Building and Construction Trades Council, has communicated with every member of the Assembly, and the management in the form of the General Contractors Association of Pennsylvania have communicated with every member of the Assembly and indicated that it is each of their desire that this legislation be passed so as to continue apprenticeship programs and start new apprenticeship programs, which are unlikely to continue and unlikely to start without a form of this legislation.

Mr. MURPHY. Mr. Speaker, you did not answer my question. I asked you if this bill discriminated against individuals over 40 years old by limiting their ability to participate in the apprentice programs. Does it do that?

Mr. MANDERINO. Mr. Speaker, I do not think that it discriminates. It depends upon what you talk about and what you mean by the word "discriminate." I think that it is consistent with the Constitution of Pennsylvania and the Constitution of the United States in that the kind of program that is being limited so far as entry and age is concerned is the kind of a program that the restriction is a reasonable restriction.

Mr. MURPHY. If it does not discriminate, why then do we have this bill before us to amend the Human Relations Act to permit individuals to forget about the people over 40 years old?

Mr. MANDERINO. It is to make it perfectly clear that the restrictions that labor and management have been living with in these types of apprenticeship programs for many years are reasonable restrictions and should not be interfered with by the Human Relations Commission.

Mr. MURPHY. Mr. Speaker, do you have any indication to the extent of the problem that the building trades councils face? How many people over 40 years have in fact applied to apprentice programs? How many people over 40 years of age have in fact been accepted to apprentice programs? Give us some idea, some scope of the problem that we are facing in attempting to pass this bill.

Mr. MANDERINO. Mr. Speaker, I have no detailed information that the gentleman requests. I do know that I have

had frequent communication from the executives of the Building Trade Council and the executive of the General Contractors Association of Pennsylvania, and, evidently, it is a serious enough problem for each of these groups that they are asking that legislation be passed. I have no reason to doubt the integrity of the statements made to me by either of these two groups. I did not think it was necessary, at least for my part, Mr. Speaker, to get a detailed count-by-count study of what the problem was. Had you felt that that was necessary for your vote, I would suggest to you that you should have asked for that information.

Mr. MURPHY. Mr. Speaker, I did ask the contractors from western Pennsylvania to give me that information. They indicated the problem extended across the Building Trades Council in western Pennsylvania to one or two applicants, so I am not sure that we are dealing with a large problem.

I would like to make a distinction that I think will be important and a discussion with a bill coming up in the future, and that is the difference between a perceived problem and a real problem.

I am sure for this particular piece of legislation we are dealing with a perceived problem and not necessarily a real problem. I am not sure that we should be dealing with this piece of legislation.

I have one more question, Mr. Speaker: I am curious, given the headlines that have been in the Pittsburgh newspapers particularly over the last few months, with the 13,000-plus jobs that are going to be lost if we limit the ability of people over 40 years old to participate in apprentice programs. What recourse does a steelworker from Monaca have, or some other laid-off employe, to participate or to get retrained for a new profession since his profession no longer exists?

Mr. MANDERINO. Mr. Speaker, I had very much difficulty hearing the gentleman. If he asked me a question, I did not hear the question.

Mr. MURPHY. My question, Mr. Speaker, dealt with the number of layoffs taking place across Pennsylvania by older industries and the fact that many of those employes are over 40 years old and will face unemployment and the inability to get retrained for another profession. I am wondering why at this particular time, given the activities of the layoffs over the last months, we would want to limit the ability of these people to participate in new career kinds of programs.

Mr. MANDERINO. Mr. Speaker, on the gentleman's questions, this is a Senate bill; it arrived here from the Senate. It is on the calendar for everyone to either vote for or vote against.

When the gentleman asked to interrogate anyone who knew anything about the bill, I supposed that the gentleman was asking for informational questioning. I am willing to provide that, but it is obvious that the gentleman understands the bill as well as anyone in the House.

Mr. Speaker, if he wants to engage in argumentative interrogation, I will not submit to such. I will take my position on the bill.

I am in favor of the bill. I have the same difficulties that the gentleman has on the bill so far as an age limitation in this kind

of an apprenticeship program. But I have to make a decision on my feelings so far as everyone at any age being able to seek employment. My principle in believing in that and my principle in wanting to see these apprenticeship programs continued in the Commonwealth and expanded in the Commonwealth is neither black nor white. It is a gray area and the decision is difficult.

I have come down on the side of the people who work in these programs every day. I have come down on the side of the Building Trades Council that is asking for the legislation, and the management group that also works with these programs every day.

Mr. Speaker, if the gentleman has additional questions regarding the content of the bill rather than the philosophy or the reasons for supporting the bill, I would be happy to answer those but not an argumentative debate.

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

Mr. MURPHY. Yes, Mr. Speaker.

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

Mr. MURPHY. I think it is important that we look at this bill closely. We have all read in the newspapers of the high number of plant closings in Pennsylvania. There are many Pennsylvanians out of work. This bill will limit, for some of those Pennsylvanians, a path to learning a new career. I think it is important that we do not eliminate that opportunity for them.

Forty years old is not too old to be a carpenter or an iron worker or some other trade worker or to have some other trade profession. I think it is important to realize what we are doing. I ask you to not support this bill. I ask you to give consideration to the fact that there is a much higher percentage of people over 40 years old in Pennsylvania. We are facing an issue of providing employment for those people. Why would we limit their opportunity to learn a new skill? Thank you.

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

Mr. ZELLER. Mr. Speaker, to support what Mr. Manderino has just said, and so I will not be accused again of knowing everything, I have 42 years with the International Brotherhood of Electrical Workers this year. I have about 30 of it in the field. I ask anybody to question that. And as vice president of the union for many years, my job was in charge of apprenticeship training.

Now I do not know whether Mr. Murphy, with all respect to him, was ever in construction. Maybe he was and maybe he was not. But he talks about people getting into that age area going to go out and cut the mustard on top of some of these steel beams, and I can tell you some of the buildings I put up, one of the small ones, and as a matter of fact, also cutting the mustard in regard to being a carpenter, in and out of ditches and putting up farms, and if you think he can do that, well, that is also a very difficult task. There are some who can do it and some cannot.

But we heard the argument yesterday from the gentlemen who were discussing the human relations bill and also the last one we had in regard to young people, the one in regard to the criminal activities in some of our cities and the fingerprinting and so-called photoshops of youngsters. We need jobs for young

people and we have to get these young people into a training program. And contractors today, whether you like it or not, there has never been a case that we know of that has challenged the hiring practices of these young people versus the older people because they know of the type of jobs they have to go on. And, as a matter of fact, they just cannot cut it.

Now I have fought for senior citizens for many years here and back home and it is a very difficult job for contractors to be able to keep up with their contract and to meet their deadline and be able to make a profit and to have people who cannot cut the mustard. It is impossible. You have to get people, as the minority leader said, with agility, ability to move, to be able to get the job done, and this is what has been the problem for many years in the construction field.

Now there are too many people who feel that we are going to do less and get more. That has been the whole theory and that is one of the problems we have in our nation today, people want to get something for nothing. Now there is a program and we take it in our own local and it is done throughout the entire electrical industry and all other trades, that if a person has the experience, they do not have to go through an apprenticeship training program. They are elected by the members to come in as a full-scale journeyman or journeywoman, whatever the case may be, and they are allowed to come into the local. They do not have to go through the apprenticeship training program and there are types of jobs that they can handle, but to have a young person with the mathematical background out of high school to be able to quickly cope with math, with algebra, with trig, to be able to cope with the problems that they must know in order to get into intricate circuitry and intricate problems and electrical industry and other industries, they have got to be young and be able to move. And this is one of the reasons why they were trying to do this, to be able to knock discrimination, because there never has been a discrimination case that we know of, that I know of, and I have been in the game a long time. So I say that with respect to you, Mr. Speaker, and others.

On the retirement program, also, you expect an older person to come into the program now and get on the retirement program that all of them have. They will not be putting the money into it, and the other members are going to be discriminated against to be able to supply the cost in regard to taking care of that person who is not putting the money into the program in the length of time needed to be able to cash in. This is another area which is very, very vital.

So I say to you, none of us here want to discriminate against senior citizens, but I know in my trade, to get out there on top of that steel—and I was on many of them—and to be able to cut the mustard in and up and down ladders and down trenches, and so forth, and if you know anything about some of the big jobs—and I say I had the Veterans Stadium in Philadelphia, which was no small job and many other big jobs that I can tell you that—an older person would have a rough time in that kind of a business. It is really rough.

So I say that we need this bill. We need it badly. And it is not discrimination against our senior people. We need these young people working. We have got to get them out in the trade. We

have got to teach them, and there is no discrimination as far as race or anyone in our local or in any local. They are all hired, if they can, and all they have to do is pass an exam, and exams are governed by the Federal Government and they see to it that they are hired. And if we do not hire them, we are in trouble. So there is no discrimination, I can tell you that right now. So anyway I appreciate support of the bill. Thank you.

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

Mr. VROON. Mr. Speaker, I rise to oppose this bill and the reason why I rise to oppose this bill is because the law, as it is now stated, is amply worded to protect both employers and unions in their apprentice programs.

The current law states that the employers may not discriminate against any person because of age with respect to conditions of employment if that individual is best able to perform the services required. Now I want to point out the fact that if a person of 41 years of age applied for an apprenticeship in a building trade or any other similar trade, then he is competing with young people. That employer can judge whether or not that person of 41 years of age is best able to do that job. And if that person is best able, over and above the youngsters who are applying to do that job, he must have that privilege under our law. We may not discriminate against a person like that.

If we pass this law, we are saying automatically that anybody from 40 to 62 years of age need not be considered even if he is the person best able to perform the work. And I think this is a discriminatory bill and am very much opposed to it, and I urge you to give serious consideration to what the law now provides. I state again, this law is amply worded to protect all the employers and unions in this state. I urge a "no" vote on this bill.

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

Mr. COHEN. Mr. Speaker, HB 525 is a bill which cuts across all standard, economic, political, ideological interests and, therefore, people on both sides of the aisle are deeply divided over this question.

I think HB 525 ought to be defeated because it is much too broad to deal with the problem it is supposed to deal with. It does not just deal with the building trade, which is the only group that has any problems with the current law. It deals with all trades. And because it deals with all trades instead of just the building trade that goes too far, so even within the building trade it may go too far.

I am not at all certain that the problems of the building trade cannot be resolved in some other manner. There are plenty of people probably who are in their forties who are perfectly well qualified and may well last for quite a long period of time. It may well be that when somebody applies for a job, the person who is 41 may be able to do that job for 25 or 30 years. A person who is 18 or 19 may do it well for 5 or 10 years and then go on to something else. It is not at all clear that a person who applies for a job at 40 is not going to hold that job for many, many years. I am not quite sure how different occupations compare to each other, but I know around here, for secretary and clerical personnel when we hire somebody who is 18 or 19, they

do not usually stay as long as somebody who gets hired in their 30's or 40's.

This bill is a very real step backward in terms of exemptions. It will be the first exemption that we have ever passed from the Human Relations Commission. I think it opens ourselves up to a whole series of future exemptions. It will seriously and adversely affect equal opportunity in this Commonwealth. It sets forth a philosophy, a future-oriented philosophy that would seriously hurt many people oriented to the present. It is not going to do any good for anybody who is 40 years old and out of work because the steel plant closed or something like that, to know that we are helping his son or her son get a job in the future. We have to deal with people now and not only in the future. We cannot afford to say that our interest in people stops when they reach a certain age. We cannot afford to let our interest in youth take away interest in people who are middle aged. I urge the defeat of this bill.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 525. I just think that when you talk about age 40, you are talking about a very early age in life. In fact, we have some members here in the House of Representatives who are age 40 and certainly are not over the hill in relationship to being able to work.

It would seem to me that when you talk about denying persons a right to work, particularly when there is a move afoot to try and stop people who are trying to get work in the Commonwealth of Pennsylvania through the workfare bill and through some other bills that are presently coming through to take people off general assistance ages 18 to 55, I believe that this is a pure and flagrant violation of human rights, and it would seem to me that if we are going to be in the best interests of trying to resolve some problems in this Commonwealth, particularly as related to unemployment, that we have to do something that is going to fit into the mainstream of trying to deal with that problem. Denying persons aged 40 to 62 the right to work because of employers who see fit to do so certainly does not resolve that, and plus, it takes a lot of people off the rolls who perhaps might be able to, in fact, be encouraged to continue to work, at least up until the time of their retirement.

Mr. Speaker, being in that vein and light, I just think about my own father who is in his 50's and is presently working, and when you talk about taking people off the rolls and taking them out of work, what is there for them to do? They do not go on welfare and they can only receive unemployment for a certain number of weeks. What is there left for them to do? I raise that question to the members today in thinking very strongly about their own families, their own lives, and the fact that they might be placed in that very same situation themselves. Perhaps we can deal with some logic today by recognizing that discriminating against those persons because of their age certainly will not answer the problems that maybe this bill really wants to address. And in that regard, Mr. Speaker, I would ask that the members of this House vote this bill down, and let us come up with a reasonable plan to work out whatever problems there

are in labor that relate to the working force of the Commonwealth. A negative vote.

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

Mr. MICHLOVIC. Mr. Speaker, I rise to oppose this bill because it is discrimination. It is discrimination in a form that we often do not hear about, and that is, age discrimination. Mr. Murphy was right saying that this is absolutely the wrong time to pass this kind of bill, when we have 13,000 people being laid off by United States Steel Corporation.

But I want to make two points: One is that in the application process right now, the company has some powers of selection. If a person is not physically capable of being an iron worker, and they apply for an iron worker's apprenticeship, that is part of the selection process and the selection criteria, and they could be refused on that basis. All we are saying is, if somebody over 40 is physically fit, they should have the opportunity to participate in that apprenticeship program.

The second point is in response to the comments made by Mr. Zeller. I do not think that we should attempt to provide jobs in one sector of this society by precluding the rights of another sector. If we are going to provide jobs, we provide jobs for everybody. We attempt to infuse into our economy enough growth so that everybody can get jobs. Do not provide jobs through discrimination.

My last point is a simple one: This country is great because we do not discriminate. This bill is a discrimination bill, and I ask you to vote "no." Thank you.

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

Mr. GOEBEL. Mr. Speaker, I also rise to oppose this bill for several reasons, and I can speak with personal experience of 4 years as a nonunion construction worker and 23 years as a union construction worker in the sheetmetal workers' union, and I want to tell you the work is not easy. A lot of times you are working 65 stories up in the air, on steel that is covered with snow and ice, and your life depends on the fellow who is working next to you, how experienced he is, how experienced you are. And I tell you it is no place for someone who is not physically fit and strong.

When you are 55 and 60 years old, believe me, you are looking to get out of it. You are looking for an office job somewhere. We are not doing anybody a favor, actually, by taking a 50-year-old man or 55- or 60-year-old man and running him through an apprenticeship program on a job that he is not going to be able to do.

You also have really a lot of competition. The unemployment rate is high on construction work, and to expect a man in his 50's with inexperience to compete with younger guys in their 20's and 30's, they are just not going to be able to do it, and we are not doing them any favors. I could go on and on about this thing, but I tell you it would be best to leave the industry regulate itself. The unions are training young people with 40 or 50 years ahead of them in work so that they benefit, the people benefit, the industry benefits. So I think the present law is adequate at this time and I would oppose the bill, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, I do not care to comment on the bill except to say that I am strongly opposed to it. I believe that, regardless of age, people have a right to demonstrate that they can perform work like everybody else, and we all know that just because you are younger does not mean you have that much skill or strength or motivation over and above an older person, and, indeed, many times older people learn a lot quicker and perform a lot better than a lot who are younger. I just think the bill is anti-middle age and anti-senior citizen and I would oppose the bill.

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

Mr. ZELLER. Mr. Speaker, I am going to try to explain this to those nonconstruction people, those who have not been in the business, what they are actually doing. They do not understand it, and I can see by the talk here they do not understand what is going on.

It is strictly political to get up here on this floor, and it plays right into the hands of the Fourth Estate, to tell everybody here and the folks back home that you are fighting for older people, fighting against discrimination; that you want this person to have a job; that they do not want anybody to discriminate against certain sectors. That sounds good, but let me tell you what you are doing.

This is a "may" bill. The reason why it is a "may" bill is to make it legal so that you cannot have an individual coming into your apprenticeship training program by force, and you are going to send him out on that steel that the gentleman was talking about over here and get himself killed or injured. You are not helping the people with the rhetoric right here on the floor of this House. You are hurting people, because you do not know the system of the kind of work we are talking about. Now I am being realistic and I know one thing—I will probably get a hell of a write-up over this—but I am being realistic.

There is a man here in this House by the name of Mr. Coslett, who is probably one of the best, well-versed in this field, who knows it. I have worked with him for years. He knows this business and he was in this apprenticeship training program for many, many years, and he knows what I am talking about. What is happening is this: Today you allow a person to come into the program by force, who, first, does not know the system. He does not have the ability to be able to, in other words, protect himself in the type of construction work he is in, and you get the person killed. You cannot, under Federal law and state law, refuse the individual if he can meet the qualifications. So that person you are talking about, Brother Murphy and Brother Dawida and those over there, if that individual can meet the regulations, you cannot refuse him. He can be 62. You cannot refuse him as long as he meets the regulations. You cannot refuse him.

This is a "may" bill and all you are doing with this bill is, you are allowing the construction trade or any other business to say, we have to refuse you. And that will be monitored by the Feds. That will be monitored, and if they come in and they chal-

lence you and say that person is qualified, you have to take them. You cannot turn them down even with this bill, if they say the person is qualified. So you are not saying anything on the floor of the House here. All you are doing is confusing the issue, just like Mr. Vroon. I know the kind of work he is in, with all respect to him; he does not understand it either.

The only one who made any sense, and of course he says that the present law controls it. It does not, and this man has been under steel for many years, and I know it. He is a construction man and he knows how dangerous it is. And I have been out on those icy steels, too, hanging out there trying to survive in all kinds of weather and ice on the steel. I have been out there myself. But I can tell you this, without this bill, you can have those individuals who are not qualified, who force themselves into it, and all you are doing is going to get them hurt. That is all you are doing; you are not helping them any. You are going to get that individual hurt. You say, well, that is his right to do it, because if he wants to get hurt, let him get hurt. That is a good way; that is a cop-out, but it certainly is not doing the individual any good.

So it sounds good, folks, to get out here on the floor of this House and make all kinds of noise about discrimination and older people, and it sounds good, and the Fourth Estate will write you up. You will sound like a real hero back home, but you have not done anything. You have not done a darned thing. All you have done is show your lack of knowledge of the business. That is what you are showing here. And what this bill is doing is, by law, by law, allowing that industry, the construction industry, or what have you, to say, look we are going to give you an examination, and if you cannot meet these qualifications, we have the right to refuse you for your own benefit. And it is being monitored; it is being monitored by the Feds and it is being monitored by the state, the apprenticeship training programs, and if they find that you discriminated, I got news for you, you are in trouble; that industry is in trouble. Brother Coslett knows it. He has been in this game all his life. He knows that, and a few others, maybe, in this House, but I wish they would speak out, because what Mr. Manderino is saying is true.

Now get up here on the floor and rave and rant all you want about how you are going to save all this business on discrimination, you are going to help older people, and you are not doing a darned thing. So have your fun, and the Fourth Estate will write you up, what a great hero you are back home, and you will probably win the election over it. I will probably go down the tube. But I am going to be realistic. I am going to tell it like it is because I have been there; you have not. Thank you.

QUESTION OF CONSTITUTIONALITY VOTED

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

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

The SPEAKER. The gentleman will state it.

Mr. GAMBLE. Mr. Speaker, I believe that this bill is clearly discriminatory and I would like to ask the House to address the question of constitutionality.

The SPEAKER. A question of constitutionality has been

raised by the gentleman from Allegheny, Mr. Gamble. The Chair will put the question to the members.

Those who believe that SB 525 is constitutional will vote "aye"; opposed "no."

On the question,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—135

Alden	Gallagher	Manderino	Shupnik
Anderson	Gallen	Manmiller	Sieminski
Arty	Gannon	McClatchy	Sirianni
Belardi	Gatski	McIntyre	Smith, E.
Berson	Geesey	McKelvey	Smith, L.
Bittle	Geist	McMonagle	Spencer
Borski	George, C.	McVerry	Spitz
Bowser	George, M.	Micozzie	Stairs
Brandt	Giammarco	Milanovich	Steighner
Burd	Goebel	Moehlmann	Stewart
Burns	Gray	Mullen, M. P.	Sweet
Caltagirone	Greenfield	Musto	Swift
Cessar	Gruppo	Novak	Taddonio
Chess	Hasay	Noye	Taylor, E.
Cimini	Hayes, S. E.	O'Brien, B.	Telek
Clark, B.	Helfrick	O'Brien, D.	Thomas
Clark, R.	Hoeffel	O'Donnell	Trello
Cochran	Honaman	Perzel	Wachob
Coslett	Hutchinson, A.	Peterson	Wagner
Cowell	Hutchinson, W.	Petrarca	Wargo
Cunningham	Johnson, E.	Piccola	Wass
Dawida	Kanuck	Pievsky	Weidner
DeMedio	Knepper	Pitts	Wenger
DeVerter	Knight	Pott	Wilson
DiCarlo	Kolter	Pratt	Wilt
Dietz	Laughlin	Pucciarelli	Wright, J. L.
Diminni	Lehr	Rappaport	Yahner
Dombrowski	Letterman	Ritter	Yohn
Dorr	Levi	Rocks	Zeller
Duffy	Levin	Ryan	Zitterman
Durham	Lewis	Salvatore	Zwikl
Fee	Lynch, F.	Schmitt	
Fisher, D. M.	Mackowski	Schweder	Seltzer,
Foster, A.	Madigan	Scirica	Speaker
Freind			

NAYS—57

Austin	Gladeck	Lynch, E. R.	Richardson
Barber	Goodman	McCall	Rieger
Brown	Grabowski	Michlovic	Rodgers
Cappabianca	Halverson	Miller	Scheaffer
Cohen	Harper	Mowery	Serafini
Cole	Irvis	Mrkonic	Seventy
Cornell	Itkin	Murphy	Shadding
Davies	Johnson, J.	Nahill	Street
DeWeese	Jones	Oliver	Stuban
Dumas	Kernick	Pistella	Taylor, F.
Earley	Klingaman	Polite	Vroon
Fischer, R. R.	Kukovich	Punt	White
Foster, W.	Lashinger	Pyles	Williams
Fryer	Livengood	Rhodes	Wright, D.
Gamble			

NOT VOTING—10

Armstrong	Brunner	Hayes, D. S.	Reed
Beloff	Donatucci	Kowalshyn	Zord
Bennett	Grieco		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I am concerned about this bill. The way I read the bill is that it not only covers steelworkers but other fields, and I think that we should have an amendment to this bill that states that this bill applies only to hazardous jobs, such as, steelworkers and construction workers. I oppose the bill in this form. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, just a few brief remarks from me. I find myself in a strange position where I agree almost entirely with what my friend, Mr. Zeller, says and what my friend, Mr. Manderino, says, and I think that is unusual enough that it deserves to be noted. I think this is a good bill; I think enough has been said about it and I would sincerely hope that it would pass the House today and become law in the immediate future. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Coslett.

Mr. COSLETT. Mr. Speaker, I rise in favor of this bill. I agree with Messrs. Ryan, Manderino and Zeller. I served as the chairman on a committee of this sort, and vice chairman. I have hired under this program and I tell you right now nobody wants anybody over 40 to 50 to get in this program. We should want this program to continue like this. It is mandated by the Federal Government, with the money going to the unemployment. I think it is a good bill and I support this bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—133

Alden	Gallagher	McCall	Shupnik
Anderson	Gallen	McClatchy	Sieminski
Arty	Gannon	McIntyre	Sirianni
Bittle	Gatski	McKelvey	Smith, E.
Borski	Geesey	McMonagle	Smith, L.
Bowser	Geist	McVerry	Spencer
Brandt	Giammarco	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Moehlmann	Stewart
Caltagirone	Gray	Mullen, M. P.	Sweet
Cessar	Gruppo	Musto	Swift
Chess	Hasay	Novak	Taddonio
Cimini	Hayes, S. E.	Noye	Taylor, E.
Clark, B.	Honaman	O'Brien, B.	Telek
Clark, R.	Hutchinson, A.	O'Brien, D.	Thomas
Cochran	Hutchinson, W.	Perzel	Trello
Cole	Johnson, E.	Peterson	Wagner
Coslett	Jones	Petrarca	Wargo
Cowell	Kernick	Piccola	Wass
Dawida	Knepper	Pievsky	Weidner
DeMedio	Knight	Pitts	Wenger
DeVerter	Kolter	Polite	Williams
DiCarlo	Lashinger	Pott	Wilson
Dietz	Laughlin	Pratt	Wilt
Diminni	Lehr	Pucciarelli	Wright, J. L.
Dombrowski	Letterman	Rappaport	Yahner
Dorr	Levi	Reed	Yohn
Duffy	Levin	Ritter	Zeller
Durham	Lynch, E. R.	Rocks	Zitterman

Fee	Lynch, F.	Ryan	Zwilk
Fisher, D. M.	Mackowski	Salvatore	
Foster, A.	Madigan	Scheaffer	Seltzer,
Foster, W.	Manderino	Schweder	Speaker
Freind	Manmiller	Scirica	

NAYS—60

Austin	Gamble	Kowalyshyn	Rhodes
Barber	George, C.	Kukovich	Richardson
Belardi	George, M.	Lewis	Rieger
Berson	Gladeck	Livengood	Rodgers
Brown	Grabowski	Michlovic	Schmitt
Cappabianca	Greenfield	Miller	Serafini
Cohen	Halverson	Mowery	Seventy
Cornell	Harper	Mrkonic	Shadding
Cunningham	Helfrick	Murphy	Steighner
Davies	Hoeffel	Nahill	Stuban
DeWeese	Irvis	O'Donnell	Taylor, F.
Dumas	Itkin	Oliver	Vroon
Earley	Johnson, J.	Pistella	Wachob
Fischer, R. R.	Kanuck	Punt	White
Fryer	Klingaman	Pyles	Wright, D.

NOT VOTING—9

Armstrong	Brunner	Grieco	Street
Beloff	Donatucci	Hayes, D. S.	Zord
Bennett			

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 VOTES

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

Mrs. TAYLOR. Mr. Speaker, on SB 525 on final passage, my switch was inoperable, and I wish to be recorded in the negative.

The SPEAKER. The Chair thanks the lady.

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

Mr. GRABOWSKI. Mr. Speaker, on the last vote on SB 525, I did not realize that we were voting on final passage. I thought we were voting on a matter of constitutionality. I inadvertently voted in the negative. I would like to be recorded—if I would have realized that we were voting on final passage—in the affirmative.

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

Mr. STREET. Mr. Speaker, for some reason my switch has become faulty. On SB 525, I was not recorded as voting through no fault of my own. I was trying desperately. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, on SB 525 I inadvertently voted in the affirmative and would like to be recorded in the negative.

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, my point of personal privilege has to do with the procedure of last night's proceedings, and near the end of the session, I was trying to be recognized on a point of order before the last three votes. I was not recognized, after making several requests. I then attempted to get the Speaker's attention on the matter since the Speaker had not recognized me. The Speaker moved ahead. My concern, Mr. Speaker, is that on a point of order, I fully understand that every member of this House shares equal rights to have that point of order called to the attention of the House, and I felt very strongly that I did not get my equal opportunity to do that.

We are all elected here to come and to debate and to participate, and I want to call to the Speaker's attention that I was not able to get recognition on my point of order. I would not want to feel that I or any member of this House would be denied a fundamental right to participate on the basic rules that are clearly specified in this House. I would like to ask of the Speaker at this time, if such a procedure or such a precedent is something that would be entertained by the Speaker in light of last night's proceedings?

It was on the debate on HB 1850, if the Speaker can recognize, and on the suspension of the rules under rule 55, urged by Mr. Ritter, at which time I then asked for recognition on a point of order, frankly, to try to de-escalate the proceedings at that time. And after that vote was taken, another vote was taken, and I asked for order at that time, and then after that I asked for a point of order, and I was frustrated by the Speaker, in my opinion, from what I understood to be my basic right. I am sure that the Speaker did not and would not intend for such a precedent to prevail. I just wanted to call that to your attention this morning and ask the Speaker if that is your intent.

The SPEAKER. The Chair understood the gentleman's point of order and the question he raised. The Chair was seriously contemplating at what length he should respond to the gentleman, and discretion is a better part of valor and the Chair's response is "no."

Mr. WILLIAMS. Mr. Speaker, I might also add that I have discussed this matter with the Speaker this morning and I understand that the Speaker does not conceive that such a precedent should be set and that there were reasons beyond the Speaker's control that I was not recognized, and that the Speaker had no intent to violate my rights to a point of order; and I thank the Speaker.

QUESTION OF PERSONAL PRIVILEGE

Mr. WILLIAMS. Mr. Speaker, while I am up, could I ask another point of personal privilege having to do with several absences that have been recorded in my name from the period of March up until and including the end of May?

I had thought that my colleagues knew that I was hospitalized twice during that time and that I was unable to travel or to sit for any length of time for that, approximately, 3-month period. And when I learned that I was recorded as absent, I ex post facto would like to ask the Speaker for whatever would be necessary to be recorded as on leave of absence because of my illness and disability for the dates of March 5, 6, 7, 12, 13, 19, 20, 26, 27, and 28; April 23, 24, 25 and 30; May 1, 2, 7, 8, and for whatever days in May I was recorded as absent. I think that I returned some time toward the end of May or early June, at which time John White, Jr., had just reported to the members that I was at the point of death, and I came back in that day and they said I had been resurrected. But I was truly unable and disabled, and I would like the indulgence of the House or whatever rule to be accurately reflected as being on a leave of absence during that period of time.

The SPEAKER. The record of this House of those dates mentioned, at this time, cannot be changed. The gentleman has done the best that he can do in that he has inserted in the record of today those remarks that he wishes to become a part of the record of this House on the subject matter which he just discussed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

STATEMENT BY MR. SPENCER

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

Mr. SPENCER. Mr. Speaker, I think I would be remiss as a so-called veteran legislator if I did not respond to the earlier remarks of the gentleman who just preceded me.

I think that we should put this into the proper perspective, that this gentleman and the others were given every consideration by the Chair. They abused their privileges in the House as I have never seen them done in the 18 years that I have served, and I think that all of us owe a vote of thanks to the Speaker for his patience, his good judgment in handling the entire situation, and I personally wish to thank you, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Lewis.

Mrs. LEWIS. Mr. Speaker, I was out of my seat when the vote was taken on HB 1850 and I would like to be recorded in the affirmative.

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

CALENDAR BILL ON THIRD CONSIDERATION

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?

