

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

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Session of 1980

164th of the General Assembly

No. 3

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE ROY W. CORNELL, member of the House of Representatives and guest chaplain, offered the following prayer:

Our kind and gracious heavenly Father, we seek Thy divine guidance on the members of this legislative body. We are grateful for the democratic process, the ability to lead, and the opportunity to work towards peace in our Commonwealth and Nation.

Bless those who have placed us in this position, and may we continue to seek what is right here upon the earth. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of October 10, 15, 16, 17, 22, 23, 29, 30, 31, November 13 and 14, 1979, and Tuesday, January 1, 1980?

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2136 By Representatives DININNI AND KOLTER.

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), further providing for rules for the use of highways.

Referred to Committee on TRANSPORTATION.

No. 2137 By Representatives SCHEAFFER, DeMEDIO, MRKONIC, COLE, LEVI, SIEMINSKI AND BOWSER.

An Act amending the act of May 21, 1943 (P. L. 302, No. 140), entitled, as amended, "An act providing for the admission of children to, and their education and maintenance in, and their discharge from the Scotland School for Veterans' Children; ***" providing for the admission of children of veterans who did not serve during a time of war or armed conflict.

Referred to Committee on MILITARY AND VETERANS AFFAIRS.

No. 2138 By Representative GOEBEL.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for mandatory kindergarten.

Referred to Committee on EDUCATION.

No. 2139 By Representative GOEBEL.

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

Referred to Committee on LOCAL GOVERNMENT.

No. 2140 By Representative GOEBEL.

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 591, No. 254), further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

Referred to Committee on LOCAL GOVERNMENT.

No. 2141 By Representative GOEBEL.

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

Referred to Committee on URBAN AFFAIRS.

No. 2142 By Representative SALVATORE.

An Act amending the "Pennsylvania Athletic Code," approved August 31, 1955 (P. L. 531, No. 131), creating the Boxers' Fund and the Boxers' Fund Board and providing for administration thereof.

Referred to Committee on STATE GOVERNMENT.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, yesterday there were rumors to the effect that if the rollcall machines were inoperative today, there would be no roll calls taken. That is not so. The machines are still down. The men worked until 4:30 this morning, I am told, trying to get them on line, and they were unsuccessful. They are coming back again this afternoon to continue that. However, we are prepared to go through the roll calls with voice votes recorded, and the purpose of this announcement is to let the people in their various offices know that they should come to the floor.

It would be our intention to call up in line SB 702, the blind-bidding bill. I know that we have been put on notice of a motion, so I am going to suggest that anyone with any interest in that bill had better be up here.

Other than that, Mr. Speaker, there is a gentleman from the Federal Environmental Protection Agency who is meeting with the various leadership groups with respect to the emissions control legislation. We have invited him to attend a Republican caucus to explain the effects of an override on the State of Pennsylvania.

I am going to suggest in a little while, probably at quarter of 12, 12 o'clock, when we have taken at least the one roll call, that we break—we, the Republican caucus, break—to have Mr. Schram into the caucus and also break for lunch. I checked with the gentleman from EPA, and he said that he would be available for the Democratic caucus.

I urge the Republican members, particularly those from the metropolitan area, to attend the caucus and hear the remarks of the gentleman from Washington. There is a great effect on those of us who represent metropolitan areas if the veto of HB 739 is overridden, and I urge each and every one of us from that area to attend the caucus. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair welcomes to the balcony Mat, Mike, Flo, and George Roman, who are here as the guests of Mr. Rick Geist, and John Roman, who is a page for Mr. Geist.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. MOWERY, BRANDT, and D. M. O'BRIEN for today's session, and for Mr. PICCOLA for today's session as he is attending the funeral of his grandmother.

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

Mr. FEE. Mr. Speaker, I request leaves of absence for Mr. STREET for today's session, and for Mr. WILLIAMS for the balance of the week.

The SPEAKER. Without objection, leaves are granted.

STATEMENT BY MR. PITTS

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, who asks unanimous consent to make a brief statement. The Chair hears no objection. The gentleman is in order and may proceed.

Mr. PITTS. Mr. Speaker, as chairman of the House Select Committee to Investigate SEPTA, at this time I would like to report to the members of the House concerning the findings and recommendations of our investigation and the legislative package that we are today introducing.

Mr. Speaker, the House Select Committee investigating the Southeastern Pennsylvania Transportation Authority was formed by the adoption of HR 118, which called for an overall investigation of the operations, administration, management, and financial condition of SEPTA.

Pursuant to the House resolution, the committee conducted a thorough investigation. We held 14 public hearings; we toured facilities; we interviewed numerous individuals, including SEPTA management and staff, transportation experts, representatives of the Federal, state and local member governments, citizen groups, and in general conducted indepth research.

During our study we concentrated on four major areas: accountability, public transportation financing, SEPTA's board structure and powers, and SEPTA management.

As a result of our investigation, we are issuing today a 152-page unanimous committee report cataloging the problems facing SEPTA, and we are introducing today a package of legislation aimed at dealing with these problems. The numbers of the bills are HB 2150 through HB 2157.

I believe, Mr. Speaker, that the committee has done a thorough job. We have found a major transportation system in a severely deteriorated condition. Hopefully we have gotten to the root of this deplorable situation and our legislation will correct these problems.

Briefly, the committee found that no single governmental unit is willing to accept the responsibility for full funding of SEPTA or for overseeing its management. In other words, no single agency is responsible for SEPTA, and SEPTA is responsible to no one agency.

We found that greater stability is needed in mass transportation funding. Funding instability has caused the loss of literally hundreds of millions of Federal dollars.

SEPTA's board, which is an authority, should be altered. Such restructuring might better reflect ridership, population, or financial support.

There is a need for sound regional cooperation in public transportation.

SEPTA's board is far too involved in day-to-day operations. This preoccupation has led to the neglect of important issues of policy and long-range planning.

Questions of conflict of interest concerning board members have been raised.

SEPTA's management, over 15 years, we find, appears to have had one goal; that is, the total replacement of its facilities and its vehicles. This has not occurred, and maintenance has been severely neglected.

Depots and shops are in deplorable condition, except in the Red Arrow division, and little effort has been made to improve these areas. Service has been steadily reduced. Ridership has decreased. There has been a significant loss in productivity. There is a need for better training of maintenance workers. Vehicle safety is questionable and must be given immediate attention. Inspection by the State Police is too infrequent and insufficient.

SEPTA's Capital Project Management is deficient. It cannot complete projects efficiently and, as a result, grant

dollars which have already been awarded and have not been spent.

And, finally, the authority's response to the ridership, we find, has been negligible. There is no mechanism for the public's concerns to be voiced and acknowledged.

Now that is a brief list of the problems we encountered. The package of legislation which we have introduced today should substantially help to correct these problems which are severely impairing the mass transit system in the Delaware Valley region.

Again, the legislation has bipartisan sponsorship. All of the committee members have sponsored it. It is our hope that the bills will be promptly considered and adopted.

We believe that the measures we are introducing are vitally important and should be considered immediately.

Briefly, the legislation would: One, increase stability in state funding for operating and capital programs by establishing in law a formula to determine the level of appropriation needed to sufficiently fund the state's share of mass transportation operating costs, and by establishing a 6-year capital plan and a budget program for mass transportation development.

It changes the powers of the board by limiting it to policy matters, thus relieving the board of day-to-day considerations.

We would increase the power of the general manager.

We would require local governments involved with SEPTA to establish a compact concerning levels of funding.

We would change certain bid levels. We would include mass transportation agency board members under the Ethics Act.

We would repeal the Pennsylvania Transportation Assistance Authority Act.

We would require SEPTA to establish a comprehensive transportation plan and create a citizen advisory commission.

We would place all public transit vehicles under the state Motor Vehicle Code for the purposes of safety standards and inspection and regulation.

In regards to board structure, Mr. Speaker, we are asking the local member governments, who really have provided the initiative in forming the authority originally, to draft a proposal of their own to alter the present board structure and to deal with the problems of dual ownership and veto power, which have been so crippling to the system prior to the end of this fiscal year.

And, finally, Mr. Speaker, we propose an emergency appropriation of \$5.36 million for the purposes of maintenance and rehabilitation of existing rolling stock, the transportation modes of which are about to totally shut down.

I want to stress, Mr. Speaker, that the committee has tendered its report. We have submitted legislation, but we feel that the work of the committee is not yet complete. The committee intends to closely monitor the established deadlines in the report and to issue any additional reports and/or corrective legislation as the need arises. The problems surrounding SEPTA are complex as are the steps to correct these problems.

I would like to end, Mr. Speaker, with a note of commendation to the members of the committee for the bipartisan spirit and cooperation that has been shown during the investigation. I would like to commend our staff for the diligence and the thorough work which they have performed in drafting the report and coming up with the legislative proposals. I would like to mention specifically Miss Peterson of the minority staff and Mr. Mindlin of the majority staff.

Thank you, Mr. Speaker, for this opportunity to address the House.

We will circulate reports to the members in the next day or so.

STATEMENT BY MR. RAPPAPORT

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

Mr. RAPPAPORT. Mr. Speaker, I had the honor of serving as vice chairman of this special SEPTA investigating committee. Preliminarily I would like to compliment my friend and colleague from Chester County for the fine, responsible job that he did, and without his diplomacy and tact, I am sure we would not have had a unanimous report.

I want to stress one thing, Mr. Speaker: The package of legislation we are introducing not only deals with SEPTA; it deals with every transit authority across this state - Pittsburgh, Allegheny County, Erie, Harrisburg, Allentown, Bethlehem, et cetera. It provides funding mechanisms and formulae for every one of these authorities.

I would, therefore, suggest to the membership if they come from an area which has any kind of mass transit or will need mass transit in the next 10 years, that they had best read this legislation. It provides the funding mechanisms not only for the metropolitan areas but for every community in this state.

With gasoline going up to \$2 a gallon in the near future, it is something that all of our citizens are going to need. Mass transit is no longer a city problem. Thank you, Mr. Speaker.

STATEMENT BY MR. MOEHLMANN

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann, who asks unanimous consent to make a brief statement. The Chair hears no objection. The gentleman may proceed.

Mr. MOEHLMANN. Thank you, Mr. Speaker.

Mr. Speaker, if the gentlemen sitting in the back of the room in those chairs would please rise, I would like to introduce to the members of the House the best high school soccer team in the Commonwealth of Pennsylvania.

This is the soccer team from Eastern Lebanon County High School, more commonly known as ELCO. I am very proud to introduce this team to you because that is my home school district and, in fact, my alma mater.

Let me tell you just a couple of things about this team. They won 14 games without a loss or tie in their league

schedule. They won 24 games overall during this year, with only one loss. They played and won the league championship in the Lancaster-Lebanon Soccer League.

They have on this team the high scorer in that league, Keith Fulk, who scored an amazing total of 44 goals in those 25 games. The second highest scorer on this team, Larry Miller, scored 27 goals, and that was, in fact, not only the second highest scoring total on this team, it was the second highest scoring total in that league.

In 1973 the PIAA started the state high school soccer championships. Since that time and until this year, no team had won the state soccer championship more than one time.

In 1977 Eastern Lebanon County High School won this championship, and now for the first time, a team has won that championship more than one time with ELCO's win again in 1979. In the state play-off they played four games and won them all and out-scored their opponents by 14 goals to 2 goals.

May I introduce to you with their coaches: Barry Gorman, Barney Hoffman, and the trainer, "Doc" Farrell, the Eastern Lebanon County High School Raiders.

MASTER ROLL CALL RECORDED

The SPEAKER. For those members who did not hear the announcement a few moments ago by the majority leader, Mr. Ryan, the Chair would like to repeat a part of that.

Unfortunately, the rollcall machine is still inoperative, and it necessitates today going back to a system that very few members of the House have ever participated in before, and that is, a voice roll call.

The Chair is about to take the master roll call. The clerk will call the roll alphabetically. The members in their seats will please respond by saying "here."

The members will have an opportunity, at the completion of the roll call, to have their names added to the roll if they were not present in their seats when the clerk called their name.

The Chair will give sufficient time to all of the members present to be recorded before the results are announced.

The following roll call was recorded:

YEAS—184

Alden	Foster, Jr., A.	Lewis	Rodgers
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Salvatore
Arty	Gallagher	McCall	Scheaffer
Austin	Gallen	McClatchy	Schmitt
Barber	Gamble	McIntyre	Schweder
Belardi	Gannon	McKelvey	Serafini
Beloff	Gatski	McMonagle	Seventy
Bennett	Geesey	McVerry	Shadding
Berson	Geist	Mackowski	Shupnik
Bittle	George, C.	Madigan	Sieminski
Borski	George, M. H.	Manderino	Sirianni
Bowser	Gladeck	Manmiller	Smith, E. H.
Brown	Goebel	Michlovic	Smith, L. E.
Burd	Goodman	Micozzie	Spencer
Burns	Grabowski	Milanovich	Spitz
Caltagirone	Gray	Miller	Stairs
Cappabianca	Greenfield	Moehlmann	Steighner
Cessar	Grieco	Mrkonic	Stewart

Chess	Gruppo	Mullen	Stuban
Cimini	Halverson	Murphy	Sweet
Clark, B. D.	Harper	Musto	Swift
Clark, M. R.	Hasay	Nahill	Taddonio
Cochran	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cohen	Helfrick	Noye	Taylor, F.
Cole	Hoefel	O'Donnell	Telek
Cornell	Honaman	Oliver	Thomas
Coslett	Hutchinson, A.	Perzel	Trello
Cowell	Hutchinson, W.	Peterson	Vroon
Cunningham	Irvis	Petrarca	Wachob
DeMedio	Itkin	Pievsky	Wargo
DeVerter	Johnson, E. G.	Pistella	Wass
DeWeese	Johnson, J. J.	Pitts	Wenger
DiCarlo	Jones	Polite	White
Davies	Kanuck	Pott	Wilson
Dawida	Klingaman	Pratt	Wilt
Dietz	Knepper	Pucciarelli	Wright, D. R.
Dininni	Knight	Punt	Wright, Jr., J.
Dombrowski	Kolter	Pyles	Yohn
Dorr	Kowalshyn	Rappaport	Zeller
Duffy	Kukovich	Reed	Zitterman
Durham	Lashingner	Rhodes	Zord
Earley	Laughlin	Richardson	Zwilk
Fee	Lehr	Rieger	
Fischer	Letterman	Ritter	Seltzer,
Fisher	Levi	Rocks	Speaker
Foster, W. W.	Levin		

NAYS—0

NOT VOTING—12

Brandt	Hayes, D. S.	O'Brien, D. M.	Weidner
Dumas	Mowery	Piccola	Williams
Giammarco	O'Brien, B. F.	Street	Yahner

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest we break now until 2:15; that the Republicans report to the caucus room at 1 o'clock for the purpose of caucusing and also asking questions of the Department of Environmental Protection who will explain the effects of an override of HB 739. As I said earlier, but there were some missing, it is extremely important that the members from the metropolitan area of Philadelphia and the metropolitan area of Pittsburgh attend the caucus so that they may understand the effect of an override on their respective communities financially, and I urge that the Republican members from those areas particularly attend that caucus. Thank you, Mr. Speaker.

NO DEMOCRATIC CAUCUS

The SPEAKER. Does the minority leader, Mr. Irvis, have any announcement?

Mr. IRVIS. Yes, Mr. Speaker. Mr. Speaker, there will be no necessity for a Democratic caucus at this time. We are going to call up for an override HB 739 after the luncheon period. I have been invited to invite the Democratic members to attend a luncheon which will be dealing with product liability, and that luncheon takes place practically

immediately at the Holiday Inn Town. I would urge you to attend that luncheon. We are going to be dealing with the very touchy problem of product liability, and there will be additional information given to you at that particular luncheon. It may be necessary, Mr. Speaker, for me to call a caucus briefly off the floor later in the afternoon, but at this time I see no necessity for so doing.

STATEMENT BY MR. GRIECO

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, I would like to take a minute to thank the members of the House and the state employes for the cards, the fruit baskets, and the flowers during my recent illness. Thanks a lot. I am glad to be back.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. There will be a short meeting of the Rules Committee on the declaration of the recess in my office.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2:15 p.m. The Chair hears none.

AFTER RECESS

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

COMMITTEE ASSIGNMENTS

The SPEAKER. Pursuant to House Rule 43, the Chair makes the following committee appointments:

The gentleman from Somerset, Mr. Halverson, chairman of the Committee on Insurance.

The gentleman from Montgomery, Mr. Yohn, chairman of the Committee on Finance.

The gentleman from Blair, Mr. Geist, chairman of the Subcommittee on Highways of the House Transportation Committee.

The gentleman from Allegheny, Mr. Fisher, chairman of the Subcommittee on Crime and Corrections of the House Judiciary Committee.

SIGNED: H. JACK SELTZER,
Speaker

SUPPLEMENTAL REPORTS OF COMMITTEE ON COMMITTEES

The SPEAKER. The Chair presents the following Supplemental Reports of the Committee on Committees, which the clerk will read:

In the House of Representatives
December 1979

RESOLVED, That Gerald F. McMonagle, 177th District, Philadelphia County, is hereby elected a member of the Urban Affairs Committee to fill an existing vacancy.

SIGNED: John Hope Anderson, Chairman
Frank J. Lynch
James W. Knepper, Jr.
Carmel Sirianni
L. Eugene Smith
Rudolph Dininni
William H. Yohn, Jr.
James J. Manderino
Fred J. Shupnik
William W. Rieger
Ivan Itkin
Reid L. Bennett
H. Jack Seltzer, Speaker

In the House of Representatives
December 1979

RESOLVED, That Italo S. Cappabianca, 2nd District, Erie County, is hereby elected a member of the Finance Committee vice Matthew J. Cianciulli resigned.

SIGNED: John Hope Anderson, Chairman
Frank J. Lynch
James W. Knepper, Jr.
Carmel Sirianni
L. Eugene Smith
Rudolph Dininni
William H. Yohn, Jr.
James J. Manderino
Fred J. Shupnik
William W. Rieger
Ivan Itkin
Reid L. Bennett
H. Jack Seltzer, Speaker

STATEMENT BY MR. DeWEESE

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

Mr. DeWEESE. I wish to make one comment about my absence this morning.

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

Mr. DeWEESE. Mr. Speaker, anticipating the usual nonchalance, nonsense, and non-activity that usually marks the commencement of a day's work here, I journeyed over to hear some product-liability people talk at the Holiday Inn and I was inexcusably out of my seat this morning. I do appreciate my name now being added to the master roll. Thank you, sir.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1577, PN 2287**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the acquisition date for income tax purposes of property sold by a decedent's estate.

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "ESTATE" and inserting and limiting the Utilities Gross Receipts Tax.

Amend Bill, page 5, by inserting between lines 9 and 10

Section 2. Section 1101 of the act is amended by adding a paragraph to read:

Section 1101. Imposition of Tax.—* * *

The rate of the tax imposed by this section shall be adjusted annually by the Pennsylvania Public Utility Commission to produce the revenue equal to the amount of revenue due and payable during the 1978-1979 fiscal year of the Commonwealth.

Amend Sec. 2, page 5, line 10, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, the intent of this amendment is quite simple. It is to change what I believe to be, and what a number of other members believe to be, a rather substantial inequity in our tax structure, and, admittedly, this amendment is something of a backdoor way to get this message delivered to the House of Representatives and discussion held on it.

In my mind, the most unfair tax we have today is the gross receipts tax on utility bills. It is, in effect, a 4-1/2 percent sales tax on energy. What I mean by that is that each and every little old lady in this state, and little old man, pays a 4-1/2 percent tax on his gas bill or on his electric bill or on any other utility bill he pays. You will read about that whenever you get your electric bill. The utility company passes that tax on directly to you and to that taxpayer. Now we exempt food, we exempt drugs, and we exempt clothing from the sales tax, but because of this very inequitable tax, we have, in effect, a 4-1/2 percent sales tax on heat.

What this amendment would do would be to put a cap on that tax as it currently exists. In other words, I am not calling for the abolition of the tax. That would create about a \$300 million revenue hole in the budget, and even I, in my most outrageous moments, would not suggest that that is the best way to go. What this amendment would do would be to put a cap on that. It would say that the Commonwealth would raise no more than the amount of money that was raised in the fiscal year of 1978-79 through the use of this tax. This tax has gone up several hundred million dollars in the last 3 years. It has been a backdoor device by which we have balanced our budgets, rather than facing our responsibilities and voting for taxes in other ways.

I know the first question is going to be, Sweet, how do you anticipate raising money in the future to meet these financial responsibilities that we might have? I am willing to look at the income tax. I am willing to look at other

taxes and try to pay for this problem in another way. We have got to make sure, however, that we do not dig ourselves further into a hole by continuing to rely upon this tax. In another 2 years we will be another \$124 million further down this road. I feel it is a very dangerous road as fuel adjustment charges increase and as the price of energy increases.

We are taxing heat, Mr. Speaker, and while we cannot entirely stop that today, I think we ought to at least say, this is the end of the road; we are not going to go any further down this road; and look for other ways to generate the finances that we all know are necessary to run the Commonwealth. I ask for an affirmative vote on the amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, as the gentleman, Mr. Sweet, has reiterated, the bill for this amendment in 1979-80 is \$50 million. Next year, it is roughly \$86 million, and in 1981-82 it is \$124 million. I put legislation in in the past to do away with the gross receipts tax. I agree that it is not the best kind of tax to have. Unfortunately, it is there. This year we passed the budget; we spent all the money we had. We will have a supplemental appropriation coming up soon to take care of a few other things that the Governor has managed to scratch together. We are put in an additional hole right now, this year, of \$50 million, and I do not know where that money is coming from. When it is not accompanied by some kind of a budget cut this year, I think it is highly irresponsible and I think it is unfortunate. I certainly agree with the thoughts and the efforts of the gentleman, but I do not think it is appropriate at this time. I think next year, in the context of the budget and the whole tax package, if he can get both caucuses to decide to do away with the gross receipts tax or to reduce it, or to do what his amendment is calling for, then I think it is appropriate. But I think we should deal with the whole package at one time and not on a piecemeal basis. I ask for a negative vote on the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to support the amendment offered by Mr. Sweet. I wish that the Appropriations Committee chairman, Mr. McClatchy, who just commented on the proposed amendment and is worried about a hole in the budget, would have shown that same concern when we relieved out-of-staters of \$150 million—if it was \$150 million; that is the figure I understand had accrued—in the gross receipts tax, or wanted to do that. I amended it so that it would only apply to future years, but that is about \$45 million a year that we will lose because of your program, the Republican program, to relieve the out-of-state people of paying the gross receipts tax. Now we want to put a cap on our people paying it, and you worry about the hole it makes in the budget. I wish you would have shown that same concern when you railroaded through this assembly the gross receipts repealer on the people out of state who paid it.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Mr. Speaker, I rise to oppose the amendment. I think Mr. Sweet answered the question in his opening remarks that it was a back-door way to bring this to our attention. I think his intent is excellent. I think the bill has merit, but I think it should stand on its own two legs and be introduced as a bill itself so it could have full debate and hearings in the future, but at this time, attaching it onto this tax reform piece of legislation, I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. I would hope that the House would use this as an opportune moment to address an important matter. Admittedly, a bill has been introduced to do this. Mr. Itkin from Allegheny County has introduced this in several sessions, and I have cosponsored it. Unfortunately, it has not received the attention I believe it should have received since it is, I think, a very, very important matter.

The administrative mechanism of dealing with this would be to lower the percentage each year so that it would still generate the same amount of revenue, \$343 million.

I think it is a good amendment. I think if we added it to Mr. Levi's bill, it would greatly enhance his bill's chance of passage, and I would hope that he would support it. I would hope that the members of the House would take the opportunity today to substantially improve our tax process by approving this amendment. Thank you.

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

Mr. McCLATCHY. Just to reiterate again, Mr. Speaker, we are talking about a \$50-million shortfall this year. Now if we do what Mr. Sweet suggests, you want to cut it out of school subsidies, your school subsidies this year; you want to cut it out of welfare; you want to cut it out of MH-MR. These are moneys that are not here.

In response to Mr. Manderino's statement, the gross receipts tax on out-of-state users was never considered in the revenue, was never considered as part of moneys to pay for the budget. This was.

We are talking about a gap in this year's budget of \$50 million. That is the problem, Mr. Speaker.

I ask for a "no" vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, before you call the vote, may I make a suggestion that because of the fact that we are in a difficult situation in taking an oral vote, that we ask all members to be seated in the first place and ask those members who are voting to rise as they vote so that those who are keeping a tally on the floor may recognize them rather than simply having to recognize the voice coming out of a distance.

The SPEAKER. The Chair thanks the gentleman.

It has been suggested that the members rise in their place when they vote.

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

The following roll call was recorded:

YEAS—99

Armstrong	Fischer	Letterman	Ritter
Austin	Fryer	Levin	Rodgers
Barber	Gallagher	Livengood	Schmitt
Beloff	Gamble	McCall	Schweder
Bennett	Gatski	McIntyre	Serafini
Berson	George, C.	McMonagle	Seventy
Borski	George, M. H.	Manderino	Shadding
Brown	Goebel	Michlovic	Shupnik
Burns	Goodman	Milanovich	Stairs
Caltagirone	Grabowski	Miller	Steighner
Cappabianca	Gray	Mrkonic	Stewart
Chess	Greenfield	Mullen	Suban
Clark, B. D.	Harper	Murphy	Sweet
Cochran	Hoeffel	Musto	Taylor, F.
Cohen	Hutchinson, A.	Novak	Trello
Cole	Irvis	O'Donnell	Wachob
Cowell	Itkin	Oliver	Wargo
DeMedio	Johnson, J. J.	Petrarca	White
DeWeese	Jones	Pievsky	Wilson
DiCarlo	Knight	Pistella	Wright, D. R.
Dawida	Kolter	Pratt	Wright, Jr., J.
Dombrowski	Kowalshyn	Rappaport	Zeller
Duffy	Kukovich	Reed	Zitterman
Durham	Laughlin	Richardson	Zwilk
Fee	Lehr	Rieger	

NAYS—83

Alden	Freind	Lynch, E. R.	Scheaffer
Anderson	Gallen	McClatchy	Sieminski
Arty	Gannon	McKelvey	Sirianni
Belardi	Geesey	McVerry	Smith, E. H.
Bittle	Geist	Mackowski	Smith, L. E.
Bowser	Gladeck	Madigan	Spencer
Burd	Grieco	Manmiller	Spitz
Cessar	Gruppo	Micozzie	Swift
Cimini	Halverson	Moehlmann	Taddonio
Clark, M. R.	Hasay	Nahill	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Noye	Telek
Coslett	Helfrick	Perzel	Thomas
Cunningham	Honaman	Peterson	Vroon
DeVerter	Hutchinson, W.	Pitts	Wass
Davies	Johnson, E. G.	Polite	Wenger
Dietz	Kanuck	Pott	Wilt
Dininni	Klingaman	Punt	Yohn
Dorr	Knepper	Pyles	Zord
Earley	Lashinger	Rocks	
Fisher	Levi	Ryan	Seltzer,
Foster, W. W.	Lewis	Salvatore	Speaker
Foster, Jr., A.			

NOT VOTING—14

Brandt	Mowery	Pucciarelli	Weidner
Dumas	O'Brien, B. F.	Rhodes	Williams
Giammarco	O'Brien, D. M.	Street	Yahner
Hayes, D. S.	Piccola		

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. KUKOVICH offered the following amendments:

Amend Title, page 1, line 12, by striking out "SOLD BY" and inserting

from

Amend Sec. 1 (Sec. 303), page 2, lines 9 through 12, by striking out "If the" in line 9, all of lines 10 through 12 and inserting

In the case of property acquired by a taxpayer pursuant to the provisions of a will or by intestate succession or sold by a decedent's estate, the date of acquisition for the taxpayer or the estate shall be the date of acquisition by the decedent, adjusted to June 1, 1971 if the property was acquired prior to that date or to the actual date of acquisition if after June 1, 1971.

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, this is amendment No. A4218.

I would like to apologize for taking everybody through this again, but my amendment goes really right to the heart of this bill. Before I explain my amendment, I think I should mention what the bill does.

This bill deals with the income tax that would be paid on the income from the sale of real property, specifically, with what happens whenever the owner of property dies and what tax the estate must pay on that property.

I am concerned about the fortuitous break that an individual or an estate receives from the income that is unearned.

Right now what this bill would do is say that the amount that would be taxed would be the difference between the value of the property at the date of the death of the decedent, the difference between that and the actual amount that it was sold for. This amendment would say that the value of the property would be tabulated from the date of acquisition by the decedents. I will give you a hypothetical example: If land is acquired for \$1,000 at a later time when the decedent dies, its value could be \$10,000; the decedent's estate could sell it right after that and the value of the property could be, for example, only \$12,000. Only a \$2,000 difference then would be taxed. There would be a windfall of \$9,000 because the real value would be the difference from the date of acquisition to the date of sale, the difference between \$1,000 and \$12,000.