Mr. ZELLER offered the following amendment:

Amend Sec. 1 (Sec. 3), page 1, line 17, by inserting after "moneys" annually, not exceeding an amount equal to one mill of the real estate tax,

On the question,

Will the House agree to the amendment?

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

Mr. ZELLER. Mr. Speaker, we are only doing what is consistent with action taken about a month ago in regard to nonprofit art corporations. We are sending a cap of 1 mill of real estate tax in regard to spending limits on this type of contribution from any political subdivision. So, we are including here, at this particular time, in SB 857, cities of the second class, and I would appreciate your support. Thank you.

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

Mr. ITKIN. Mr. Speaker, will the maker of the amendment consent to interrogation?

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

Mr. ITKIN. Mr. Speaker, the second class cities have the ability to impose millage on land and buildings. When you speak of 1 mill, to what are you referring?

Mr. ZELLER. I did not hear the last sentence.

Mr. ITKIN. I said cities of the second class have the authority to impose separate millages on land and buildings. When you say that it is restricted to 1 mill, what do you mean?

Mr. ZELLER. I was not aware that they set separate millage on land or buildings. When we set a mill rate, it covers—in other words, in your county, if I may ask you a question. In your city, rather, when you set up a millage, do you say 15 mills for all land and 15 mills for all buildings?

Mr. ITKIN. We say maybe 20 mills on land, 100 mills on buildings, or vice versa — 100 mills on land, 20 mills on buildings. We are not limited to a uniform millage across both real property, land and buildings. Our city may impose and does impose separate millages on each category, land and buildings separately.

Mr. ZELLER. Well, I was not aware of that. When we asked the Legislative Reference Bureau to draw this up, it was to cover every aspect of millage that would be placed upon either property or land, and in the case of a nonprofit art corporation who may want to build a building on land, that would create possibly a problem. I do not know, and I would ask for a hold-up on this if that would be the case.

Mr. ITKIN. Mr. Speaker, I would ask for a hold. I do not think that there is any problem with the 1-mill limitation. I would just like to say, 1 mill on land and buildings so that we can—

Mr. ZELLER. Mr. Speaker, may I ask someone who should probably be from the county who is up on this—and he so graciously allowed us to do this the other day, as our minority leader, who would probably be privy to this information from his county and city, that whether or not this would impose a problem or could be interpreted. Well, let me ask the question first from the gentleman if he would consent to a brief interrogation.

The SPEAKER. The Chair recognizes the minority leader.

Mr. ZELLER. Mr. Speaker, I would like to ask you if this would be the case, that in the case of the city, could this be interpreted then that we would allow 1 mill on building and 1 mill on property or should we word it that way?

Mr. IRVIS. I see no particular problem with the amendment as currently worded and I do not believe that the gentleman, Mr. Itkin, sees any problem. He was simply trying to explain factually how our millage is arranged, but there is no particular problem with the wording of the amendment. We can accept it as it is.

Mr. ZELLER. I can appreciate it and I can accept it for this simple reason: As a large city that does get involved in coliseums and art programs and so forth, it may be just what they need in regard to a mill for property and a mill for a building to accomplish what they want to accomplish. I would see no problem with it, and it is such a large city. I agree with the minority leader.

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

Mr. ITKIN. Mr. Speaker, I will withdraw my motion with the understanding that it is the legislative intent of the amendment to include a mill on land and a mill on buildings.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

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

NAYS—3

Lewis	Rappaport	Richardson
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NOT VOTING—10

Armstrong	Brunner	Hayes, D. S.	Stewart
Beloff	Donatucci	Laughlin	Zord
Bennett	Grieco		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Alden	Gallen	Manderino	Schmitt
Anderson	Gamble	Manmiller	Schweder
Arty	Gannon	McCall	Scirica
Barber	Gatski	McClatchy	Serafini
Belardi	Geesey	McIntyre	Seventy
Berson	Geist	McKelvey	Shadding
Bittle	George, C.	McMonagle	Shupnik
Borski	George, M.	McVerry	Sieminski
Bowser	Giammarco	Michlovic	Sirianni
Brandt	Gladeck	Micozzie	Smith, E.
Brown	Goebel	Milanovich	Smith, L.
Burd	Goodman	Miller	Spencer
Burns	Grabowski	Moehlmann	Spitz
Caltagirone	Gray	Mowery	Stairs
Cappabianca	Greenfield	Mullen, M. P.	Steighner
Cessar	Gruppo	Murphy	Stewart
Chess	Halverson	Musto	Street
Cimini	Harper	Nahill	Stuban
Clark, B.	Hasay	Novak	Sweet

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

NAYS—6

Austin	Kernick	Livengood	Mrkonc
Dumas	Letterman		

NOT VOTING—9

Armstrong	Brunner	Grieco	Pitts
Beloff	Donatucci	Hayes, D. S.	Zord
Bennett			

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.

SUPPLEMENTAL CALENDAR

BILL ON FINAL PASSAGE

Agreeable to order,

The house proceeded to the consideration on final passage 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.

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?

RECONSIDERATION OF VOTE ON SB 735

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

Mr. ZELLER. Mr. Speaker, I move that the vote by which SB 735 passed finally on the 11th day of December be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

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

NAYS—5

Austin	Kernick	Knight	Mrkonic
Grabowski			

NOT VOTING—12

Armstrong	Brunner	Hayes, D. S.	Vroon
Beloff	Donatucci	Pott	Wright, D.
Bennett	Grieco	Stewart	Zord

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

RECONSIDERATION OF VOTE ON SB 735 ON THIRD CONSIDERATION

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

Mr. ZELLER. Mr. Speaker, I move that the vote by which SB 735 was agreed to on third consideration on the 11th day of December be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

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

NAYS—5

Austin	Kernick	Knight	Mrkonic
Grabowski			

NOT VOTING—12

Armstrong	Brunner	Hayes, D. S.	Vroon
Beloff	Donatucci	Pott	Wright, D.
Bennett	Grieco	Stewart	Zord

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

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

Amend Sec. 1 (Sec. 2104), page 1, line 12, by inserting after "grants" annually, not exceeding an amount equal to one (1) mill of the real estate tax,

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

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

Mr. ZELLER. Mr. Speaker, in line with the last bill we voted and with others passed about a month ago, this amends the Second Class County Code dealing with nonprofit art corporations and placing a cap of 1 mill.

I do not know whether the same condition exists in Allegheny County as to this type of problem. I do not know. I would like to interrogate Mr. Itkin if he does have a problem in that area.

The SPEAKER. The gentleman, Mr. Itkin, indicates that he will stand for interrogation.

Mr. ITKIN. Mr. Speaker, we have no problem with respect to the county. The county imposes uniform millage on land and on buildings.

Mr. ZELLER. Thank you, Mr. Speaker. I ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—191

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

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

NAYS—3

Lewis	Pott	Street
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NOT VOTING—8

Armstrong	Bennett	Donatucci	Hayes, D. S.
Beloff	Brunner	Grieco	Zord

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—188

Alden	Gallagher	Manderino	Scheaffer
Anderson	Gallen	Manmiller	Schmitt
Arty	Gamble	McCall	Schweder
Barber	Gannon	McClatchy	Scirica
Belardi	Gatski	McKelvey	Serafini
Berson	Geesey	McMonagle	Seventy
Bittle	Geist	McVerry	Shadding
Borski	George, C.	McVerry	Shupnik
Bowser	George, M.	Michlovic	Sieminski
Brandt	Giammarco	Micozzie	Sirianni
Brown	Gladeck	Milanovich	Smith, E.
Burd	Goebel	Miller	Smith, L.
Burns	Goodman	Moehlmann	Spencer
Caltagirone	Grabowski	Mowery	Spitz
Cappabianca	Gray	Mullen, M. P.	Stairs
Cessar	Greenfield	Murphy	Steighner
Chess	Gruppo	Musto	Stewart
Cimini	Halverson	Nahill	Stuban
Clark, B.	Harper	Novak	Sweet
Clark, R.	Hasay	Noye	Swift

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

NAYS—5

Austin	Letterman	Livengood	Mrkonic
Kernick			

NOT VOTING—9

Armstrong	Brunner	Grieco	Street
Beloff	Donatucci	Hayes, D. S.	Zord
Bennett			

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.

MEETING OF HOUSE SELECT COMMITTEE TO INVESTIGATE SEPTA

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, for an announcement.

Mr. PITTS. Mr. Speaker, I would like to call a meeting of the House Select Committee to Investigate SEPTA at 1:30 in room 245.

ANNOUNCEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I have a couple announcements, and the first announcement does not pertain to this day's legislative activity, but it does pertain to something that this House is going to have to agonize with during the month of January. As you all know, the House Committee on Education has reported from committee the proposed recodification of all of Pennsylvania's school laws in HB 1671, 500 pages of law. We all know that we seemingly have great difficulty handling bills of much lesser magnitude, which portends difficult times with

regard to HB 1671. This bill is the work product of many legislative sessions, and we are going to consider this important piece of legislation in January.

I respectfully request that those Representatives who have prospective amendments to HB 1671 please have that amendment prepared by the Legislative Reference Bureau by January 14. That is approximately 1 month. The bill has been out of the Education Committee now for several weeks. It is in the Appropriations Committee for a fiscal note. There will not be any changes made to the bill in terms of the bill's substance. They will attach a fiscal note and have it reported to the floor of this House. That is where the bill is right now, but it will be on the floor of this House when we return in January, so please have your amendments prepared. The Reference Bureau is waiting to receive your requests with regard to the School Code. Before we return, please have your amendments prepared so that Representatives from the committee who are going to have to labor long, hard arduous hours on the floor can best prepare themselves and this House for debate on the bill.

At this moment I would yield the microphone to Mr. Gallagher.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes, and to the members, I spoke to the committee members, most of them, today and yesterday. Please prepare, during the recess, amendments for the School Code and get them to Mr. Hayes or myself and have them in our hands by the 14th of January. I believe that the scheduling is that on January 21 the bill will be on the floor for debate, amendments, and vote, so you have a month to prepare any amendments you might have, but please get them to us.

To the Democratic members, if you need any assistance, my staff will be here all during the season, and Dr. Murphy will be in charge of any amendments. If you have any problems, call Dr. Murphy, and we will get the amendments ready by the 14th. So it is very important that you get them all ready, find out what your school districts want, what you want, and try to assemble them in some reasonable order so that the 14th we will be able to know how many amendments are going to be considered and what kind of debate we are going to have on the 21st. Thank you, Mr. Speaker.

HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair again recognizes the majority whip.

Mr. S. E. HAYES. For today's schedule, Mr. Speaker, it is the intention of the leaders on this side and also the leaders on the other side to expedite this afternoon's action here on the floor so that Representatives can leave Harrisburg at a reasonable hour this afternoon or early this evening. Now the hour that we leave will be totally contingent upon our collective desire to expedite the action on the floor this afternoon, and I would respectfully ask that we all work collectively in that regard. We must all work together. It is just not the minority leader's or

the majority leader's or Speaker's responsibility to work; it is all of our responsibility to work collectively to expedite this afternoon's activities.

We will return to the floor of this House at 2 o'clock this afternoon. It is the Republican caucus chairman's wish to have Republican Representatives take lunch immediately and go to the majority caucus room at quarter to 1.

This afternoon we will be considering HB 2 and what responsibilities the elected Attorney General is to have or not have. We also have on the calendar, as you know, other major pieces of legislation which we must always be prepared to consider, such as product liability, HB 538, and others. So those who have an interest in those bills, be prepared in case it is necessary to shift. We have caucused on that legislation. We probably know where we individually stand, but just please be ready in case we have to shift for good reason to other pieces of legislation. But get yourself ready for HB 2. I have had a lot of questions as to our intention with regard to concurrence in Senate amendments to HB 601. We will take up HB 601 as one of the last orders of business today. It will be acted upon before we leave Harrisburg.

Please, let us all get into the harness commencing at 2 o'clock this afternoon and get our work done. Let us not be dilatory.

The Republicans will caucus at quarter to 1. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we concur in the announcement made by the gentleman, but we want to add a couple of bills which members on this side are insisting be called up. For the gentleman's information, Mr. Kolter is going to call up, on page 11, HB 739 for concurrence in Senate amendments, and on page 6, Mr. George intends to call up SB 1005. I believe Mr. Dorr has amendments to that bill, but Mr. George intends to call the bill up.

We shall be going into caucus at 12:45 also, and we shall be prepared to return to the floor at 2 o'clock. Thank you, Mr. Speaker.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 756, PN 819

By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "tangible personal property."

Finance.

HB 1015, PN 2666 (Amended)

By Mr. F. J. LYNCH

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

Finance.

HB 1943, PN 2429 (Unanimous)

By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved

March 4, 1971 (P. L. 6, No. 2), further providing for special tax provisions for poverty.

Finance.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I want to openly thank the minority leader, Mr. Irvis, for his kindness in reconsidering SB 735 along with the Allegheny County delegation and all the members who did vote affirmatively in regard to these last two bills dealing with nonprofit art corporations. I appreciate the cooperation. Thank you.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I am trying to find some information concerning when we are returning after the recess today. It is my understanding that the Senate is going out until the 21st, and we are due to come back on the 14th. The reason I raise the question is because January 15, as you know, is Dr. Martin Luther King's birthday, and it was passed into law last session. I am wondering whether or not that is in fact going to stop us from dealing with the business at hand. It was HB 163 last year that was passed and signed into law.

The SPEAKER. In response to the gentleman's inquiry, the House will return to session on the 14th of January. We are scheduled to be in for 3 days that week. The House is also scheduled to be in on the birthday of Abraham Lincoln as well as Presidents' Day.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Levin, wish to be recognized?

Mr. LEVIN. Yes, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, I am sorry that so many members have left and will not have an opportunity, but I would like to personally thank Mr. Lynch, who is leaving, and I would hope he would wait for just a moment.

The SPEAKER. The Chair would suggest that the gentleman, Mr. Levin, wait until we return, and the Chair will be very glad to recognize him at that time. It may be a more appropriate time.

Mr. LEVIN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. D. R. WRIGHT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. D. R. WRIGHT. Would the Speaker inform me as to what the purposes of a point of personal privilege are?

The SPEAKER. The Chair will read from rule 12 of the House rules. The rule is cited as "Personal Privilege":

Any member may by leave of the Speaker rise and explain a matter personal to himself, but he shall not discuss a pending question in his explanation. Questions of personal privilege shall be limited to questions affecting the rights, reputation and conduct of members of the House in their respective capacities.

Mr. D. R. WRIGHT. I thank the Speaker.

It seems to me that we have had a number of occasions on which people have spoken to a question of personal privilege when it does not conform to that rule. I thought perhaps it would be useful to the membership to have that pointed out.

The SPEAKER. The Chair concurs in the gentleman's observation. The Chair has attempted to be lenient in this area as well as in all other areas.

The Republican caucus will begin at 12:45, and the Democratic caucus will begin at 12:45.

RECESS

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

AFTER RECESS

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

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2, PN 2566**, entitled:

An Act implementing the addition of section 4.1 to Article IV of the Constitution of Pennsylvania; establishing the Office of Attorney General elected by the citizens and setting forth powers and duties of the Attorney General; creating an Office of General Counsel and providing for legal services for Commonwealth agencies; transferring, reorganizing or reconstituting certain boards, commissions and agencies; and placing certain duties upon the courts and district attorneys.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the printer's number to which I wish to revert is 1591, and although that printer's number does not contain all the powers which I believe an elected Attorney General ought to have, it does contain far more and broader powers than are contained in PN 2566. Consequently, because I believe that the people of this Commonwealth, when they voted for a constitutional change, intended and intend that an elected Attorney General should have broad powers and not merely be a prosecutorial officer, I hereby move that HB 2 be reverted to its prior printer's number of 1591. Thank you, Mr. Speaker.

The SPEAKER. It is moved by the minority leader, Mr. Irvis, that HB 2 revert to the prior printer's number, PN 1591.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Irvis, has moved that this House return HB 2 to a prior printer's number. I rise, Mr. Speaker, to speak in favor of the motion made.

This House of Representatives, and the Senate concurring, commissioned the Joint State Government Commission to assemble a task force made up of members of this House of Representatives, members of the Senate, and experts in the field of law pertaining to the duties and responsibilities of an elected Attorney General. We spent considerable money paid by the taxpayers of this Commonwealth to decide on how we should implement and in what manner we should provide in law for the elected Attorney General that was authorized by constitutional amendment approved by the people of the Commonwealth of Pennsylvania. That task force, after many, many months of study, many meetings, many hearings, made a recommendation to this General Assembly, which recommendation was signed and approved by a number of individuals who sit in this House of Representatives on both sides of the aisle, and that recommendation does not appear in the present printer's number of HB 2.

When we asked the people of Pennsylvania whether or not they wanted an independent elected Attorney General, they had in their minds and we all had in our minds an Attorney General with powers and duties and responsibilities that we have traditionally known the Attorney General in Pennsylvania to have, and those duties extended far beyond the duties and responsibilities that are given to the independent elected Attorney General in the present printer's number version of HB 2. The present printer's number version of HB 2 is a sham. It is a fraud on the people of Pennsylvania who approved an elected Attorney General to be independent of the Governor's office.

Mr. Speaker, I would like to read some of the editorial comments in this Commonwealth prior to the approval of the elected Attorney General, which spoke to the expectations, in my opinion, of the people of Pennsylvania and the reasons we were authorizing an elected independent Attorney General.

In the Harrisburg Patriot in April of 1976, and I quote:

Under present law, the Charlie McCarthy of the Cabinet of any Governor of Pennsylvania is the Attorney General . . .

We believe the Attorney General should be elected; that his broad powers to rule on public policy demand that the public should have a strong say in his selection.

Attorneys General always say that they issue opinions based on their best judgments and interpretations of the law. After all, that is what the job is all about.

Mr. Speaker, those broad powers that were spoken about in this editorial do not appear in HB 2 as powers that the elected Attorney General will have or will authorize, and that Charlie

McCarthy situation that this editorial speaks to that should have been corrected and the people asked us to correct will not be corrected if we adopt HB 2 in its present form in response to the people's mandate that we should have an elected Attorney General, because we will not be having an elected, independent Attorney General as they have always known an Attorney General and as the law of this Commonwealth has always designated an Attorney General.

In the Pittsburgh Press of March 5, 1975:

In the ordinary course of events, the Governor has frequent occasion to ask the Attorney General for legal rulings. It follows that the Governor gets from his own appointee the kind of legal rulings he wants.

An elected Attorney General would have more independence, both legally and politically, than one who owes his position to the Governor alone. He would be responsible to millions of voters, instead of one Governor.

Mr. Speaker, the situation envisioned here will not occur if we adopt this printer's number of HB 2, because the opinions that the Governor would receive would not come from the independent, elected Attorney General. Those powers, duties, and responsibilities have not been given to him in this printer's number but would be given in the printer's number that Mr. Irvis is asking us to adopt.

Mr. Speaker, the Philadelphia Bulletin on March 17, 1976:

Pennsylvania is one of a handful of states in which the Attorney General is appointed by the Governor and serves at the Governor's pleasure. Advocates of (an elected Attorney General) contend that the present system seriously compromises the Attorney General's independence. They feel that an Attorney General who is elected by, and responsible to, the people rather than the Governor, would be motivated to act in the public interest more often, and less in political preservation.

Mr. Speaker, HB 2 in its present printer's number so diminishes the responsibility of the elected Attorney General that everything that was true that gave rise to the constitutional amendment would continue to be true, and the criticism leveled at an Attorney General appointed by the Governor could and would continue to be leveled at our actions, because we would be approving an elected Attorney General in so limited an area.

Mr. Speaker, I asked the persons who are more familiar with the powers and duties of an elected Attorney General to outline for me as briefly as possible those areas in which the Attorney General presently under Pennsylvania law has powers, duties, and responsibilities. Mr. Speaker, I was amazed to find out that there were at least 70 very important areas in which the Attorney General presently has powers, duties, and responsibilities, and I want to read some of those to you — the jurisdiction of an Attorney General as we have traditionally known the Attorney General of Pennsylvania and as the word Attorney General exists in our statutes in Pennsylvania. Jurisdiction relating to these items the present Attorney General has:

He has jurisdiction in collection of Commonwealth debts; jurisdiction in taxes and assessments; jurisdiction in our insurance laws, in our banking laws, in escheats, in weights and measures, in bonds for officials, in workmen's compensation;

jurisdiction in unemployment compensation; jurisdiction in state forest lands; jurisdiction in water companies, budgetary matters, inheritance laws, grants of Federal moneys and state moneys to political subdivisions; jurisdiction in probation of delinquents; jurisdiction in consumer affairs; jurisdiction in the Consumer Advocate regarding the PUC; jurisdiction in the Delaware River Compact; jurisdiction in liquor and liquor store funds; jurisdiction in heart and lung acts passed by the Commonwealth, in farm produce acts, in historical sites; jurisdiction in the Labor Relations Act, in the retirement laws, in the game laws, in the Pennsylvania Election Code, in the clean streams law; jurisdiction in the state hospital constructions; jurisdiction in the soil conservation laws.

He has jurisdiction in the Civil Service Act of Pennsylvania. His attorneys have jurisdiction and work in the area of municipal authorities, redevelopment corporations, surface mining, strip mining, public employes' strikes; jurisdiction in the area of firemen, detectives, funeral directors, business corporation law, professional licensure law, the Human Relations Act, water companies, gas operations, purchase and sale of Commonwealth lands, enforcement of public utility orders and regulations, joint document laws.

He has jurisdiction in insolvent prisoners, local and state sovereign immunity, suits against certain county officials and state funds; jurisdiction in quo warranto proceedings, pure food laws of the Commonwealth, corporations — profit and nonprofit — unincorporated associations, presentence centers, criminal history records, decedents' estates, the Health and Safety Act, wiretapping authorization, editing of statutes, revocation of corporate franchises, public utility assessments, corrupt organizations, civil proceedings, banking, bakeries, unemployment compensation, state parks, forest fire protection, collection from communities regarding state highways, jurisdiction in the area of feebleminded persons, jurisdiction in the area of refunds of money not due the Commonwealth, and a whole host of other laws enacted by this General Assembly over which the Attorney General was given powers, duties, and responsibilities.

All of these areas are not included in HB 2. A very limited area of the law, the enforcement and prosecution of criminal matters, is the only thing in HB 2, and that is not what the elected Attorney General constitutional amendment was all about. That was part of it, and I am willing to give those powers, duties, and responsibilities to the elected Attorney General as the people have mandated, but there are a lot of other responsibilities; there are a lot of other relationships; there are a lot of other jurisdictions that go with what the people of Pennsylvania knew as an Attorney General and expected when they passed a constitutional amendment saying we ought to have an independent, elected Attorney General. This bill is a far cry from that and would be vastly improved by reverting to the prior printer's number, and I suggest at least those of you on the other side who signed the Joint State Government Commission task force recommendation, who agreed to the bill in its prior form, ought to put up some green votes for the reversion to the prior printer's number.

The SPEAKER. The switch of the gentleman from Montgomery, Mr. McClatchy, has broken, and so as the roll is taken, the Chair will recognize Mr. McClatchy to indicate to the Chief Clerk how he wishes to be recorded.

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

Mr. KUKOVICH. Mr. Speaker, I would like to speak to this issue as one who was on that task force that considered this legislation, and I would hate to see a partisan vote today, because the deliberations of that task force, particularly in the summer of 1978 when most of the work was done, were done on a singularly nonpartisan basis. The concern of all the members, Republicans and Democrats, was to try to provide the best possible elected Attorney General bill. As a matter of fact, I agreed for the most part with that task force, although I could have thought the Attorney General should have even more powers. By not reverting to the prior printer's number, by voting "no" on this motion, we are going to take an action that does not only fly in the face of what the electorate chose but will also fly in the face of what a bipartisan task force decided was in the best interests of the Commonwealth.

Now my concerns are two general and a few specific concerns. Although the criminal powers are basically the same, the civil powers have obviously been changed quite drastically. By not reverting to the prior printer's number, we are not going to provide the adequate check and balance to the activities of the executive department that were originally intended. I think that would be a very crucial mistake.

I am also concerned more specifically about what has happened in the area of consumer affairs. The Bureau of Consumer Protection and the Office of Consumer Advocate, which have always been under the Attorney General and would continue to be under the Attorney General under the task force recommendation, will now be put under the office of the Governor. I would suggest to you that by doing so we will be stripping the independence of those bureaus for this important force to maintain. I would also suggest that if we pass the bill in this printer's number, in those areas we are going to cause some administrative problems. I think this bill would be in conflict with Act 161 of 1976, which states that the Office of Consumer Advocate is established within the office of the Attorney General. We will be having directly contradicting laws on the books if we pass this version of HB 2.

Mr. Speaker, I would just like to say from a practical standpoint, if we feel that we are worried about an Attorney General who will be too independent, if we do pass the bill after reverting to a prior printer's number, which I think is the proper thing to do, if it comes to pass that the Attorney General might have too much power, it is very simple to modify the law and change that. But I would suggest if we do the opposite and pass the bill in this version, in this printer's number, that we are going to have a problem, and pragmatically we will never be able to grant more independent power to the Attorney General. I would suggest that it is reasonable and proper not to act in a partisan manner on this bill and revert to a prior printer's number. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I rise to support reversion to the prior printer's number. There are those, I suspect, who think that this is a partisan issue, but my guess is, Mr. Speaker, that all of us ought to look at this as if it were a bill that would be in effect for a long time in this Commonwealth without regard to who occupies the Governor's chair at any given moment.

I would like to quote a couple of paragraphs from a document that I think that members on the other side of the aisle will find some interest in as well as those on this side of the aisle, and it begins:

As the chief legal officer on the civil side, independence, again, is important. And the rendering of advice in the squaring of proposed regulations with a legislative intent, an important oversight role can be carried out by the independent Attorney General. Let me dwell on that for just a moment, because I think in my conversations with you and your fellow legislators, I've determined an uneasiness about the tendency on the part of independent agencies and executive branch agencies, alike, to exceed the mandate given by legislation carefully framed to meet specific needs and to impose an administrative and regulatory burden on the citizens of Pennsylvania that far exceeds that intended by the Legislature. It seems to me that the independent Attorney General can be an important component of seeing that there isn't an overstepping of the bounds by these agencies in the implementing of the legislative intent.

It is extremely important in my mind that the Attorney General of Pennsylvania be solely responsible for litigation involving the State; that the litigation function and responsibility be centralized in this one independent office lest a proliferation of different litigative policies develop throughout the various agencies that might be involved.

Mr. Speaker, I could quote further from this document which would support the need for an independent Attorney General who had broad functions both on the civil and the prosecutorial side. The evidence which I bring to support reversion to the prior printer's number is from Governor Thornburgh in testimony before the Senate committee.

Mr. Speaker, I support the move to revert to the prior printer's number.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, when the Joint State Government Commission task force had before it a draft of HB 2 or an elected Attorney General bill in substantially the form that Mr. Irvis would like to revert to, hearings were held and testimony was given. Parenthetically, the advisory committee, Mr. Speaker, contained persons who formerly served this Commonwealth of Pennsylvania as Attorney General, and each of them, it is my understanding, favored the version of the bill to which Mr. Irvis wants to revert. We had the input of every person now living or at that time living who served in the capacity of Attorney General, whether Republican or Democrat.

But getting to the hearings that were held, there was one distinguished witness at the hearing on that version of the bill to

which we would like to return, and that distinguished witness, among other distinguished witnesses, of course, was the now-Governor of Pennsylvania, Richard Thornburgh, and at that hearing, Mr. Speaker, the now-Governor of Pennsylvania had these things to say about the kind of bill to which we want to return. He said, Mr. Speaker, that "Law enforcement, of course, is the prime concern of the public when they think of the shortcomings of our present system with regard to the appointed Attorney General . . ." And then he went on in his next paragraph, Mr. Speaker, and said, "Looking after consumer concerns is one of great importance and independence and confidence in that regard is one that is buttressed by the lodging of the consumer protection facilities within the independent Attorney General's office." This bill does not do that—those are my words. The Governor's words:

As the chief legal officer on the civil side, independence, again, is important. And the rendering of advice in the squaring of proposed regulations with a legislative intent, an important oversight role can be carried out by the independent Attorney General. Let me dwell on that for just a moment, because I think in my conversations with you and your fellow legislators I've determined an uneasiness about the tendency on the part of independent agencies and executive branch agencies, alike, to exceed the mandate given by legislation carefully framed to meet specific needs and to impose an administrative and regulatory burden on the citizens of Pennsylvania that far exceeds that intended by the Legislature. It seems to me that the independent Attorney General can be an important component of seeing that there isn't an overstepping of the bounds by these agencies in the implementing of the legislative intent.

Now those are the Governor's words. He was saying that there is a reluctance of Attorneys General to tell the agencies that they are overstepping their boundaries, that they are going beyond what the legislature intended, when the person who appointed the Attorney General is the same person who appointed the heads of the agencies that are trying to overstep the bounds of the legislation we pass, and in that bill, with the elected Attorney General that he was testifying about and to which Mr. Irvis is trying to revert, the elected Attorney General he felt would solve some of the problems we have in oversight of our legislative enactments. That proposition will not come about if we adopt the present version and will come about if we adopt Mr. Irvis' motion to revert to a prior printer's number.

The Governor testified further before that hearing: "It is extremely important in my mind that the Attorney General of Pennsylvania be solely responsible for litigation involving the State; that the litigation function and responsibility be centralized in this one independent office lest a proliferation of different litigative policies develop throughout the various agencies that might be involved." This cannot be achieved, Mr. Speaker; this thought of Governor Thornburgh's cannot be achieved if we do not revert to the prior printer's number, because all the litigative process involving the state will remain right where it is, under the Governor's jurisdiction.

Mr. Speaker, the Governor at that hearing, when he was not Governor and he was a candidate for Governor, also gave these

words of wisdom regarding the version of the bill to which we ask to revert:

The function of reviewing documents and rendering opinions on the suitability of particular forms used by the State is another that recommends itself to independent action on the part of this Attorney General. I note that the Governor is not shorn of all advice with respect to the creation of an independent Attorney General and that the act wisely provides for a General Counsel who would act necessarily to see that the Governor and Executive branch agencies in their non-litigative operations comport with the law and I would hope to see the desire expressed in the act for smooth coordination between the General Counsel and the Attorney General to be realized.

Mr. Speaker, the Attorney General has not been given any powers that will need coordination with the counsel general, because in the present HB 2 printer's number before us, all of the powers with regard to the executive agencies will remain with the Governor.

The Governor of Pennsylvania at that time also concluded with these remarks: "I commend those who have framed this legislation . . . for giving me the opportunity to visit with you . . . and discuss what I think is a terribly important task that lies before the General Assembly and the people of Pennsylvania."