Obviously, you can see that unearned income would then receive a huge tax break. I do not think philosophically that that is a fair approach for us to take. Because of that, I would ask for your support on this amendment.

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

Mr. DORR. Mr. Speaker, would the gentleman, Mr. Kukovich, consent to interrogation?

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

Mr. DORR. Mr. Speaker, would the gentleman indicate whether this is the Pennsylvania Income Tax that he is talking about?

Mr. KUKOVICH. Yes, it is.

Mr. DORR. Mr. Speaker, would the gentleman indicate how the Federal Government treats the same issue?

Mr. KUKOVICH. The Federal Government has recently passed a law that would treat the issue the same way that this bill would treat the issue. I disagree with that philosophically. I think that it is a ripoff to the taxpayer and I do not want to see the state follow suit. Just because the Federal Government takes an approach which I feel is wrong, I do not think the state should also.

Mr. DORR. However, Mr. Speaker, it is the case, is it not, and it has been traditionally that Federal Income Tax law treatment of the situation which you are attempting to deal with in this amendment is the way the bill is rather than the way that your amendment is? Is that correct?

Mr. Speaker, may I make a statement?

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

Mr. DORR. Mr. Speaker, I would urge the members to vote in the negative on Mr. Kukovich's amendment. The philosophical issue is important, obviously, but I think it is also a matter of importance to us to try to maintain some consistency between the Pennsylvania Income Tax law and the Federal Income Tax law wherever possible.

On the philosophical issue, I would just call to the members' attention the fact that what we are dealing with is in fact an acquisition of property that is not taxed before the transaction which is taxable; that is, that there is an acquisition of property either by an estate or by an heir involved in this situation. And what Mr. Kukovich's amendment would do is to set up an arbitrary and, in fact, a situation which is contrary to the actual language which is being used because he says in fact that is no acquisition and that the acquisition relates back to an earlier purchase or other acquisition by the decedent. I think that it is consistent with Federal law and I believe that the philosophy of the Income Tax law should be one which does not end up taxing people for what has been in fact a matter of inflation over a long period of time. What you can have here is a situation where somebody bought a farm in 1913 or 1915 and then when his heirs go about selling it after he dies in 1979, the Pennsylvania Income Tax Law, under Mr. Kukovich's amendment, would tax the entire gain of that property over all those years. And I do not think that is proper. It certainly would create chaos with respect to the income tax treatment between Federal and state law. So I would urge the members to oppose this amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I thank the gentleman, Mr. Dorr, for his very enlightening colloquy with the sponsor of this amendment.

The Federal Government put into law 3 years ago what the gentleman from Westmoreland wants. They found it so unworkable and so silly that the Congress postponed it three times until finally they have abolished that particular provision. Those of us who have had the experience of trying to fill out a Federal Estate Tax return and go back and find the basis for property that was perhaps purchased

50 years before or 25 years before know what anguish this can bring. There is no doubt in my mind that our law should be uniform with the Federal Estate Tax for matters of evaluation. The bill as originally drafted does just that. What this amendment will do is say to the family of someone, your father bought that house 25 years ago for \$5,000 and now it is worth \$40,000. Because of inflation, you are going to have to pay the Capital Gains Tax on that inflation. That is none of your fault. That is what this amendment says. I would ask its defeat.

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

Mr. BERSON. I join with the other speakers in opposing this amendment.

As someone who has to deal from time to time with the Federal Estate Tax, I know that the provisions which were called carry-over basis provisions in the state tax amendments of 1976 cause consternation among everybody who had to deal with that law. Congress postponed its effect three times and then finally has done away with it.

Mr. Kukovich wants to impose a carry-over basis into the income tax laws of Pennsylvania. I think that we are going to find that doubly unworkable because Pennsylvania, as I understand it, did not institute an income tax until 1971, which would mean that the acquisition price might well not be the price with which to measure the gain on any property, but rather the market value of that property in 1971. This to me would be an extremely difficult figure to ascertain with something like real estate, jewelry or other items that fluctuate rapidly in value. I just joined Mr. Rappaport in thinking that this kind of an amendment is administratively unworkable and I would suggest that the members defeat it.

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

Mr. KUKOVICH. Mr. Speaker, there is a large distinction between what was found unworkable by the Federal Government and Pennsylvania law because we only have an income tax that was begun in 1971. I would suggest it would not be unworkable to adjust those sales to 1971. However, I think we have displayed that there is a significant problem with this, and we should not, like sheep, follow the lead of the Federal Government.

Mr. Speaker, I will withdraw my amendment but yield to Mr. Levin for a motion. Is that acceptable?

Mr. Speaker, I would simply like to yield to Mr. Levin.

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

Mr. LEVIN. Mr. Speaker, I believe that, very unfortunately, this bill has come up at a time when it is now almost 4:30, when the board is not working, and it is very difficult for us to pay attention to a very difficult technical question. Unfortunately, there is no way to simplify this issue for the members except to give them the facts which have not been given to them so far.

This is a very complicated issue, and you were told not even half the story but a quarter of the story.

The Federal Government instituted or attempted to institute a tax which would say to people—and I am going to put it in lay terms and hope that maybe technical inaccuracies will be forgiven—that if you buy stock for \$100,000 and 20 years later you have \$20 million worth of stock and you do not sell it, on the day of your death your estate is liable for the capital gains tax. Now, for many years the millionaires in the United States, who did not have to sell their property because they had sufficient income, were able to avoid income tax—we are not talking about inheritance tax now; we are talking about income tax, and they were able to avoid the income tax. They could continue to hold their assets.

When you earned your wages, you paid income tax. When I earned my wages, I paid income tax. But the people with significant, important hunks of money were able to use this procedure to avoid paying Federal income tax. So the Federal Government said that that shall be taxable, but as Mr. Rappaport and Mr. Berson told you, there are extremely difficult problems that have arisen in administering that. It is not a simple thing, and I am not going to burden you with how difficult it is.

I did, when this bill came up, a considerable amount of work of checking with extremely competent counsel for many of the banks in Philadelphia and found that they were unable to administer the Federal tax and they had asked that they be relieved of that burden. Therefore, Congress has, on three occasions, postponed the effective date to January 1, 1980. Now you need a little bit more information, unfortunately.

At present in the Congress of the United States, there is an attempt being made to remove this section completely. The Congress has attached that to the windfall profits tax. President Carter has indicated that if the bill came to him as an individual bill, he would veto it; that it is unfair to allow people to accumulate great sums of money and not pay income tax. The Congress has decided to attach it to the windfall profits tax so that it cannot be vetoed.

If in fact it becomes law, then I would suggest that the bill in its original form, without the Kukovich amendment, is needed. However, if the Congress of the United States decides that the Federal law shall tax this gain, then the State of Pennsylvania certainly should tax it, because what will happen is, on every Federal inheritance tax return filed, all the data will be there to pay the tax.

Now I was shocked when this went through the Finance Committee and this bill was not opposed by the Pennsylvania Department of Revenue. I could not understand why they were not opposing the bill which was going to cost a significant amount of money, and I found to my shock that they were only collecting \$2 million a year because the tax was not being paid.

At present the Pennsylvania law says that if you die and you own assets and they have not been taxed during your lifetime, starting with the year 1971 the capital gain would be taxed at 2.2 percent. The department is not enforcing it. The lawyers are not filing it, and they are taking the position that it is impossible.

I believe that this is an extraordinarily complicated piece of legislation, and I think that we should stay, as Mr. Dorr said, consistent with the Federal Government. However, I reach a different conclusion. I do not know what the Congress of the United States is going to do this month. And I believe that what we should do with this bill is refer it back to committee, and if in fact the United States Congress does away with this aspect of the income tax, the bill should come back and without the Kukovich amendment it should be passed so that we remain consistent.

Therefore, Mr. Speaker, I would like to have, at this point, a point of inquiry to the Chair. Am I in order?

The SPEAKER. Will the gentleman yield? The Chair is having a difficult time hearing this.

Mr. LEVIN. Am I in order to make a motion to recommit while the amendment is still being offered?

The SPEAKER. Will the gentleman repeat his question?

Mr. LEVIN. Am I in order to make a motion to recommit this to committee while the amendment is still on the floor?

The SPEAKER. The gentleman is in order to move that the bill and the amendment be recommitted.

HB 1577 RECOMMITTED

Mr. LEVIN. All right; then I so move and request that the members use good judgment and get this bill off the floor until the Congress of the United States acts.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I second his motion.

The SPEAKER. It is moved by the gentleman from Philadelphia, Mr. Levin, that HB 1577 and the amendments be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony five members of the Perry County Law Club Explorer Post and their advisors, William Bunt, Esquire, and District Justice Donald Howell. They are here as the guests of Mr. Noye.

The Chair also welcomes two district justices from Northampton County, Justice Grigg and Justice Stocklas, who are here as the guests of Mr. Gruppo.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1083, PN 2536**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, what bill are you calling up?

The SPEAKER. HB 1083 on the top of page 5.

Mr. MANDERINO. Mr. Speaker, the Democrats have not caucused on HB 1083, and I am surprised that you are calling it up at this time. I do not know where my illustrious leader is. Is he around?

The SPEAKER. For the information of the gentleman, all the calendars are marked that the Republican and Democratic caucuses have caucused on HB 1083.

Mr. MANDERINO. Mr. Speaker, this is not fact. We have not caucused on HB 1083 and— Excuse me, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Does the Speaker intend to take up other bills this afternoon besides HB 1083?

The SPEAKER. The Chair has started on page 1 of today's calendar and expects to go through the entire calendar.

Mr. MANDERINO. Mr. Speaker, the Chair is crazy.

The SPEAKER. The gentleman's observation may be correct, but that is the intention of the Chair.

MOTION TO PASS OVER CALENDAR

Mr. MANDERINO. Mr. Speaker, I move that we pass over all the rest of the bills on the calendar—obviously the voting machine is not in order—and move to the veto of the Governor on HB 739.

The SPEAKER. It is moved by the minority whip, Mr. Manderino, that HB 1083 be placed on the final passage postponed calendar.

The Chair recognizes Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, I did not really make that motion. I am willing to make that motion if I am immediately recognized to move that we pass over all other bills on the calendar to get to HB 739. I understood when I left the podium that that was what we were going to do. We were going to put the bill that is now called up on the final passage postponed calendar. I would be recognized for a motion to pass over all other bills on the calendar and to get to HB 739, which is the veto override. If we are going to follow that procedure, I am willing to make the motion you suggested. Otherwise, I have already made a motion which I have not yet withdrawn.

PARLIAMENTARY INQUIRY

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

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. It is my understanding, Mr. Speaker, that the only thing before the House right now is HB 1083, and in that posture Mr. Manderino made a motion that it be passed over and everything else on the calendar be passed over with the exception of HB 739.

My question to you is, Mr. Speaker, is that a proper motion or should HB 1083 be treated separately rather than in conjunction with everything else on the calendar?

The SPEAKER. In response to the majority leader, it is the opinion of the Chair that we must dispose of the subject matter before us before we can take up any further motions, the subject being HB 1083.

Does the majority leader have any further questions before the Chair recognizes Mr. Manderino?

Mr. RYAN. It is my understanding then that one of the proper motions that could be put now would be to put HB 1083 on the postponed calendar, to recommit it—I think there is another one that I am forgetting—to table it, and that it would be improper to have a double-barreled motion. Is that accurate?

The SPEAKER. The gentleman is correct.

Mr. RYAN. Then under those circumstances, Mr. Speaker, I would oppose or raise a parliamentary inquiry as to the propriety of the motion advanced by Mr. Manderino and suggest to him that he amend it or take an appeal from the ruling of the Chair as he sees fit.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am willing to make the motion to put HB 1083 on the final passage postponed calendar and to withdraw the motion that I have made under the agreement that was made with me at the podium with the majority leader there that they would recognize me immediately thereafter to make the motion to pass over all other bills on the calendar and go immediately to HB 739, and I think I could go along with that procedure.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I was at the rostrum. I did not hear an agreement such as that just quoted by Mr. Manderino. I told Mr. Manderino, Mr. Irvis, and a number of others who were standing over there, after we came down from the podium—I am not saying that he did not say that at the podium; I am saying that while I was there, I have no recollection of an agreement to that effect—I explained to Mr. Manderino that I wanted to go down to caucus before I took the next step beyond HB 1083. Mr. Manderino is the one who stood on this floor and said that the Democratic caucus was not prepared for HB 1083, despite the fact that all of our calendars are marked that it has been caucused on. That is the product liability bill. The next order of business is no-fault insurance. I have made certain commitments with respect to those two bills that one or the other of them would be voted on today, this week, perhaps both of them. That is something that is not a whim but rather something that was communicated to all of the members of the House, if I am not mistaken, sometime last week.

Under those circumstances, with that outstanding commitment that I have to all of the members, I have said that I want to go to caucus before I make the next step as to whether or not HB 739 comes up first or no-fault insurance comes up first. I asked for a half-hour break. That

was probably three-quarters of an hour ago, and I continue and I persist in that position that before I agree to what Mr. Manderino is asking for, I want to go to caucus.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, what is before the House at the present time?

The SPEAKER. Will the gentleman repeat his question?

Mr. MANDERINO. What is before the House?

The SPEAKER. The question before the House is final passage of HB 1083.

Mr. MANDERINO. What happened to the motion that I made?

The SPEAKER. The Chair indicated that it was not a proper motion, that before that motion could be considered, HB 1083 had to be disposed of by one of many options the gentleman had.

Mr. MANDERINO. Are you saying that as a matter of parliamentary procedure in the rules governing this House, a motion to place on the table is in order, a motion to recommit is in order, a motion to put on the final passage postponed calendar is in order, but a motion to pass over that I made is out of order? That is what you said.

The SPEAKER. The gentleman is in error.

Mr. MANDERINO. Is that what you are saying?

The SPEAKER. The gentleman is in error. The Chair has stated that a motion to pass over the remaining bills on the calendar, while before the House is HB 1083, is out of order. The Chair has said that when HB 1083 has been disposed of, a motion to pass over the remaining bills on the calendar is then in order.

Mr. MANDERINO. Will I be recognized for that motion, Mr. Speaker?

I have indicated, in moving that, that the bill be passed over and that all other bills be passed over on the calendar and we go to HB 739. You are saying I cannot make a motion affecting more than HB 1083. That is what you are saying, and I am saying—

The SPEAKER. The gentleman is not listening or, unfortunately, the Speaker is not being able to explain it properly. The Chair will try it again.

The Chair has indicated that as soon as HB 1083 is disposed of, either by voting on it, by a motion to lay it on the table, by a motion to send it back to committee, then it is in order for any member to be recognized for further motions on the calendar.

Mr. MANDERINO. Thank you, Mr. Speaker.

HB 1083 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I move to put HB 1083 on the final passage postponed calendar.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I join in the motion of the minority whip.

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

REQUEST FOR REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that this House be in recess for a period of 30 minutes for the purpose of a Republican caucus.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, while I do not oppose the majority leader going to caucus, I think it would be prudent on the part of the Speaker and on the part of the majority leader if they would allow the motion to pass over all bills on the calendar and go to HB 739 to be put at this time so that the members will know that that is what will be before the House when we come back. I would hate to come back and have the Speaker begin calling the bills up in order as he indicated he was going to do when I made my motion to pass over and when I made the comment that the Speaker was crazy. I do not believe that the Speaker is crazy, and I apologize to the Speaker for having made that. I will submit to the Speaker that the procedure that he outlined for us to follow as a House of Representatives this afternoon, when the voting machine is not working, is crazy - that we go through all the bills. In my exuberance to get that point across, I spoke out of turn, and I apologize, Mr. Speaker. But I think that we ought to put before the House the motion to pass over all bills on the calendar and go to HB 739, which is the veto, which is the motion that I attempted to make and the Speaker said was improper and so I went along with the Speaker and the majority leader and placed HB 1083 on the postponed calendar, and out of courtesy I would ask that I would be able to make the motion that I made earlier.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Manderino, in his exuberance, neglects to take into consideration the reason for the caucus. The reason for the caucus is to find out whether or not I have outstanding commitments to run no-fault. That is my stated purpose for the caucus, that plus HB 739.

Mr. MANDERINO. I understand that, Mr. Speaker. What I am saying to you is, until I make the motion to pass over everything and go to HB 739, you have nothing to go to your caucus to decide. Please let me make the motion, and then we can recess and come back.

Mr. RYAN. We could have been back by now. We have before us a motion to recess for approximately 30 minutes, until 5:45, whatever—I cannot see from here—and I would ask that that motion be considered at this time.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am not going to oppose the motion by the majority leader to recess. I would only briefly state that I hope that we are not, in

going to caucus, hoping that the members will go away and the override votes will not be here when we come back. I would hope that every member of this House of Representatives who is here now comes back after caucus so that we can intelligently consider the override of the Governor's veto on HB 739.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the Democrats will be going into caucus. HB 1083, the products liability bill, will require some additional explanation. We do have an expert coming into our caucus who will be there to talk to us for the half hour of the caucus on products liability. You are asked to take with you, from your desks, amendment A4819. You are asked to take that amendment with you and to report immediately to the Democratic Caucus Room for a caucus on product liability. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 5:45.

AFTER RECESS

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. McCLATCHY. For an announcement, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. McCLATCHY. Mr. Speaker, I want to call a meeting off the floor of the House for 10 o'clock tomorrow morning. We would like to consider just one bill. We will be having other meetings, but just one bill tomorrow morning regarding the special election, the money to pay for those special elections. Thank you, Mr. Speaker.

CALENDAR

VETO OF HB 739 CONSIDERED

MOTION TO RECONSIDER HB 739

The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, in accordance with Article IV, section 15, of the Commonwealth of Pennsylvania, I move that the House proceed with the reconsideration of HB 739, PN 2607, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The clerk will read the veto message.

The following veto message was read:

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

December 28, 1979

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

I return herewith, without my approval, House Bill 739, Printer's No. 2607, entitled, "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 on the Pennsylvania Turnpike AND FURTHER PROVIDING FOR PERIODIC INSPECTION OF VEHICLES."

This bill makes several changes in the Vehicle Code. It prohibits the use of a photo of the licensee on a driver's license, delays implementation of vehicle exhaust emission inspections, grants emergency vehicles access to the Turnpike, exempts certain trailers used off of public highways from registration requirements, authorizes holders of "class-one" licenses to operate pedalcycles and fire fighting equipment, applies the Vehicle Code to School District Property, and simplifies rules governing the use of spotlights by police and emergency vehicles. My objections to the bill arise out of the provisions concerning vehicle emission inspections, and photographs on drivers licenses, provisions which, I believe, would waste money, facilitate fraud, place this Commonwealth in violation of federal law and jeopardize much-needed federal highway funding.

A state statute mandating delays in federally ordered vehicle emission inspections is contrary to federal law and violates regulations of the Environmental Protection Agency, the terms of Pennsylvania's Clean Air State Implementation Plan, and a federal court consent decree entered into by the Commonwealth.

This action would expose Pennsylvania to the immediate threat of contempt of court proceedings and loss of federal highway funds and water and sewage grants. This fiscal year the Commonwealth expects to receive approximately \$400 million in federal funds under those programs. Not only that, but failure to substantially reduce automobile pollution could retard industrial growth, cost us jobs, and discourage the use of coal as an energy source in Pennsylvania. Every particle of pollution released into the air by an automobile is one less particle that federal authorities will allow a steel mill or coal-fired power plant to release. It obviously is in our long-range best interest to minimize pollution from those sources that are least vital to our economic and energy needs.

I am not unmindful, however, of the serious questions the General Assembly has raised, in Senate Resolution 73 and Concurrent Resolution 222, concerning this program and the court-ordered consent decree mandating its implementation.

I have, therefore, initiated discussions between the appropriate federal and state authorities regarding those questions, and I have directed the attorney general, the secretary of transportation and the secretary of environmental resources to review the consent agreement. I intend to seek, within the law, any adjustments to the consent decree that would appear to be in the best interest of all Pennsylvanians.

Eliminating the photo identification requirement on drivers' licenses is a reversal of prior legislative action. An eleventh

hour reversal of that decision would waste more than a million dollars in taxpayers' money already spent on this legislatively-directed program, would expose the Commonwealth to expensive and damaging civil litigation, and deny us a valuable tool, as a society, in fighting crime and commercial fraud.

This program will facilitate commercial transactions, aid in identification for law enforcement purposes, substitute for Liquor Control Board identification and provide identification for Senior Citizens' mass transit and other benefit programs. The photographs also will make it much more difficult for pickpockets, muggers, and other thieves to misuse the licenses of law-abiding Pennsylvanians.

Yet the cost for all of this will amount to only 37 cents per year per driver. With a photo on the drivers' license, Pennsylvania will follow the precedent of 43 other states. Pennsylvania's photo drivers' license plan, scheduled for implementation next year, is designed to allow each driver to obtain a new license at easily accessible local public facilities such as state buildings, county Court Houses, houses, and other convenient locations.

Planning for implementation of the photographic drivers' license program has been underway for over two years, contracts have been awarded, photograph locations selected, film purchased, and regulations prepared.

For all of these reasons, I must disapprove this bill.

DICK THORNBURGH
GOVERNOR

On the question,

Will the House, on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter. Does the gentleman wish to debate the veto message?

Mr. KOLTER. Mr. Speaker, I rise this evening to reluctantly ask my colleagues on both sides of the aisle to join me in voting to override the Governor's veto of HB 739. As I stand here this evening, I can recollect the same reluctance when it became necessary to override a dozen or so bills vetoed by Governor Shapp. The overrides then and the attempt to override now are very important to you and me to preserve the balance of power in state government. It is important to remind the Governor and any and all members of this cabinet that the legislature is every bit as important a branch of government as are the executive and judicial branches.

The House of Representatives is that portion of the state legislature which stands before the voters every 2 years. It is this branch of government which is most responsive to the desires and will of the taxpayer. And this evening I can truthfully say to you, Mr. Speaker, that in the 12 years that I have served in this great body of men and women, no other legislation, except taxes, budget, and abortion issues, matches the intensive and fiery reaction of the taxpayers and voters as they are forced into the photo identification program and the inspection maintenance program for the control of auto emissions.

I place on your desks a packet of clippings taken from newspapers of Philadelphia, Pittsburgh, Washington County, Beaver County and other areas which serve as a cross-section of newspapers throughout Pennsylvania. These

newspapers have editorially concurred with my objections to the photo ID and the emissions inspection programs.

In addition, I have received phone calls, letters and petitions from a great number of taxpayers urging action to *override the Governor's veto of HB 739*.

At this time I would like to enumerate briefly some of the burdens being imposed upon our constituents, the taxpayers of Pennsylvania, relative to the ID program. The photo ID program will cost approximately \$11 million in the first 4-year period. What is the fee? The fee is \$5 per year; a dollar and a half per photo, or \$21.50 for 4 years.

For the senior citizens, it is \$5 a year; a dollar and a half a year for the film, or \$11.50 for 2 years.

If there should be a death, there are no provisions to make a refund of this license fee to the taxpayer. There is no provision in the law here.

The program is inconvenient to the elderly and the people who live in rural parts of the Commonwealth. As an example, it is possible—even with the traveling picture vans in rural districts—some people may have to travel up to 40 miles to have their pictures taken. Senior citizens who perhaps drive 100 miles a month, either to church or for grocery shopping, may have to drive 40 or 50 miles from *their homes to get their pictures taken to be duly licensed in PennDOT*. That is, they may have the privilege to drive provided they first spend the \$250 to \$300 to get their car repaired by auto emission experts to guarantee meeting all Environmental Protection Agency standards.

There is also the possibility of a photo identification bank. You will notice in your packet of information there is an article from the New York Times, dated Sunday, January 6, in which the contents of the newspaper article states that the legislature in New York may be considering to revoke and change this part of the law. If I may just briefly read some of the article here:

If Americans learned a lesson in that decade just passed, it was that absent constraints—the power of government to abuse information—is limited only by its power to collect it.

The lesson was on the minds of New York legislators who last week raised an alarm over plans of the State Department of Motor Vehicles to assemble a central file of pictures on 9 million New Yorkers who hold drivers' licenses.

"Nobody ever mentioned a huge picture bank," except Assemblyman Vincent Graber, a sponsor of that bill, and Mr. Speaker, there is nothing in the law here to prevent this from happening in Pennsylvania. In fact, it is simpler to get a picture taken for passport purposes to visit Russia or China than it is to be permitted to drive in Pennsylvania.

Let us move to the emission inspection program. The most burdensome consideration is the excessive cost to those least able to pay.

In the regulations published in the Pennsylvania Bulletin, dated October 27, 1979, and adopted December 22, 1979, by PennDOT, the following cost limitations relative to a certificate of waiver unlisted: The most it would cost a

senior citizen or any taxpayer, if his vehicle does not meet emissions standards and if his car is of the 1968 through 1974 vintage is \$150. That is just a drop in the bucket and other convenient locations.

If the same taxpayer owns a 1975 or newer model and his vehicle does not meet emission standards, it will only cost him \$250 for repairs. In addition, regardless of how old or how new his car is, he may be charged an additional \$50 only; no more than \$50, and not a penny more than \$50—if the official emission inspection station has given a written estimate by certified emission mechanics stating that additional repairs to parts not related to emission control devices are needed to complete additional emission corrective work. This is in the Pennsylvania Bulletin.

It sounds like a real great deal for the taxpayers and the senior citizens.

Also, if this same vehicle fails to meet the emission standards of the next inspection period, the taxpayer will have to pay the same fee next year. So he can readily see that all the eyes of Pennsylvania will be on the members of the General Assembly this evening to see just how much concern you have for their interests.

Mr. Speaker, in closing, as a minority chairman of the House Transportation Committee, I have endeavored to work cooperatively and closely with Secretary of Transportation, Dr. Tom Larson, on the many faceted problems of PennDOT. When HB 739 was vetoed, I wrote a letter to Dr. Larson asking for a temporary moratorium on the implementation of HB 739 relating to the issuance of photo ID's. This was necessary because the House of Representatives did not have an opportunity to reconvene in order to consider the Governor's veto message. This was also necessary to halt any further activity on PennDOT's part to initiate this program by hiring personnel and setting up photo locations which would be a definite loss and waste of taxpayers' dollars. Because HB 739 was passed by both Houses in overwhelming fashion, I felt it was a virtue of certainty that the veto could be overridden. Maybe I am a dreamer. However, this letter was written in vain. PennDOT continues to spend vast sums of money implementing the photo ID program. Once again, the Department of Transportation has shown insensitivity to the dictates of the legislature and the economic plight of the taxpayer.

Mr. Speaker, I ask you to join me in voting to override the veto of HB 739. Vote "yes."

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I stood here listening to the minority chairman of Transportation and I thought to myself what a magnificent, convincing speech. It is a shame that it is the wrong legislative chamber. Because all of the statistics and all of the complaints that the gentleman registers with respect to the emission control and the cost of coming up to standards are complaints that really should be registered in the Federal Congress. HB 739 has nothing to do with those standards. It simply delayed the implementation date.

There is a modified agreement that has been prepared, has been signed and/or agreed to by all interested parties. The Republican caucus today, the leadership of the House and the Senate, both parties today, the Democratic House caucus today were offered the opportunity to meet with the regional director of the Environmental Protection Agency in the eastern district. I do not know whether your caucus met with that gentleman and his staff and representatives of PennDOT and the Governor's Office, but we did, and I know that your leadership did—at least I understand your leadership did. I know that is true of the leadership in the Senate. It was true of our caucus. For several hours we had that man under interrogation.

In response to this legislative body, this House and this Senate and the actions that we took back earlier this year when HB 739 was passed, in response to that, the Governor's Office and the regional director of the Environmental Protection Agency prepared and are prepared today to enter a modification to the consent decree that started most of this problem. I should not say that it started most of the problem; it was in response to the Clean Air Act of the Federal Government. Because of our legislative actions over the past 6 weeks or month, this modification is ready to go into effect, which, if it is entered of record in court, will delay the act and will do basically the same thing that HB 739 does, except for 2 months. So what we are really talking about is a 2-month lapse.

Under the new consent decree, if it is filed, the delay will go until May 1 of 1981, as opposed to July 1 of 1981. So we are talking about a couple of months.

It was stated in our caucus and it was stated, I am sure, to the Democratic leaders, and I know it was stated to the Republican joint leadership today that if the veto of HB 739 is overridden, then all bets are off on that modification. That leaves us here in Pennsylvania in this position. We are in the position of having the Federal Government impose sanctions on us, because we will be in violation of the Clean Air Act. That is a carrot-and-a-stick problem. But what the sanctions are, I think, are important to everyone of us here, particularly those from the metropolitan areas. Now you heard me earlier today announce if we override the veto and the new modification to the consent agreement is not filed, then we are in violation of the Clean Air Act. If that happens, these counties will pay the price most dearly: Allegheny, Beaver, Bucks, Butler, Chester, my county of Delaware, Lackawanna, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Washington and Westmoreland. These are the counties that are affected by the Federal Clean Air Act. These are the counties that will not be in compliance if we stick with HB 739 and do not override.