Mr. Speaker, that very important task culminates in the fruition today of the kind of bill we adopt, and it either develops that we will have followed the mandate of the people and set machinery in motion in implementing the constitutional amendment for an elected Attorney General by prescribing powers, duties, and responsibilities as the people would have us do, or we will revert to character, at least the character that many of the people back home think the legislators have of being political animals first and foremost and promising anything and delivering rhetoric rather than substance. If we want an elected Attorney General and if we want to follow the mandate that the people gave us, HB 2 as it is before us does not do that. Reversion to the prior printer's number goes well down the road of giving the people what they expect and what we told them we would give them if they approved the constitutional amendment.

In the assembly in the 2 years that the constitutional amendment passed, in the two sessions, it passed very handily. I do not think it had more than 15 dissenting votes in the House of Representatives each time that it passed, and in all of the debate that took place in the House of Representatives when the mandate to the people for a constitutional amendment was given, everybody talked about the things that are excluded from this bill. There is no question; there is no one in here who believes that HB 2 as it is before us meets the expectations of the people or even meets the expectations of those of us who sat here in two successive assemblies and sent a question to the people of whether or not they wanted an elected Attorney General. We certainly were not talking about the kind of Attorney General with the powers and duties that we have given him in this bill. We have given him almost nothing of the powers, duties, and responsibilities of an Attorney General as we have always known an Attorney General.

I ask for a passage of the motion to revert to the prior printer's number.

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

The following roll call was recorded:

YEAS—95

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

NAYS—100

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

NOT VOTING—7

Beloff	Brunner	Grieco	Zord
Bennett	Donatucci	Hayes, D. S.	

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

The SPEAKER. On the question of reverting, the Chair, be-

fore it announces it, will announce the errors in the tabulation which can be verified on the printout.

There was a difference of 5 votes, and so the tally is 95 "ayes," 100 "nays." Less than the majority having voted in the affirmative, the motion falls.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I was listening to the clerk, who was trying to explain to me what happened on the roll call. What was the final vote, Mr. Speaker?

The SPEAKER. Ninety-five "ayes" and 100 nays.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, it is my understanding that a motion to revert to a prior printer's number, although sounding like a procedural move, is a substantive move in the nature of an amendment. My question is, is that vote that was just taken subject to a reconsideration motion?

The SPEAKER. In response to the gentleman's inquiry, it is the opinion of the Chair that a reconsideration motion would be proper.

Mr. MANDERINO. Mr. Speaker, we intend to file such.

RECONSIDERATION OF VOTE

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I move that the vote by which the motion to revert to the prior printer's number on HB 2 was defeated on the 12th day of December be reconsidered.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I second the motion.

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

The following roll call was recorded:

YEAS—185

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

Cohen	Honaman	O'Brien, D.	Thomas
Cole	Hutchinson, A.	O'Donnell	Trello
Cornell	Hutchinson, W.	Oliver	Vroon
Coslett	Irvis	Perzel	Wachob
Cowell	Itkin	Peterson	Wagner
Cunningham	Johnson, E.	Petrarca	Wargo
Davies	Johnson, J.	Piccola	Wass
Dawida	Jones	Pievsky	Weidner
DeMedio	Kanuck	Pistella	Wenger
DeVerter	Kernick	Pitts	White
DeWeese	Klingaman	Pott	Williams
DiCarlo	Knepper	Pratt	Wilson
Dininni	Knight	Pucciarelli	Wilt
Dombrowski	Kolter	Punt	Wright, D.
Dorr	Kowalyszyn	Rappaport	Wright, J. L.
Duffy	Kukovich	Reed	Yahner
Dumas	Lashinger	Rhodes	Yohn
Durham	Laughlin	Richardson	Zeller
Earley	Lehr	Ritter	Zitterman
Fee	Letterman	Rocks	Zwikl
Fisher, D. M.	Levi	Rodgers	
Foster, A.	Levin	Ryan	Seltzer,
Foster, W.	Lewis	Salvatore	Speaker
Freind	Livengood	Scheaffer	

NAYS—4

Dietz	Fischer, R. R.	Miller	Polite
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NOT VOTING—13

Beloff	Geesey	McIntyre	Rieger
Bennett	Grieco	Musto	Shadding
Brunner	Hayes, D. S.	Pyles	Zord
Donatucci			

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

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

The SPEAKER. Does the gentleman from Allegheny, Mr. Irvis, wish to be recognized?

Mr. IRVIS. Yes, Mr. Speaker.

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

Mr. IRVIS. Mr. Speaker, I suppose it is futile at this podium to point out that what we are witnessing today may be the very beginning of a political war, which I think the people of this Commonwealth do not want. Now I am convinced that somehow or other agreements have been made; that this is of such great political portent, that we had better maintain our party integrities, despite the fact that some of us believe otherwise, as to the powers and duties of the elected attorney general. Well, so be it. If there is war to be declared, then let the first shot be fired here on the floor of this House.

I personally do not think the people of this Commonwealth envision an elected attorney general as being a weakling, incapable of watching the administration. I am absolutely convinced that the people of this Commonwealth envision the elected attorney general as being a watch dog who has watched the executive department, as well as the legislative department, and would have the full powers to do so.

The bill, as we have it in front of us, does not meet those requirements, and the only thing that I am asking is that we

revert to a prior printer's number of the bill that will meet those requirements.

The reason I filed the reconsideration motion, Mr. Speaker, is that I am determined that if we are going to have a political decision made on this—one of the most important decisions that we are making this year—then I want only those people who are actually physically present voting. And I am going to insist—if it embarrasses some member, then it is going to have to embarrass him or her, but I am going to insist—that only those people who are present vote on this issue, and I ask the Chair to enforce that rule.

Mr. Speaker, I again ask that on the motion to revert, the vote be in the affirmative. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the motion?
(Members proceeded to vote)

Mr. IRVIS. Will the Chair hold the board open until we have an opportunity to check and see those who are in their seats, please?

VOTES CHALLENGED

Mr. IRVIS. Mr. Speaker, my eyes are not as good as they once were and I may be missing some people, but is the gentleman, Mr. Wright, on the floor of the House? How about Mr. Gannon, is he here? How about Mr. Earley? He was here earlier but I do not see him now. How about Mr. Brandt, is Brandt on the floor? I saw Mr. Davies earlier, but I do not see him now. Where is he? Mr. Wright, is he here or not?

The SPEAKER. What was the last name that the gentleman mentioned?

Mr. IRVIS. Mr. Wright, James Wright. I do not see him.

The SPEAKER. Was the gentleman, Mr. Wright, in his seat?

QUESTION OF PERSONAL PRIVILEGE

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

Mr. S. E. HAYES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. S. E. HAYES. It is my respectful suggestion, since the minority leader is very interested in knowing whether people are in the hall of the House or not, that if a Representative is not in fact seated, their switch be locked at this time. I respectfully request the Secretary of the House to do so.

Mr. IRVIS. I concur.

The SPEAKER. The members please take their seats.

Mr. IRVIS. I concur. I believe that is the way it ought to be.

The SPEAKER. Will the members please take their seats?

Mr. IRVIS. Mr. Speaker, in order to make sure that only those members who are in their seats have voted, may I ask that you call the vote again, and let us abide by the rules at least one time in 1979?

The SPEAKER. The clerk will strike the vote.

The members will please take their seats and the Chair asks that the members remain in their seats so an accurate count can be made.

The Chair is trying to abide by the rules of the House that only those members in their seats may be recorded. But unless the members will be seated and stay seated, the Chair is having a difficult time observing the House rule. Members will proceed to vote.

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

The following roll call was recorded:

YEAS—89

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

NAYS—95

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

NOT VOTING—18

Beloff	Fee	Johnson, E.	Rieger
Bennett	Giammarco	McIntyre	White
Brunner	Grieco	McMonagle	Wright, J. L.
Donatucci	Hasay	Pyles	Zord
Earley	Hayes, D. S.		

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, just for the record, who are the gentlemen whose votes were in the negative that were not recorded on the board?

The SPEAKER. In response to the minority whip, the changes for the official record of those votes not on the board are for the gentleman from Montgomery, Mr. McClatchy; the gentleman from Montgomery, Mr. Yohn; the gentleman from York, Mr. Dorr; the gentleman from Lackawanna, Mr. Belardi; and the fifth one is that Mr. McClatchy's switch is voted in the affirmative, so that has to be deducted from the total of the "aye" votes.

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

Mr. DiCARLO. Mr. Speaker, would you inform the members who have been sitting here this week and the last two months exactly what we are going to be doing? It seems we are ending 1979 the very way we ended 1978.

The SPEAKER. I would hope a candidate for the Congress of the United States would know what he is doing.

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?
(Members proceeded to vote)

VOTE CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, is Mr. Hasay on the floor of the House?

The SPEAKER. Mr. Hasay is not recorded.

Mr. IRVIS. Mr. Speaker, I assume that the people who are not in their seats had their switches locked. Is my assumption correct? Mr. Hasay's switch is now locked out.

Mr. MANDERINO. Mr. Speaker, is it possible to have the sergeant at arms verify the malfunctions of the switches that are being claimed as malfunctioning? I think some of those switches are working.

The SPEAKER. The Chair would suggest the minority whip clarify this for his own information.

Would the majority leader like to check Mr. Manderino's switch?

Mr. RYAN. Mr. Speaker, I did feel the holes in his hands.

Mr. MANDERINO. Mr. Speaker, unfortunately there are ways to lock those buttons at any time that the clerk wants to lock those buttons. Just open them as they were opened in this vote.

The SPEAKER. Is the minority leader satisfied that only those members in their seats are recorded?

On the question recurring,
Shall the bill pass finally?

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

YEAS—92

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

NAYS—92

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

NOT VOTING—18

Beloff	Fee	Johnson, E.	Rieger
Bennett	Giammarco	McIntyre	White
Brunner	Grieco	McMonagle	Wright, J. L.
Donatucci	Hasay	Pyles	Zord
Farley	Hayes, D. S.		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I regret that it was necessary for

that lesson to be taught. But let the lesson go forth from this floor to whoever called that signal, that until and unless we have an agreement as to how we are going to elect a nonpartisan, independent attorney general, the way the people of this Commonwealth intended when they amended the constitution, that is the way this side is going to continue to vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, that was as partisan a short speech I think I have heard this year.

The people of the Commonwealth of Pennsylvania, by an amendment to the constitution, called for an elected attorney general. The people of the Commonwealth of Pennsylvania did not prescribe in that amendment exactly what the duties of that attorney general were to be. Rather, that decision was left to the members of the legislature, Mr. Speaker, as I recall the question that was on the ballot.

I purposely stayed out of debate on this issue with respect to what my feelings are as to why the people of Pennsylvania agreed that there should be an elected attorney general. I listened to Mr. Manderino as he recited what was in the newspapers and as he read them to us. I, too, have clippings here today, and the clippings I have are from the Lancaster papers, from the Philadelphia Inquirer, and from Pittsburgh, Harrisburg, and I forget one of the northern tier papers. They all indicate to me that the attorney general should be elected so that he can be a prosecutor; so that the corruptions, as some of these papers say were rampant here in Pennsylvania at that time, would have an independent, strong, elected attorney general who could rid the state of corruption.

I happen to believe, Mr. Speaker, judging from the people whom I talked to over the past weeks, including attorneys, that when they voted on the question of an elected attorney general, they were voting principally with the idea that they were electing a strong, independent prosecutor, free from the influences of his appointing governor, a crime fighter, if you will, armed with sweeping grand jury powers such as this legislature gave to the attorney general over the past several years, along with other crime fighting tools. I think that is what the people of Pennsylvania did.

I do not believe that the people of Pennsylvania, when they voted for the attorney general, voted saying, Governor, whoever you might be, you are charged with the day-to-day operations of running this state. However, we are going to let another person who is elected, come in and take over to a great extent your powers, and we are going to call that person Super Lawyer. I do not think that is what the people had in mind. I think they had in mind a strong district attorney-type attorney general, and an independent—independent in a way—council general or a person charged with the civil responsibilities of the legal field appointed by the Governor.

I listened to Mr. Manderino read off the great long list of responsibilities of the attorney general today, and he is absolutely right — they are the responsibilities of the appointed attorney general. They cover both the civil field and the criminal field.

The bill before us, HB 2, in its prior form and the prior printer's number, which Mr. Irvis suggested we revert to—turns the

office of attorney general into, or makes the office of Attorney General, the office of a super lawyer, both in the criminal and in the civil fields. To a great extent, as I view that proposal, it takes away from the Governor's Office, whoever that Governor may be—it is not always going to be Dick Thornburgh. Whoever he may be, the attorney general takes with this bill a lot of the responsibilities of the executive department. He approves the regulations of the executive; he enters into litigation with the executive. Regardless of the feelings of the executive, he could take a position.

I do not think that it is cut and dry, Mr. Speaker, as you would have us believe with your remarks. My remarks, I hope, are not interpreted as political or partisan, but are remarks that should, I hope, not polarize these caucuses. I am disappointed that that happened. I think reasonable men can differ and I think that is why we have this forum. I notice, by way of example, that the AFL-CIO today in their newsletter favored HB 2 with this printer's number, not the one that Mr. Irvis wanted. I noticed the Pennsylvania State Education agency favored HB 2 with this printer's number. So it is not just political, because I hardly count the AFL-CIO as a moving Republican force, and I rarely read the AFL-CIO reports. But it was called to my attention today.

Let us not polarize this. Let us not take the attitude that the one printer's number is the only answer, and I am not suggesting that we take the attitude that the second printer's number is the only answer. This went down today, neither side with 102. I think what that means is that people better get together if we are going to pass this legislation and look for a middle road, and that is called the amendment process, as I have learned it over the years.

I think with this in mind I will say no more, and I say, frankly, right now there are not 102 votes for either side, and I think we all agree a bill has to pass. So I suggest that we go back to the drawing board and take a look at the amendment process.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I respect the position of the majority leader and I agree with most of what he said. The lesson that I intended to teach today I think may have been learned, and that is, the only way that any bill is going to pass the floor of this House concerning the elective attorney general is when reasonable people sit down and form some sort of reasonable compromise. There was no reasonable compromise on the floor of this House today, and that is the reason that I asked for a negative vote. I have always placed myself in a position to discuss a compromise, but I will not be bludgeoned into surrender. I happen to believe, as firmly as the majority leader believes, that the bill before us does not meet the requirements of the elective attorney general. I do not say that HB 1591 perfectly meets those requirements. I have not said that. I do say that we shall have to frame a bill which will meet, as nearly perfectly as we may, the requirements that the people have given us, the responsibility of drafting. And I look forward to the offer of the gentleman, Mr. Ryan, to formulating such a compromise position.

Insofar as his remarks are concerned about the Pennsylvania

State Education agency and the AFL-CIO, I have been known on a number of occasions to vote contrary to their wishes and will again do that many more times, I trust.

I am far more concerned, Mr. Speaker, not with the immediate future; not with Dick Thornburgh and his administration, but I am far more concerned with the future of this Commonwealth — that what we draft will be a fair piece of legislation which will put in place the officer that I am convinced the people of this Commonwealth want. I do not want to hamstring the Governor. I do not want him overseen by a super lawyer. That is not my desire, but neither do I intend, as long as I have voice and vote, to permit a fledgling, weakling attorney general to be produced on the floor of this House and hand it to the people of this Commonwealth as an answer to their wishes. That is not what they ask for. That is not what they voted for. It cannot be what we offer them, and I will not permit us to offer them anything less than they expect of us. Thank you, Mr. Speaker.

RECONSIDERATION OF VOTE ON HB 2

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

Mr. PICCOLA. I move that the vote by which HB 2 was defeated on December 12, be reconsidered.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I second the motion.

On the question.

Will the House agree to the motion?

The following roll call was recorded:

YEAS—177

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

DeMedio	Klingaman	Pott	Wenger
DeVerter	Knepper	Pratt	Williams
DiCarlo	Knight	Pucciarelli	Wilson
Dietz	Kolter	Punt	Wilt
Dininni	Kowalshyn	Rappaport	Wright, D.
Dombrowski	Lashinger	Reed	Yahner
Dorr	Laughlin	Richardson	Yohn
Duffy	Lehr	Ritter	Zeller
Dumas	Levi	Rocks	Zitterman
Durham	Lewis	Rodgers	Zwinkl
Fischer, R. R.	Livengood	Ryan	
Fisher, D. M.	Lynch, E. R.	Salvatore	Seltzer,
Foster, A.	Lynch, F.	Scheaffer	Speaker
Foster, W.	Mackowski	Schmitt	

NAYS—4

DeWeese	Kukovich	Letterman	Milanovich
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NOT VOTING—21

Beloff	Geesey	Johnson, E.	Rhodes
Bennett	Giammarco	Levin	Rieger
Brunner	Grieco	McIntyre	White
Donatucci	Hasay	McMonagle	Wright, J. L.
Earley	Hayes, D. S.	Pyles	Zord
Fee			

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

On the question recurring,
Shall the bill pass finally?

**HB 2 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I move that HB 2 be placed on final passage postponed calendar.

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

REMARKS ON VOTE

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

Mr. GEESY. Mr. Speaker, on that last vote, the motion to reconsider HB 2, my switch malfunctioned and I was not recorded. I would like to be recorded in the affirmative.

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

REQUEST TO WITHDRAW SPONSORSHIP

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

Mr. KUKOVICH. Mr. Speaker, I respectfully request that my name be deleted as a cosponsor of HB 2.

The SPEAKER. The Chair would suggest that he inform the majority leader, who is the one who handles deletions and additions of sponsorship.

The SPEAKER. The Chair recognizes the minority leader.
Mr. IRVIS. Mr. Speaker, we have not yet decided whether or

not HB 2045 can be run without a caucus. Will the Chair desist for just a moment, please?

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the minority leader advises me they need a short caucus on this bill which we had scheduled to roll today, and I would ask that we recess for 15 minutes. During that 15-minute break, perhaps we can put the balance of the day's calendar together. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 4:20 p.m.

AFTER RECESS

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

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2045, PN 2589**, entitled:

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

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

Amend Sec. 1, page 2, line 1, by striking out "System" and inserting Improvements for

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

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

Mr. CUNNINGHAM. This is a technical amendment that is offered exclusively to clarify the language in the bill. The amendment will not change the intent of the bill in any way, but it is important to provide, at least, a very brief explanation of the way in which the amendment will clarify the language.

There is a power generating station, a heat generating facility, that is owned by the Commonwealth of Pennsylvania, the General State Authority. It is located on the campus of Penn State University and it is operated by the university, and the university is currently using both oil and Pennsylvania coal, mined locally, to operate that heat generating plant. The plant is also used to generate electricity, up to 20 percent of the university's needs, as well. The university is currently under a court order, in the form of a consent decree issued by Commonwealth Court, that has locked the university into a time schedule for funding of this project and also for completion of the engineering; also for the construction of the installation of a coal scrubber system, which is essentially a filtration system that

will eliminate particulate matter from the gases that are emitted from the burners themselves.

This was to have been a line item in the capital budget and would not have been treated separately had the Department of Environmental Resources not demanded that the university agree, in the form of a consent decree, to the time schedule that has necessitated the lifting of this bill out of the capital budget, and the drafting and the introduction of a separate bill.

The amendment that I am offering does nothing more than strike out the word "system" and insert the words "improvements for" to make it clear that not only must two baghouse filtration systems be installed to allow the university to begin burning Pennsylvania coal exclusively and stop using oil, but that, internally, boiler adaptations must be made to facilitate this transition. So this is purely clarifying language on a technical amendment, and I would hope for an affirmative vote.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on page 2 of the bill, the gentleman, Mr. Cunningham, proposes to amend out one word, the word "System", and put in the words "improvements for".

Mr. Speaker, there is no question in my mind, and if you would read the bill, there is no question that that is an unnecessary amendment. It will do nothing but cost the Commonwealth of Pennsylvania good tax dollars to reprint this bill. There is no need to reprint this bill. It is perfectly clear the way it is without changing the terminology from "Particulate Emission Control System — Boiler Plant:" to "Particulate Emission Control Improvements for — Boiler Plant:"

Now it is just a silly amendment. And it is so silly that we ought to defeat it. It costs money to print bills to put those reprinted bills in the journals; to put those reprinted bills in the House History, and we ought not, for ulterior motives; we ought not for silly motives; we ought not for the purpose of offering amendments, amend bills with no substance and cost the taxpayers money. And I would ask the members not to take my word for it. Take the Cunningham amendment; take the bill and see what is being changed, and ask yourself, Is that necessary? Should we spend the taxpayers' money for something so silly?

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

Mr. CUNNINGHAM. Mr. Speaker, I will be gracious enough to say simply that the necessity for the amendment is apparent on its face, and I would urge an affirmative vote.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Will the gentleman yield to interrogation?

The SPEAKER. The gentleman, Mr. Cunningham, indicates that he will stand for interrogation.

The Chair recognizes the minority whip.

Mr. MANDERINO. Do you propose to amend the first line on page 2 of the bill?

Mr. CUNNINGHAM. Mr. Speaker, I propose to amend sec-

tion 1, page 2, line 1 by striking out "System" and inserting "Improvements for".

Mr. MANDERINO. Mr. Speaker, is it not true that line 1 of the bill now reads simply "Particulate Emission Control System —"? Is that the way it reads now?

Mr. CUNNINGHAM. That is correct, Mr. Speaker.

Mr. MANDERINO. And you are going to change it to "Particulate Emission Control Improvements For —"?

Mr. CUNNINGHAM. That is correct, Mr. Speaker.

Mr. MANDERINO. And the next line is "Boiler Plant:" on line 2. So the net effect of the change will be the bill, instead of reading "Particulate Emission Control System — Boiler Plant:", it will say "Particulate Emission Control Improvements For — Boiler Plants"?

Now you are asking me to believe that the necessity for that change is apparent on its face?

Mr. CUNNINGHAM. I am not only asking you to believe that, Mr. Speaker, but I am saying, unequivocally, that the language here should be specific; it should be precise. We are dealing with a substantial sum of money. It should be drafted in terms that do not permit latitude from its interpretation at a future time, and I think the current language could reasonably be construed in a way that is not consistent with the legislative intent we seek to—

Mr. MANDERINO. Mr. Speaker, do you intend to ask that the rules be suspended so your name can be added as a sponsor to this bill?

Mr. CUNNINGHAM. I do not.

Mr. MANDERINO. Thank you, Mr. Speaker.

I ask for a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

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

NAYS—90

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

NOT VOTING—16

Beloff	Earley	Hasay	Pyles
Bennett	Fee	Hayes, D. S.	Rieger
Brunner	Giammarco	McIntyre	Wenger
Donatucci	Grieco	McMonagle	Zord

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

MOTION TO PASS OVER HB 2045

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have no inherent hostility to HB 2045, but in caucus this afternoon a number of questions were raised as to the necessity for the passage of this bill at this time. There were members in our caucus who said that they did not understand whether or not Penn State scrubbers were to be applied to all of the heating plants. I understand that if the heating plant may be divided into six different sections, that the bill may only apply to two of those six heating sections. There were members of our caucus who did not understand whether or not, if we pass this \$8-million package, it would guarantee that only Pennsylvania coal would be used, and if that is so, whether or not there would be a higher usage of it than had been used in the past.

I was informed that Penn State had been using approximately 35,000 tons of coal, and the question was raised as to whether or not by the passage of this bill, there would be any higher use of coal or a greater quantity of coal used, perhaps is a better way of putting it, and I could not answer that question.

Also the question was raised as to whether or not fuel oil will continue to be used, and whether or not gas would continue to be used as a heating fuel, and I could not answer that question. Consequently, I am asking, now that the amendment has been put in, that the bill would be passed over until such time as we can make at least a mini-investigation of the conditions there which may warrant the passage of this bill, and I say that very carefully. I do not know whether the bill must be passed now or not, and I do not want to be placed in the position of asking for a negative vote on a bill which may be very important, but unless there is some compelling reason why this bill should be passed by the House, a House bill which has been on the calendar, I am informed, only 2 days and which cannot be acted upon by the other body, which has gone out of session, I would ask that the bill be passed over. Thank you, Mr. Speaker.

The SPEAKER. It is moved by the minority leader that HB 2045 and the amendments be passed over.

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

Mr. McCLATCHY. Mr. Speaker, it is critical that this bill keeps moving. I realize that the Senate is not in session, but this problem is one of a court order. And Penn State feels that if the legislation was introduced, if it was put on the calendar, if it was moved and passed by the House—and that is what we have been trying to do—the court will not insist on the fines if we do not put this environmental control on these smokestacks. That is the reason for moving and the passage of the bill.

I think that Mr. Cunningham has extensive knowledge about the bill, and he would certainly be glad to subject himself to interrogation and be able to answer, I think, all of the questions that the minority leader brought before us just a few minutes ago, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. Cunningham, please?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Before the House now is Mr. Irvis' motion, and I am wondering if it is proper to go into interrogation with that before us or should it be withdrawn in hopes that maybe this matter will be solved and it will not be necessary.

The SPEAKER. In response to the minority leader, the interrogation must be limited to the motion to pass over. Does the gentleman wish to interrogate—

MOTION WITHDRAWN

Mr. IRVIS. I will withdraw the motion, at least temporarily. I will withdraw the motion.

The SPEAKER. The Chair recognizes the minority leader, Mr. Irvis, who withdraws his motion to pass over.

The Chair recognizes the gentleman from Centre, Mr. Letterman, to interrogate the gentleman, Mr. Cunningham.

The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, when you were introducing your amendment, you mentioned in your amendment a scrubber house. I was told that it is a baghouse. Which one is it? There is a difference.

Mr. CUNNINGHAM. It is a baghouse, Mr. Speaker.

Mr. LETTERMAN. What portion of this money is to be used for the construction of the four walls in the house, just the bare construction?

Mr. CUNNINGHAM. Mr. Speaker, there are two baghouse facilities that will have to be built. I am not prepared to go through line item by line item and break down the construction project and discuss it in individual parts. May I ask the gentleman if there is a specific question that I could answer that underlies the question you are asking?

Mr. LETTERMAN. Well, Mr. Speaker, the main reason that I asked the question is that it appears that this is the most expensive baghouse that we will be building in the State of Pennsylvania for any type of construction, and that is why I wanted to know what the part is going to be for the cost for bare construction.

Mr. CUNNINGHAM. Mr. Speaker, I can assure the gentleman that this project was very carefully considered and was designed in a way that would absolutely minimize the cost involved here, because if this Commonwealth does not agree to fund this project, the university is going to have to fund it itself, and it obviously has a very, very strong interest in constructing a facility that is going to be the least expensive facility that will meet the needs imposed by the Department of Environmental Resources and by the Commonwealth Court.

Mr. LETTERMAN. Mr. Speaker, are you aware that an amosite plant in the State of Pennsylvania must have a baghouse?

Mr. CUNNINGHAM. No, I am not, Mr. Speaker.

Mr. LETTERMAN. Well, they do. And do you know what they cost to install a baghouse that will take care of 20,000 times more particulate than they are going to have at Penn State?

Mr. CUNNINGHAM. Mr. Speaker, I have some technical data here. I would be glad to read it into the record if the gentleman is interested in that. It is approximately two pages long. I think it would indirectly address the question, but I would hope it would suffice to say that if this General Assembly does not authorize the funding of this project for a facility that is owned by the Commonwealth of Pennsylvania—it is only operated by Penn State. It is owned by the Commonwealth—because the university operates it, the university will have an obligation not merely to fund the project itself, but to pay the daily fine that is going to be imposed by the Commonwealth Court.

The university, I can assure you, out of economic self interest, if nothing else, is not going to propose a project that is going to be in excess of the absolute minimum required by DER and by the Commonwealth Court, because it would be, I am sure, the desire of the university not have to become involved

in this kind of project in any event.

Mr. LETTERMAN. Well, evidently, no one is going to give me the answer as to how much a baghouse costs. So, I am just going to get the total amount of \$8,034,000 for the total project.

I do not think that you should take me wrong. I definitely want them to have a baghouse. I definitely want them to burn Pennsylvania coal because this really affects a lot of my constituents, and we have lost enough employes already by letting idiots start to put oil systems in where we already had coal systems.

I think that really what we should do is to pass this bill over and give us time to really look at it. I cannot understand where that much cost comes in. There is no way that I can understand this since I am well aware of baghouses being built throughout Pennsylvania for no more than \$1 million. I cannot get the \$8-million figure.

Mr. CUNNINGHAM. Mr. Speaker, if I may attempt to address the question that the gentleman is asking: What we are talking about here is not just one boiler. We are talking about four separate boilers for which there must be two baghouses constructed to service two groups of two boilers.

The university would like to stop burning oil completely for a variety of reasons. First of all, because this country, as a matter of foreign policy, has set a priority in decreasing our reliance on foreign oil and also because the cost of using oil is becoming prohibitively high, as a result of that, combined with the Commonwealth Court's consent decree, the court order, imposing this time schedule on the university, a decision was made that a unit would have to be designed that would be the least expensive unit that could be constructed to comply with the Department of Environmental Resources' requirements and also with the Environmental Protection Agency's requirements, because under current regulations the university is violating both DER and EPA regulations.

The university would not, as a matter of economic self-interest, be proposing a project that was more expensive than the absolute minimum necessary to meet the needs of the order that has been imposed upon them; and because of the urgency or the time constraints involved here, I can assure the gentleman, Mr. Speaker, that it was not my desire nor was it the university's desire to lift this line item out of the capital budget. That would have served no useful purpose, and I certainly would have had no interest in that had it not been for the urgency of the time constraints imposed on the university by the Commonwealth Court. So I would hope that would suffice to answer the gentleman's concern.

Mr. LETTERMAN. Mr. Speaker, when they build two baghouses, will they be eliminating the oil and only going to be putting baghouses on for the coal boilers?

Mr. CUNNINGHAM. Mr. Speaker, I apologize, I did not hear the gentleman's question.

Mr. LETTERMAN. When they build the two baghouses, are both of them for the coal boilers or is one of them for oil also?

Mr. CUNNINGHAM. Mr. Speaker, the idea behind this project—one of the ideas—is to stop burning oil altogether. It is the desire at the university to burn Pennsylvania coal, and I might

say that the majority of that coal is currently being mined from the gentleman's own district.

The idea is to shut down the oil burner and stop using that altogether. The university would like to go exclusively to coal. It is their intent to burn only coal, and they will be burning only coal if they can install this project and bring the coal burners that are currently only operating at 75-percent capacity up to 100-percent capacity to allow the abandonment of the current oil burner.

Mr. LETTERMAN. Okay, thank you, Mr. Speaker.

Mr. Speaker, may I make a statement please?

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

Mr. LETTERMAN. Mr. Speaker, there are probably only two people here really more interested than me in seeing this done if it is for the burning of coal, and I hope that is what it is.

Right now I say that we should hold this bill until we at least have the opportunity to determine just what the intent of building these baghouses are for. I have read in the paper about the order of DER. I have been watching that pretty closely. It has been going on for over 10 years, but right now they are really going to be shut down or some money is going to be withheld if they do not do this, and I can only say to you that we do not have the need for this bill today.

Since the Senate is not in, we could wait until we come back and pass this bill. In the meantime it would give some of us an opportunity to really make the clarifications that we need to pass upon a bill with some intelligence. I do not think that anybody voting on this bill today would have the intelligence to vote on it properly, because I have just asked two questions which no one can answer for me. They do not know the initial cost of just the house or anything else, and I think that should be part of what we need to know. I do not think it is going to affect anybody. One phone call to DER could get a variance which would take care of this until we come back, and I think that is the way we should go. I will hold off on my request and hope that Mr. Irvis makes the request for us.

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

Mr. GOEBEL. Mr. Speaker, I would like to say that we should move this bill. I am in favor of it. Of all the money that we throw around in this place, this is one expenditure which I think is really wise. It is not only going to help protect the environment, but it is also going to bolster a sagging construction industry.

If you figure for this \$8 million we are going to spend, what we are going to get back in tax dollars—the wages of the people working on the building, wage tax, local wage taxes. The companies are going to buy the materials. We are going to pay taxes on their materials they will buy, 6 percent, and they are going to pay corporate net income taxes. This is one of the best things that we can do: create jobs in Pennsylvania and help protect the environment. Let us get the bill moving. Why stall and wait around? Let us pass the bill.

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

Mr. ZELLER. Mr. Speaker, we have heard that story for

years and it is one of the reasons why government is in trouble. If you have a problem, keep throwing more money at it and the more money you throw at it, you will resolve the problem. That is a bunch of hogwash, and you know it.

The problem that we have here is very simple. I would like to interrogate Mr. Cunningham, if he would not mind, and I think we will resolve this problem rather quickly.

Mr. McCLATCHY. His mind is open.

The SPEAKER. The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Mr. Speaker, could you tell the house—and I do not say this to be facetious, but you say you have the information there—as to what tonnage of coal you are going to be burning when these baghouses are completed and you have turned over to coal completely? What is the tonnage? And we will simplify this because I was just in contact with our office that I have been with for many years, as Mr. Kowalyshyn can tell you in his own area, I mean at all of the various cement industries and the coal handling places there, I built every one of those doggone baghouses. Okay? Well, pretty near, except for probably two, and that is the electrical end of it and we worked with it. I have figures from a company that installed them and we had to do the contracting for the electrical. I have the figures here of what it cost for tonnage in regard to what Mr. Letterman was getting at, and Mr. Letterman is on the right track.

Mr. CUNNINGHAM. Mr. Speaker, I am not prepared to give you the sulfur content of the coal, but I am prepared to say that it is genuine, bona fide 100 percent Pennsylvania coal that is DER approved, and it is mined from within, approximately, a 50-mile radius of the university.

Mr. ZELLER. Mr. Speaker, I am not asking that question. The question is, what will be the tonnage of coal burnt per day, or year, even? Give me a year figure. How much coal are you talking about? Give me a figure. You are talking about 600 tons per day for all four plants, for all four boilers. If you are, I will give you a figure on 100 tons; I will give you a figure on any of them.

Well, if I may help you.

Mr. CUNNINGHAM. Mr. Speaker, according to the data before me, it is 250 tons per year, so you would have to break that down.

Mr. ZELLER. No. I can take care of it. That is the total for the four?

Mr. CUNNINGHAM. That is my understanding, Mr. Speaker.

Mr. ZELLER. Oh, my goodness gracious. Let me give you a figure then. Let me give you a figure. For 600 tons per day, and that is some of the equipment we put in, and that is just recently, no baghouse should cost you more than \$400,000. Now we are not talking about foundations; we are not talking about the labor; we are talking about just the baghouse. And if you know what a baghouse looks like—and I am not talking about something that some of my younger colleagues are thinking about. I am talking about a filtering unit. Now it has in a building such as, possibly, from here to the wall and that wide, with hundreds of bags hanging possibly about 9 inches in diameter, and the air passes through them, taking them off the stacks with the particulates and it filters them, and then you have to

shake them out, every cycle, about every half hour or however you time it—they shake it out and put it back in the main-stream and it burns it again. So it is like 99-99/100 percent pure going through the system. Now, with that in mind, in filtering this out, it will only cost you for that baghouse to handle 600 tons per day, it should not cost you over \$500,000.

Now for the construction of it and the building and the labor, I am saying you are getting into a figure of approximately \$2 million. Nowhere near \$8 million. I never saw anything more gold-plated in my life than this particular job, and that is what I said, when people are dealing with taxpayers' money, they do not know where to stop. They just keep throwing more money in it. And I will bet you my bottom dollar, if this was private industry doing it, you would not spend more than \$2 million on this job; possibly not even \$1.5 million.

Now all you people are cost-conscious, and I respect you for it. Please do not be sold a bill of goods on this one. I will tell you a company you can contact. You can contact them right now. The engineer is waiting—and they are one of the best in the country, the Fuller Company, right in my good friend's district there; one of the greatest in the world—and they build baghouses all over the world. If you do not believe me, call the gentleman, and he will tell you what it costs, exactly what Mr. Letterman is getting at here is hitting the nail on the head, and I am not kidding you. I am telling you fact. So you are buying a pig in a poke for \$8 million when I know that at the most it should cost you \$2 million, at the most. And I am giving you a lot of gravy on the side.

Mr. CUNNINGHAM. Mr. Speaker, to answer the gentleman's concern very, very briefly, if this General Assembly does not fund this project, Penn State is going to have to, and I can assure you that the university, knowing the specter that is hanging over them, would not be proposing a project that would be more expensive than the absolute minimum that they feel is necessary to meet these needs. This is not something that the university has of its own accord gone out and tried to get going. This is something that is being forced on them. They are trying to comply with it in a way that respects the law and yet at the same time does not go beyond what is absolutely necessary.

Mr. ZELLER. Mr. Speaker, I would never question as far as your credibility and your sincerity. I am not questioning that. What I am questioning is the people who are handling this whole project. It reminds me of the corps of engineers when it comes to building dams and everything else, and this is what I am getting at. This group are gold-plating this project as they do all other government projects, and this is what is happening, and I really believe that if we even amended it down to \$2 million, they would have money left over. This is the problem we have here of \$8 million for a gold-plated job. That is horrible. I know none of you people want to walk into that kind of a trap. We need money for other areas and we need it for a gold-plated project such as this.

So I really sincerely say, let us do something that we have talked about, and I am not trying to bring things out of caucus, but, Mr. Speaker, one of the members suggested this, that definitely a partisan committee should go up there with a bona fide

engineer and study this thing. And it would not cost you that much money to really get down to brass tacks. An independent study, it will only take 1 week. Do it next week. I will be glad to go along, and I tell you what, I can bring a guy in here who will show you figures that will stagger your imagination and show you that this is gold-plated.

Mr. CUNNINGHAM. Mr. Speaker, may I yield to the gentleman from Altoona, Mr. Geist?

The SPEAKER. The gentleman, Mr. Cunningham, yields to the gentleman from Blair, Mr. Geist.

Mr. GEIST. Mr. Speaker, if I may throw some light on this technically, the design of the facility is for 250,000 tons per day, and the cost of this facility is being designed as per General Services Administration specs in Pennsylvania. So, therefore, the cost is derived from knowable figures. Thank you.

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

Mr. MICHLOVIC. Mr. Speaker, I am having an amendment prepared to this bill and I would ask that it be held over.

The SPEAKER. Does the majority whip wish to be recognized?

Mr. S. E. HAYES. Would the gentleman be so kind as to relate to this House of Representatives what the purpose of his amendment is? The hour is growing late and the bill has been on the calendar, and I just wonder whether we should even wait for an amendment from the Legislative Reference Bureau. Would you just please tell us, Mr. Speaker, what your intention is, your purposeful intention?

Mr. MICHLOVIC. Yes, Mr. Speaker. My purposeful intention is to amend the language of this bill, since it is a capital budget appropriation bill, to rectify a problem in my area in the Turtle Creek Valley. We had a flood. This summer this House passed an appropriation in the capital budget of \$2.7 million, and that language in that appropriation bill did not include funds for the acquisition of property. After the funds were appropriated, we learned later that it would be cheaper to acquire some property than to go around it. So now we have to include the word "acquisition" in the scope of services and I have to add it to a capital budget bill and this is an appropriate one to do it with.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I sincerely appreciate the gentleman taking the time to explain what his amendment would do. I believe that the Appropriations Committee chairmen on both sides of the aisle, Mr. McClatchy and Mr. Pievsky, are doing their level best at preparing a capital budget which would probably be the most proper vehicle for what the gentleman has just called to our attention. It is my understanding that these two gentlemen will complete their work in the next couple of weeks and will probably have for us, in the House of Representatives, a capital budget bill, which will be the proper vehicle, I believe, to carry an amendment such as the one offered by the gentleman from Allegheny.

It is quite possible, Mr. Speaker, that that project could even be included in a bill before it comes onto this floor, although I have no way of speaking for Mr. Pievsky or Mr. McClatchy. But

that bill is coming, Mr. Speaker, and I would respectfully suggest that while the gentleman's amendment is of high purpose that it should probably wait, along with all those other projects that probably every one of us has on our minds at this time.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on the subject Mr. Michlovic brought up, I have been around here long enough—and I am sure Mr. Hayes has been around here long enough—to know that capital budget bills sometimes just never get here that we all expect to get here. We have gone in some sessions 2 and 3 years without seeing a capital budget bill. This bill is termed the capital budget bill, the capital budget bill for the fiscal year 1979-80. I do not know whether there will be another, but this is here. Mr. Michlovic has a legitimate amendment that would cost no money but it solves the problem in his area, and I think he has every right to offer the amendment to this bill.

On the subject matter previously discussed, Mr. Speaker, we have been trying to get information all day, beginning at 10 o'clock this morning, on this particular bill. We made a phone call to DER this morning for information. We did not get a return call until 3 o'clock this afternoon, Mr. Speaker.

One of the problems that we were having with the bill was what does the consent decree say that we must do, and when must we do whatever it is we agreed to do by the consent decree, and we asked for a copy of the consent decree. To the best of our knowledge, there is no court order except the consent decree that was agreed to by EPA, DER, and Penn State University. We have not been furnished with that consent decree. I do not know whether anybody on the other side has that consent decree. I would be happy to have it.

We did make a telephone call to Penn State University to try to get additional information regarding the project, and we were told that, according to the consent decree, the facilities did not have to be in operation. We only agreed that those facilities be in operation, I think the first facility, the first bag-house, in September of 1982.

Now I do not know what the urgency of passing a bill here today is which will not get to the Senate until January, the day that they convene. The most that our request for a passover on this bill costs this bill is 1 day. That is the most that it costs this bill. We can take this the first day we are back in January. By that time Mr. Michlovic will be able to put in his amendment. He may even have it down from the Legislative Reference Bureau today, if it is necessary, but we lose nothing. I have not seen anything so far that indicates that we have to pass this bill today.

There have been questions raised. The DER people told us that they would get back to us in answering our questions when we called them—and we finally made connection with them at 3 o'clock this afternoon—but when we called back about 4:45, we found out they were gone for the day. We are not going to get any information from them today. I really think the request is a reasonable request and, unless there is some dire need to pass this bill today, I think we ought to all wait for the additional information that is forthcoming, and pass this bill in January,

when we have the information that we should get before we should be spending \$8 million. This may be a very worthwhile project. It may be something that we must do, but I consider myself on the board of directors, spending the people's money, and we are spending \$8 million of the people's money today, and very few of us know what it is all about.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman, Mr. Manderino, talks about offering project amendments to this particular bill, and the gentleman has been here long enough to know, and certainly he has been here for the last couple of days to know that the Appropriations Committee, including Mr. Pievsky and Mr. McClatchy, are, in fact, working on a capital budget bill. If we were in fact to follow the recommendation of Mr. Manderino, we would all have to go up to the Legislative Reference Bureau tonight and get our amendments ready to be sure that we have our projects presented here before the House in open forum, where all along the Appropriations Committee is doing that work right now. If the gentleman does not know that, I would respectfully suggest that he communicate with Max Pievsky.

If he has any question about consent decree, if the gentleman's office or himself would have contacted the Subcommittee on the Capital Budget, they would have been provided, at 10:05 this morning, a copy of that consent decree. This is not some creature document that is unknown to man, except Mr. Cunningham. It was available to those persons who work on the Subcommittee on Capital Budget. It is right here, Mr. Speaker. It talks about there being some good—If you want it, you can come over here, Mr. Speaker. You are the one who requested the information.

Mr. MANDERINO. Do you know how hard it is to get information from you fellows?

Mr. S. E. HAYES. What is that?

Mr. MANDERINO. See how hard it is?

Mr. S. E. HAYES. The exercise would do you good, Mr. Speaker.

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

Mr. S. E. HAYES. I will yield to Mr. Pitts. He chairs the Subcommittee on Capital Budget.

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

Mr. S. E. HAYES. I would yield to the gentleman who handled this legislation in committee, the Representative who chairs the capital budget project, the man who has had this consent decree for some time.

Mr. MANDERINO. Thank you, Mr. Speaker. That is acceptable.

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation.

Mr. PITTS. Mr. Speaker, he has my copy of the consent decree.

The SPEAKER. The Chair suggests that Mr. Pitts ask the questions.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, will the gentleman indicate

from the consent decree, where we are under any constraint to pass this or to take action at this time?

Mr. PITTS. Mr. Speaker, I read from page 9, section (b). "On or before December 31, 1979, funding for the installation of all necessary air pollution control equipment on Boilers 1, 2, 6 and 8 will be obtained by Penn State either through enactment of the Department of General Services Construction Capital Bill by the Commonwealth providing for such installation as a capital public improvement project or by independent financing through Penn State."

Mr. MANDERINO. How long have you had this consent decree, Mr. Speaker?

Mr. PITTS. Mr. Speaker, I have had this consent decree for a matter of 2 or 3 months.

Mr. MANDERINO. Mr. Speaker, when was the bill introduced that solves this problem?

Mr. PITTS. The date on the bill is December 3, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, did it ever occur to you, when you read this consent decree some 4 months ago, that if we had a December 31 deadline, it would behoove us to introduce a bill before December 3?

Mr. PITTS. Mr. Speaker, we have been working on the capital budget for a number of months. When it became obvious that we were not going to introduce or be able to introduce that bill before the end of the session, we then decided to introduce a separate piece of legislation, which we did.

Mr. MANDERINO. Mr. Speaker, I have no further questions. The consent decree also indicates that on or before September 1, 1983, the installation shall be completed; September 3, 1983, the installation shall be completed for the control equipment for boilers 1 and 2; May 1, 1983, seems to be the date for completion on boilers 6 and 8. Mr. Speaker, I submit to you that there is no way that we can comply with the consent decree as it is before us by December 31, and that taking action this afternoon without the information that we have asked for, or would like to have, gains nothing except running the railroad over the minority party, if that is what will happen here this afternoon. Mr. Michlovic, I would hope, would get a chance to put his amendment in in any event, but I really think that there is no necessity. I do not think we are going to gain a thing, because the Senate is not there to act on this legislation. It will be acted on in January, and all further action could be delayed until January without, in my opinion, anyone being hurt in the least.

The SPEAKER. Does the gentleman from Centre, Mr. Letterman, wish to move that this bill be passed over?

Mr. LETTERMAN. Mr. Speaker, now that I have heard the order and know the dates, and if I have some kind of a wish in my mind that they burn coal mined in my area or trucked from my area, I am not going to do anything with it. I am in a position where I must vote for the bill, and I feel that I have to make this statement; I just think it is a damn crime that we do not have time to investigate something of this magnitude, and I cannot understand why no one can tell us what the total costs of the different parts of the project are. I cannot ask for us to hold the bill. I would ask for everybody to vote "yes" on the bill.

MOTION TO PASS HB 2045 OVER TEMPORARILY

The SPEAKER. Does the minority leader, Mr. Irvis, wish to move that this bill be passed over?

Mr. IRVIS. Yes, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—88

Austin	Dumas	Laughlin	Richardson
Barber	Fryer	Livengood	Ritter
Berson	Gallagher	Manderino	Rodgers
Borski	Gamble	McCall	Schmitt
Brown	Gatski	Michlovic	Seventy
Burns	George, M.	Milanovich	Shadding
Caltagirone	Grabowski	Mrkonic	Steghner
Cappabianca	Gray	Mullen, M. P.	Stewart
Chess	Greenfield	Murphy	Street
Clark, B.	Harper	Novak	Stuban
Clark, R.	Helfrick	O'Brien, B.	Sweet
Cochran	Hoefel	O'Donnell	Swift
Cohen	Hutchinson, A.	Oliver	Taylor, F.
Cole	Irvis	Perzel	Telek
Cowell	Itkin	Petrarca	Trello
Dawida	Johnson, J.	Piccola	White
DeMedio	Jones	Pievsky	Williams
DeWeese	Kernick	Pistella	Wright, D.
DiCarlo	Knight	Pratt	Yahner
Dietz	Kolter	Pucciarelli	Zeller
Dombrowski	Kowalyszyn	Rappaport	Zitterman
Duffy	Kukovich	Reed	Zwikl

NAYS—96

Alden	Gannon	Manmiller	Shupnik
Anderson	Geesey	McClatchy	Sieminski
Armstrong	Geist	McKelvey	Sirianni
Arty	George, C.	McVerry	Smith, E.
Belardi	Gladeck	Micozzie	Smith, L.
Bittle	Goebel	Miller	Spencer
Bowser	Goodman	Moehlmann	Spitz
Brandt	Gruppo	Mowery	Stairs
Burd	Halverson	Musto	Taddonio
Cessar	Hayes, S. E.	Nahill	Taylor, E.
Cimini	Honaman	Noye	Thomas
Cornell	Hutchinson, W.	O'Brien, D.	Wachob
Coslett	Kanuck	Peterson	Wagner
Cunningham	Klingaman	Pitts	Wargo
Davies	Knepper	Polite	Wass
DeVerter	Lashinger	Pott	Weidner
Dininni	Lehr	Punt	Wenger
Dorr	Letterman	Rocks	Wilson
Durham	Levi	Ryan	Wilt
Fischer, R. R.	Levin	Salvatore	Wright, J. L.
Fisher, D. M.	Lewis	Scheaffer	Yohn
Foster, A.	Lynch, E. R.	Schweder	
Foster, W.	Lynch, F.	Scirica	Seltzer,
Freind	Mackowski	Serafini	Speaker
Gallen	Madigan		

NOT VOTING—18

Beloff	Fee	Johnson, E.	Rhodes
Bennett	Giammarco	McIntyre	Rieger
Brunner	Grieco	McMonagle	Vroon
Donatucci	Hasay	Pyles	Zord
Earley	Hayes, D. S.		

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 gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I would like to emphasize for anyone who is confused in any way about the source of funds for this project, this is not general fund money. We are not talking about appropriating general fund money. We are talking about bonded indebtedness when we are talking about a capital project. Lest there be any confusion over that, I want to emphasize that fact.

I would like to emphasize the fact as well that this is not something that the university has gone out and sought. This is something that has been thrust upon them. It is very, very important that this General Assembly demonstrate a moral commitment to the funding of this project through a bond issue and to allow the university to go to Commonwealth Court and hold out the approval of this House of this project, and petition the Commonwealth court to stay the imposition of the fine that the university is going to have to pay out of its own resources, with the argument that the bill has passed the House and is merely awaiting Senate action.

We pay a great deal of lip service in this Commonwealth, which is abundantly endowed with coal resources, to the necessity for us to begin making an orderly transition away from our reliance on foreign oil toward the exclusive use of Pennsylvania coal.

The approval of this project will facilitate that end. And to that extent, the Commonwealth will benefit. The volume of coal consumed to produce heat and electricity at this institution will increase. As a consequence of all of this, Mr. Speaker, as a consequence of the fact that this project is going to have to be funded out of resources that are simply not available at the university, I would encourage an affirmative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I do not lightly move to delay the passage of any legislation on this floor, and I did listen to most of what was said today concerning this bill. I am still confused as to exactly what the urgency is. I simply do not accept Mr. Cunningham's explanation of what the court will do. The court is not going to be sitting there over the Christmas holiday making a decision whether or not the House passed, on the last day of session, a bill which cannot be acted on by the Senate.

He may believe that, and no doubt he does believe it, but I know better than that. I might eventually be for this bill, but I am not going to vote for \$8 million for Pennsylvania State, or anybody else, on the last day of the session when I am not sure of the necessity of that \$8 million.

There are just too many yet unanswered questions. I want to emphasize that I am not saying that they are not answerable, but they have not been answered to my satisfaction. I am going to vote in the negative.

I think that a particular negative vote in this case ought to be

read by Penn State as simply saying that as far as the minority leader is concerned, he does not have satisfactory answers yet.

I might change that position later on when I get the answers. I have not heard them here today and, consequently, I am going to vote "no."

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

Mr. FRYER. Mr. Speaker, would the gentleman, Mr. Cunningham, consent to a brief interrogation?

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

Mr. FRYER. Mr. Speaker I was most impressed by the comments as the gentleman related to bond indebtedness. Apparently, he feels that this is a plus item for the bill. Somehow or other I missed part of the impact. But would the gentleman explain the significance of bonded indebtedness as it pertains to this project?

Mr. CUNNINGHAM. Mr. Speaker, there is no significance other than a clarification to explain the way in which the project is proposed to be funded. There is no value judgment attached to that. It is merely a clarification.

Mr. FRYER. Mr. Speaker, does this mean that the taxpayers will not have to pay back this money?

Mr. CUNNINGHAM. Mr. Speaker, I am sure that the gentleman is aware of the fact that the answer to that question is: Of course the taxpayers are going to have to sustain a burden.

Mr. FRYER. At double the rate, sir, for the principal plus the interest?

Mr. CUNNINGHAM. Mr. Speaker, I think the gentleman knows the answer to that question is something that approximates a "yes" in any event.

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

The SPEAKER. The gentleman is in order.

Mr. FRYER. I would like to make a few brief comments.

The SPEAKER. The gentleman is in order to debate the bill on final passage.

Mr. FRYER. Mr. Speaker, I would point out to the ladies and gentlemen of the House, in regards to the bond rating and how it has dropped, it will add even more cost to our future bonding projects.

Mr. Speaker, I pride myself on being a fiscal conservative. Quite frankly, that gets me into trouble many times with elements of my own party, and with some, I might say, on the other side. But I have had a little bit of business experience. Many of us when we run for office, we point with pride to that. I think we get a good reception from people of the electorate who say that there should be a more business-like approach to government. And, Mr. Speaker, this is what I am astonished by, the point that this must be passed tonight or the Commonwealth will topple. There is 1 day, 1 day difference. The Senate will return on the 14th. We return on the 14th. The Republican Party has control of the happenings of this House.

That bill can be called up on the 14th and probably passed, but passed with the point that we have checked into the various questions that had been raised so that, in turn, hopefully, we

can be the deliberate body that our Founding Fathers set it up to be.

Now, Mr. Speaker, it seems to me that if we ignore that and if we go ahead tonight, the only damage that I can see, Mr. Speaker, is probably of some press releases that probably have gone out already and they cannot be recalled.

Now that is a trophy to take back, but I would ask every member of the House to think as they vote—and as they are shortly going out and say that they are willing to sacrifice their time once again on behalf of the people—of how they spent \$8 million on something that many, many valid questions have been raised. I do not know how you are going to face that. I know I am going to face it by voting “no.”

In all probability, if we would let this go and these answers would come back and it would be presented on the 14th, probably you would have every vote in this House, but I do not see how you can vote on something with the questions that were raised today.

If you were a director of a business corporation, you would be taken to task and probably face a lawsuit if you took the same action as you are contemplating tonight.

I think it is wrong. I am shocked by it, and yet I recognize the way things go, but you live with it as you see fit. I do hope that if an opponent of mine raises the question, I know I am convinced that I can go with my answer to the people. And to those of you who feel otherwise, I wish you well. Thank you, Mr. Speaker.

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

Mr. MICHLOVIC. Mr. Speaker, Mr. Cunningham has asked, as a matter of courtesy, for me to withdraw the amendment, and I shall do so. I withdraw my amendment. But in so doing, I would ask that he and the leadership on the other side take note that very quickly in the future when we get back, I would like this matter in my district attended to with the same kind of urgency that Mr. Cunningham sees. Thank you.

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

Mr. ZELLER. Mr. Speaker, if we point with pride to stopping the reckless spending here in Harrisburg as Mr. Fryer has mentioned—and that should be the key—how many have gotten down here in this last election by talking about reckless spending, number one. Bonded indebtedness is a higher route, and you all know that. The coupon clippers and the Wall Street brokers make out quite well on that deal, number two.

Number three, as Mr. Manderino has indicated, when are you going to start construction? All right, I am sure the plans are ready to go out for bids. As soon as the Governor signs this bill, if he does, that is going to be let for a bidding immediately.

Now the contracts can be in over 30 days, that are to be let, to be decided upon who gets the bid. When are you going to start construction? Now, if you are going to go according to state law, after October 15 it is rather difficult to pour concrete in the State of Pennsylvania on any public project. So what are you going to do for construction?

The Senate will not be back until practically the end of

January. They cannot even vote on this now. So you are not going to get any action because of the fact they cannot vote on it, point number four.

Now let me remind some of you people who are willing to go along—and including a gentleman on my side of the aisle who spoke, and now all of a sudden he is in favor of the bill—of when I heard so much rhetoric about how bad Penn State was a few years ago and let me remind some of you people, and especially one I was just reminded of in our good Kutztown State College, they have an inadequate heating system. They are sending students home. They are trying to pipe heat into some of the rooms. They cannot even get approval on the capital budget, and I am sure you can go to Bloomsburg and you can go all over this state and they have problems with their plumbing, their heating, their roofs, and they need capital money, and they are number one in education when it comes to Penn State and those other areas.

You start thinking that one over and then you tell your people back home that you spent \$8 million for Penn State for an emission control system and you cannot even get the darn plumbing and heating straightened out in your own colleges. You tell them that.

Now we have another problem, as Mr. DeMedio, Mr. Dombrowski and others can tell you, up in Erie, how much trouble we went through in getting the maintenance straightened out as far as heating and electrical up at the veterans' home; a veterans' home. And here you want to blow \$8 million on something when we could not even take care of our own veterans. I cannot believe this. And now we have the flag-wavers in here now talking about giving \$8 million to a pig in a poke up at Penn State, and you answer that one when we go on the road next year, and I will be the first one to call it to your attention. All of the people who are out to save money and all of that reckless spending around the state and we are going to see where the bear took a, you know, walk in the buckwheat, and we will see where you guys stand on them.

Let us try it for size then, and I will guarantee you—that is not a threat, it is a promise—it is hard for me to believe, to hear someone get up, after we talked about the cost of these units, to say we need the bill now is hard for me to swallow, with all respect, because I just cannot believe, after all of the rhetoric we heard about how bad Penn State was in throwing money down the tube and then all of a sudden now they have a halo over their heads.

So as far as I am concerned, I hope that the votes are there in regard to about 90 to 80 and they do not get the 102. And let us put this thing over until next year and say let us get a group up there, and I tell you I will be glad to go along. You can challenge my figures, and I will bring you some people in there to show you what the cost really is.

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

Mr. FREIND. Mr. Speaker, I have listened with great interest to this debate, as I have listened to the interesting debate for the last 3 days, and I just want to say that despite the fact that I think I am a fairly religious person and that in fact my district

is composed of mostly moral people, I am willing to bite the bullet, vote for this bill and support baghouses which, according to my understanding, are houses of ill repute staffed entirely by ugly women. Thank you, Mr. Speaker.

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

Mr. PITTS. Mr. Speaker, I do not want to belabor the House. Very briefly, for the information of the gentleman, Mr. Zeller and Mr. Fryer, just 2 days ago, Mr. Speaker, Mr. Fryer brought in the president and the vice president of Kutztown State College, and we had a meeting on their concerns. Their projects are in the draft of the capital budget which we are going to introduce. It is not quite ready at this time. We have been working on it a number of months.

This happens to be the only state institution out of compliance with the air quality standards in the state and, because of this consent decree, they are under the gun. They will have to start paying that fine if they do not have some kind of funding or, at least we feel, a moral commitment to funding by the end of this year, and the Department of Environmental Resources will be in the position of having to fine them.

I would urge the House to pass the bill so that we can give them that leverage so that they will not be subject to these fines. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, you know, in the old days I used to squash worms with my bare hands before I became a little bit more refined. I know certain people in this House—

The SPEAKER. Will the gentleman identify that time period for the House?

Mr. LETTERMAN. It was not too long ago, and I am not that far from returning to it.

I would just like to say that before I knew what the date was on this bill, I was really upset, but I understand what they are talking about. If that date is there and it says you have to do such and such by that date, that is what you do or you are fined so much a day.

Now, unless someone can get a variance from the department on that, then it is going to cost us even more because we are going to be expected to pay that fine, also.

I just think that other people should mind their own business and let me run my legislative district, and I will do the same for them, I am sure, because I have no interest in them or him, either one. Thank you.

Mr. ZELLER. Mr. Speaker?

The SPEAKER. The Chair would call to the gentleman's attention that he has already spoken twice on the bill.

Mr. ZELLER. Thank you very much, Mr. Speaker. Mr. Speaker, I ask for unanimous consent to speak for the third time on the bill.

The SPEAKER. The gentleman asks unanimous consent to speak for a third time on the bill. The Chair hears no objection. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, I just want to make it short. My

tax money, the people in my district also pay for it, just for the benefit of the worm-squeezer.

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

Mr. GEORGE. May I interrogate either of the prime sponsors of the bill, sir?

The SPEAKER. Will the gentleman indicate to the Chair whom he would like to interrogate?

Mr. GEORGE. Sir, according to the calendar, Mr. McClatchy or Mr. Cunningham, either one.

The SPEAKER. The gentleman, Mr. McClatchy, is willing to stand for interrogation.

Mr. McCLATCHY. Mr. Speaker, I yield to Mr. Pitts. He is the vice chairman for the majority on the capital budget who has been taking care of this.

The SPEAKER. The gentleman from Chester, Mr. Pitts, indicates that he will stand for interrogation.

The gentleman, Mr. George, may proceed.

Mr. GEORGE. Mr. Speaker, as a matter of record, because I am sure that most of us in here are concerned about the energy crisis, would you tell me, sir, how many burners are involved at the campus? How many units or burners or whatever you would call them, whatever they are? Boilers, is that it?

Mr. PITTS. Mr. Speaker, there are four.

Mr. GEORGE. Are you saying that in total, sir, there are four altogether?

Mr. PITTS. There are four which will be affected by this bill.