What does the effect of being out of wack and not in compliance mean? What are the sanctions? Well, right now I am told and our caucus was told that the state could lose up to a half of a billion dollars. A hundred million dollars of this is in moneys controlled by the Environmental Protection Agency, money for air pollution grants, water

pollution grants and waste water treatment grants. Now waste water treatment grants represent some \$93 million of this \$100 million that is in jeopardy.

There is approximately \$400 million in highway funds that will be jeopardized. The areas that lose these funds are those areas that I just mentioned. It is not the whole state, but it is the areas that I just mentioned. I speak selfishly.

Delaware County has almost \$20 million at stake in the waste water treatment money. I do not know whether you had the EPA man into your caucus to go through this, but these are figures given to both sides of the leadership and to our caucus, and I assume made available to your caucus.

Philadelphia has over \$60 million at stake. I am told, and I am sure all of you were told, that that first \$100 million that I mentioned is under the control of the Federal Environmental Protection Agency, and as soon as it comes time for sanctions to be imposed, they can, on their own, without resort to the courts, stop those grants.

The \$400 million in Federal Highway Funds requires a separate solution as far as they are concerned to fully impose the carrot-and-stick theory of big government. That would require action through the Federal Department of Transportation, and I suppose litigation and everything else could result in that before that money is held available for Pennsylvania. There is a risk that that money, if we are not in compliance, could be redistributed, we are told, to other states who are in compliance.

There is a sanction that is presently on the people of Pennsylvania in those areas. There is a no-growth Federal sanction on us now. What that means is there can be no new source of hydrocarbon pollution, such as paint spraying operations and that type thing, that would contribute additional pollutants similar to those caused by automobiles.

That is on us now and evidently—this is the information we have—no growth sanction is upon us now and evidently will not be lifted until we come into compliance with the act. Today, 22 out of the 29 states have complied with this program. We have not. Overriding the Governor's veto does not solve the problem of the man who is going to be required to spend money to bring his car into compliance.

HB 739, if it were not vetoed, would not solve the problem of the man who has to spend money to bring his car into compliance. The only thing that will solve the problem of the man who has to spend the money to bring his car into compliance is for the Congress of the United States to amend the Federal Clean Air Act. We cannot do it. All we can do is cause trouble and cause delay, and we do not even have to cause that delay now because there is a modification agreement prepared to be filed of record when the Federal Government has been given some assurance that the Governor's veto is not going to be overridden, which will extend the deadline date to the same length of time extended in HB 739 save for some 2 months.

If we override the veto and if HB 739 becomes law, what we as a legislative body are saying in effect to the Federal Government, notwithstanding the Federal Clean Air Act,

we are directing our executive department—and that is what we are doing—not to implement the Federal Clean Air Act. We do not care about the Federal law. We are telling you, our people are prohibited under state law from implementing that act. If we do that, we have slapped the Federal Government in the face—which might not be a bad idea—we have slapped them in the face and we have challenged them to impose their sanctions. That is the effect of what we would be doing. If we do that, my county loses \$20 million. Philadelphia loses \$60 million. The State loses \$400 million, conceivably, unless we work out some further deal, and I do not think it is worth it. We have, with this modification agreement, because of our activities in the legislature by passing HB 739, because of these activities of us, we have served our constituents by extending that modification date. A lot of people here do not realize that what we are really talking about now is something that happened since we adjourned in December.

Since December the agreement has been put together and has been agreed to by the plaintiffs, has been agreed to by the Federal Justice Department and has been agreed to by the Commonwealth of Pennsylvania, to extend it the same way we were trying to extend it in HB 739. During the Christmas recess, in response to our actions, this legislature's actions, a modification agreement has been agreed to—that is not on record yet—that makes the extension, but it comes up 2 months short of what we wanted. It goes into May of 1981.

The question arises—and it came up in our caucus and it comes up in the minds of everybody sitting in this legislature—how is President Carter, in an election year, going to say to one of his Cabinet people, impose sanctions on Pennsylvania? I do not know whether he will or he will not. I do not know that. We asked that question of the representative of the department. His advice to us is, there is no indication from the top executive of Federal Government that he is going to roll over and ignore violations of the Federal Clean Air Act. There is no indication that he is stepping back. When I say no indication, I am talking about at the top level there is no indication of political interference for political purposes with the imposition of sanctions for violations of that act.

Now it may be—I am speculating—that the department is talking to us now about modifications for that reason. I do not know that. But if we override this veto and if HB 739 becomes law over that veto, we have directly challenged the Federal Government, and I think we can look forward to getting our wrists slapped for issuing that challenge to the Federal Government.

Bucks County has \$2 million it can lose just in the Waste Water Treatment Construction Grants. Philadelphia, with its six grants, can lose \$60,151,000. Chester County has \$1.5 million at stake. My county has \$19.4 million. So you can better understand why I have so much to say. Montgomery, \$1.4 million; Allegheny, \$1.4 million; Beaver, almost \$600,000; Butler, \$1.87 million; Westmoreland, \$214,000; Washington, \$400,000—I am

rounding these numbers—Luzerne, \$923,000; Lackawanna, \$1,999,000; Lehigh, \$3,250,000; Northampton, \$40,000.

Now I asked the man from the department why these small, relatively inconsistent amounts of money for some of the projects, and it was explained to me that these smaller amounts, the \$20,000, \$30,000, \$40,000 amounts that make up part of this list, this is for the seed money to start the engineering and the planning of projects. Delaware County, I have told you, has \$19 million at stake. That started some years ago with a \$25,000 or a \$50,000 study. If these study moneys are withdrawn, the big grants at the end for your waste water problems will not be forthcoming or they will be delayed accordingly.

This is a tough vote. Our people—I think this is partially the responsibility of the press—have got to understand that we, the Pennsylvania legislature, did not create this problem. We did not create the problem of pollution nor did we create the problem of solution to pollution. Right? The Federal Government, the Federal Congress passed the act that is creating the problem facing us today. I am not equipped to make judgment as to whether or not it was or was not a good act. I guess somewhere along the line a person might argue good health versus dollars on clean air provisions. I am not making judgment on that. I am suggesting rather that it is a Federal congressional problem.

We, and I hope the press, make it clear to the people, because they stirred the people up. I am getting calls saying, why are you making us fix our mufflers or our exhaust system? We are not. We Pennsylvanians are imposed with that law the same way every other state in the Nation is imposed with it. The Federal Congress can change it; we cannot. All we can do is perhaps delay its implementation, and by HB 739 we hope to do that. Now I say it is not necessary because during the holiday recess, because of our actions with HB 739, that modification agreement has been prepared and is about to be entered into if we can show, with some good faith, that the Governor's veto will stand and not be overridden.

Now there is a separate problem, the photo IDs. I do not know the answer to that. I know that I was here in the General Assembly when it became law. I know I was here less than a year ago when Mr. Kolter, the last time this came up—and I do not have the quote with me now—assured this General Assembly that if an extension were granted for the implementation of the photo ID, he felt certain that it would be in being and in force prior to the beginning of the year. I forget whether it was January 1 or December 1. I know that there were a good many of us that thought it was a good idea and I still happen to think it was a good idea.

The thing that incensed the people that called me was not the spending of 37.5 cents a year for a photograph, but I think the problem was created for the most part by the real estate industry when they got mad that there was a contract with Century 21. They are the people I really heard from. That has all been changed, as you know. The stations are coming into being, rather, in Pennsylvania-controlled

offices. I am told that these offices, at the direction of the Secretary of PennDOT, I suppose, are being manned by senior citizens and they are being paid for their services; that there are in being now some 35 to expand to a much greater number. I further understand that mobile units will be brought into play—and Mr. Kolter probably knows more about this than I do—to make this service available. I know Mr. Dininni had someone over at PennDOT watching and talking to people who had their photos taken and had them placed on their license, and with few, if any, exceptions, the people seemed to react favorably to it. I have talked to four or five people who have liked it. They came up proudly showing me their new licenses. Frank Linn, who works for me, came up, proudly showed me his today. He is the guy who runs around here dressed as Santa Claus. I gave him the dickens for not having his Santa Claus suit on. But they like it. That is the reaction I am getting. Now they may not like driving 15 to 20 miles; I heard someone say 40 miles; but yet the information I have is that it is about 20 now. I am not saying that is true in the real rural areas of Pennsylvania; I am not sure of that.

But cost is not a factor. I have heard arguments that that money could be better spent on pot holes. We are not going to get that money for pot holes. That money is a separate charge, and if we do not provide the photographs, if HB 739 becomes law, we do not get the charge. We do not get the \$1.50. So the money is not going to go into the pot holes one way or the other.

But I will tell you what will happen: The money that has been spent, if it is not reimbursed by the \$1.50 or if a law suit comes about and we lose, which we might, the money to pay for it will come out of the pot hole fund. Nothing is lost to maintenance by going ahead with this program. Something is lost to maintenance, however, if the program is abandoned at this time.

Out of context, I am reminded that the gentleman said that it may cost some \$250 to \$300 to bring cars up to standard under the Federal Clean Air Act. The regional director of the Federal Environmental Protection Agency stated to a number of us today—I do not know whether it was in caucus or at the leadership meeting—that the national average for this work ranged from \$12 to \$35. Now with my luck and my car, it could very well be that it would reach the limits that you are suggesting, Mr. Kolter, but this man had these figures. He seemed comfortable with the figures. I have no reason to doubt that they are honest estimates of that department which has a great deal of experience in this field.

I asked my whip here if I should say anything else. He said, sit down; you have ruined everything now. Let someone else talk. That's what I will do.

I am asking, however, not that the members of this House stay with the Governor, which is something that was said to me. I am not asking anyone to stay with the Governor and make this a political vote. I am saying, listen to what I have said, which, hopefully, is reminding the members of the information we got from the experts today.

And to those of you who maybe did not have an opportunity to meet with the experts, I am suggesting to you that they were available to all parties, and the information I am sharing with you is, to the best of my recollection, the information provided to us by the regional director of the Environmental Protection Agency.

The only other thing I can suggest in closing is that if we do not like that act, perhaps we should petition the delegation from Pennsylvania to change the Federal Clean Air Act. Short of that, we are going to have to live with this problem, and it is a question of when are we going to have to face it. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I do not rise to take issue with the majority leader. I will leave that to the gladiators down front. And it has not been my style to speak unfavorably of Republicans or Republican leadership, because we are all in this together, baby.

But, about a year ago, the Governor publicly criticized studded tires and he talked publicly of the cost to the taxpayers because of what studded tires would do to the roads. Later on, he did a 180-degree turn and he did not veto the studded tire bill, because as he put it, it was what the people apparently wanted; because of public opinion. And I thought that was admirable. But when you look at the figures of the AAA that show that only 6.6 percent of the motorists used studded tires when they were legal, I did not know where all that public opinion came from.

Now a bill has passed to postpone the enactment of emission control and to scrap the photo license program. The people have clearly spoken, many more than 6.6 percent of the motorists, I might add.

The Governor has now taken a new approach. Evidently, he is not concerned about what the people want or the people think as he was when he did not veto the studded tire bill. The Governor has, in fact, tried to circumvent the legislative process by spending huge sums of taxpayers' money in an attempt to force this body and the Senate to reluctantly accept the veto.

I am glad this bill is before us tonight. I say that we send the Governor a message loud and clear that the public does not want this; they do not feel it is needed. I ask for an overwhelming vote to override the Governor's veto. Thank you.

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

Mr. ZELLER. Mr. Speaker, if you look on page 2 of HB 739, they would see, starting on line 18, what this is going to do for our firemen. I realize that SB 1005, which I do not see progressing that well in regard to how we amended it, will give the firemen a chance to, after July 1, 1980, operate this heavy equipment, which they had been denied unless they went through tests. This bill will give them that chance to do it without going through that hideous old examination if they have been driving the equipment before, as long as it is approved by the chief.

So here is one point that I want you to notice in this bill and I know in my area, if you have not been getting any calls, I sure have. So I just wanted to bring it out as a point of another reason why we should override.

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

Mr. RITTER. Mr. Speaker, I rise to ask the members to override the Governor's veto on HB 739.

The majority leader mentioned a couple of issues in terms of the emission inspection, and, Mr. Speaker, I would just like to put on the record some rebuttal to what he said.

One of the things that concerns me is that the Pennsylvania Department of Environmental Resources—and I think there is unanimity in thinking among this body that that is a reliable agency of state government—projected a mere 3-percent improvement in air quality in Pennsylvania by 1987 if the inspection maintenance program is put into effect. But at the same time we would be realizing only about a 3-percent improvement in air quality in the state. Those 14 counties that are being selected would be asking the drivers in those counties to bear an economic burden of about \$50 million a year in order to improve the air quality by that 3 percent. It seems to me that I am not willing to pay that price and I come from one of those counties that the majority leader talked about.

Mr. Speaker, there are two other states presently—in fact, there are three states, California, Michigan and Ohio—which have refused to do anything about the EPA requirements on the emission inspection. And Michigan and Ohio are presently in court to determine whether or not the EPA has in fact the authority to require those inspections. It seems to me that HB 739 says to our Governor that we are going to delay until July 1981, and maybe by that time the court decisions will be in and we will see whether or not EPA has the right to require us to do what they say we have to do.

I want to point out that there was not a single member in this or the other chamber that had any input whatsoever into this consent decree. We were not asked about it; we were not asked to approve it or to veto it ourselves or to throw it out, and I do not care if it was the Shapp administration—and that is who it was—but they signed the consent decree. That still does not mean that any of us were involved in that decision.

The majority leader said that if we do this now to EPA, that that is going to be a slap in their face, or in fact maybe I misunderstood them, that they would slap us in the face, and, frankly, I do not care. I am sick and tired of somebody sitting down in Washington saying to us, this is what you will do. I have said to them before and I will keep on saying it, if you want to tell us what it is we have to do, then you put up the money.

I got a phone call over the weekend from a League of Women Voters' representative who said, "Do you know that the most anybody is going to have to pay is \$150 for those controls?" "Well," I said, "fine. You tell my senior

citizens living on less than \$4,000 social security that they only have to pay \$150. But, frankly, I am getting damned tired of telling them."