Mr. GEORGE. Are there more independent boilers at the facility?

Mr. PITTS. There are a total of five.

Mr. GEORGE. I see. I made a phone call because of my legitimate concern toward coal and I was presented some facts and figures and I really do not know whether they are accurate. And I can say this before all of the membership, that I know you are not going to tell me anything that is not so, but because I believe the concern goes deeper than just the matter of who is involved. I ask you, are these other four boilers constructed to the manner where they can burn other types of fuel? In other words, can they burn oil, gas, coal or whatever?

Mr. PITTS. Mr. Speaker, I will yield to Mr. Cunningham to answer that question.

Mr. CUNNINGHAM. Mr. Speaker, if I am in order, it is my understanding that these boilers are tri-fuel boilers in that they will accommodate coal, natural gas and oil, and that the objective here is to burn coal for environmental reasons and because of Pennsylvania's vast coal resources.

Mr. GEORGE. I heard you say, Mr. Speaker, a few moments ago when you were presenting your argument, that the installation of this unit or bag or baghouse would alleviate the need for burning fuel oil at this facility in each and every one of those four boilers. Is that right?

Mr. CUNNINGHAM. That is correct, Mr. Speaker.

Mr. GEORGE. In other words, from the moment that this funding and the construction is completed, then no longer will we need to burn fuel oil?

Mr. CUNNINGHAM. That is correct, Mr. Speaker.

Mr. GEORGE. Can I ask you if some of the figures I have on the usage at the moment are in any way accurate or would I have been given something that is not primarily so, Mr. Speaker? Is it true that we burn gas and fuel oil, as you previously said, to great amounts and we attempt, by burning coal, to alleviate the need for these other two fuels? Is that right?

Mr. CUNNINGHAM. It is the desire at the university to move away from the use of any fuel other than coal and to use coal 100 percent.

Mr. GEORGE. Will there be any move to eliminate or decrease the amount of gas that is used?

Mr. CUNNINGHAM. Mr. Speaker, it is my understanding that there is no gas currently being used; that we are using oil and that the majority of fuel being used is coal mined in the gentleman's district and also in Mr. Letterman's district almost exclusively.

Mr. GEORGE. Mr. Speaker, I do not insist that what you tell me would be either an error or for any other purpose than to provide the information I ask, and I say this not to demean, but I have been told an hour ago that they use 942,000,000 cubic feet of gas in each or all of those four burners. Is that accurate?

Mr. CUNNINGHAM. Mr. Speaker, this facility is not the only facility of this type that the university operates and there may well be at use in a facility other than this facility natural gas. There may well have been natural gas used at various times in this particular facility, but it is my understanding right now and in the not too distant past that coal has been used in four of these boilers operating at 75-percent capacity and that the fifth burner has been burning oil. And it is the desire of the university, under court order, I should say, to bring the four boilers currently using coal up to 100-percent capacity to obviate the necessity for the use of the fifth burner that is burning oil. The reason that this cannot be done is because of the particulate emissions that would ensue at 100-percent operating capacity.

Mr. GEORGE. Mr. Speaker, the information that was presented to me is that they used 942 million cubic feet of gas and that they used 300,000 gallons of very valuable oil, and yet we are only burning 45,000 tons of coal. I ask you if those figures are pretty well accurate?

Mr. CUNNINGHAM. Mr. Speaker, the information available to me is that the institution is burning 250,000 tons of coal per year. I do not have figures on their use of natural gas and on their use of oil, but I will tell you again that it is their desire, but more than their desire, they must, under court order, install a filtration system that will allow them to begin using all coal, 100 percent Pennsylvania coal and only coal.

Mr. GEORGE. Mr. Speaker, the reason I asked you is because of, I am sure you would agree, my interest in the coal fields. I noticed in the paper on Friday that the university was granted another \$600,000 to apply to an important project that has been ongoing, which is coal research and gasification and such. I insist that if we are going to spend moneys to the amount of a couple of million dollars at the university, I think that they possibly should practice what they preach. I intend to support this

measure, but I intend to make an issue of it if I find out that in the coming year, or once that thing is completed, that we are still burning oil which all people in Pennsylvania might be short of, and whether or not they are playing some game in giving you a figure that they do not give to me. I would suppose that we will all have a chance to place them on record, so to speak.

I do not insist that the figures that I have are that legitimate, but I do insist that this has been ongoing for 10 years, and in 10 years the only thing that has happened, according to the information I have, is that they have decreased the amount of coal that has been burned—is that not quite so—and upped the use of gas and fuel oil?

Mr. CUNNINGHAM. Mr. Speaker, again the difficulty here is that the university has more than one such facility and it is not my understanding that the use of coal has decreased, at least of late, at this particular facility. Certainly the economies of the current market situation would dictate a shift away from oil and natural gas because of the extreme inflation in the prices of these two fuels.

Mr. GEORGE. Well, Mr. Speaker, you make a statement that you are absolutely sure that this will eliminate the need for fuel oil per se?

Mr. CUNNINGHAM. Mr. Speaker, I had said that it is the intent of the university to install a filtration system that will allow them to bring four boilers that are currently operating at 75-percent capacity on coal up to 100-percent capacity on coal to obviate the necessity for the use of an oil-burning boiler.

Mr. GEORGE. But it will not eliminate the need for fuel oil? Is that right?

Mr. CUNNINGHAM. At this facility, it will, Mr. Speaker.

Mr. GEORGE. Well, is there not one unit that burns just gas and oil and not coal?

Mr. CUNNINGHAM. Mr. Speaker, it is the intention of the institution to shut that unit down, to not use that unit. That is why there is an intent to increase the output of the four coal-burning boilers to 100 percent, to eliminate the necessity for the use of the burner that is operating on fuels other than coal.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker.

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

Mr. GEORGE. Mr. Speaker, there is a genuine concern that it is quite possible that oil might just be short. There is also the possibility that intervening in private enterprise will again drive the cost of oil up and many of our people today cannot afford it, if they could get it.

I will vote for this, but I place myself on record and, hopefully, those who sponsored this bill will join with me in the coming months whereby we can watch the actions of Penn State and legitimately pursue that they intend to do what they promise. Thank you.

On the question recurring,

Shall the bill pass finally?

(Members proceeded to vote)

VOTES CHALLENGED

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

Mr. MANDERINO. Mr. Speaker, to ask whether the gentleman, Mr. McVerry, is in the hall of the House.

The SPEAKER. Is the gentleman, Mr. McVerry, in the hall of the House?

Mr. MANDERINO. Is the gentleman, Mr. Pyles, in the hall of the House? Is the gentleman, Mr. Fisher, in the hall of the House?

The SPEAKER. Will the gentleman indicate which Fisher?

Mr. MANDERINO. I see Mr. Roger Raymond. I do not see Mr. District Attorney.

The SPEAKER. The gentleman, Mr. Fisher, Mr. District Attorney, is not voted.

Mr. MANDERINO. Mr. Speaker, I do not see the gentleman, Mr. Wilt, in the hall of the House.

The SPEAKER. The gentleman, Mr. Wilt, is in his seat.

Mr. MANDERINO. I now see him. He is not in his seat, I do not think. Whose seat is he in, Mr. Speaker? Maybe that gentleman is not here.

The SPEAKER. His own.

Mr. RICHARDSON. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. RICHARDSON. That is my question, on the roll, Mr. Speaker. How many minutes have expired?

The SPEAKER. If the gentleman will yield for 10 seconds, we will give him a count. The roll has now been open for 6 minutes.

On the question recurring,
Shall the bill pass finally?

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

YEAS—97

Alden	Freind	McClatchy	Sieminski
Anderson	Gallen	McKelvey	Sirianni
Armstrong	Gannon	Micozzie	Smith, E.
Arty	Geist	Miller	Smith, L.
Belardi	George, C.	Moehlmann	Spencer
Bittle	Gladeck	Mowery	Spitz
Bowser	Goebel	Musto	Stairs
Brandt	Goodman	Nahill	Taddonio
Burd	Gruppo	Noye	Taylor, E.
Cessar	Halverson	O'Brien, D.	Telek
Cimini	Hayes, S. E.	Perzel	Thomas
Clark, R.	Honaman	Peterson	Vroon
Cornell	Hutchinson, W.	Piccola	Wagner
Coslett	Kanuck	Pitts	Wargo
Cunningham	Klingaman	Polite	Wass
Davies	Knepper	Pott	Weidner
DeVerter	Lashinger	Punt	Wenger
Dietz	Lehr	Rocks	Wilt
Dininni	Letterman	Ryan	Wright, D.
Dorr	Levi	Salvatore	Wright, J. L.
Durham	Lewis	Scheaffer	Yohn
Fischer, R. R.	Lynch, E. R.	Schweder	
Fisher, D. M.	Mackowski	Scirica	Seltzer,
Foster, A.	Madigan	Serafini	Speaker
Foster, W.	Manmiller	Shupnik	

NAYS—85

Austin	Gamble	Livengood	Richardson
Barber	Gatski	Lynch, F.	Ritter
Berson	George, M.	Manderino	Rodgers
Borski	Grabowski	McCall	Schmitt
Brown	Gray	Michlovic	Seventy
Burns	Greenfield	Milanovich	Shadding
Caltagirone	Harper	Mrkonic	Steighner
Cappabianca	Helfrick	Mullen, M. P.	Stewart
Chess	Hoeffel	Murphy	Street
Clark, B.	Hutchinson, A.	Novak	Stuban
Cochran	Irvis	O'Brien, B.	Sweet
Cohen	Itkin	O'Donnell	Swift
Cole	Johnson, J.	Oliver	Taylor, F.
Cowell	Jones	Petrarca	Trelo
Dawida	Kernick	Pievsky	Wachob
DeWeese	Knight	Pistella	White
DiCarlo	Kolter	Pratt	Williams
Dombrowski	Kowalshyn	Pucciarelli	Yahner
Duffy	Kukovich	Rappaport	Zeller
Dumas	Laughlin	Reed	Zitterman
Fryer	Levin	Rhodes	Zwikl
Gallagher			

NOT VOTING—20

Beloff	Earley	Hasay	McVerry
Bennett	Fee	Hayes, D. S.	Pyles
Brunner	Geesey	Johnson, E.	Rieger
DeMedio	Giammarco	McIntyre	Wilson
Donatucci	Grieco	McMonagle	Zord

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

STATEMENTS

The SPEAKER. It has been the custom in years past for the Speaker to invite the retiring members of the House to preside at some time during a session in the last week. Unfortunately, the Speaker did not feel he had an opportunity this week to offer that courtesy to the retiring members. I would, however, like to present to their fellow members each one of our retiring members — three Republicans and three Democrats — to say a few words, and the Chair is going to recognize them by seniority.

The Chair at this time recognizes the gentleman from Delaware, Mr. Lynch, who is in his seventh term.

Mr. F. J. LYNCH. Thank you very much, Mr. Speaker. I am just as happy that you did not ask me to preside, particularly last night, because last night was one of those nights where you start to think that retiring from the House is not so bad, but then today you think that most of the days that you have had have been good ones, most of the associations that you have made—by far, most of the associations that you have made—have been great ones, and for that I am very, very appreciative. I do not know how many years I have to go yet, but I am never, never going to forget my service in this House, nor am I going to forget that from the day I got here I never failed to be impressed by the dedication and the expertise of the people with whom I have had the pleasure to serve all the way from 1966

until now. So I want to thank all of you for your friendships, and say that today has been a great day for me. I even got two of my bills out of my committee, for which I am very grateful.

I just want to say a word to the members of my committee, the Finance Committee: They have made my last year of service in this House most enjoyable. We have enjoyed, I think, a great spirit of cooperation. It is not every committee that has, for instance, Amos Hutchinson on the other side to take the wind out of your sails on a regular basis. But it has been a wonderful experience, and I want to thank all of you very much.

The SPEAKER. The Chair now recognizes the gentleman from Montgomery, Mr. Scirica, who is in the fifth term.

Mr. SCIRICA. Thank you. I have a feeling that this would have been a lot better received had I given my farewell about 24 hours earlier. I got a lot of well wishes last night. They said, Scirica, we are going to be glad to get you out of this House.

It is difficult to say goodbye when you know that you have made some of the best friends that you will ever make, in this House, and for that I thank you. I will miss the members of this House. Thank you very much.

The SPEAKER. The Chair welcomes the gentleman from Montour, Ollie Wagner, in his fourth term.

Mr. WAGNER. I am looking forward to the years when I am retired and on a rocking chair, because they tell me when you get senile you forget your middle-aged years, or let us say the years after the 50's, and you go back to your earlier years in life, and I am sure I am going to relive this experience again. I think, without question, it will be probably the most enjoyable period of my life. It is something which, thankful to the voters, they have given me a unique experience. I have made friends. I think only those of us here can appreciate it, and I have some reflections on things that have happened.

First of all, I have some thank-yous. I want to thank Roy Wilt and Joe Kolter for the personal help they gave me my first term; Reno Thomas and Ed Helfrick, Joe Levi, Senator Kusse, for their guidance in voting, if I may phrase it that way. I want to thank the leadership. I have come to appreciate the two-party system since I was here. I came down as a freshman with a little bit of contempt for the two-party system. I now appreciate it, particularly in budget votes.

I can remember some comments and some speeches, and I can remember the pornography debate many years ago with Leroy Irvis, and I was sitting there in the back saying, "You mean you are telling me that I, with a PhD, with a personal library of 2,000 editions, that I really do not know what I want to read? I am an adult." And I am thinking, that is right, Leroy, you know this is what we want, and I got to tell you I have got a pornography case pending right now that will probably be heard in my first or second week in office, and I am going to hear his words over and over and wonder where that pornography bill was probably 6 years ago, rather than where it is now.

I do have some regrets about the office; probably about mistakes I have made. Three come into mind. One is to former Secretary Jacob Kassab. In my first term down here, I think I impugned his integrity through the speech I made on the floor,

although I essentially believed in what I said. I know what was said. On rereading my comments, I believe I have smudged his character. I want to take this opportunity on the record to say that I apologize to Secretary Kassab and to his family for any embarrassment I might have caused him.

I also want to apologize to, perhaps, the black members in the caucus. They have made comments in general about racist attitudes, and I never thought I was a racist, but I think they have educated me on some of my social upbringing. They have educated me to realize that some of my perceptions of what are right and wrong might have been unintentionally racist, and I apologize to them.

I also apologize to Senator Earley for some comments I made concerning him and some motives he had in a press release some years ago.

But I am going to look back on this. I would like to come back here. If you ever want to, you can change the inconsistent offices for district attorney in the County Code and permit both offices to be held. Thank you for the experience and the opportunity, and I am going to miss you.

The SPEAKER. The next member I would like to present to the House is a person who at times is at a loss for words, the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. If I had known he was going to call me up front, I would have spent the lunch hour getting my hair done. I am going to miss all of you, the members of this House, the employes, and the gang in the corner; and I want to say it has been an experience, and I think it will help me back home. And I hope you all keep in mind that I only ask for one bridge, and when I come back as mayor of Penn Hills, maybe you will look favorably on that.

In leaving, I would like to tell you when I first came here I expected perfection. But you are not as perfect as I expected nor as imperfect as you have been depicted. I love you all. Thank you.

The SPEAKER. The other two members who have been elected to other offices are Mr. Donatucci of Philadelphia, who is not present here today, and the gentleman from Dauphin, Mr. Reed, who has indicated to the Speaker that he will be back with us when we convene in January and that he will be able to be recognized at some later date. He did not tell me what date.

Since the gentleman indicates that it is not appropriate to recognize him for a farewell speech, maybe the gentleman would like to indicate to the House what day will be an appropriate day to recognize him for a farewell speech. Let the record show the gentleman smiled.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 601, PN 2587**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 601

Session of 1979

Printer's Nos. 551, 2274, 2346, 2521
Prior Printer's No. 2587

SENATE AMENDED

INTRODUCED BY MESSRS. DAVIES, BURNS, GALLA-
GHER, MILLER, NOYE, SALVATORE, MILANOVAICH,
CIMINI, GRIECO, MRS. ARTY, MESSRS. CALTAGIRONE,
KNEPFER, SIEMINSKI, MANMILLER, GOEBEL, J. L.
WRIGHT, SCIRICA, COHEN, A. K. HUTCHINSON, W. D.
HUTCHINSON AND GRABOWSKI, MARCH 7, 1979.
AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
DECEMBER 3, 1979.

An Act

amending Title 24 (Education) and 71 (STATE GOV-
ERNMENT) of the Pennsylvania Consolidated Statutes, fur-
ther providing for certain contributions by the
COMMONWEALTH AND FOR A COST-OF-LIVING INCREASE TO
ANNUITANTS.

The General Assembly of the Commonwealth of Pennsylv-
ania hereby enacts as follows:
Section 1. Sections 8326, 8327, 8328(a), 8342(A) and 8348(a)
and (b), (B) AND (D) of Title 24, act of November 25, 1970
(P. L. 707, No. 230), known as the Pennsylvania Consolidated
Statutes, are amended to read:

§ 8326. CONTRIBUTIONS BY THE COMMONWEALTH.
(A) CONTRIBUTIONS ON BEHALF OF ACTIVE MEM-
BERS.—THE COMMONWEALTH SHALL MAKE CONTRI-
BUTIONS INTO THE FUND ON BEHALF OF ALL ACTIVE
MEMBERS, EXCEPT THAT IT SHALL NOT BE LIABLE FOR
ANY CONTRIBUTIONS WHATSOEVER ATTRIBUTABLE
SALARIES PAID THROUGH FEDERAL FUNDS, UNLESS
IT IS AN EMPLOYER, AS DEFINED IN SECTION 8327(A).
RELATING TO PAYMENTS BY EMPLOYERS, IN AN
AMOUNT EQUAL TO ONE-HALF THE AMOUNT CREDIT-
ED BY THE BOARD AS NECESSARY TO PROVIDE TO
GETHER WITH THE MEMBERS' CONTRIBUTIONS, AN
ANNUITY RESERVE ON ACCOUNT OF PROSPECTIVE AN-
NUITIES AS PROVIDED IN THIS PART IN ACCORDANCE
WITH SECTION 8328(A), (B) AND (C) (RELATING TO
ACTUARIAL COST METHOD), IN CASE A SCHOOL EM-
PLOYER HAS ELECTED MEMBERSHIP IN A RETIREMENT
PROGRAM APPROVED BY THE EMPLOYER, THE COM-
MONWEALTH SHALL CONTRIBUTE TO SUCH PROGRAM
ON ACCOUNT OF HIS MEMBERSHIP AN AMOUNT NO
GREATER THAN THE AMOUNT IT WOULD HAVE CON-
TRIBUTED HAD THE EMPLOYEE BEEN A MEMBER OF
THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYS-
TEM.
(B) CONTRIBUTIONS ON BEHALF OF ANNUITANTS.—
THE COMMONWEALTH SHALL MAKE CONTRIBUTIONS
ON BEHALF OF ALL ANNUITANTS IN AN AMOUNT
EQUAL TO ONE-HALF OF THE AMOUNT CERTIFIED BY
THE BOARD AS NECESSARY TO FUND THE ADDITIONAL
LIABILITIES FOR MINIMUM AND SUPPLEMENTAL AN-
NUITIES IN ACCORDANCE WITH SECTION 8328(D).
(C) CONTRIBUTIONS FROM FEDERAL FUNDS.—COM-
MONWEALTH CONTRIBUTIONS AS REQUIRED BY THIS
SECTION, WHEN PAID FOR EMPLOYERS WHOSE
SALARIES ARE WHOLLY OR PARTIALLY FEDERALLY
FUNDED, SHALL BE PAID FROM FEDERAL FUNDS IN
THAT SAME RATIO IN WHICH SUCH EMPLOYEE
SALARIES ARE PAID.
§ 8327. PAYMENTS BY EMPLOYERS.—
(A) GENERAL RULE.—EACH EMPLOYER, INCLUDING

THE COMMONWEALTH AS EMPLOYER OF EMPLOYEES
OF THE DEPARTMENT OF EDUCATION, STATE-OWNED
COLLEGES AND UNIVERSITIES, THADDEUS STEVENS
TRADE SCHOOL, PENNSYLVANIA STATE GREAT SCHOOL
FOR THE DEAF, SCOTLAND SCHOOL FOR VETERANS,
CHILDREN, AND THE PENNSYLVANIA STATE UNIVER-
SITY, SHALL MAKE PAYMENTS TO THE FUND EACH
QUARTER IN AN AMOUNT EQUAL TO ONE-HALF THE
SUM OF THE PERCENTAGES, AS DETERMINED UNDER
SECTION 8328 (RELATING TO ACTUARIAL COST
METHOD), APPLIED TO THE TOTAL COMPENSATION
DURING THE PAY PERIODS IN THE PRECEDING QUAR-
TER OF ALL ITS EMPLOYEES WHO WERE MEMBERS OF
THE SYSTEM DURING SUCH PERIOD.
(B) RULE FOR EMPLOYEES RECEIVING FEDERAL
FUNDS.—IN THE CASE OF EMPLOYERS PAID WHOLLY
OR PARTIALLY FROM FEDERAL FUNDS, THE EMPLOY-
ER, INCLUDING THE COMMONWEALTH, SHALL MAKE
PAYMENTS TO THE FUND EACH QUARTER IN AN
AMOUNT EQUAL TO THE FULL PERCENTAGE, AS DE-
TERMINED UNDER SECTION 8328 APPLIED TO THE TO-
TAL COMPENSATION PAID FROM FEDERAL FUNDS
DURING THE PAY PERIOD IN THE PRECEDING QUARTER
OF ALL EMPLOYEES WHO WERE MEMBERS OF THE
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM
DURING SUCH PERIOD.
(B)(1) (C) DEDUCTION FROM APPROPRIATIONS.—TO FA-
CILITATE THE PAYMENT OF AMOUNTS DUE FROM ANY
EMPLOYER TO THE FUND THROUGH THE STATE TREAS-
URERS AND TO PERMIT THE EXCHANGE OF CREDITS
BETWEEN THE STATE TREASURER AND ANY EMPLOY-
ER, THE SECRETARY OF EDUCATION AND THE STATE
TREASURER SHALL CAUSE TO BE DEDUCTED AND PAID
INTO THE FUND FROM THE ACCOUNT OF ANY APPRO-
PRIATION FOR SCHOOLS OR OTHER PURPOSES SUCH
AMOUNT DUE TO THE FUND AS CERTIFIED BY THE
BOARD AND AS REMAINS UNPAID ON THE DATE SUCH
APPROPRIATIONS WOULD OTHERWISE BE PAID TO THE
EMPLOYER, AND SUCH AMOUNT SHALL BE CREDITED
TO THE EMPLOYER'S ACCOUNT IN THE FUND.
§ 8328. * * * Actuarial cost method.
(d) Supplemental annuity contribution rate.—Contributions
from the Commonwealth and other employers required to pro-
vide for the payment of supplemental annuities to annuitants
as provided in section 8348 (relating to supplemental annuities)
shall be determined as a percentage of the total compensation
of all active members during the period for which the amount is
certified as sufficient to fund the liabilities of the supplemental
retirement allowance account as a level percentage over a peri-
od of 30 years from July 1, 1967. In the event that annuities
are increased by legislation enacted subsequent to July 1, 1974,
the additional liability for the increase in benefits to annuitants
shall be funded similarly as a level percentage over a period of
20 years from the first day of July coincident with or next fol-
lowing the effective date of such legislation. Notwithstanding
the foregoing, the additional liability on account of any in-
crease in annuities which is effective July 1, 1979 shall be
funded by level annual payments over a period of 20 years be-
ginning July 1, 1980.
§ 8342. MAXIMUM SINGLE LIFE ANNUITY.
(A) GENERAL RULE.—UPON TERMINATION OF SERV-
ICE, ANY FULL COVERAGE MEMBER WHO IS ELIGIBLE
TO RECEIVE AN ANNUITY PURSUANT TO THE PROVI-
SIONS OF SECTION 8307(A) OR (B) (RELATING TO ELIGI-
BILITY FOR ANNUITIES) AND HAS MADE AN APPLIC-
ATION IN ACCORDANCE WITH THE PROVISIONS OF SEC-
TION 8507(F) (RELATING TO RIGHTS AND DUTIES OF

SCHOOL EMPLOYEES AND MEMBERS) SHALL BE ENTITLED TO RECEIVE A MAXIMUM SINGLE LIFE ANNUITY ATTRIBUTABLE TO HIS CREDITED SERVICE AND EQUAL TO THE SUM OF THE FOLLOWING SINGLE LIFE ANNUITIES BEGINNING AT THE EFFECTIVE DATE OF RETIREMENT AND, IN CASE THE MEMBER ON THE EFFECTIVE DATE OF RETIREMENT IS UNDER SUPERANNUATION AGE, MULTIPLIED BY A REDUCTION FACTOR CALCULATED TO PROVIDE BENEFITS ACTUARIALLY EQUIVALENT TO AN ANNUITY STARTING AT SUPERANNUATION AGE: PROVIDED HOWEVER, THAT ON OR AFTER JULY 1, 1976, IN THE CASE OF ANY MEMBER WHO HAS ATTAINED AGE 55 AND HAS 25 OR MORE ELIGIBILITY POINTS SUCH SUM OF SINGLE LIFE ANNUITIES SHALL BE REDUCED BY A PERCENTAGE DETERMINED BY MULTIPLYING THE NUMBER OF MONTHS, INCLUDING A FRACTION OF A MONTH AS A FULL MONTH, BY WHICH THE EFFECTIVE DATE OF RETIREMENT PRECEDES SUPERANNUATION AGE BY ¼%:

(1) A STANDARD SINGLE LIFE ANNUITY MULTIPLIED BY THE CLASS OF SERVICE MULTIPLIER AND CALCULATED ON THE BASIS OF THE NUMBER OF YEARS OF CREDITED SCHOOL SERVICE OTHER THAN CONCURRENT SERVICE.

(2) A STANDARD SINGLE LIFE ANNUITY MULTIPLIED BY THE CLASS OF SERVICE MULTIPLIER AND CALCULATED ON THE BASIS OF THE NUMBER OF YEARS OF CONCURRENT SERVICE AND MULTIPLIED BY THE RATIO OF TOTAL COMPENSATION RECEIVED IN THE SCHOOL SYSTEM DURING THE PERIOD OF CONCURRENT SERVICE TO THE TOTAL COMPENSATION RECEIVED DURING SUCH PERIOD.

(3) A SUPPLEMENTAL ANNUITY SUCH THAT THE TOTAL ANNUITY [INCLUDING ANY COST-OF-LIVING INCREASES AND] PRIOR TO ANY OPTIONAL MODIFICATION OR ANY REDUCTION DUE TO RETIREMENT PRIOR TO SUPERANNUATION AGE SHALL BE AT LEAST \$100 FOR EACH FULL YEAR OF CREDITED SERVICE.

§ 8348. Supplemental annuities.

(a) General rule.—Every annuitant who is in receipt of a superannuation, withdrawal or disability annuity, shall continue to receive such annuity and beginning July 1, [1974] 1979, any annuitant who retired on or prior to July 1, [1973] 1978, shall receive a cost-of-living supplement determined as a percentage applied to the [entire] retirement annuity as of June 30, [1974]. Beginning July 1, 1974, any annuitant whose effective date of retirement is after July 1, 1973 and prior to March 1, 1974 shall receive a supplement determined as an adjustment of 5% applied to the entire retirement annuity on the effective date of retirement. All supplements provided in this subsection] ~~1978~~ 1979. Such cost-of-living supplement shall be payable under the same terms and conditions as provided under the option plan in effect as of June 30, [1974] ~~1978~~ 1979.

(b) Cost-of-living adjustment factors.—The percentage which is to be applied in the determination of the cost-of-living supplements shall be determined on the basis of the effective date of retirement [as follows:

Effective date of retirement	Percentage factor
After July 1, 1971 through July 1, 1973	5%
After July 1, 1970 through July 1, 1971	10%
After July 1, 1969 through July 1, 1970	15%
After July 1, 1968 through July 1, 1969	20%
After July 1, 1967 through July 1, 1968	25%
On or prior to July 1, 1967	30%]

payable on the first ~~\$10,000~~ \$12,000 of annuity received per year, and a constant proportion of percentage increases in the Consumer Price Index for all urban consumers (CPI-U) prepared and published by the United States Department of Labor Statistics. Each percentage factor is equal to two thirds of the percentage change in said index from June 1973 to June of the

fiscal year of retirement, whichever is later, to June 1978. The applicable percentage factors are:

Effective date of retirement	Percentage factor
After July 1, 1977 through July 1, 1978	5%
After July 1, 1976 through July 1, 1977	10%
After July 1, 1975 through July 1, 1976	13%
After July 1, 1974 through July 1, 1975	20%
After July 1, 1973 through July 1, 1974	27%
On or prior to July 1, 1973	31%

*(D) DISABILITY ANNUITANTS.—ANY DISABILITY ANNUITANT WHOSE EFFECTIVE DATE OF RETIREMENT IS PRIOR TO JULY 1, 1971 AND WHOSE ANNUITY WAS INCREASED BY LESS THAN 20% OF THE ANNUITY AT THE TIME OF RETIREMENT UNDER THE AMENDATORY ACT OF NOVEMBER 27, 1970 (P. L. 798, NO. 261) OR SEPTEMBER 9, 1971 (P. L. 456, NO. 106), SHALL RECEIVE BEGINNING JULY 1, 1974 AN ADDITIONAL INCREASE IN HIS ANNUITY EQUAL TO 20% OF THE ANNUITY AT THE TIME OF RETIREMENT LESS THE INCREASE HE RECEIVED UNDER EITHER AMENDATORY ACT.]

SECTION 2. SECTION 6708(A) AND (B) OF TITLE 71 IS AMENDED TO READ:

§ 5708. SUPPLEMENTAL ANNUITIES.

(A) GENERAL RULE.—EVERY ANNUITANT WHO RETIRED PRIOR TO [MARCH 1, 1974] JULY 1, 1978 AND WHO IS IN RECEIPT OF A SUPERANNUATION, WITHDRAWAL OR DISABILITY ANNUITY, SHALL CONTINUE TO RECEIVE THE ANNUITY TO WHICH HE WAS ENTITLED PRIOR TO [MARCH 1, 1974] JULY 1, ~~1978~~ 1979 AND BEGINNING [JANUARY 1, 1975] JULY 1, 1979, ANY ANNUITANT RETIRING ON OR PRIOR TO [FEBRUARY 28, 1974] JUNE 30, ~~1978~~ 1978 SHALL RECEIVE A COST-OF-LIVING SUPPLEMENT DETERMINED AS A PERCENTAGE APPLIED TO THE [ENTIRE] RETIREMENT ANNUITY TO WHICH HE WAS ENTITLED PRIOR TO [MARCH 1, 1974] JULY 1, ~~1978~~ 1979. SUCH COST-OF-LIVING SUPPLEMENT SHALL BE PAYABLE UNDER THE SAME TERMS AND CONDITIONS AS PROVIDED UNDER THE OPTION PLAN IN EFFECT AS OF [THE EFFECTIVE DATE OF THIS AMENDATORY ACT] JUNE 30, 1979.