That is what we are going to do if we do not override this veto. And what happens after we do and we stick it to the people in those 14 counties and the court says that the EPA had no right to impose those regulations on us? Do we then go back to those people and say, well, you did not have to put that equipment in and if you spent \$150 to \$200, well, we will pass the bill and we will give it back to you. You know we are not going to do that. HB 739 gives us the opportunity for delay.

Mr. Majority Leader pointed out a couple of other things, but I wanted to point out to him and to the rest of the members that if you read the legislative history in Congress on this Clean Air Act, nowhere—and I challenge anyone to show me where—it says in there that the emission and maintenance program has been mandated. They were absolutely silent on that issue. They did not say. So you can talk about Congress, Mr. Majority Leader, all you want to, but they did not say in the first place that it was mandatory.

This is some bureaucrat sitting in an office down there who says, this is what we are going to do. I have spoken to those people on several occasions about other matters. Frankly, what they said to me was, we do not really care what Congress intended; this is what we are going to do. And if you talk to some state bureaucrats, you get the same impression - they do not really care what we want to do.

So Congress did not mandate this program of mandatory inspections. This was a bureaucrat in EPA - Environmental Protection Agency - which did it. I further understand that those same regulations that we are being asked to follow have, in fact, been held unconstitutional by the United States Supreme Court, but I am not absolutely positive of that.

One final point on the emission inspections—and I do not care whether you need anything or not, Mr. Speaker—I do not know of a single garage in this state that is going to inspect my automobile for nothing.

So you are saying initially to those people in the 14 counties, you are going to get that car inspected and I guarantee you it is going to cost you somewhere between \$8 and \$15 to have that thing inspected.

And all of this, mind you, as our Department of Environmental Resources said, that by the year 1987, we ought to realize an improvement perhaps of about 3 percent in the air quality in this Commonwealth. In the meantime, we are making a couple of private garages a little bit happier because now they are going to get \$8 to \$15 for every automobile they inspect.

I want to just briefly speak on the photo license because a lot has been said about all the money we have spent.

Mr. Kolter pointed out how he had indicated to the department that it would not be wise to continue this program, and they said, as the Federal bureaucrats said, we do not really care what you want to do; we are going to do it anyway.

I asked Mr. Zogby back in July not to award the contracts until we had a chance to act. I read the letter for the record the last time where he said it really does not matter because we can cancel the contract.

Now, I have here the specifications, two sets of specifications, one for the person who is going to supply the equipment and the locations and the other one is going to take the pictures. Both of them said, and I want to read it to you, "The State may terminate this contract...." and this is in the bids that that went out. So that anybody who bid knew what the rules were before they started. It said, "The State may terminate this contract due to default of the successful bidder, to unsatisfactory service or performance, or to constraints placed upon it by virtue of changes in funding for a new fiscal year or by changes in legislation."

Now if anybody went out and spent millions of dollars when it was fairly clear that this legislature was going to cancel the program, I say to them, that is your tough luck. According to specifications, I do not see where they have any recourse - the one on the supplying of all the equipment, the maintenance and operation of all those locations. "The Commonwealth may at its option terminate this contract due to default of the successful bidder....", et cetera, "or to constraints placed upon it by virtue of changes in funding for a new fiscal year or by changes in legislation."

Mr. Speaker, we have said on a number of occasions that this legislature wanted to take another look at the program. There are a number of us who had requested it before the bids were accepted. As a matter of fact, before the second bid even went out, I sent Mr. Zogby the letter.

In each instance the department said, we do not really care what you want to do. We will do what we want to do. This is another instance, because in 1976 they were told, by 1977 you will implement the program, and they said, we do not care what you want to do, we will do what we want to do. And then we extended it to 1978 for that department. Again they said, we do not care what you want to do. We will do what we want to do.

Then it was 1979 before they began to do anything, and by that time this legislature had said, hold it. We want to take another look at it because we think we are going to cancel it once again. And you can see by what they did after this legislature acted on HB 739 - they went out immediately and began to take pictures - again they said, We do not care what the legislature wants to do; we are going to do what we want to do.

Mr. Speaker, I submit to you that, once and for all, we need to put some pants on the Department of Transportation and we need to tell them that they have gone far enough. And we need to override this veto and any money that has been spent, and if any state official is responsible for spending any of that money after he knew what this mood was in this legislature, after what some of us had requested, then I would like to seek some legal advice as to whether or not, in fact, we cannot surcharge those people,

because whatever they spent, it seems to me, was a waste of money.

Mr. Speaker, I urge that we override the veto on HB 739.

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

Mr. SPITZ. Mr. Speaker, I do want to make some brief comments, and I recognize that at this time of night on such an issue that comments do not change one vote. People are pretty much decided on how they are going to vote, but I, for one, am going to vote with those who vote to override the Governor's veto.

I expect that there will not be sufficient votes here to do that. I regret that the two elements of this bill were placed together. I think that the legislature had spoken and that the department fairly tried to implement the photo license plan and I think that the Governor was left with very little choice. I regret that that is part of the issue before us.

But the other issue concerns me and it concerns me very much. I think that what we have been told with respect to the emission control program represents the absolute worst in government.

What this House and the Senate attempted to do in seeking a delay was simply that - to seek a postponement of the emission control program to allow some time to see what is happening with respect to litigation in the other states; to allow some time to see whether the decreased use of fuel will help naturally to decrease the standards and to buy some time to perhaps go in and modify the consent decree, which is a bad form of getting opinions in any event when a governmental body is involved in the permitting of one branch of government to consent and have the court then impose an order. But in any event we have the consent decree. And we were seeking to perhaps change it or at least wait for its implementation. We are being told that if we try to do that, sanctions will be imposed. What we are being told is that the Federal Government, through the Department of Environmental Protection, in the interest of our health in those 14 counties where the air is not clean, if we do not comply and if we do not jump, they will see to it that their sewage projects are curtailed so that those of you in the 14 counties who are breathing bad air can also have bad water and bad sewage. This is the department of the Federal Government which is telling us this. And they are telling us that we recognize that we only control about \$100 million in projects, some \$93 million involving sewer projects.

We realize that for those of you in the 14 counties, that may not hurt you enough. So we, the Department of Environmental Protection, will turn to the Federal Department of Transportation and we will ask their help to curtail all of your highway projects in those 14 counties. We are interested in your health in the 14 counties. We will see what we can do to you.

Mr. Speaker, this is not government. This is blackmail and it is a ridiculous way to run the government. I think it is regrettable if any of our projects are curtailed. I think it is more regrettable if we sit here and accede to that kind of

demand. The least that we can do is attempt to fight and attempt to modify that consent decree.

I join with those who are asking for an override.

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

Mr. DUFFY. Mr. Speaker, I have talked to many people about this emissions control and photos on the licenses.

They are definitely against it. They do not want it in May of 1980, May of 1981, May of 1982 or ever. They are tired of what the EPA and the DER and the rest of these governmental agencies are telling them. They are a little bit tired, disgusted, and they want relief.

When I hear that it will cost you an average of \$12 to \$35 to go ahead and get these inspections taken care of, I am reminded that our local gas companies, to heat your house, always tell you when you get a raise it is going to cost you, the average consumer, 53 cents or 55 cents a month, but it is usually around \$10.

So I am going to vote to override this HB 739. Thank you.

The SPEAKER. The Chair recognizes the minority whip, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, I will try to be brief. Many of the points that I wanted to make were made by Mr. Ritter and Mr. Spitz who spoke previously.

So far as the emission control delay of enforcement is concerned, Mr. Speaker, we do not propose, those of us who support the override, to violate Federal law. Are you listening? We do not propose to violate Federal law. We do propose not to follow the consent decree that gives a different date for doing things than Federal law does.

We must meet the ambient air standard by 1982 at the end of that year. That is what Federal law does. It is the consent decree that was entered into without the knowledge of this legislature that gives us a date so early as it does.

Mr. Speaker, in addition, that consent decree says, in effect, that the State of Pennsylvania, the Executive Branch of government, rather than listen to the dictates of the legislature so far as funding the emission control system is concerned, will listen to the Federal Government. The Constitution of Pennsylvania says that no moneys will be expended from the treasury of Pennsylvania unless appropriated by the legislature. Yet the Executive Branch of this government agreed in a court suit in a consent decree not ever to reduce the moneys necessary to operate this program at an operable level regardless. And these words are in the consent decree, "regardless of the money appropriated for that purpose by the legislature and regardless of any reduction in moneys for that purpose by the legislature." That is one of the reasons that we think that Governor Thornburgh ought to go in and try to open up that consent decree.

Another subject: Part of the emission standards that are being implemented in other areas of these United States—and there are maybe three or four states that are really testing exhausts right now; no more than that that have gone any further. But doing that in the other states that are

doing it, each one of them has set up a standard, a dollar figure, which will protect the consumer, that the repairs to the emission system or to clean up the exhaust, the repairs will not exceed a certain dollar figure.

I have seen \$75 as a limit. I have seen \$50 as a limit. I have seen \$100 as a limit to those states which are already doing what we propose to do. That protects the consumer. If you go in and it costs more money to clean up your exhaust, you will only have to spend up to this amount of money - \$50, \$75 or \$100.

The Federal Government has not challenged any of the states that have set those kinds of standards.

What has our Department of Transportation done? They have set that standard at \$300, and we are saying, hold on. Wait a minute. Why? Why not adopt one of the standards that the other states have used - \$50, \$75, \$100? We are saying, we do not want you implementing. I think that is what we ought to do. We ought to know that our consumers are not going to have to do anymore than we ought to do and what other states are doing.

You know, Governor Thornburgh's veto was very interesting, if you read it. It really said that we ought to be concerned about the quality of the air above Pennsylvania and about how many and how much of the emissions come from automobiles, because if we cut down the emission from automobiles, we will be able to have more emissions from factories, and that means jobs. That is what he was really saying. Read it. It comes right out and talks about the jobs that we could protect and ensure and gain in Pennsylvania because we cut down automobile emissions, and the Little Joes have to pay these \$300 so that we let industry put more pollutants into the air. At least, that is the way I read it.

You know, maybe I would not feel so bad about that. Maybe that is a good trade-off. I do not know. But what we are really doing is making our Little Joes pay the tab for not putting those emissions into the air so the Governor of Ohio can keep getting 2-year extensions in the Ohio-Mahoning Valley in the Youngstown area to keep polluting the air with standards that are much lower than the air standards we have to live by here in Pennsylvania.

I think that is wrong. I think what we are saying is that it is wrong, and we are going to ask for a delay of the whole system until we have a better look at it without violating Federal law.

Mr. Speaker, roll it. Roll it on emission controls because I think that we have talked about that one.

I do want to speak on the photo ident, though.

I voted for the bill. I think I voted for the bill. I was here at the time and probably voted for the bill that required or asked PennDOT to institute a system of photo ident on the licenses. I never for a moment envisioned that they were going to do it in the manner that they have done it. I never for a moment envisioned that they were going to set up 80 stations across this Commonwealth, that all the citizens had to drive to and probably stand in line to get a picture taken and be inconvenienced to that extent to keep driving in Pennsylvania.

The Federal Government runs a sophisticated program of passport issuance and checking that a picture has to be on and does not require anybody to drive anywhere to get a picture taken. They simply tell you, we need one of your pictures taken within the last 6 months or the last 3 months, and I am not sure because I never had the opportunity to travel abroad, but I know that it is 6 months or 3 months. Send us your picture; it has to be 1 1/2 by 1 1/2 inches, and they put it on the passport. They seal it in there properly, and nobody has to be inconvenienced or drive anywhere. The picture can be taken in someone's home and no one is inconvenienced.

Now, we could have done that. But in the implementation of the program, PennDOT has decided to go to a system that is going to cost \$12 million, and that cost, I understand, prorated over a 4-year license is only 37 cents a year per individual and that is not a great cost. But what of the cost of the inconvenience? The hour it takes me to get there to take a picture; I do not know how many hours I may be in line, or minutes, perhaps luckily, and getting back and the fuel expended, et cetera. And you know PennDOT does such a good job of giving us our applications so far ahead of time, we are going to have a lot of time to do that kind of thing. I think they are down to about 1 month as the time from the time you get your registration, your operator's license renewal, to when you have to renew it again.

We should not be subjecting our people to those kinds of inconveniences unless we have to. Photo ident is good. It has a lot of aspects that I agree with. But it can be done without imposing the system that PennDOT has chosen to impose on our people. It can be done very easily.

I would suggest that we override the veto only on that point and let them go to a system that is much less inconvenient to the citizens of this Commonwealth. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, just a few brief words. I checked in yesterday with the Department of Environmental Resources and was informed that there is a letter of intent to sue the State of Ohio already on file.

I do not know how many of you are aware of what is really happening. Jim Manderino tried to hit on it and did hit on it to some extent. But the State of Ohio for the last 10 years has fought the Federal Government on their pollution laws in every court in the land and they have finally run the gamut, and they have nothing left to run.

Now, if we can hold off for 2 years, we are not even sure that we would need emissions controls in Pennsylvania. We are not sure that by their cleaning up some of their industries that we would not be okay. We only have four bad ambient air basins in the State of Pennsylvania and they are not really that bad.

The other facts are, if the Federal Government was enforcing laws across this Commonwealth and in every other state on an equal basis, the State of Pennsylvania

would not be in near the shape it is in today. We are putting up with Indiana. We are putting up with Ohio. All these states are polluting the State of Pennsylvania. They are polluting us so bad that we are losing 25 percent of our drinking water in the northeast. We are losing 25 percent of our reforestation program. All we have to do—and I believe that we should hold this up as long as possible—we should go to our Congress and the people who serve us in Pennsylvania and let them know how we feel and tell them that we are sick and tired of having things mandated to us to do, or they are going to treat us like a little kid and slap us across the wrist and take our candy away from us.

It is about due time that we grow up in the legislature and realize that the Federal Government continually mandates things to us that we try to abide by.

What the hell do they do throughout this entire United States to ever enforce the programs they tell us about so that it becomes easier for the people who are trying to have a nice clean air system? Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Thank you, Mr. Speaker. Very briefly, could Mr. Ryan respond to a few questions?

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

Mr. LAUGHLIN. Very briefly, Mr. Ryan, you had stated that a number of the counties that are affected by this emissions control, particularly you mentioned Bucks County.

Are you aware, Mr. Ryan, that Bucks County is presently in their air basin and meeting the ambient air standards for that particularly area?

Mr. RYAN. The information that we have from the Department of Environmental Protection is that that is not so.

Mr. LAUGHLIN. Mr. Speaker, I am not going to argue with what you received from the Department of Environmental Resources, but if you had bothered checking, you would find that the Secretary of Environmental Resources at the present time is requesting the Fairless Steel Company, that operates within those borders, to install \$100 million worth of air pollution control devices even though they presently meet the Federal ambient air quality. They are in compliance, Mr. Speaker.

It is an area that is going to be affected by these emissions regardless. That is one question that I wanted to get aside since you had mentioned it.

The other one, sir, is that you mentioned Beaver County. One other question: What is the figure that you stated that we are going to receive or we are possibly going to lose if we fail to implement this program?

Mr. RYAN. The information I have which was available to your caucus indicates for Beaver County—and this was provided to me by the Department of Environmental Protection Agency—and it states that Beaver County, Franklin Township, \$220,000; East Falls Borough, \$24,000; North Sewickley Township, \$180,000; North Sewickley

Township, \$170,000; evidently two grants for North Sewickley.

I have no information beyond that other than that the total is \$594,000.

Mr. LAUGHLIN. Mr. Speaker, I accept your figure of \$594,000. I will even give it credit for \$600,000.

If you are acquainted with the population of Beaver County, it is 210,000 people as of the 1970 census. Within that area, there would be approximately then in excess of 100,000 registered vehicles.

If we are to implement a program such as you indicate and we do not use Mr. Manderino's figures of possibly \$10 or \$15 but we use a higher figure of \$100, which is far below the limit the Department of Transportation has set, if you take those figures, Mr. Speaker, you come up with \$15 million Beaver Countians are going to spend to implement this program and receive what you are talking about as a possible loss of \$600,000, which I, for one, do not believe we are going to lose to begin with since we do have the 1982 figure.

I know Beaver County is accustomed to getting a little less of the share from the Department of Transportation; we have in the past. It seems to be continuing. But to expect \$15 million to be spent for a \$600,000 reward certainly would seem to me to be out of order.

One final question, Mr. Speaker: Mr. Speaker, New York at the present time has one of the more grave situations dealing with auto emissions and pollution. The city of New York in particular. I have a question for you there. What body is presently keeping that from being implemented in the State of New York right now?

Mr. RYAN. It is my information that the State of New York along with several of the other states mentioned earlier have requested extensions from the Federal department on implementing the plan, and they have been turned down.

Now may I ask you a question, Mr. Speaker?

Mr. LAUGHLIN. You certainly can, sir.

Mr. RYAN. In HB 739, the bill that you are urging, I suppose, although I have not heard your closing lines, in your wherefore clause that it become law, can you tell me where there is any language whatsoever that affects the "Little Joe," Mr. Speaker, and the type of maintenance that must be done to these vehicles, or can you tell me where there is any language in HB 739 whatsoever that deals with what is going on in Ohio and West Virginia and New Jersey and Michigan and Manayunk and Roxborough? Is there anything in the bill that says anything about it?

Mr. LAUGHLIN. Mr. Speaker, you know that we in the legislature pass legislation. The implementation and the promulgation of the rules and regulations are confined within the area of the Department of Transportation. It was their wish and not ours, sir, that brought us to the fate we have today of trying to halt this program, and you know that within this legislation, regardless of what the language says, the implementation is theirs, sir.

Mr. RYAN. That is right.

Now, will you agree with me that the language of HB 739 with respect to the emission inspection system delay speaks only to the delay of implementation until July 1, 1981? I am reading from page 5, section 4702(e). That is really all it does, is it not?

Mr. LAUGHLIN. Yes, Mr. Speaker. I would say that is all the language says, but that will not be the effect of what we are talking about.

Mr. RYAN. The only thing HB 739 does is delay all of this bureaucratic mess until July 1, 1981. Is that accurate?

Mr. LAUGHLIN. Yes, sir.

Mr. RYAN. All right. Now did you take advantage, by chance—

Mr. LAUGHLIN. Just a minute, Mr. Speaker. It says that regarding the implementation on the emissions. It does not say that with regard to the implementation on the license photos.

Mr. RYAN. I agree. I am sorry.

Did you take advantage, by chance, of the information that was made available today by the gentleman from the Federal Department of Environmental Protection with respect to the new modification or the new consent decree?

Mr. LAUGHLIN. Mr. Speaker, I am told that you have a modification as arranged by the Delaware Valley Citizens

—
Mr. RYAN. No, no.

Mr. LAUGHLIN. —whom, by the way, you represent apparently—

Mr. RYAN. I do not.

Mr. LAUGHLIN. —the ones who initiated this program against the rest of Pennsylvania. Yes; I am aware of that.

Mr. RYAN. No; I do not represent them.

Mr. LAUGHLIN. No, Mr. Speaker, I did not see the exact printout of what you are talking about, nor did I have the availability of the gentleman you are speaking of, because I was not told that I was invited to the Republican caucus to hear him speak and I did not hear that he was going to address the Democratic caucus.

Mr. RYAN. All right. If I may, I do not know whether your caucus invited him or not. That is not my problem. He was available, and it was known to all the leaders that he was available, and he was in our caucus and I believe in several of the others on the other side of the building.

The modification agreement - the new one, not the consent decree that was entered into during the past administration but a modification to that - would extend until May 1 of 1981, 2 months short of HB 739, the implementation of this act. This is what I am suggesting: As a lawyer, if I were trying a case and on the one hand I have 2 months' additional time to gain by rolling the dice on the override versus a sure thing of May 1, 1981, and if this is not accepted, run the risk of losing \$400 million of motor transport money, run a real risk of the \$100 million worth of waste water money as well as the ban which presently exists on growth of industry, I happen to think that it is prudent to take the known, the known delay, the agreed-to

consent decree modification delaying everything until May where you know you have it—you know you have no sanctions coming in, because it is an agreement—versus our getting our way for 2 additional months.

All of these things that were said by Mr. Manderino about Ohio, we cannot control that. You know that and I know that. It was said, and I agree, and I said it earlier, and I agree with you that to make these changes it is necessary to go to the Federal bureaucracy or the Federal Congress. We cannot do that. All we can do is delay it, and we can delay it properly with no risk by agreement or we can roll the dice and take our chances by passing HB 739 over the Governor's veto.

Now, I am sorry, that was not a question; it was an opportunity to give a speech.

Mr. LAUGHLIN. Mr. Speaker, I never object to your giving a speech.

Mr. Speaker, one question though that you addressed yourself to there, the difference between a mandatory provision and a voluntary provision and agreeing to a court decision that we must meet that deadline is far from what the state would qualify under if we were to hold this provision off and try to work to the best advantage of the people of this state. That mandatory provision is not in our best interest, sir.

Mr. RYAN. Mr. Speaker, if I may.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. I find nothing in this agreement that would prevent the administration or this legislature from petitioning the Congress of the United States to change the Federal Clean Air Act, to lobby with the bureaucracy to make the changes.

The question came up in our caucus as to the issue raised by Mr. Manderino - What are you doing about Ohio that affects us? These are separate bureaucratic problems, perhaps, or Congressional problems, but they are not ours. We have almost the whole ball of wax in our hand by agreement. We are not giving anything up except 2 months.

Mr. LAUGHLIN. Mr. Speaker, I am not going to continue the discussion, because it is quite obvious you deal continually with the one fact that you had presented before. I cannot take home to Beaver County the situation of costing my constituency and the rest of our county some \$15 million for a \$600,000 saving or lack of saving we might get.

In addition to that, Mr. Speaker, this House and our Committee on Transportation had many opportunities over the last couple of months to consider the new formula of distribution of moneys that would have helped our districts that need help. That consideration has not been given on the new disposition that was handed down by Secretary Larson, but yet we are willing to go ahead and we are willing to allow the Governor to override and to get away with this, with his veto, the wishes of this legislature, and I ask for an override. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I recognize we are not in a court of law, but, boy, the relevancy of that last statement absolutely escapes me. And with Mr. Laughlin sitting back there with a smile on his face of the cat having swallowed the canary—me being the canary, I suspect—I have got to get the last word in if I can, and that is going to be very difficult with you, Mr. Speaker, but you keep pressing home this point of "Little Joes" and their \$15 million versus the \$600,000. I say to you—and I challenge you—I say to your "Little Joes" throughout your constituency and to my own, we are not taking the \$15 million, if that is indeed what it costs. We are agreeing to delay this whole project until May of 1981 by agreement. We run the risk of costing your constituency that \$600,000 if we go ahead and override the veto, because then we are at risk; we are at issue; and sanctions can be imposed. To do it the way I am suggesting, by upholding the veto and entering into the modified consent decree, gives you your \$600,000 at no risk. For 2 months you are rolling the dice for the \$600,000 but it has nothing to do with the \$15 million. You know it, I know it, and hopefully the press will know it.

The SPEAKER. The Chair recognizes Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, one last remark on that note. I wish that I could accept Mr. Ryan's word that it is not going to cost our constituents that kind of money. I know better. I know it is going to cost us just like it always does, and here we are protecting the interests of those people who do not really have the interest of this state at heart. We are giving the EPA their way. We are giving the environmental people their way. We are not going to enhance industry in this state. We are not only costing them money; we are costing our constituents money with this vehicle emission. Thank you.

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

Mr. DAVIES. Mr. Speaker, I had a whole lot prepared about crocodile tears and the lack of human salt in those tears and their being weighed with a lot of gas and political rhetoric, but I am not going to bother with that. All I am going to do is ask the attorneys, Mr. Manderino and Mr. Ryan and Mr. Spitz, that after this is all over, regardless of who wins in this particular battle, that they represent me in some way in a suit against the Federal Government to try to prevent the Federal Government from doing the injustice and the miscarriage of intent of the law that they are now trying to foist on this Commonwealth. I guess that is essentially what I want to say regardless of how it comes out. I had a whole lot more, but I do not have any money, fellows, but I have to ask for your legal help in trying to sue the government from preventing that type of, let us say, interference in what I consider to be my rights as an individual, and if we have to have other people named, I would like to have those other people named.

The SPEAKER. The question recurs, Will the House, on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding? Those in favor of the bill becoming law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no."

The Chair will rephrase the question. Those voting to override the Governor's veto will vote "aye"; and those voting to uphold the Governor's veto will vote "no."

The clerk will call the roll.

The Chair would ask that the members rise in their place when they are responding to their names.

The clerk may proceed.

YEAS—123

Armstrong	Fisher	Laughlin	Reed
Austin	Foster, Jr., A.	Lehr	Rhodes
Barber	Fryer	Letterman	Rieger
Belardi	Gallagher	Levi	Ritter
Beloff	Gamble	Levin	Rodgers
Bennett	Gatski	Livengood	Schmitt
Berson	George, C.	McCall	Schweder
Borski	George, M. H.	McIntyre	Serafini
Bowser	Gladeck	McMonagle	Seventy
Brown	Goebel	McVerry	Shadding
Burd	Goodman	Mackowski	Shupnik
Burns	Grabowski	Manderino	Spitz
Caltagirone	Gray	Manmiller	Stairs
Cappabianca	Greenfield	Michlovic	Steighner
Cessar	Grieco	Micozzie	Stewart
Chess	Harper	Milanovich	Stuban
Cimini	Hasay	Miller	Sweet
Clark, B. D.	Hoeffel	Mrkonic	Swift
Cochran	Hutchinson, A.	Mullen	Taddonio
Cohen	Hutchinson, W.	Murphy	Taylor, F.
Cole	Irvis	Musto	Telek
Coslett	Itkin	Novak	Trello
Cowell	Johnson, J. J.	O'Donnell	Wachob
DeMedio	Jones	Oliver	Wargo
DeWeese	Kanuck	Petrarca	White
DiCarlo	Klingaman	Pievsy	Wright, D. R.
Dawida	Knight	Pistella	Zeller
Dombrowski	Kolter	Pott	Zitterman
Duffy	Kowalyszyn	Pratt	Zord
Fee	Kukovich	Punt	Zwinkl
Fischer	Lashinger	Rappaport	

NAYS—55

Alden	Freind	Madigan	Smith, E. H.
Anderson	Gallen	Moehlmann	Smith, L. E.
Arty	Gannon	Nahill	Spencer
Bittle	Geesey	Noye	Taylor, E. Z.
Clark, M. R.	Geist	Peterson	Thomas
Cornell	Gruppo	Pitts	Vroon
Cunningham	Hayes, Jr., S.	Polite	Wass
DeVerter	Honaman	Pyles	Wenger
Davies	Johnson, E. G.	Rocks	Wilt
Dietz	Knepper	Ryan	Wright, Jr., J.
Dininni	Lewis	Salvatore	Yohn
Dorr	Lynch, E. R.	Scheaffer	
Durham	McClatchy	Sieminski	Seltzer,
Earley	McKelvey	Sirianni	Speaker
Foster, W. W.			

NOT VOTING—18

Brandt	Helfrick	Piccola	Weidner
Dumas	Mowery	Pucciarelli	Williams
Giammarco	O'Brien, B. F.	Richardson	Wilson
Halverson	O'Brien, D. M.	Street	Yahner
Hayes, D. S.	Perzel		

The SPEAKER. On the question of sustaining the veto of the Governor, the "ayes" are 123, the "nays" 55, and the veto of the Governor is sustained.

HB 2045 RECONSIDERED

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

Mr. CUNNINGHAM. Mr. Speaker, I move that the vote by which HB 2045 was defeated on the 12th day of December be reconsidered.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I second the motion.

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 2045, PN 2678, 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 project, *** stating the estimated useful life of the project and making an appropriation.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I spoke to Mr. Manderino a moment ago and it was suggested that we accept the last vote as people being present and ask for negatives to acknowledge their negative votes.

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

Mr. ZELLER. Mr. Speaker, if we are going to vote the bill, before we do so I would like to speak on the subject. All right?

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

Mr. ZELLER. Mr. Speaker, my mind has not changed since the last time in December of 1979 when we discussed this issue as to the cost, the prohibitive costs to go into this project which is, as far as I am concerned, going to be a gold-plated operation because of the type of structure. The actual emission controls do not cost anywhere near this. I would say with the equipment possibly it would be in the area of approximately \$1 million to \$1.25 million. The rest of the money is going to be in what we call the gold-plating of this entire project. If that is what you want to do, I am not here to tell anyone how they should vote. I am telling you I am voting "no," and that is my alma mater. I feel it can be done cheaper, much, much, much cheaper. If you want to throw the money away that way, go right ahead. It is your problem.

On the question recurring,
Shall the bill pass finally?