(B) COST-OF-LIVING ADJUSTMENT FACTORS.—THE PERCENTAGE WHICH IS TO BE APPLIED IN THE DETERMINATION OF THE COST-OF-LIVING SUPPLEMENTS, SHALL BE DETERMINED ON THE BASIS OF THE EFFECTIVE DATE OF RETIREMENT PAYABLE ON THE FIRST \$12,000 OF ANNUITY RECEIVED PER YEAR, AS FOLLOWS:

EFFECTIVE DATE OF RETIREMENT	PER-CENTAGE FACTOR
JULY 1, 1971 TO FEBRUARY 28, 194	5%
JULY 1, 1970 TO JUNE 30, 1971	10%
JULY 1, 1969 TO JUNE 30, 1970	15%
JULY 1, 1968 TO JUNE 30, 1969	20%
JULY 1, 1967 TO JUNE 30, 1968	25%
PRIOR TO JULY 1, 1967	30%]
	PER-
	CENTAGE
EFFECTIVE DATE OF RETIREMENT	FACTOR
JULY 1, 1977 THROUGH JUNE 30, 1978	5%
JULY 1, 1976 THROUGH JUNE 30, 1977	10%
JULY 1, 1975 THROUGH JUNE 30, 1976	13%
JULY 1, 1974 THROUGH JUNE 30, 1975	20%

JULY 1, 1974 THROUGH JUNE 30, 1974 27%
 PRIOR TO MARCH 1, 1974 31%

PROVIDED, HOWEVER, THAT SUCH COST-OF-LIVING SUPPLEMENT AS DETERMINED ABOVE SHALL NOT BE PAYABLE TO AN ANNUITANT RECEIVING A WITHDRAWAL ANNUITY PRIOR TO THE FIRST DAY OF JULY COINCIDENT WITH OR FOLLOWING HIS ATTAINMENT OF SUPERANNUATION AGE; AND FURTHER PROVIDED, THAT ANY MEMBER TERMINATING LEGISLATIVE SERVICE SUBSEQUENT TO NOVEMBER 30, 1970, SHALL BE ENTITLED TO RECEIVE ON ACCOUNT OF CLASS D-3 SERVICE A MAXIMUM SINGLE LIFE ANNUITY PER YEAR OF SERVICE AS A REGULAR MEMBER OF THE GENERAL ASSEMBLY WHICH SHALL NOT BE LESS THAN THE CORRESPONDING MAXIMUM SINGLE LIFE ANNUITY, INCLUDING ANY COST-OF-LIVING SUPPLEMENTS ENACTED PRIOR TO OCTOBER 1, 1979, OF A MEMBER RETIRING FROM LEGISLATIVE SERVICE NOVEMBER 30, 1970.

SECTION 3. WITHIN 30 DAYS AFTER THE CONVENING OF THE GENERAL ASSEMBLY IN AN ODD-NUMBERED YEAR, THE GENERAL ASSEMBLY SHALL ORGANIZE A JOINT COMMITTEE, COMPOSED OF MEMBERS OF THE GENERAL ASSEMBLY TO BE SELECTED AS FOLLOWS: THE PRESIDENT PRO TEMPORE SHALL SELECT THREE SENATORS, TWO FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY. THE JOINT COMMITTEE SHALL SELECT A CHAIRMAN AND SHALL CONDUCT A REVIEW OF THE COST-OF-LIVING SUPPLEMENTS ACCRUING PURSUANT TO SECTION 8348 OF TITLE 24 AND SECTION 5708 OF TITLE 71 DURING THE PREVIOUS TWO YEARS, THE CHANGES IN THE CONSUMER PRICE INDEX AND THE EARNINGS OF THE FUNDS, FOR THE PURPOSE OF DETERMINING THE EQUITABILITY OF THE INCREASES IN LIGHT OF THE THEN PREVAILING ECONOMIC CONDITIONS. THE JOINT COMMITTEE SHALL HAVE THE POWER TO CALL ON ANY STATE DEPARTMENT OR AGENCY FOR ASSISTANCE AND SHALL REPORT ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY PRIOR TO THE END OF THE SESSION.

Section 2. 4. This act shall take effect in 60 days IMMEDIATELY.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—187

Alden	Fryer	Mackowski	Schmitt
Anderson	Gallagher	Madigan	Schweder
Armstrong	Gallen	Manderino	Scirica
Arty	Gamble	Manmiller	Serafini
Austin	Gannon	McCall	Seventy
Barber	Gatski	McClatchy	Shadding
Belardi	Geesey	McKelvey	Shupnik
Berson	Geist	Michlovic	Sieminski
Bittle	George, C.	Micozzie	Sirianni

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

NAYS—1

Kernick

NOT VOTING—14

Beloff	Fee	Hayes, D. S.	McVerry
Bennett	Giammarco	McIntyre	Rieger
Brunner	Grieco	McMonagle	Zord
Donatucci	Hasay		

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. McVERRY. Mr. Speaker, my voting switch would not operate but if it had, on concurrence in Senate amendments to HB 601, I would have voted in the affirmative.

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

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Greenfield had asked me earlier to call up on concurrence HB 571. I wonder if the Speaker would go back to that. It is on page 10.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 571, PN 2512**, 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. 621, 1517 Printer's No. 2512
THE GENERAL ASSEMBLY OF PENNSYLVANIA
House Bill No. 571
Session of 1979

INTRODUCED BY MESSRS. LIVENGOOD, LETTERMAN, KOLTER, L. E. SMITH, D. R. WRIGHT, RODGERS, COCHRAN AND MRS. KERNICK, MARCH 7, 1979.

SENATOR ORLANDO, FINANCE, IN SENATE, AS AMENDED, NOVEMBER 27, 1979.

An Act

amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing a procedure for governing State disbursements to agencies of counties.

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

Section 1. The act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," is amended by adding a section to read:

Section 1506. Disbursements to Agencies of Counties.—All payments or disbursements from any fund by any department, agency, board or commission of State government to any agency under the jurisdiction of a county shall be made payable to the board of county commissioners of such county or, in the case of home rule counties, to the chief executive officer of the county, OR IN THE CASE OF COUNTIES OF THE FIRST CLASS COTERMINOUS WITH CITIES OF THE FIRST CLASS, TO THE CITY TREASURER, on behalf of the agency designated as recipient of such payment or disbursement, TO BE CREDITED TO THE ACCOUNT OF SUCH RECIPIENT

AGENCY FOR USE AS SPECIFIED IN THE CONTRACT, VOUCHER, OR EXPENSE AUTHORIZATION WHICH SERVES AS THE BASIS FOR THE COMMONWEALTH TO MAKE SAID PAYMENT OR DISBURSEMENT.

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

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

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—190

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

NAYS—0

NOT VOTING—12

Beloff	Donatucci	Grieco	McMonagle
Bennett	Fee	Hayes, D. S.	Rieger
Brunner	Giammarco	McIntyre	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 BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1005, PN 1414**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments:

Amend Title, page 1, line 2, by inserting after "FOR" where it appears the first time exemptions from registration, classes of licenses, protective equipment, windshield wiper systems, visual signals,

Amend Sec. 1, page 1, line 7, by inserting after "SECTIONS" 1302(a)(11), 1504(d)(1),

Amend Sec. 1, page 1, line 7, by inserting after "1916" 3525(b), 4524(d), 4571(a) and (b)

Amend Sec. 1, page 1, by inserting between lines 10 and 11 § 1302. Vehicles exempt from registration.

(a) General rule.—The following types of vehicles are exempt from registration:

(11) Any trailer, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway.

§ 1504. Classes of licenses.

(d) Number and description of classes.—Licenses issued by the department shall be classified in the following manner:

(1) Class 1.—A Class 1 license shall be issued to those persons who have demonstrated their qualifications to operate a single vehicle not in excess of 30,000 pounds registered gross weight or any such vehicle towing a trailer not in excess of 10,000 pounds gross weight. Any fireman who is the holder of a Class 1 license and who has a certificate of authorization from his fire chief shall be authorized to operate any vehicle registered to the fire department regardless of the other requirements of this section as to the class of license required. The holder of a Class 1 license shall also be authorized to drive a motorized pedalcycle. The holder of a Class 1 license shall not be deemed qualified to operate buses, school buses or motorcycles unless the license is endorsed as provided in this section.

Amend Sec. 1, page 2, by inserting between lines 28 and 29 § 3525. Protective equipment for motorcycle riders.

(b) Eye-protective devices.—No person shall operate or ride upon a motorcycle (other than a motorized pedalcycle) unless he is wearing an eye-protective device of a type approved by the department.

§ 4524. Windshield obstructions and wipers.

(d) Windshield wiper systems.—The windshield on every motor vehicle other than a motorcycle [or motor-driven cycle] or special mobile equipment shall be equipped with a wiper system capable of cleaning rain, snow or other moisture from the windshield, and so constructed as to be controlled or operated by the driver of the vehicle.

§ 4571. Visual and audible signals on emergency vehicles.

(a) General rule.—Every emergency vehicle shall be equipped with one or more revolving or flashing red lights and an audible warning system. Spotlights with adjustable sockets may be attached to or mounted on emergency vehicles.

(b) Police and fire vehicles.—

(1) Police vehicles may in addition to the requirements of subsection (a) be equipped with revolving or flashing blue lights. The combination of red and blue lights may be used only on police vehicles.

(2) [Spotlights with adjustable sockets may be attached to or mounted on police vehicles.

(3) Unmarked police vehicles, used as emergency vehicles and equipped with audible warning systems, may be equipped with the lights described in this section.

[(4)] (3) Police and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted [adjustable] floodlights[, or both] or alley lights or all such lights.

* * *

Amend Sec. 2, page 3, lines 21 through 23, by striking out all of said lines and inserting

Section 2. The provisions of this act shall take effect immediately except for the provisions of 75 Pa.C.S. § 6306 (relating to costs for summary offenses) which shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment is covering a number of items on which the effective date had been postponed until January 1, pending a correction of the technical language in the Motor Vehicle Code when it was recodified several years ago. Essentially there are four or five items. Small trailers which are not generally used on the highways do not have to be registered; firemen can drive fire trucks, if they are authorized by the fire chief, under a class 1 license; people can drive mopeds on a class 1 license—that is your normal car driver's license—moped drivers do not have to have eye protection; and there are a couple of items with regard to emergency equipment and the use of spotlights and floodlights.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Alden	Fryer	Lynch, F.	Scheaffer
Anderson	Gallagher	Mackowski	Schmitt
Armstrong	Gallen	Madigan	Schweder
Arty	Gamble	Manderino	Scirica
Austin	Gannon	Manmiller	Serafini
Barber	Gatski	McCall	Seventy
Belardi	Geesey	McClatchy	Shadding
Berson	Geist	McKelvey	Shupnik
Bittle	George, C.	McVerry	Siemiński
Borski	George, M.	Michlovic	Sirianni
Bowser	Gladock	Micozzie	Smith, E.

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

NAYS—0

NOT VOTING—12

Beloff	Donatucci	Grieco	McMonagle
Bennett	Fee	Hayes, D. S.	Rieger
Brunner	Giammarco	McIntyre	Zord

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

On the question,

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

Mr. WASS offered the following amendment:

Amend Sec. 1 (Sec. 1916), page 2, line 25, by inserting after "REGISTRATION" and upon certification by the manufacturer that the vehicle can be so registered

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, the amendment that I propose is No. A4610. The amendment prohibits the increase of a truck load beyond the limits that are set by the manufacturer without the consent of the manufacturer. I realize we have many

problems with the pickup truck situation, but I think we are doing an injustice to our truck owners by telling them under this legislation that they can increase the amount of load they carry on their pickup truck beyond the recommendations of the company.

We know that in many instances the weight of a pickup truck can be increased. After certain adjustments are made with heavier springs or larger tires, the company will approve heavier weight loads. So I propose the amendment.

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

Mr. GEORGE. Mr. Speaker, I am somewhat taken aback, and I feel, as I read Mr. Wass' amendment, that he attempts to not only agree with the intimidation that has been placed on thousands of our people who are operating pickup trucks, but rather the amendment refuses to even lay any legitimate concern toward the problem.

Mr. Speaker, several years ago, within the code, the department insisted that they could come out and place upon the windshields various classes that are assigned to all types of trucks. Unfortunately, at that time not many in this body realized that this would be done, and we woke up one morning and found out that this was the way it would have to be. Upon contacting the department, they kept insisting that it was the legislature; the code is specific and applies to this type of thing; and if you want it changed, you are going to have to change it.

What happens is that today in Pennsylvania an individual driving a station wagon or an automobile is allowed legitimately and under the law more weight distribution than an individual driving a pickup. We must understand that when a manufacturer makes a pickup truck and puts an 8-foot box on it, we do not know whether he is going to haul cotton or candy or coal or anything on it, and today in Pennsylvania we keep insisting that we must conserve on fuel and we must burn coal and we must burn wood, yet under this law we are sending someone out three times to do the same job that can be done once. The department realized that they were in error and again said they could not do anything about it, so they allowed the individuals to go back and pay the difference between the classes. Unfortunately, this does not solve the problem, because an individual can pay that variable difference and still not be entitled to a legal weight.

What Mr. Wass is attempting to do is go right back to the original intent and the way the Vehicle Code is constructed to say that all that is allowed by your constituents is the amount that is placed on the vehicle identification plate. And I insist that this has been improper, but he goes one step further to say that if you want to change this, all the people have to do is go back to Detroit or Dearborn or the manufacturer and let them concur. I insist that that just is not true, because that is discriminatory, because an individual could do that on his own as far as upgrading and so could any body company.

I believe that this amendment is ill-taken. I cannot understand why the gentleman would present it, and I ask that it be defeated, and I insist that it be done at this time because I would suggest to you that there would be at least 1,000 individ-

uals in each and every district, regardless of whether it would be rural or city, who have a store, have a truck, or used it for personal interest or whatever. It must be changed, and we must defeat this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, the amendment is simple. It speaks to the weight of pickup trucks. The amendment says that if you are going to increase the weight of your pickup truck beyond the limits of the manufacturer's specifications, you must have the approval of the manufacturer. There are ways of getting the approval of the manufacturer, and that is putting heavier springs or heavier tires on your truck.

My concern, Mr. Speaker, is that if we approve that a man can add 2,000 pounds to a 5,000-pound truck, a truck that was built for only 5,000 pounds and he can haul 7,000, I think we are putting a safety factor on our roads and we could come very liable for a specific accident. I am saying that if a man wants to increase the weight of his truck, get the approval of the company. If you want to go beyond what the company has built that truck for and if you put on the heavier equipment that is asked for, you will not have a problem.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, will the gentleman, Mr. Wass, stand for a brief question?

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

Mr. D. R. WRIGHT. Mr. Speaker, are you aware that there have been dozens of persons hauling wood in pickup trucks who have been arrested for being overweight?

Mr. WASS. Yes, sir.

Mr. D. R. WRIGHT. Thank you. Are you aware, Mr. Speaker, that there are some vehicles that, when a person gets in to drive, are already overweight?

Mr. WASS. Mr. Speaker, in answer to that, if the truck has been built for a certain weight, regardless of what he does with it, if he overloads it, I think he is liable and wrong. He must make the adjustments to that truck that are necessary to get him to carry the additional weight.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wright.

Mr. D. R. WRIGHT. I do not know about many of you, but I think that there have been few issues since I have been down here that have caused more consternation, frustration, and confusion than this regulation with regard to pickup trucks.

I think I would agree with Mr. George that this amendment is ill-advised. There are about 600,000 pickup truck owners who are looking to this General Assembly to get some relief from what I personally feel is an inconvenience unnecessarily so. I ask us to reject the Wass amendment and to support the bill with the George amendment in it.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, I would like to respond to Mr.

Wright. What Mr. Wright is proposing here is that the General Assembly has a right to tell a company what the weight should be that is carried on their vehicle, and that is where I disagree with the House. When the manufacturer of the pickup sells it to the purchaser, the purchaser realizes the amount of weight he can carry in that vehicle.

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

Mr. DeVERTER. Mr. Speaker, briefly, to give the members of the House, and perhaps some of you who have not had the problem, an illustration of what occurs—and I really rise in opposition to Mr. Wass's amendment—just yesterday I made a phone call to several of my automobile dealers. In discussion with them, in one instance, a man ordered a Chrysler product, a Dodge pickup, with a diesel motor in it. The gvwt — gross weight vehicle weight — on that truck was 5,000 pounds. When that truck ran off the manufacturing lines, it was in fact overweight on the gvwt plate, and this is the problem we are having. Most of the pickups are built to withstand much more than they are currently being permitted, and the small leeway that we are granting them in these first four classes is not sufficient to cause the kinds of problems that Mr. Wass anticipates.

I can just envision me telling my people back home that instead of going to their body shop or their dealer or doing it themselves—those who are handy enough to do it—and replacing the springs and heavier tires, that they are going to have to go back, as Mr. George pointed out, to Detroit someplace and request additional information to certify their updating the vehicle. That is just utterly without any kind of common sense, and I would appreciate a negative vote, Mr. Speaker.

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

Mr. WILT. Mr. Speaker, I also rise in opposition to this amendment. The arguments have been pretty well stated.

I would agree with the amendment if it were in some way directed to the higher weight classifications, but inasmuch as it applies to the pickup trucks and the lighter weights as well, you are working an unkindly hardship on persons who have purchased pickup trucks, expensive pickup trucks, and who now cannot haul anything in them once they have the gas tanks filled and they have one or two other persons along with them.

I think Mr. Wass' amendment is misled in that it deals with the whole spectrum of the weights as opposed to the upper weight classes, and as a result I would ask all of my colleagues to oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, I, too, join my colleagues in asking for a "no" vote on this very, very bad amendment. This will cause an undue and unnecessary hardship to our taxpayers.

Those of us who spend many hours in PennDOT with this type of problem know that the original amendment put in by Mr. George is the answer to the problem, so I am asking all the members of the House to vote "no."

The SPEAKER. The Chair recognizes the gentleman from

Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, just for some type of explanation, any sportsman who buys a vehicle and even wants to put a cap on that vehicle has an overweight load, and the problem has to be straightened out, and certainly the Wass amendment will not do that. I want a "no" vote. Thank you.

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

Mr. A. C. FOSTER. Mr. Speaker, I concur with the remarks made by a number of my colleagues that quite a few vehicles are overweight as they sit by the curb. I would ask a negative vote on the amendment.

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

The following roll call was recorded:

YEAS—10

Bowser	Helfrick	Mowery	Telek
Clark, R.	Itkin	Swift	Wass
Grabowski	Knepper		

NAYS—180

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

NOT VOTING—12

Beloff	Donatucci	Grieco	McMonagle
Bennett	Fec	Hayes, D. S.	Rieger
Brunner	Giammarco	McIntyre	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 as amended on third consideration?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Beloff	Donatucci	Grieco	McMonagle
Bennett	Fee	Hayes, D. S.	Rieger
Brunner	Giammarco	McIntyre	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 with amendment in which the concurrence of the Senate is requested.

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit at this time a list of additional bill sponsors, as required by the rules.

ADDITIONS

HB 1716, Petrarca, J. A.; HB 1429, Petrarca, J. A.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, so there is no misunderstanding, when I originally marked the calendar this morning, I had marked HB 739 as an "over" bill. Mr. Kolter has advised us that he wants it called up. I simply want it clearly understood that I am not the one calling it up. I respect the request of Mr. Kolter that it be called up. However, once it is called up, it would be my intention, Mr. Speaker, to make whatever the proper motion would be to pass it over for the day.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 739, PN 2607**, 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. 800, 2525 Printer's No. 2607

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 739

Session of 1979

INTRODUCED BY MESSRS. NOYE, STEWART, J. L. WRIGHT, JR., STAIRS, NOVAK, ALDEN, COCHRAN, ZORD, MRKONIC, FREIND, CIMINI, MRS. TAYLOR, MESSRS. BOWSER, KLINGAMAN, SALVATORE, ZELLER, PITTS, REED AND ZWIKL, MARCH 19, 1979.

AS AMENDED ON SECOND CONSIDERATION, IN SENATE DECEMBER 4, 1979.

An Act

amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, ~~providing for THE EXEMPTION OF CERTAIN TRAILERS FROM REGISTRATION, FOR FURTHER PROVIDING FOR EXEMPTIONS FROM REGISTRATION, CLASSES OF LICENSES, PROTECTIVE EQUIPMENT, WINDSHIELD WIPER SYSTEMS, VISUAL SIGNALS, THE CONTENT OF DRIVERS' LICENSES, FOR THE APPLICATION OF CERTAIN PROVISIONS OF THE TITLE, AND~~

FOR the operation of emergency vehicles on the Pennsylvania Turnpike AND FURTHER PROVIDING FOR PERIODIC INSPECTION OF VEHICLES.

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

Section 1. Section 6110 of Title 75, act of November 25, 1970 (P. L. 707; No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

SECTION 1. SECTIONS 1302(A), 1510(A), 3101 AND 6110 OF TITLE SECTION 1. SECTIONS 1302(A)(11), 1504(D)(1), 1510(A), 1951, 3101, 3525(B), 4524(D), 4571(A) AND (B), 4702(E) AND 6110 OF TITLE 75, ACT OF NOVEMBER 25, 1970 (P. L. 707, NO. 230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, SECTION 1302 AMENDED JULY 20, 1979 (NO. 55), ARE AMENDED OR ADDED TO READ:

§ 1302. VEHICLES EXEMPT FROM REGISTRATION.

(A) GENERAL RULE.—THE FOLLOWING TYPES OF VEHICLES ARE EXEMPT FROM REGISTRATION:

(11) ANY TRAILER, INCLUDING BUT NOT LIMITED TO NON-SELF-PROPELLED SPECIAL MOBILE EQUIPMENT, TO BE USED PRIMARILY FOR OFF HIGHWAY USE AND ONLY OPERATED INCIDENTALLY UPON THE HIGHWAY.

§ 1504. CLASSES OF LICENSES.

(D) NUMBER AND DESCRIPTION OF CLASSES.—LICENSES ISSUED BY THE DEPARTMENT SHALL BE CLASSIFIED IN THE FOLLOWING MANNER:

(1) CLASS 1.—A CLASS 1 LICENSE SHALL BE ISSUED TO THOSE PERSONS WHO HAVE DEMONSTRATED THEIR QUALIFICATIONS TO OPERATE A SINGLE VEHICLE NOT IN EXCESS OF 30,000 POUNDS REGISTERED GROSS WEIGHT OR ANY SUCH VEHICLE TOWING A TRAILER NOT IN EXCESS OF 10,000 POUNDS GROSS WEIGHT. ANY FIREMAN WHO IS THE HOLDER OF A CLASS 1 LICENSE AND WHO HAS A CERTIFICATE OF AUTHORIZATION FROM HIS FIRE CHIEF SHALL BE AUTHORIZED TO OPERATE ANY VEHICLE REGISTERED TO THE FIRE DEPARTMENT REGARDLESS OF THE OTHER REQUIREMENTS OF THIS SECTION AS TO THE CLASS OF LICENSE REQUIRED.

THE HOLDER OF A CLASS 1 LICENSE SHALL ALSO BE AUTHORIZED TO DRIVE A MOTORIZED PEDALCYCLE.

THE HOLDER OF A CLASS 1 LICENSE SHALL NOT BE DEEMED QUALIFIED TO OPERATE BUSES, SCHOOL BUSES OR MOTORCYCLES UNLESS THE LICENSE IS ENDORSED AS PROVIDED IN THIS SECTION.

§ 1510. ISSUANCE AND CONTENT OF DRIVER'S LICENSE.

(A) GENERAL RULE.—THE DEPARTMENT SHALL, UPON PAYMENT OF THE REQUIRED FEE, ISSUE TO EVERY QUALIFIED APPLICANT A DRIVER'S LICENSE INDICATING THE TYPE OR GENERAL CLASS OF VEHICLES THE LICENSEE IS AUTHORIZED TO DRIVE, WHICH LICENSE SHALL CONTAIN A DISTINGUISHING NUMBER IDENTIFYING THE LICENSEE, THE ACTUAL NAME, DATE OF BIRTH, RESIDENCE ADDRESS, [A COLOR PHOTOGRAPH OF THE LICENSEE,] SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT, AND EITHER A FACSIMILE OF THE SIGNATURE OF THE LICENSEE OR A SPACE UPON WHICH THE LICENSEE SHALL WRITE HIS USUAL SIGNATURE WITH PEN AND INK. PERSONAL MEDICAL DATA AND OTHER INFORMATION FOR USE IN AN EMERGENCY MAY BE INCLUDED AS A PART OF THE LICENSE. INFORMATION OTHER THAN THAT REQUIRED TO IDENTIFY THE LICENSEE, THE DISTINGUISHING NUMBER AND THE CLASS OF LICENSE ISSUED MAY BE INCLUDED IN MICRODATA

FORM. NO DRIVER'S LICENSE SHALL BE VALID UNTIL IT HAS BEEN SIGNED BY THE LICENSEE. NO PHOTOGRAPH OF A LICENSEE SHALL BE PLACED ON ANY DRIVER'S LICENSE WITHOUT APPROVAL OF THE GENERAL ASSEMBLY UNLESS SPECIFICALLY AUTHORIZED BY STATUTE.

* * *

§ 1951. DRIVER'S LICENSE AND LEARNER'S PERMIT.

(A) DRIVER'S LICENSE.—THE ANNUAL FEE FOR A DRIVER'S LICENSE SHALL BE \$5 [PLUS THE COST OF THE PHOTOGRAPH REQUIRED IN SECTION 1510(A) (RELATING TO ISSUANCE AND CONTENT OF DRIVER'S LICENSE)].

(B) LEARNER'S PERMIT.—THE FEE FOR A LEARNER'S PERMIT SHALL BE \$5.

(C) IDENTIFICATION CARD.—THE FEE FOR AN IDENTIFICATION CARD SHALL BE \$5.

(D) REPLACEMENT LICENSE OR CARD.—THE FEE FOR A REPLACEMENT DRIVER'S LICENSE OR IDENTIFICATION CARD SHALL BE \$5.

§ 3101. APPLICATION OF PART.

(A) GENERAL RULE.—EXCEPT AS PROVIDED IN SUBSECTION (B), THE PROVISIONS OF THIS PART RELATING TO THE OPERATION OF VEHICLES REFER EXCLUSIVELY TO THE OPERATION OF VEHICLES UPON HIGHWAYS OR ON THE PROPERTY OF A SCHOOL DISTRICT EXCEPT WHERE A DIFFERENT PLACE IS SPECIFICALLY REFERRED TO IN A PARTICULAR PROVISION.

(B) SERIOUS TRAFFIC OFFENSES.—THE PROVISIONS OF SUBCHAPTER B OF CHAPTER 37 (RELATING TO SERIOUS TRAFFIC OFFENSES) SHALL APPLY UPON HIGHWAYS AND TRAFFICWAYS, INCLUDING THE PROPERTY OF A SCHOOL DISTRICT, THROUGHOUT THIS COMMONWEALTH.

§ 3525. PROTECTIVE EQUIPMENT FOR MOTORCYCLE RIDERS.

* * *

(B) EYE-PROTECTIVE DEVICES.—NO PERSON SHALL OPERATE OR RIDE UPON A MOTORCYCLE (OTHER THAN A MOTORIZED PEDALCYCLE) UNLESS HE IS WEARING AN EYE-PROTECTIVE DEVICE OF A TYPE APPROVED BY THE DEPARTMENT.

* * *

§ 4524. WINDSHIELD OBSTRUCTIONS AND WIPERS.

(D) WINDSHIELD WIPER SYSTEMS.—THE WINDSHIELD ON EVERY MOTOR VEHICLE OTHER THAN A MOTORCYCLE [OR MOTOR-DRIVEN CYCLE] OR SPECIAL MOBILE EQUIPMENT SHALL BE EQUIPPED WITH A WIPER SYSTEM CAPABLE OF CLEANING RAIN, SNOW OR OTHER MOISTURE FROM THE WINDSHIELD, AND SO CONSTRUCTED AS TO BE CONTROLLED OR OPERATED BY THE DRIVER OF THE VEHICLE.

§ 4571. VISUAL AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES.

(A) GENERAL RULE.—EVERY EMERGENCY VEHICLE SHALL BE EQUIPPED WITH ONE OR MORE REVOLVING OR FLASHING RED LIGHTS AND AN AUDIBLE WARNING SYSTEM. SPOTLIGHTS WITH ADJUSTABLE SOCKETS MAY BE ATTACHED TO OR MOUNTED ON EMERGENCY VEHICLES.

(B) POLICE AND FIRE VEHICLES.—

(1) POLICE VEHICLES MAY IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A) BE EQUIPPED WITH REVOLVING OR FLASHING BLUE LIGHTS. THE COMBINATION OF RED AND BLUE LIGHTS MAY BE USED ONLY ON POLICE VEHICLES.

(2) [SPOTLIGHTS WITH ADJUSTABLE SOCKETS MAY BE ATTACHED TO OR MOUNTED ON POLICE VEHICLES.

(3)] UNMARKED POLICE VEHICLES, USED AS EMERGENCY VEHICLES AND EQUIPPED WITH AUDIBLE WARNING SYSTEMS, MAY BE EQUIPPED WITH THE LIGHTS DESCRIBED IN THIS SECTION.

[4] (3) POLICE AND FIRE VEHICLES MAY BE EQUIPPED WITH A MOUNTED RACK CONTAINING ONE OR MORE EMERGENCY WARNING LIGHTS OR SIDE MOUNTED [ADJUSTABLE] FLOODLIGHTS, OR BOTH] OR ALLEY LIGHTS OR ALL SUCH LIGHTS.

* * *

§ 4702. REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES.

* * *

(E) EMISSION INSPECTION SYSTEM DELAYED.—NOTWITHSTANDING ANY PROVISION OF THIS TITLE OR ANY OTHER STATUTE, THE DEPARTMENT SHALL DELAY IMPLEMENTATION OF A SYSTEM FOR THE PERIODIC INSPECTION OF THE EMISSIONS OR EMISSION SYSTEMS OF VEHICLES UNTIL JULY 1, 1981.

§ 6110. Regulation of traffic on Pennsylvania Turnpike.

(a) General rule.—The provisions of this title apply upon any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission unless specifically modified by rules and regulations promulgated by the commission which shall become effective only upon publication in accordance with law. A copy of the rules and regulations, so long as they are effective, shall be posted at all entrances to the turnpike or highway for the inspection of persons using the turnpike or highway. This section does not authorize the establishment of a maximum speed limit greater than 55 miles per hour.