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

YEAS—168

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

NAYS—16

Austin	Clark, M. R.	Grabowski	Pratt
Bowser	Dombrowski	Hasay	Swift
Chess	Fryer	Hutchinson, W.	Trello
Clark, B. D.	Gatski	Livengood	Zeller

NOT VOTING—12

Brandt	Hayes, D. S.	O'Brien, D. M.	Weidner
Dumas	Mowery	Piccola	Williams
Giammarco	O'Brien, B. F.	Street	Yahner

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

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

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

Mr. A. K. HUTCHINSON. Mr. Speaker, I would like to say a few words about the last bill that we passed and the other one we did not pass.

The SPEAKER. Will the gentleman, Mr. Hutchinson, yield? The Chair will recognize him as soon as the majority leader has completed an announcement.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there has been some question raised as to our schedule for the balance of the week. We will be in tomorrow at 11 o'clock. Hopefully, the machines will be working, and, if not, we will still attempt to pass some legislation. For the balance of the day I do not expect any further roll calls, and I will sit here and anxiously await the remarks of Mr. Hutchinson. I may be an audience of one, Amos, but I will be here.

STATEMENT BY MR. A. K. HUTCHINSON

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

Mr. A. K. HUTCHINSON. Mr. Speaker, 2 weeks ago I went up to Penn State to review the project for pollution and I find one thing that is the matter in the whole situation of the General Assembly. We ought to be told as soon as anybody goes into court on pollution controls or anything with the Federal Government so we can react then, not a year or 2 years later. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, we have filed a reconsideration motion on the override of the Governor's veto of HB 739. I take it that that will be taken up at another day. We would have moved for a postponement of that. There were some 17 members of this House who did not vote on that particular proposition, and it is quite conceivable that their votes might change the outcome. Thank you, Mr. Speaker.

RULES SUSPENDED

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

Mr. D. M. FISHER. Mr. Speaker, I ask unanimous consent to suspend the rules to consider a congratulatory resolution immediately.

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

RESOLUTION ADOPTED

Mr. D. M. FISHER. I offer this resolution on the Pittsburgh Steelers.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

In the House of Representatives,
WHEREAS, On January 20, 1980, the Pittsburgh Steelers defeated the Los Angeles Rams in Super Bowl XIV by a score of 31 to 19; and

WHEREAS, This victory returns the Super Bowl Trophy to Pittsburgh for the fourth time in the last six years, an accomplishment unprecedented in football history; and

WHEREAS, The Steelers are a team that has consistently battled back from adversity with the same pride, spirit and poise that has characterized the people of the City of Pittsburgh and their other championship team, the Pittsburgh Pirates; and

WHEREAS, There exists a strong bond between the Steelers and the greater Pittsburgh area community. This bond between the community and the city's sports teams has greatly enhanced the area's civic pride and sense of accomplishment; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania extends its heartiest congratulations to the World Champion Pittsburgh Steelers on the occasion of their victory in Super Bowl XIV, commends the Steeler team, management and fans on the honor they have brought to the Commonwealth and to Pittsburgh, the "City of Champions," and wishes them continued success in the years ahead; and be it further

RESOLVED, That copies of this resolution be transmitted to Art Rooney, Sr. and Chuck Noll of the Pittsburgh Steelers Football Club.

D. MICHAEL FISHER
K. LEROY IRVIS
RICHARD J. CESSAR
JOSEPH V. ZORD, Jr.
JAMES W. KNEPPER
LEE C. TADDONIO
TERRENCE F. McVERRY
RONALD P. GOEBEL
IVAN ITKIN
ROLAND R. COWELL
STEPHEN S. GRABOWSKI
WILLIAM W. KNIGHT
BERNARD R. NOVAK
MARK COHEN
ROGER F. DUFFY
STEVE SEVENTY
FRANK J. PISTELLA
THOMAS A. MICHLOVIC
RONALD GAMBLE
MICHAEL M. DAWIDA
JOSEPH RHODES, Jr.
RICHARD B. CHESS
ROBB AUSTIN
EMIL MRKONIC
FRED A. TRELLO
THOMAS J. MURPHY
BRIAN D. CLARK

On the question,

Will the House adopt the resolution?

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

Mr. D. M. FISHER. Mr. Speaker, on behalf of my colleagues from both sides of the aisle—

The SPEAKER. Will all you Phillies' fans please sit down?

Mr. D. M. FISHER. Maybe you will learn something.

On behalf of my colleagues from both sides of the aisle, I submit this resolution to the House for, hopefully, your unanimous approval.

I would just like to add, in my memory as a sports fan in the city of Pittsburgh, I have never seen any event, whether it be a sporting event or anything else, that so captivated a town, that so had a town enthused and had all the citizens of western Pennsylvania so behind one event as this Super Bowl, and I think that the victory by the Steelers in Los Angeles was not only a victory for that fine football team but a victory for Pittsburgh and the entire Commonwealth of Pennsylvania. Thank you.

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

Mr. ZELLER. Mr. Speaker, with all respect to my good friend, Brother Fisher, when he said how they had the west so enthused, please include the east, because we were rooting, too, for you. They are great.

On the question recurring,

Will the House adopt the resolution?

Resolution was unanimously adopted.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate, January 21, 1980

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, January 28, 1980 and when the House of Representatives adjourns this week it reconvene on Monday, January 28, 1980.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to SB 735, PN 1443 and SB 857, PN 1444.

BILLS REMOVED FROM TABLE TO CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to move the following bills from the table to the active calendar, and I so move:

HB 1106, PN 2450;
 HB 1208, PN 1361;
 HB 1408, PN 2710;
 HB 1491, PN 1738;
 HB 1865, PN 2307;
 HB 2104, PN 2711; and
 SB 764, PN 1448.

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

**BILLS REMOVED FROM TABLE
 AND REREFERRED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and refer them to the Appropriations Committee for the purpose of a fiscal note, and I so move:

HB 40, PN 2708;
 HB 427, PN 2709;
 HB 756, PN 819;
 HB 1015, PN 2666;
 HB 1111, PN 2654;
 HB 1219, PN 2630;
 HB 1440, PN 2649;
 HB 1472, PN 1700;
 HB 1535, PN 2713;
 HB 1739, PN 2125;
 HB 1782, PN 2177;
 HB 1943, PN 2429;
 HB 1962, PN 2472;
 HB 1998, PN 2509; and
 SB 443, PN 1447.

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

RESOLUTION REPORTED FROM COMMITTEE

HR 162, PN 2697 (Concurrent) By Rep. RYAN
 General Assembly urges Congress, Department, Transportation and Amtrak include Philadelphia to Pittsburgh railroad corridor in their "Emerging Corridors" program.

RULES.

**COMMUNICATIONS FROM LEGISLATIVE
 BUDGET AND FINANCE COMMITTEE**

The SPEAKER. The Chair lays before the House a communication from the Legislative Budget and Finance Committee.

LEGISLATIVE BUDGET AND FINANCE COMMITTEE
 Finance Building
 Harrisburg, Pennsylvania 17120
 January 10, 1980

Honorable H. Jack Seltzer
 Speaker, House of Representatives
 Room 139 - Main Capitol Building
 Harrisburg, Pennsylvania 17120

Dear Mr. Seltzer:

The law that created our Committee (Act 195 of 1959) requires us to submit a report on our activities each year to members of the General Assembly.

Our 1980 Annual Report has been prepared and is being distributed (today) to all Legislators. Along with the Annual Report, we are providing to each Legislator a list of all study reports completed by the LB&FC staff during the period 1974-1979.

Copies of both items are enclosed. Please contact me if you have any questions about the enclosures or otherwise about the work of our Committee.

Sincerely,
 Richard D. Dario
 Executive Director

RDD:kg
 Enclosures

**Reports Completed By
 LEGISLATIVE BUDGET AND FINANCE COMMITTEE
 June 1974 - December 1979***

<u>Subject of Report</u>	<u>Date Completed</u>
Annual Report, LB&FC (6 reports)**.....	January 1975, January 1976, January 1977, January 1978, January 1979, January 1980
Blind Persons, State and Federal Aid to.....	January 1975
Capital Construction, State Expenditures for Public Improvement Projects, 1949-1979.....	December 1979
Computer Security Measures Taken by State Agencies.....	September 1976
County by County Distribution of State Expenditures.....	June 1977
Driver License Examination Program.....	December 1974
Education, Report on Pa. Intermediate Unit System.....	May 1976
Encumbering and Lapsing Practices of State Agencies.....	November 1976
Energy Crisis, State Agency Activities Related to.....	February 1975
Fees Collected by State Agencies (6 reports).....	April 1978, June 1978, July 1978, July 1978, January 1979, July 1979
Funds of the Commonwealth (2 reports).	January 1976, March 1976
Higher Education for the Disadvantaged (2 reports).....	February 1975, June 1977
Home Heating Fuel Aid Program.....	November 1979

Juvenile Delinquency Service System (4 reports).....	September 1976, August 1977, October 1977, January 1978
Mandated Appropriations (2 reports).....	March 1977, October 1977
Mental Health, Department of Public Welfare "Northeast Pilot Project".....	October 1975
Mentally Retarded Citizens, Community Living Arrangements for (2 reports)....	March 1975, November 1976
Photocopy Machines, Usage in the General Assembly.....	April 1975
Program Evaluation Activities, Pa. and Other States (3 reports).....	June 1974, July 1974, March 1979
Quantity Mailing Practices of State Agencies (2 reports).....	April 1975, November 1976
Science and Engineering Foundation (2 reports).....	March 1975, July 1977
State Revenues Collected by Local Government Officials.....	May 1976
Statistical Digest, LB&FC (3 reports).....	March 1975, March 1976, March 1977, April 1978 May 1979
Vendors, Late Payment by State Agencies.....	October 1977
World War II Veterans' Compensation Fund, Closing of.....	February 1975

*Copies of most of the reports on this list can be obtained by contacting the LB&FC staff office: address is 110 Finance Building, Harrisburg, PA 17120; telephone number is (717) 783-1600.

**Indicates the number of separate reports completed on this subject.

LEGISLATIVE BUDGET AND FINANCE COMMITTEE
Finance Building,
Harrisburg, Pennsylvania

January 10, 1980

TO: All Members of the Pennsylvania General Assembly

Section 3 of Act No. 195 of August 4, 1959 (as amended by Act 645 of September 20, 1961), creating the Legislative Budget and Finance Committee, requires that at the end of each Legislative Session:

"The Committee shall make and distribute its final report to the members of the ensuing Legislature not later than ten days after the convening of the regular session of the Legislature."

In compliance with this requirement, I am herewith submitting the Annual Report of the Legislative Budget and Finance Committee for the 163rd Regular Session of the General Assembly. The Report contains a general description of the structure and function of the Committee and its staff and summarizes 1979 activities.

The Committee is very interested, of course, in receiving whatever comments or questions you may have concerning this Annual Report or the Committee's activities as described herein.

Respectfully submitted,
Patrick J. Stapleton
Chairman

The SPEAKER. The report will be noted in the Journal and printed in full in the Appendix.

(For report, see Appendix.)

COMMUNICATIONS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
HARRISBURG, PENNSYLVANIA 17120

(717)-783-8944
December 31, 1979

Hon. H. Jack Seltzer
Speaker
House of Representatives
139 Capitol Building
Harrisburg, Pennsylvania 17120

Dear Speaker Seltzer:

Section 676.12 of the Federal Register dated April 3, 1979 requires that each Prime Sponsor shall provide written notification of the availability of its Comprehensive Employment and Training Plan to each House of the State Legislature for appropriate referral.

We are enclosing one copy of the Public Notice which summarizes modifications to subparts of Pennsylvania's Balance-of-State Comprehensive Employment and Training Plan for FY 1980.

The purpose of these modifications is to adjust program operating levels based on final FY 1980 allocations.

Copies of the modifications will be provided upon request.

This notification of availability is being provided simultaneously with submittal of the modification request to the Employment and Training Administration, Region III, U. S. Department of Labor, Philadelphia, Pennsylvania.

Sincerely,
Charles J. Lieberth

Enclosure

LEHIGH VALLEY MANPOWER PROGRAM
P. O. Box 2365
Lehigh Valley, PA. 18001

December 31, 1979

The Honorable Jack Seltzer
Speaker of The House of Representatives
% House Post Office
Main Capitol
Harrisburg, PA 17120

Dear Mr. Seltzer:

The Lehigh Valley Manpower Program has recently modified its grants under Titles IIB, C, D, III, IV, VI, VII and the Administrative Cost Pool, according to instructions from the U. S. Department of Labor.

A copy of the modification is being sent to you for your review and comment.

If you have any questions or comments concerning the modification please feel free to contact me at the above address.

Sincerely,
Thomas Cagle
Director of Planning

pak
Enclosure

THE SCRANTON-LACKAWANNA
HUMAN DEVELOPMENT AGENCY, INC.
200 Adams Avenue
Scranton, Pennsylvania 18503
Phone: (717) 961-6836

January 14, 1980

Mr. H. Jack Seltzer, Speaker
Penna. State House of Representatives
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Seltzer:

Enclosed please find your copy of the Lackawanna County Prime Sponsor's Modification 002 to the Annual Plan for FY 80, which was sent to the U. S. Department of Labor, Employment and Training Administration.

Sincerely,
FRED F. LETTIERI
Executive Director

FFL:mc
Encl.

WESTMORELAND COUNTY
EMPLOYMENT AND TRAINING ADMINISTRATION
Courthouse Square
10 W. Pittsburgh Street
Greensburg, PA 15601

December 28, 1979

The Honorable H. Jack Seltzer
Speaker of the House
Commonwealth of Pennsylvania
House of Representatives
Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Seltzer:

Westmoreland County has submitted an Annual Plan modification to the U. S. Department of Labor for funding under the Comprehensive Employment and Training Act (CETA). The Annual Plan modification with the program sections describe changes in the CETA employment and training activity for the period, October 1, 1979 to September 30, 1980. These activities cover both adult and youth programs.

In accordance with Federal regulations I am enclosing a copy of the Annual Plan modification with the program sections. Please distribute the information to interested parties within your legislative body.

Any comments should be forwarded to either of the following within thirty (30) days: Mr. William J. Haltigan, Acting Regional Administrator for Employment and Training, Region III, Box 8796, Philadelphia, PA 19101; or the Westmoreland County Board of Commissioners, Courthouse Square, Greensburg, PA 15601.

Very truly yours,
Carl J. Bartolomucci
Executive Director

CJB/gp
Enclosures

(Original reports on file but not printed in Appendix.)

BILLS PASSED OVER

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

The Chair hears no objection.

ADJOURNMENT

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

Mr. AUSTIN. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 23, 1980, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:20 p.m., e.s.t., the House adjourned.