(b) Emergency vehicles.—Any emergency vehicle, while on an emergency call and while displaying audible and visual signals as required by section 4571 (relating to visual and audible signals on emergency vehicles), shall be granted immediate entrance to and exit from any turnpike or highway under the supervision and control of the Pennsylvania Turnpike Commission. No such emergency vehicle shall be required to stop for any reason except by a member of the Pennsylvania State Police for a legitimate law enforcement function.

[b)] (c) Penalty.—Any person violating any of the rules and regulations of the Pennsylvania Turnpike Commission for which no penalty has otherwise been provided by statute is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$25.

Section 2. ~~This act shall take effect in 60 days EXCEPT FOR THE (A) THE AMENDMENT TO SECTION 75 P.A.C.S. § 1302(A) WHICH SHALL TAKE EFFECT JANUARY 1, 1980.~~

(B) THE AMENDMENT TO 75 P.A.C.S. § 4702 (RELATING TO REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES) SHALL TAKE EFFECT IMMEDIATELY AND ANY EMISSION INSPECTION SYSTEM ESTABLISHED IN VIOLATION OF 75 P.A.C.S. § 4702(E) IS DECLARED NULL AND VOID AND WITHOUT EFFECT.

(C) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

On the question,

Will the House concur in Senate amendments?

MOTION TO PLACE HB 739 ON POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would move that HB 739 be put on the postponed calendar.

The SPEAKER. It is moved by the majority leader, Mr. Ryan, that HB 739 be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would rise to oppose the motion.

Mr. Speaker, HB 739 found its way to this calendar because Mr. Kolter had to rise or did rise to a point of parliamentary inquiry and asked where the bill was. The Senate had passed it some 5 days before, and it still had not appeared on our calendar. With that, we were told that it would appear on the calendar the next day. It did appear on the calendar the next day. We informed the Republican floor leader that we intended to call the bill up yesterday, and we informed him that we intended to call it up today. This was marked on Mr. Irvis' calendar, and Mr. Irvis indicated that the bill would be called up. Mr. Speaker, Mr. Ryan now tells us it was marked "over" on his calendar this morning. I can only say that that is not the information that I had about the bill.

The bill contains very important amendments placed in by the Senate, and Mr. Kolter feels it is imperative that we give our views on this bill so that things do not happen before January that we will not be able to undo and that this bill does. They have to do with emission control standards; they have to do with pictures on license plates and contracts that might be let before January, and, Mr. Speaker, I would urge, in fairness to this side of the aisle that has sat here and considered House bill after House bill that will go nowhere between now and January, that a simple request from this side of the House that a bill that can become law, that can become law by concurrence in Senate amendments that we indicated we wanted called up and we wanted voted on, not be passed over at this time.

Mr. Speaker, I have noticed on the last several roll calls that some of the people whom we had to have locked out when the vote was very close are voting again. Someone has unlocked switches again, Mr. Speaker, and I intend to call name by name those who were locked out before.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, just a few brief remarks to straighten out the record.

Mr. Speaker, at no time have I said that I was not aware that this bill was going to be called up. I simply stated that it was not my idea or intention to call it up, although Mr. Irvis did tell me that Mr. Kolter did want it called up and did expect to call it up, and I have discussed this several times throughout the day with Mr. Kolter. So there are no surprises in it being called up. It is just that it is not being called up at my request.

Mr. MANDERINO. The surprise is that you marked your calendar "over" and Mr. Irvis, who marked with you, marked that it would be called up. That is the surprise to me.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, if we, as responsible legislators, are going to listen to the dictates of our constituency, if your

constituents are much like mine, you hear the outcry in opposition to any additional costs. You hear an outcry in opposition to the emissions control inspection program.

I spent many hours these past 2 weeks talking to various attorneys with the thought in mind that here is an opportunity to go back to court to see if the court decree could not be changed, and in order to change the decree, we must have new standing, and the best way of getting standing, Mr. Speaker, is by legislation we have here today in HB 739.

In addition, if your constituents are much like mine, they, too, are in opposition to the cost for the photo licenses, for the photo identifications at a cost of almost \$12 million. If we do not act today, a contract will be signed putting us into further debt. Mr. Speaker, I ask for this bill to be called up and be voted upon.

The SPEAKER. The Chair recognizes the prime sponsor of the bill, the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, I rise for two reasons. First of all, I think it has been the tradition of this House to honor the wishes of the prime sponsor of the bill until and unless those wishes become dilatory, and I do not think this is the case.

As caucus chairman, I can tell you the Republican Party has not had a chance to caucus on this bill. We had it scheduled for the last 3 days for caucus, and because of other matters and other bills that we thought we were going to run — HB 1850 yesterday; the day before, product liability; today, HB 2 — we did not get to the bill. We intended to, but we did not. The Republicans have not caucused on the bill. Our caucus has discussed different aspects of it. Some have questions about the emission control section; some have questions about the photo license section; and some have questions as to what happened to the original intent of the bill before the Senate acted, and I would respectfully request, as the prime sponsor of this bill, that the bill be passed over.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, if the gentlemen want to caucus on the bill, we will wait.

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

Mr. SALVATORE. Mr. Speaker, I would like to wait until later on to speak on this matter—

The SPEAKER. The motion is ready to be considered. Does the gentleman wish to speak on the motion?

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I think what Mr. Salvatore is requesting is that he be recognized should the bill not be passed over.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Austin, on the motion.

Mr. AUSTIN. Mr. Speaker, I would simply like to say that there are many bills that come before the House where caucusing certainly is a necessity and certainly is warranted, but I think if there is any bill that now faces this legislature, any is-

sue that the people in Pennsylvania are aware of, it is this one here, and I think that we can all go with our own conscience. We certainly know the issue — whether or not we are for this expensive program or whether or not we have made a mistake and we should repeal it.

I think a caucus is unnecessary, and I do not think that is a valid argument on this particular issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, in addition to canceling the contracts for photographs that are going to cost some \$11½ million or \$12 million, this bill also, in regard to the court order, the consent decree which is going to require your constituents to have emission control devices inspected in various parts of this state, asks our Attorney General to go into court and vacate that particular consent decree, and I think that this is necessary for them to get to work to do that so our people do not spend the money that they should not be spending, because much of our pollution problem in Pennsylvania is coming from the Mahoning Valley in Ohio, especially in the western part of the state.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, we presumably are debating whether or not a bill should be passed over. I might add, though, that SR 222 from Senator Scanlon, a concurrent resolution I believe, did what the gentleman just indicated was necessarily part of this bill.

I would like to just get on with the vote as to whether or not it should be passed over without debating the bill. It may or may not be that we will have a chance to do that.

The SPEAKER. The question is on the motion. Only those members in their seats will be recorded. Those in favor of passing over the bill will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The SPEAKER. Will the members please take their seats? The leadership is having difficulty verifying the members who are in attendance. Members will please take their seats.

The Chair recognizes the majority leader on the roll call, to verify the roll.

Mr. RYAN. Mr. Speaker, would you ask the members to take their seats?

I am most reluctant to start on names, and I am most reluctant to tell the clerks who are running the board their business, but I am telling them that there are people voted who are not in their seats, and I would like the board to be struck and rerun because the clerks cannot block them out without names being mentioned. If you want to do it that way, all right.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I have been complaining about the manipulation of the board for some time and I am glad that Mr. Ryan is finally hearing that switches get unlocked and locked at the whim of the people who run the board. I do not know who they take orders from.

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

The following roll call was recorded:

YEAS—71

Alden	Durham	Madigan	Sieminski
Anderson	Foster, W.	Manmiller	Sirianni
Armstrong	Gallen	McClatchy	Smith, E.
Arty	Gannon	McKelvey	Smith, L.
Belardi	Geist	Moehlmann	Spencer
Bittle	Gladeck	Mowery	Swift
Bowser	Goebel	Noye	Taddonio
Brandt	Gruppo	O'Brien, D.	Taylor, E.
Burns	Hayes, S. E.	Perzel	Telek
Cessar	Helfrick	Peterson	Thomas
Cimini	Honaman	Polite	Wagner
Clark, R.	Kanuck	Punt	Wass
Coslett	Klingaman	Rocks	Wenger
Cunningham	Knepper	Ryan	Wilt
Davies	Lashinger	Salvatore	Yohn
DeVerter	Lehr	Scheaffer	
Dietz	Levi	Scirica	Seltzer,
Dininni	Mackowski	Serafini	Speaker
Dorr			

NAYS—82

Austin	Gatski	Livengood	Schmitt
Barber	George, C.	Manderino	Seventy
Borski	George, M.	McCall	Shadding
Brown	Goodman	Michlovic	Shupnik
Caltagirone	Grabowski	Mrkonic	Steighner
Cappabianca	Gray	Murphy	Stewart
Chess	Greenfield	Musto	Street
Clark, B.	Harper	Novak	Stuban
Cochran	Hoeffel	O'Brien, B.	Sweet
Cohen	Hutchinson, A.	O'Donnell	Taylor, F.
Cole	Itkin	Oliver	Trello
Cowell	Johnson, J.	Petrarca	Wachob
Dawida	Jones	Pievsky	Wargo
DeMedio	Kernick	Pistella	White
DeWeese	Knight	Pratt	Wright, D.
DiCarlo	Kolter	Pucciarelli	Wright, J. L.
Dombrowski	Kowalyshyn	Reed	Yahner
Duffy	Kukovich	Rhodes	Zeller
Dumas	Laughlin	Richardson	Zitterman
Foster, A.	Letterman	Ritter	Zwikl
Fryer	Levin		

NOT VOTING—49

Beloff	Gamble	Lynch, F.	Pyles
Bennett	Geesey	McIntyre	Rappaport
Berson	Giammarco	McMonagle	Rieger
Brunner	Grieco	McVerry	Rodgers
Burd	Halverson	Micozzie	Schweder
Cornell	Hasay	Milanovich	Spitz
Donatucci	Hayes, D. S.	Miller	Stairs
Earley	Hutchinson, W.	Mullen, M. P.	Vroon
Fee	Johnson, E.	Nahill	Weidner
Fischer, R. R.	Irvis	Piccola	Williams
Fisher, D. M.	Lewis	Pitts	Wilson
Freind	Lynch, E. R.	Pott	Zord
Gallagher			

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

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that the House nonconcur in the amendments inserted by the Senate.

The SPEAKER. It has been requested by the majority leader, Mr. Ryan, that the House nonconcur in the amendments inserted by the Senate.

The question recurs,

Will the House concur in the amendments?

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

Mr. NOYE. Mr. Speaker, I am asking the members for a "no" vote and nonconcurrence on this bill.

I am doing so strictly because of the reasons which I stated previously, that we have not had a chance to go over this. I think we have broken a courtesy that has always been extended to the members or sponsors of bills. Earlier tonight we extended a courtesy to vote a bill for a member of the other side when there was no need to pass that bill, but we did it anyway, and for that reason I am asking the members to vote "no" on this particular bill.

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

Mr. DININNI. Mr. Speaker, I have one question of the minority whip. Is he here?

The SPEAKER. Is the minority whip on the floor of the House? The clerk will remove his name from the roll. The Chair recognizes Mr. Dininni.

Mr. DININNI. Mr. Speaker, I would like to be recognized upon his return and then I would like to make a few comments.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, I think that this bill is unique in that it affects just about every household in Pennsylvania. It affects just about every taxpayer. These are the people who put you and me into office here. It affects them because it affects their pocketbook; it affects them because of other reasons. Just let me tell you what this bill does.

First, again, for those of us who spend a lot of time in the Pennsylvania Department of Transportation doing this kind of work, for those of you who come to my office, on both sides of the aisle, asking for help on these matters, we are trying to correct those problems. Let me tell you what the Senate has done here.

First, the bill now provides exemptions for registration for trailers, the small trailers. Those trailers that pull boats, those trailers that pull motorcycles. How many of you had been contacted last year or in the last several years for help on this matter? Now we are correcting that problem with this amendment.

How about the firemen? How about those who are interested in firemen? This bill permits firemen who are holders of class 1 operator licenses to operate any piece of fire equipment with a letter of authority from the fire chief. Tell it to your firemen back home that you are not voting for this. You had better reconsider maybe.

It also eliminates the requirement for color photographs at a cost of \$12 million to the taxpayers. I do not know what kind of

constituents you guys have, but mine are complaining about this.

It exempts Moped drivers from the protective eyeglass provision. It exempts special mobile equipment from the windshield wiper requirement; it permits spotlights and alley lights on certain police and fire and emergency vehicles; and, even more important, I think, of all, is that we have a restraining order on the inspection of the emission control equipment on your automobiles, which is going to cost taxpayers of Pennsylvania in excess of \$50 million a year. In many cases, people who are retired will pay as high as \$400 to \$450 to have their cars repaired to pass an inspection. How are you going to tell your retired citizens that he is going to pay \$400 to get a car repaired so he may drive on the highways to and from church? You tell yours; I am not telling mine that.

Even more important, the original premise of the bill permits the immediate entrance or exit of any emergency vehicle while on call and displaying emergency signals, on the Pennsylvania Turnpike.

Mr. Speaker, I cannot understand why we, who are responsible here, cannot act on this today. I cannot understand why we cannot act favorably to pass this legislation to concur in the Senate amendments, because your taxpayers are calling for it and so are mine. So, Mr. Speaker, I am asking for concurrence in the Senate amendments.

The SPEAKER. The Chair recognizes the gentleman, Mr. Dininni, who asks whether the gentleman from Westmoreland, Mr. Manderino, will stand for interrogation.

Mr. MANDERINO. First, Mr. Speaker, am I back on the master roll? I would hate to speak without being on the master roll.

The SPEAKER. Is the gentleman in his seat? The gentleman is in the hall of the House; he is privileged to vote.

Mr. DININNI. Mr. Speaker, may I interrogate Mr. Manderino?

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

Mr. DININNI. Mr. Speaker, when you were up and you made a few comments before, did I hear you say that this bill would authorize the attorney general or the governor to go to court, or did I misunderstand you?

Mr. MANDERINO. It is my understanding that there is a direction in the bill for someone to vacate the consent decree which calls for emission control devices in various counties in the Commonwealth.

Mr. DININNI. Where did you see that in the bill?

Mr. MANDERINO. Just a minute, Mr. Speaker. We will get it for you.

Mr. Speaker, on page 5 of the bill, at line 17, there are these words: "Emission inspection system delayed.—Notwithstanding any provision of this title or any other statute, the department shall delay implementation of a system for the periodic inspection of the emissions or emission systems of vehicles until July 1, 1981."

Mr. Speaker, the other day this House passed a resolution

which directed someone to go in and vacate a court decree, and what Mr. Kolter has been saying is that attorneys that he has talked to have indicated that there must be a shift in legal status in some manner before they think they would be successful in asking that a case be reopened so as to vacate a court decree.

My understanding is that the resolution is not enough of a status in the state's position, but this direction by the Assembly to delay implementation could well be enough to allow the vacation to at least be attempted.

Mr. DININNI. Mr. Speaker, I do not see anywhere that you are referring to where it directs anyone to do it. All it is asking for is—

Mr. MANDERINO. You may be right. I read the actual lines which were there, and you heard what it was, and it does direct a delay of the implementation. I may have been confused with what was in the resolution that we passed the other day, almost unanimously I think, on the emissions control. It was very close to that, as I recall, directing the attorney general or asking the attorney general to go in and vacate that court decree. This is compatible with that. Delay implementation. We want the court order vacated.

Mr. DININNI. No further questions.

I would like to make some comments.

Mr. Speaker, I rise to ask all of the members of this House to nonconcur. I, for the life of me, cannot figure out what I am hearing here on the floor today. When I go back over the past year, first of all, this consent decree was signed during the Shapp administration. It was agreed upon and now you are asking to go beyond that deadline and possibly be held in contempt, and that is my opinion on that particular subject. But when I go back, I do not know who changed whose mind or who used the hammer or who twisted some arms, but yet just a short 6 or 8 months ago, or whatever it was, Mr. Kolter offered an amendment, and I would like to read to you in part just a few things that he said pertaining to the staggered license and the photo license; in fact, he offered the amendment, and that was out of the Journal of March 26. If you have a copy of that, rather than my reading it all through—I do not want to hold the House here too long—he was totally in favor of it. Now, all of a sudden he takes the floor and he wants to reverse that position. I do not understand that at all.

Right after those comments was Mr. Ritter, on numerous occasions, raising cane as to why the department was not getting off their rumps and implementing what we passed, and his comments are also very, very clear in that particular day's Journal.

I believe, if I can quote Mr. Kolter, he said he would guarantee that it would be in being in 6 months' time, when he asked for the extension at the time, and said that it would be done by the end of the year. The end of the year is here, pretty close to it.

Then Mr. Ritter went into his comments also, and his comments were strictly that the department should have had it done a long time ago and they should get off their rumps. So, therefore, he was working against it, and I believe that the next one that spoke on the same subject was Mr. Zeller, and at the

end he finally agreed that it should be given the extension; that it was a good thing and it would be enacted and that he would go along with it. They were his comments in that particular Journal.

The only other thing that I wanted to correct Mr. Kolter on was that he did say, when he was going down over the list of things, that this particular piece of legislation actually accomplishes, when he mentioned firemen, trailers and mopeds and special mobiles and so forth, maybe he did not realize that we just passed SB 1005 and it had all of those items in that bill, also. So as far as I am concerned that was already corrected, Mr. Zeller.

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

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

Mr. COWELL. Mr. Speaker, if the House fails to act tonight affirmatively on HB 739, then two state programs will move further toward implementation, perhaps irreversibly, and they are two very costly programs in terms of the motorists of this Commonwealth; one affecting everybody, every motorist, and the second affecting most of the motorists in the Commonwealth; in particular, those who live in the three large metropolitan areas affected by the consent decree.

We just listened to some comments that were made or we listened to some quotations that were made by members on past occasions, and I do not know what their intentions were on those past occasions, but I think it is important that we learn. And I think that one of the things that we are being told, in terms of this particular bill, is that we have learned a lesson about these photographs on the licenses. We are finding that we cannot afford it. I think we are finding that the motorists of Pennsylvania cannot afford an extra \$12 million, and if we are going to ask them to pay \$12 million of anything, it ought to be to fix the roads of the Commonwealth.

I have, and I think everybody in the House has received, during the past 2 days, the December 1979, update report on the 1979-1980 budget and the report from the Executive and from the Governor. And the Governor's office indicates that we not only are short of the extra \$31 million that the administration wanted for additional Pennsylvania Department of Transportation revenues, but they are talking about experiencing a \$50-million shortfall of revenue that they anticipate not receiving now, despite the higher taxes that were passed this summer. They are talking about diminished revenues of \$81 million.

If we want to spend \$12 million on anything today and during the next year, I think Pennsylvania motorists would argue very strenuously in favor of spending the money on roads instead of spending the money on photographs, and that problem would be addressed through the Senate amendments that were adopted to this bill and would be addressed if we concur in those Senate amendments.

The second major issue confronting three metropolitan areas of the Commonwealth is the issue of the consent decree involving the emissions standards. This legislature had no say whatsoever—and I do not care whether it was the Shapp administra-

tion, the Thornburgh administration or the Scranton administration 20 years ago. We had no say whatsoever—in that agreement between the state government and the court, and I think that now is the time for us to speak up. Perhaps we should have spoken more clearly before, but we had not, and that is not a reason not to speak up this evening, not to speak up effectively as we would if we concur in the amendments to this bill.

The consent decree, I think we should keep in mind, first, did not involve us in any way. Secondly, I understand that it was predicated on statistical information, emission information, pollution information that was gathered during the early 1970's; at least several years ago, not last year or the year before. Much of that data, in the opinion of many observers, may well be outdated and no longer relevant. In the opinion of many observers, that consent decree may no longer be necessary or rather the emissions standards that would be invoked by that consent decree, by the implementation of the consent decree, may no longer be necessary because in the ensuing years, since those statistical studies were first completed, we have had most of our automobiles now equipped with various kinds of pollution control devices. In a number of our areas, driving has actually declined because of the price of gasoline and other considerations.

If we adopt the bill as it is now, if we give our approval to the amendments that were offered in the Senate, it would provide adequate time for updated studies to be completed. And if we are going to impose additional costs on motorists in those three metropolitan areas, perhaps we would be a little more assured that they were really necessary and valuable, but I do not think that any of us are of that opinion today.

The language does not, as was suggested by Mr. Dininni, does not specifically tell the department that they should go in and attempt to vacate that order, but it does clearly state the intent of this legislature and it does send a message to the administration—the one that is running state government today, that we are not happy with this order, we do not wish them to further comply with it and we wish them to contest it in any way that is available to them today. What they can or cannot do is yet to be determined, but we ought to speak out today. We ought not to go home for the next 4 weeks and say, well, it is somebody else's problem, be it the Shapp administration or what somebody said 4 weeks ago or 4 months ago. The ball is in our court this evening, and we ought to speak out on these two costly programs that will confront motorists of Pennsylvania. We ought to agree with the Senate amendments and say that we will save the motorists of Pennsylvania those important dollars. I urge that we concur in the Senate amendments.

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

Mr. GOEBEL. Mr. Speaker, I would like to be recognized for a motion if that is permissible, if you want me to be recognized.

The SPEAKER. The Chair would ask that the gentleman be recognized at a later time. The Chair thanks the gentleman.

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

Mr. RITTER. Mr. Speaker, I rise to urge concurrence in the Senate amendments.

Mr. Dininni was correct when he said that I stood on this floor back in March. I also stood on this floor back in March and asked that we do not vote to extend the time frame for putting photographs on the drivers licenses. That was a consistent position that I had.

I voted against the amendment in the first instance back in 1976. The point I made at the time was that whether or not I personally was in favor of photographs on drivers licenses, this legislature said to the department, you will do it by July 1, 1977, and here it was 1979 and they were coming back for the third extension of time. But just a year before that, in 1978, we said that you may issue identification cards for \$5, and they found time to implement that within 1 year but they had not found the time to implement the color photographs in 3 years. So that the position I was arguing was that we should not give the department any more time. Thankfully, Mr. Speaker, the legislature did give the department more time, and then some of us got together and decided that we did not think that it was a good idea.

I wrote a letter back in July to Mr. Zogby who is Deputy Secretary of Safety Administration. I told him that on this day, July 13, I was introducing legislation to abolish the requirement of a photograph on the drivers licenses and I asked, in view of that, that I would hope that the department would not award any contracts to supply those photographs until the legislature has had an opportunity to address the legislation, et cetera. July 18, I received a letter from Mr. Zogby and he said that frankly they could not delay the awarding of the contracts. However, he said, and I quote: "As I mentioned to you in our phone conversation, we are not able to delay the awarding of the two contracts until the Legislature passes your bill. However, both contracts and specifications for both contracts contain language allowing us to cancel those contracts if legislation is passed. The specific section reads . . . 'The Commonwealth may, at its option, terminate this contract due to default of the successful bidder due to unsatisfactory service or performance, or to constraints placed upon it by virtue of changes in funding for a new fiscal year or by change in legislation.'"

Mr. Speaker, when we had the department in front of us at a committee hearing, we asked them about that. And their first statement was that, well, they could not do it now because they have already awarded the contract, and I said, "Show me a signed copy." That was in September. They said, "Well, we really have not signed any contracts, but we kind of gave our word."

Mr. Speaker, I do not care who the Secretary of Transportation is. I do not care what administration is in power. That department does not know the meaning of the word "truth." Everytime you ask them a question and you say be specific, they are evasive. Everytime you say, tell me the truth, they lie to you. The basic fact is that they did not, at that time—and my understanding is as of this day—had not, in fact, signed contracts with anybody. But even if they did, Mr. Zogby's old letter says and the legislation is clear that this legislature can, if it so desires, change its mind. And I submit to you that it will not be the first time we have changed our minds. But we are talk-

ing about money. We are talking about the Commonwealth spending \$11 million just to set up this system. And each one of our constituents is going to have to pay a buck and a half extra to get that picture taken; plus, in the rural areas—and you ought to pay attention to this—the legislature says that you do not have to drive for more than 45 minutes to get to a photograph studio. Forty-five minutes, at a buck and five cents a gallon of gas, that is a lot of gasoline we are going to waste. And you do not have to wait more than 20 minutes, at least that is what they say.

I am saying to you if you want to save not only the \$11 million this department is going to spend, that they could spend and should spend to fix up potholes, save a buck and a half for your constituents. That is one of the parts in this bill that I support. That removes it.

And the emission system inspection is another one. We do have that consent decree and I do not know about you, but Mr. Kolter was right. I am getting more phone calls and letters and personal contracts from people who are upset about the emission inspections and the photographs, incidentally, than anything that we have done up here in a long time. And this bill says to the department, you will not implement that until July 1, 1981. So we are backing up the resolution that we passed that calls on the attorney general to go to court to vacate that consent decree, and again, I do not care that that was signed under the Shapp administration. If you have some, we will talk about what is going on under the Thornburgh administration. I am not happy with either one.

The point is that this bill will give us an opportunity to do something that we should not have done in the first place. We will abolish the photographs on the drivers licenses. If people really want an identification card that badly, that the banking community and the financial community want to have that because they do not want to have to pay for the cost to put a photograph on a card, let people buy an identification card for \$5. People are doing it now.

We need this bill. We need to concur in the Senate amendments and we need to do it tonight. But I say to you if you do not want to do it tonight, that is fine. Sooner or later, I think, this legislature is going to act, and the longer it takes to abolish that provision about a photograph and a driver's license, the more money you are liable to pour down the drain. I am saying to you, do it now, do it tonight so that it can go to the Governor for his signature. We need to have it, and I urge concurrence in the Senate amendments.

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

Mr. ITKIN. Mr. Speaker, I will not debate the issue.

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

Mr. ZELLER. Mr. Speaker, I am sure that my good friend, Mr. Dininni, did not mean at the time that we spoke last summer that we were referring to emission control. We were not. As a matter of fact, it was an altogether different subject than we are talking about tonight. We were talking about exactly what Mr. Ritter said, and rather than going over a long dis-

sertation on that, I concur with his comments.

But in regard to the emission controls, Mr. Speaker, that is a point that is in here, and I have received so many phone calls and letters that you would not believe that the people do not want it. And all we are trying to do is hold this up for a while to give us a chance that the options of this state will be able to get together with possibly our Congressmen or the Environmental Protection Agency or whoever and change this decree. We have got to do something about it because I know our people do not want it. So that is what we were talking about here, and to bring that out, Mr. Speaker, that you did, I hope it did not make people feel at that time, to cloud this issue that we were talking about emission controls. We were not. We were talking about exactly what Mr. Ritter stated. So I want you to know that, yes, and I agree that at the time we wanted to get the thing going because it was an act that was passed in 1976. We were directing PennDOT to do what they were supposed to do. But this is an altogether different subject. We are revising it 180 degrees out of phase. Right? Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, I want to close my portion of the debate by correcting an assertion of my good friend, Mr. Dininni. Mr. Speaker, you are both right and possibly wrong and confused. You did not mention that the majority of these amendments were in SB 1005; I believe you mentioned 1005. I think what you mean is that earlier in the year, we passed the majority of these amendments, and I think HB 1814, has been lying dormant in the Appropriations Committee. Therefore, these amendments are very, very necessary.

You are correct about something else though. Six months ago I did give a guarantee. Six months ago the Iranians were friends. Today they are enemies of ours. Six months ago when I gave a guarantee, I thought it was of a power stronger than a Joe Kolter guarantee — a people power. The people back home were complaining about the rising costs over in PennDOT. But, Mr. Speaker, if for no other reason, I ask for concurrence in the Senate amendments for our fight to stop or ask for a temporary constraint on the inspection of our emission control equipment.

I spent many hours in the past few weeks talking with attorneys on this matter, and they claim we need this legislation. Now is the time to act and show the people back home we are thinking about them. Thank you, Mr. Speaker.

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

Mr. GRABOWSKI. Mr. Speaker, I would just like to commend the Republican Party in this matter. For a party that had not caucused on this bill, you are very well prepared.

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

Mr. DININNI. Very briefly, in answering my good friend from Lehigh County, I believe he said that it would cost the department \$12 million and those \$12 million should be put in roads. I believe that he is completely wrong there, because it is my understanding the only cost—and then it will be a washout

to the Commonwealth—would be strictly administrative. And I say washout because there is built in that dollar and a half a 13-cents fee which will come back to the Commonwealth for that purpose. It is not costing the Commonwealth any dollars at all.

I would certainly hope that all our members would vote to nonconcur only to solve these problems, because you still have one serious problem in my books, and I am no attorney. I cannot answer what is going to happen to us; how much we are going to be penalized if we do not meet the deadline on a consent decree. I cannot answer you. It is possible that we could be held in contempt on it. I have no idea. There are plenty of lawyers in here. You know what was signed. The document is there. What happens if you do not meet that deadline? I am told that we would suffer financially if it is not met, and so I would ask all of the members to vote to nonconcur. Thank you.

LEGISLATION SUBMITTED FOR THE RECORD

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

Mr. DININNI. Mr. Speaker, I would like to submit for the record this particular Legislative Journal that I was referring to.

The SPEAKER. The gentleman will send his legislation to the desk.

Mr. DINNINI presented the following pages of the Legislative Journal of March 26, 1979.

The question is, shall the bill pass finally?

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

YEAS—194

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

DeMedio	Jones	Pistella	Wenger
DeVerter	Kanuck	Pitts	White
DeWeese	Kernick	Polite	Wilson
DiCarlo	Klingaman	Pott	Wilt
Dietz	Knepper	Pratt	Wright, D.
Dininni	Knight	Pucciarelli	Wright, J. L.
Dombrowski	Kolter	Punt	Yahner
Donatucci	Kowalshyn	Pyles	Yohn
Dorr	Kukovich	Rappaport	Zeller
Duffy	Lashinger	Reed	Zitterman
Dumas	Laughlin	Rhodes	Zord
Durham	Lehr	Richardson	Zwikl
Earley	Letterman	Rieger	
Fee	Levi	Ritter	Seltzer.
Fischer, R. R.	Levin	Rocks	Speaker

NAYS—0

NOT VOTING—9

Brunner	Irvis	Peterson	Street
Gallagher	Mullen, M. P.	Schmitt	Williams
Gamble			

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 Venango, Mr. Peterson. For what purpose does the gentleman rise?

Mr. PETERSON. On the last rollcall vote, on HB 215, I was temporarily out of my seat. If I had been there, I would have voted in the positive.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 280, PN 282**, entitled:

An Act amending the act of June 17, 1976 (P. L. 162, No. 81), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians," further providing for the effective date of certain provisions.

On the question,

Will the House agree to the bill on third consideration?

Mr. KOLTER offered the following amendments:

Amend Sec. 1 (Sec. 8), page 1, lines 15 and 16, by striking out "Sections 1307(a) (relating to staggered renewal system to be established)," and inserting

(1) Sections

Amend Sec. 1 (Sec. 8), page 1, line 19; page 2, lines 1 and 2, by striking out "1510 (relating to issuance and content of driver's" in line 19, page 1; and all of line 1 and "drivers license," in line 2, page 2

Amend Sec. 1 (Sec. 8), page 2, lines 11 through 14, by striking out "and Chapter 47" in line 11, all of lines 12 and 13 and "3,000 pounds or less is required" in line 14

Amend Sec 1 (Sec. 8), page 2, by inserting between lines 15 and 16

(2) Section 1307(a) (relating to staggered renewal system to be established) and section 1510 (relating to issuance and content of driver's license) insofar as a color photograph is required on the driver's license, shall take effect January 1, 1980.

(3) The enforcement of Chapter 47 (relating to inspection of vehicles) insofar as the inspection of motorized pedalcycles and trailers with a gross weight of 3,000 pounds or less is required is suspended until such time as the General Assembly by law revises said provisions and repeals the suspension herein imposed.

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

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, when SB 280 was discussed in our committee, it was agreed in our committee that the effective date for having a staggered renewal system with color photographs, July 31, was not a realistic date. In conversing with the officials of PennDOT, we all agreed at the time of the meeting that January 1, 1980, would be a more realistic date. This amendment addresses that thought.

Furthermore, the second part of the amendment deals with the inspection of trailers weighing 3,000 pounds or less. It is not realistic to have these vehicles inspected until such time as the change is made in the Vehicle Code. All we are doing is delaying action until such time as it is approved by our Vehicle Code amendment.

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

Mr. DININNI. Mr. Speaker, I have no objections to the amendment and I would ask the members on this side of the aisle to support the amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, will the gentleman, Mr. Kolter, consent to interrogation?

Mr. KOLTER. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kolter, indicates that he will stand for interrogation. The gentleman, Mr. Foster, is in order and may proceed.

Mr. A. C. FOSTER. Mr. Speaker, it is the purpose of the second part of the amendment to have trailers of 3,000 pounds or less subject to inspection only once a year?

Mr. KOLTER. All we are doing with this amendment is delaying the time that we are going to permit these trailers to be inspected. We have a bill in our committee that is going to address itself to this problem. Until such time as this particular bill is passed by the legislature, there is no way of inspecting these trailers. We are just putting it off until that time, Mr. Speaker.

Mr. A. C. FOSTER. I see. It is the intent then to go to a once-a-year inspection of these types of trailers?

Mr. KOLTER. Yes, Mr. Speaker.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I have to disagree with Mr. Kolter that not every member of the Transportation Committee is in agreement that we ought to extend this date again for the staggered licensing and color photographs. In 1976, when we passed the Motor Vehicle Code, the department was told to have this staggered system and color licenses in effect by July 1, 1977. They came back to us and said, we do not have enough time; we need some additional time. So we extended it until July 1, 1978. In 1978, they came to us and said, we still do not have enough time and we need to have it extended, now, to July 1, 1979. And now we are going to give them another 6 months and say January 1, 1980.

Mr. Speaker, I think that there is no excuse for the fact that this has not been done. This is typical of what many agencies in this government do. This legislature says you will and shall do something, and they decide, in their own wisdom, not to do it and then come back here, and we constantly agree and keep giving them delay after delay after delay.

The department was not unaware that this was going to happen. This has been recommended by the Uniform Motor Vehicle Code for years. The department knew that this legislature was considering that 2 years before we did it in 1976. I frankly think they have had enough time.

I am upset because I just do not see, Mr. Speaker, in reading the amendment, how we can divide it. I know there is a problem with the trailer inspections, but I am very upset about this delay on the part of the department. I was 2 years ago and I was last year and I still am this year.

I am going to vote "no" on the amendment, and I am hoping that the other members will, too, and then maybe we can deal with an amendment strictly for the inspection of trailers. But I think the department has had long enough, time enough to get this staggered system together. In fact—I am sorry—they have this staggered system together. They have had enough time to get the color photographs on drivers' licenses, and we ought not to give them anymore delay beyond July 1, 1979. So, Mr. Speaker, I am going to vote "no" on the amendment. I would urge other members to do likewise.

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

Mr. DININNI. Mr. Speaker, I totally agree with Mr. Ritter. I am tired of it, too. But I want to assure the Representative that there is nothing at this point that we can do other than to extend that period of time, and I can assure you also that I will not go beyond the time that is specified in this amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, of course, there was not unanimity of thought. There was some dissent in committee, but the majority of the committee members thought that since the department stated emphatically that it was impossible to have this job completed by July 31, we would extend it to a more realistic date, that being January 1, 1980. So I ask the members on this side and both sides to vote in the affirmative.

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

Mr. ZELLER. Mr. Speaker, would Mr. Kolter consent to brief interrogation?

The SPEAKER. Will the gentleman from Beaver, Mr. Kolter, permit himself to be interrogated?

Mr. KOLTER. Yes, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I, too, agree with what Mr. Ritter said, but the only problem we have is, is it one of financial problems? What have they told us is the reason for an extended delay? Is it a time problem here? Is it because of finances or what? What is their reasoning?

Mr. KOLTER. The original thought on the problem was that it was one of finances, Mr. Speaker, and now it is just a matter of time.

Mr. ZELLER. It is the finances. Well, with all the problems that face PennDOT, this may be a fact, and for that reason I could not agree with Mr. Ritter more in what he said, but we do have a problem in regard to the financial end of it. I know your integrity is such that I believe that you and Mr. Dininni have looked into this thing, and I would like to go along with it to give them a chance, but this will be the last one.

REQUEST TO DIVIDE AMENDMENTS

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, I would suggest and request that this amendment be divided. It really covers two separate issues, and I will be happy to suggest a way of doing so if it would be of help to the Chair.

The SPEAKER. Will the gentleman indicate how he would divide the amendment?

Mr. RAPPAPORT. Yes, Mr. Speaker. I would divide it by subject matter. It would appear that there are really two different amendments in this one amendment. In the third paragraph, the third time the word "Amend" appears, "Amend Sec. 1 (Sec. 8)," that should really be with the number (3) below, while everything above that should be with number (2). Now I would suggest that the amendment be divided in that way so that one amendment deals with the driver's license problem and another one deals with the trailer problem.

The SPEAKER. Will the gentleman repeat, for the edification of the Chair, how he suggests this amendment might be separated?

Mr. RAPPAPORT. Yes, Mr. Speaker. It would appear that this amendment deals with two different subjects.

The wording in the third paragraph saying, "Amend Sec. 1 (Sec. 8), page 2, lines 11 through 14, . . ." applies to trailers, and that paragraph, together with section 3 below, should be divided into one part, while the rest of the amendment dealing with drivers licenses, including section 2 below, should be in another amendment.

Would that be separating the subjects in a logical manner?

The SPEAKER. In response to the inquiry by the gentleman

from Philadelphia, Mr. Rappaport, the decision of the Chair is that the amendment is not divisible. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker. I understand full well the problem of the Chair in trying to divide this amendment. It has been very cleverly drawn by the Department of Transportation in order to mix in an amendment which, I am told, must be passed, that involving the trailers with the amendment that they really want, which is giving them more time on these drivers licenses.

Mr. Speaker, I would, therefore, suggest that the members vote "no" on this amendment and I am sure we will have an amendment up very quickly dealing just with the trailers. Therefore, I would urge a "no" vote. The department has had plenty of time. They deal with our directors very cavalierly and this is but another example of it. I think that it is about time that we taught them some manners. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, just let me make two points.

Mr. Speaker, in 1976 this legislature told the department to get colored photographs on drivers licenses. It was the driver's responsibility to get that photograph, and the department was entitled—I am positive of this—to charge another dollar because of putting the photograph on the licenses and having it laminated. When we asked them in committee why they had not done it, they never gave us any financial reasons. As a matter of fact, one of the things that they said was, we really do not have any excuse, and that there was an awful lot of other work that we made them do, and so on, and that was one of the reasons it was put on the back burner.

I want to make one further point. Last year this legislature authorized the department to issue identification cards—not a license; an identification card—and they could charge \$5 for that. Mr. Speaker, they have had time to issue those identification cards, but they have not had time to implement color photographs on the licenses. This is not a partisan issue. This has nothing to do with the Secretary of Transportation. I have said it before and I will say it again — it does not really matter whom you put up there as Secretary of Transportation, if they are not going to get the people under them to do some work. And they are not doing the work, and I am tired of it.

I was willing to go along with 1979, July 1; reluctantly to go along with it, but this amendment now gives them until January 1980 and I am saying that if you do it now, you are telling them for the third year that we do not care how long it takes you guys. If you do not want to do it, you come back next year and we will give you another year. I am saying let us put a stop to it. I want to know why they have not done it now. Why can they issue identification cards that we just authorized them to do last year and 3 years ago we told them to put colored photographs on them and they still have not done it? Vote "no" on the amendment. Let us get a message over there and maybe we can get some people who want to do a job. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, Mr. Ritter is totally correct. The officials of the Pennsylvania Department of Transportation have been dragging their feet. However, nonetheless it is most impossible to have this job completed by July 31. I say for the last time, let us give them 6 additional months with our amendment and permit them until January 1, 1980, and I will guarantee that the job will be done for you.

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

The following roll call was recorded:

YEAS—128

Alden	Foster, W.	Livengood	Serafini
Anderson	Freind	Lynch, E. R.	Shupnik
Arty	Fryer	Lynch, F.	Sieminski
Austin	Gallen	Mackowski	Sirianni
Belardi	Gannon	Madigan	Smith, E.
Berson	Gatski	Manderino	Smith, L.
Bittle	Geesey	Manmiller	Spencer
Bowser	Geist	McCall	Spitz
Brandt	George, C.	McClatchy	Stairs
Burd	Gladeck	McKelvey	Stuban
Caltagirone	Goebel	McVerry	Sweet
Cappabianca	Goodman	Micozzie	Swift
Cessar	Grabowski	Moehlmann	Taddonio
Cianciulli	Greenfield	Mowery	Taylor, E.
Clark, B.	Halverson	Mrkonic	Taylor, F.
Clark, R.	Hasay	Noye	Telek
Cochran	Hayes, D. S.	O'Brien, D.	Thomas
Cole	Hayes, S. E.	Peterson	Vroon
Cornell	Helfrick	Petrarca	Wagner
Coslett	Honaman	Piccola	Wass
Cunningham	Hutchinson, A.	Pievsky	Weidner
Davies	Hutchinson, W.	Pitts	Wenger
DeMedio	Itkin	Polite	Wilson
DiCarlo	Johnson, E.	Pott	Wilt
Dietz	Kanuck	Rhodes	Wright, J. L.
Dininni	Klingaman	Rieger	Yahner
Dombrowski	Knepper	Rocks	Yohn
Dorr	Kolter	Rodgers	Zeller
Durham	Laughlin	Ryan	Zord
Earley	Lehr	Salvatore	
Fec	Letterman	Scheaffer	Seltzer,
Fisher, D. M.	Levi	Scirica	Speaker
Foster, A.	Lewis		

NAYS—62

Armstrong	Fischer, R. R.	McMonagle	Rappaport
Barber	George, M.	Michlovic	Reed
Beloff	Gray	Milanovich	Richardson
Bennett	Grieco	Miller	Ritter
Borski	Gruppo	Murphy	Schweder
Brown	Harper	Musto	Seventy
Burns	Hoeffel	Nahill	Shadding
Chess	Johnson, J.	Novak	Steighner
Cimini	Jones	O'Brien, B.	Stewart
Cowell	Kernick	O'Donnell	Trello
Dawida	Knight	Perzel	Wachob
DeVerter	Kowalshyn	Pistella	Wargo
DeWeese	Kukovich	Pucciarelli	Wright, D.
Donatucci	Lashingar	Punt	Zitterman
Duffy	Levin	Pyles	Zwinkl
Dumas	McIntyre		

NOT VOTING—13

Brunner	Giammarco	Oliver	Street
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Cohen	Irvis	Pratt	White
Gallagher	Mullen, M. P.	Schmitt	Williams
Gamble			

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

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

Bill as amended was agreed to.

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

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, I inadvertently voted in the affirmative and intended to vote in the negative on the Kolter amendment to SB 280.

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

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

Mr. BENNETT. Mr. Speaker, I would like to correct the record. When the Kolter amendment to SB 280 was voted, I voted in the negative. I would like to have the record changed to show that I voted in error and I would like to be recorded in the affirmative.

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

The House proceeded to third consideration of **HB 643, PN 695**, entitled:

A Supplement to the act of September 28, 1978 (P. L. 787, No. 151), entitled "An act providing for the capital budget for the fiscal year 1978-1979," itemizing transportation assistance projects to be acquired or constructed by the Pennsylvania Transportation Assistance Authority together with their estimated financial cost; itemizing transportation assistance projects to be acquired or purchased by the Pennsylvania Department of Transportation; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects, stating the estimated useful life of certain of the projects, and making an appropriation.

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

Amend Sec. 1, page 5, line 25, by striking out "6,555,000" and inserting 4,786,000

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

The SPEAKER. The Chair recognizes the majority whip.
Mr. S. E. HAYES. Thank you, Mr. Speaker. The gentleman from Allegheny, Mr. Itkin, has properly identified an error in the bill. A figure of 6,555,000 on page 5, line 25, was drafted into the bill and that figure should most properly be 4,786,000.

I have discussed this matter with the Governor's office. It is

necessary to pass this bill in this House, get it to the Senate and to the Governor's desk prior to March 30, which is this Friday, and if the gentleman would agree to it, the Governor will strike 6.555 million down to 4.786 million so that we can pass the bill today and not delay it.

AMENDMENT WITHDRAWN

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

Mr. ITKIN. Mr. Speaker, in view of that being the Governor's intention, I will withdraw the amendment.

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?

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

YEAS—195

Alden	Foster, W.	Livengood	Rodgers
Anderson	Freind	Lynch, E. R.	Ryan

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

Mr. STREET. Mr. Speaker, I would like to speak in favor of this Senate amendment. I want to just bring a few things to the attention of this House that the people in Philadelphia are experiencing.

In north central Philadelphia, in an area that is very congested, we have a population of 121,000—according to the 1970 census check—with a medium income of \$6,200. Let me bring to your attention that these individuals who drive take twice as much for insurance to drive those automobiles now as do suburbans. And I want to bring to your attention that they are still paying the high cost of gasoline, and I do not think that they should be taxed one penny more for photographs or for anything else. I do not believe they should be taxed that way. And I would urge that we would show some sensitivity to those people who are not on welfare but to those people who are working everyday but still have an income that does not exceed \$6,200 to \$6,000. And I think that you must understand that the cost of oil is also soaring in this Commonwealth. And most of the houses in that area are heated by oil, and they will be paying a dollar a gallon for oil, and I would ask that you would concur in these Senate amendments and let us, for one time, give the people, the constituents, those who elected us to this House, a break. Let us give them a financial break and concur on these amendments.

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

Mr. POLITE. Mr. Speaker, I rise to support nonconcurrency in the Senate amendments. First of all, we have not caucused on this bill. I know exactly what is in this bill when it went over to the Senate, but I do not know in what condition it came back.

I think that it is a shame that we were not given that opportunity tonight and I ask now that we ask for a 20-minute caucus so that I will have a better understanding, because I do want to vote for the bill but I cannot vote for this bill because I have to ask some questions, and they are not questions for publication; they are caucus questions. Thank you very much.

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

Mr. DININNI. Are you taking into consideration about a caucus or not? I thought I heard someone, when I was out of the room for just a few minutes, asking or requesting a 20-minute caucus.

The SPEAKER. The Chair did not hear any request made by any of the members of the House for a caucus.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would you see that the minority leader is locked out until he returns?

The SPEAKER. For the information of the minority whip, the minority leader has not left.

Mr. MANDERINO. But he is not in his seat, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

(Members proceeded to vote)

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. MANDERINO. To ask about those gentlemen who cannot vote the way they want to vote, how they are voting this time.

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. MANDERINO. That is part of it.

The SPEAKER. Is the gentleman challenging any votes?

Mr. MANDERINO. No. I am asking about the gentlemen who cannot vote the way they want to vote. You had a list up there, and I would like to know how they are voting on this one.

The SPEAKER. All three gentlemen have already identified how they wish to be recorded on this concurrence.

Mr. MANDERINO. Thank you, Mr. Speaker.

REMARKS ON VOTE

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

Mr. BELARDI. Mr. Speaker, my name was mentioned, and I was recorded as voting in the negative. I wish that my vote be recorded in the affirmative on HB 739.

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

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—124

Alden	Durham	Letterman	Salvatore
Arty	Foster, A.	Levi	Schmitt
Austin	Fryer	Levin	Serafini
Barber	Gannon	Livengood	Seventy
Belardi	Gatski	Mackowski	Shadding
Borski	George, C.	Manderino	Shupnik
Brown	George, M.	Manmiller	Sieminski
Burns	Goebel	McCall	Smith, E.
Caltagirone	Goodman	McKelvey	Smith, L.
Cappabianca	Grabowski	Michlovic	Steighner
Cessar	Gray	Mowery	Stewart
Chess	Greenfield	Mrkonic	Street,
Cimini	Gruppo	Murphy	Stuban
Clark, B.	Harper	Musto	Sweet
Clark, R.	Hayes, S. E.	Novak	Swift
Cochran	Hoefel	O'Brien, B.	Taddonio
Cohen	Hutchinson, A.	O'Brien, D.	Taylor, E.
Cole	Itkin	O'Donnell	Taylor, F.
Coslett	Johnson, J.	Oliver	Telek
Cowell	Jones	Perzel	Trello
Cunningham	Kanuck	Petrarca	Wachob
Davies	Kernick	Pievsky	Wargo
Dawida	Klingaman	Pistella	Wass
DeMedio	Knepper	Pratt	White
DeWeese	Knight	Pucciarelli	Wilt
DiCarlo	Kolter	Punt	Wright, D.
Dietz	Kowalyszyn	Reed	Wright, J. L.
Dombrowski	Kukovich	Rhodes	Yahner
Dorr	Lashinger	Richardson	Zeller
Duffy	Laughlin	Ritter	Zitterman
Dumas	Lehr	Rocks	Zwikl

NAYS—25

Anderson	Gallen	Noye	Thomas
Armstrong	Geist	Polite	Wenger
Bittle	Gladeck	Ryan	Yohn
Bowser	Honaman	Scheaffer	
Brandt	Madigan	Scirica	Seltzer,
DeVerter	McClatchy	Sirianni	Speaker
Dininni	Moehlmann	Spencer	

NOT VOTING—53

Beloff	Gamble	Lynch, F.	Pyles
Bennett	Geesey	McIntyre	Rappaport
Berson	Giammarco	McMonagle	Rieger
Brunner	Gricco	McVerry	Rodgers
Burd	Halverson	Micozzie	Schweder
Cornell	Hasay	Milanovich	Spitz
Donatucci	Hayes, D. S.	Miller	Stairs
Earley	Helfrick	Mullen, M. P.	Vroon
Fee	Hutchinson, W.	Nabill	Wagner
Fischer, R. R.	Irvis	Peterson	Weidner
Fisher, D. M.	Johnson, E.	Piccola	Williams
Foster, W.	Lewis	Pitts	Wilson
Freind	Lynch, E. R.	Pott	Zord
Gallagher			

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.

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. MANDERINO. Mr. Speaker, just to ask the members of the Democratic side of the aisle, and the members who are interested in the passage of that bill, to stick around until it is all over.

BILLS SIGNED BY SPEAKER

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

HB 571, PN 2512

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), establishing a procedure for governing State disbursements to agencies of counties.

HB 601, PN 2587

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for a cost-of-living increase to annuitants.

HB 1632, PN 2388

An Act making an appropriation to the Department of Public Welfare for the purchase of social services.

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, to have immediate consideration of a resolution.

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. ITKIN. Mr. Speaker, I rise to move to suspend the rules for the immediate consideration of a resolution.

The SPEAKER. The gentleman from Allegheny, Mr. Itkin, moves that the rules be suspended so that the House will be able to have consideration of a resolution which he would like to introduce at this time.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—128

Alden	Fryer	Levin	Schmitt
Anderson	Gallen	Livengood	Serafini
Armstrong	Gannon	Madigan	Seventy
Arty	Gatski	Manderino	Shadding
Austin	Geist	Manmiller	Shupnik
Barber	George, C.	McCall	Smith, E.
Belardi	George, M.	McClatchy	Spencer
Borski	Gladeck	McKelvey	Steighner
Brandt	Goodman	Michlovic	Stewart
Brown	Grabowski	Mowery	Street
Burns	Gray	Mrkonic	Stuban
Caltagirone	Greenfield	Murphy	Sweet
Cappabianca	Gruppo	Musto	Swift
Cessar	Harper	Novak	Taylor, E.
Chess	Hayes, S. E.	Noye	Taylor, F.
Clark, B.	Hoefel	O'Brien, B.	Telek
Cochran	Honaman	O'Brien, D.	Trello
Cohen	Hutchinson, A.	O'Donnell	Wachob
Cole	Itkin	Oliver	Wargo
Coslett	Johnson, J.	Perzel	Wass
Cowell	Jones	Petrarca	White
Cunningham	Kanuck	Pievsky	Wilt
Davies	Kernick	Pistella	Wright, D.
Dawida	Klingaman	Pratt	Wright, J. L.
DeWeese	Knepper	Pucciarelli	Yahner
DiCarlo	Knight	Punt	Yohn
Dininni	Kolter	Reed	Zeller
Dombrowski	Kukovich	Richardson	Zitterman
Dorr	Lashinger	Ritter	Zwikl

Duffy	Laughlin	Rocks	
Dumas	Lehr	Ryan	Seltzer,
Durham	Letterman	Salvatore	Speaker
Foster, A.	Levi		

NAYS—11

DeVertter	Mackowski	Scheaffer	Thomas
Dietz	Moehlmann	Sieminski	Wenger
Kowalyszyn	Polite	Smith, L.	

NOT VOTING—63

Beloff	Foster, W.	Lynch, E. R.	Rhodes
Bennett	Freind	Lynch, F.	Rieger
Berson	Gallagher	McIntyre	Rodgers
Bittle	Gamble	McMonagle	Schweder
Bowser	Geesey	McVerry	Scirica
Brunner	Giammarco	Micozzie	Sirianni
Burd	Goebel	Milanovich	Spitz
Cimini	Grieco	Miller	Stairs
Clark, R.	Halverson	Mullen, M. P.	Taddonio
Cornell	Hasay	Nahill	Vroon
DeMedio	Hayes, D. S.	Peterson	Wagner
Donatucci	Helfrick	Piccola	Weidner
Earley	Hutchinson, W.	Pitts	Williams
Fee	Irvis	Pott	Wilson
Fischer, R. R.	Johnson, E.	Pyles	Zord
Fisher, D. M.	Lewis	Rappaport	

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

RESOLUTION OFFERED AND ADOPTED

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

Mr. ITKIN. Mr. Speaker, I offer a resolution.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

In the House of Representatives,

WHEREAS, The Commonwealth in complying with 45 CFR, Part 10, Emergency Energy Conservation Program, Energy Crisis Assistance Program § 1061.70D, Determination of Income Eligibility, which regulations state that income eligibility is determined by records of past income taken from income records not less than 90 days immediately preceding the application but no more than the most recent 12 months, has elected to determine income eligibility by obtaining records of income from the most recent 90-day period, according to its "1978-1979 Energy Assistance Programs" Regulations as issued by the Department of Public Welfare, to be published in the Saturday, December 15th Pennsylvania Bulletin; and

WHEREAS, The determination of income by the above mentioned Commonwealth regulations may be an insufficient time period to accurately determine income, making it possible for persons temporarily unemployed or underemployed and who might not otherwise be eligible for assistance, to qualify for Emergency Energy Assistance Grants; and

WHEREAS, The Federal Government has in 45 CFR, Part 10, Emergency Energy Conservation Program, Energy Crisis Assistance Program, § 1061.70A. Income Eligibility requires that a person must earn \$4,250 or less annually, regardless of the source of income of the person; and

WHEREAS, Many Commonwealth senior citizens are solely dependent on Social Security as their source of income and are suffering financial hardships during the winter months in meeting the expenses of their utility bills; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania urge the Department of Public Welfare change its regulations from the 90-day income determination requirement for applicants to the requirement that

applicants submit income records six months immediately preceding the application; and be it further

RESOLVED, That the House of Representatives of the Commonwealth urge the Federal Community Services Administration to allow all those persons whose income is solely derived from Social Security and who originally qualified for Emergency Energy Assistance Grants, but whose Social Security benefits have subsequently risen to an amount exceeding \$4,250 to qualify for Emergency Energy Assistance Grants.

On the question,
Will the House adopt the resolution?

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

Mr. ITKIN. Mr. Speaker, the hour is late. The resolution has been circulated on every member's desk. It is self-explanatory. I move to support its adoption.

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

Mr. ZELLER. Mr. Speaker, would you explain, what does it do? I do not even know what it does. I do not even have a copy of it.

The SPEAKER. Will the gentleman, Mr. Itkin, explain his resolution further?

Mr. ITKIN. Mr. Speaker, the Federal Government has proposed an emergency energy crisis assistance program. This is the second year of the program and they have determined certain income limitations for eligibility. They have determined that only those persons who make 125 percent above the poverty level can qualify. There are people who have been on social security, whose sole income is social security, who qualified last year. This year, because they received a slight increase in social security payments, they are now above the limit and there are many individuals, because of this increase, have now been denied emergency energy assistance funding this year. So for \$180 more in social security benefits, they are going to lose \$300 in assistance. It does not make sense. This resolution petitions the Federal Community Service Administration to reconsider its guidelines.

Mr. ZELLER. I concur. I just wanted to be sure of what I am voting for. Thank you.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—153

Alden	Fryer	Livengood	Seventy
Anderson	Gallen	Mackowski	Shadding
Armstrong	Gamble	Madigan	Shupnik
Arty	Gannon	Manderino	Sieminski
Austin	Gatski	Manmiller	Sirianni
Barber	Geist	McCall	Smith, E.
Belardi	George, C.	McClatchy	Smith, L.
Borski	George, M.	McKelvey	Spencer
Bowser	Gladeck	Michlovic	Spitz
Brandt	Goebel	Moehlmann	Steighner
Brown	Goodman	Mowery	Stewart
Burns	Grabowski	Mrkonic	Street
Caltagirone	Gray	Murphy	Stuban
Cappabianca	Greenfield	Musto	Sweet
Cessar	Gruppo	Novak	Swift

Chess	Harper	Noye	Taddonio
Cimini	Hayes, S. E.	O'Brien, B.	Taylor, E.
Clark, B.	Helfrick	O'Brien, D.	Taylor, F.
Clark, R.	Hoefel	O'Donnell	Telek
Cochran	Honaman	Oliver	Thomas
Cohen	Hutchinson, A.	Perzel	Trello
Cole	Itkin	Peterson	Wachob
Coslett	Johnson, E.	Petrarca	Wagner
Cowell	Johnson, J.	Pievsky	Wargo
Cunningham	Jones	Pistella	Wass
Davies	Kanuck	Polite	Wenger
Dawida	Kernick	Pratt	White
DeMedio	Klingaman	Pucciarelli	Wilt
DeVerter	Knepper	Punt	Wright, D.
DeWeese	Knight	Reed	Wright, J. L.
DiCarlo	Kolter	Rhodes	Yahner
Dietz	Kowalshyn	Richardson	Yohn
Dininni	Kukovich	Ritter	Zeller
Dombrowski	Lashingier	Rocks	Zitterman
Dorr	Laughlin	Ryan	Zwick
Duffy	Lehr	Salvatore	
Dumas	Letterman	Scheaffer	Seltzer,
Durham	Levi	Schmitt	Speaker
Foster, A.	Levin	Serafini	

NAYS—0

NOT VOTING—49

Beloff	Freind	Lynch, F.	Pyles
Bennett	Gallagher	McIntyre	Rappaport
Berson	Geesey	McMonagle	Rieger
Bittle	Giammarco	McVerry	Rodgers
Brunner	Grieco	Micozzie	Schweder
Burd	Halverson	Milanovich	Scirica
Cornell	Hasay	Miller	Stairs
Donatucci	Hayes, D. S.	Mullen, M. P.	Vroon
Earley	Hutchinson, W.	Nahill	Weidner
Fee	Irvis	Piccola	Williams
Fischer, R. R.	Lewis	Pitts	Wilson
Fisher, D. M.	Lynch, E. R.	Pott	Zord
Foster, W.			

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

BILL SIGNED BY SPEAKER

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

HB 739, PN 2607

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration, classes of licenses, protective equipment, windshield wiper systems, visual signals, the content of drivers' licenses, for the application of certain provisions of the title, for the operation of emergency vehicles of the Pennsylvania Turnpike and further providing for periodic inspection of vehicles.

BILLS PASSED OVER

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

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the floor of the House a young student from Colombia, South America, Mr. Felipe Uribe, who is visiting Mr. and Mrs. Jack Glace of Harrisburg. He is here today as the guest of Mr. Moehlmann.

The Chair welcomes to the hall of the House, Mr. Kenneth Willis, past president of the Connecticut Product Development Corporation, who is here today as the guest of the House Subcommittee on Industrial Development.

The Chair welcomes to the front of the House a young man who is acting as a page here today, Mr. Brian Thomas, who is a guest of the gentleman from Philadelphia, Mr. Perzel.

MOTION TO ADJOURN OFFERED AND WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goebel. Does the gentleman wish to be recognized?

Mr. GOEBEL. Mr. Speaker, yes, for the purpose of making a motion.

I move that this House be adjourned until January 2.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, would the gentleman withdraw his motion? I intend to make an adjournment motion now but to a different date.

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

ADJOURNMENT MOTION ADOPTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that we adjourn until Tuesday, January 1, 1980, at 12 o'clock noon. It is my understanding Mr. Speaker—and I would like to be corrected if I am wrong—that the Constitution requires that we come in in open session on that particular day, although it is not our intention that any bills be run whatsoever or any votes be taken.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I understand that the Constitution requires that we be in on January 1. We have in the past held token sessions on that day. Is that the intention?

Mr. RYAN. That is my understanding, Mr. Speaker. I stated it the way I did so that should I be wrong, the Speaker would correct me.

Mr. MANDERINO. Thank you.

Mr. RYAN. I do not intend to be here, by way of example.

The SPEAKER. If any member needs clarification, it is the intention of the Chair to preside here by himself with the Parliamentarian and a few members of the staff, loyal members of the staff.

On the question.

Will the House agree to the motion?

Motion was agreed to, and at 8:04 p.m., e.s.t., the House adjourned.