

Legislative Journal

WEDNESDAY, FEBRUARY 27, 1980

Session of 1980

164th of the General Assembly

No. 16

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE WILLIAM WACHOB, member of the House of Representatives and guest chaplain, offered the following prayer:

Father, You have blessed us with the privilege of being Your servants and have guided us with Your word.

As we deliberate this day's activities, we ask for the wisdom and light of Your spirit that we may make our decisions wisely. May we truly be Your instruments of peace to help to form Your kingdom on earth.

We ask this blessing in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, February 26, 1980, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2292 By Representative JONES.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring permanent registration cards and plates to be delivered by mail.

Referred to Committee on TRANSPORTATION, February 27, 1980.

No. 2293 By Representative JONES.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring drivers' licenses to be delivered by mail.

Referred to Committee on TRANSPORTATION, February 27, 1980.

No. 2294 By Representative JONES.

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," requiring the applicant's social security number on the registration card.

Referred to Committee on STATE GOVERNMENT, February 27, 1980.

No. 2295 By Representative JONES.

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115, No. 40), requiring the applicant's social security number on the registration card.

Referred to Committee on STATE GOVERNMENT, February 27, 1980.

No. 2296 By Representatives SWEET, DeMEDIO AND FISCHER.

An Act amending the "General Appropriations Act of 1979," approved July 4, 1979 (No. 9A), adding language in appropriations to the Departments of Health and Justice.

Referred to Committee on APPROPRIATIONS, February 27, 1980.

No. 2297 By Representatives PRATT, CAPPABIANCA, COCHRAN AND MILANOVICH.

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), further providing for licenses for disabled veterans and handicapped persons.

Referred to Committee on GAME AND FISHERIES, February 27, 1980.

No. 2298 By Representatives PRATT, CAPPABIANCA AND COCHRAN.

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), prescribing duties of the Department of Treasury relating to assistance checks.

Referred to Committee on HEALTH AND WELFARE, February 27, 1980.

No. 2299 By Representative CALTAGIRONE.

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the licensed sales agents.

Referred to Committee on FINANCE, February 27, 1980.

No. 2300 By Representatives CALTAGIRONE AND BROWN.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, abolishing the office of jury commissioner.

Referred to Committee on JUDICIARY, February 27, 1980.

No. 2301 By Representatives HOFFEL, STUBAN AND COHEN.

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the valuation of property and providing for the issuance of nuclear operating permits.

Referred to Committee on CONSUMER AFFAIRS, February 27, 1980.

No. 2302 By Representative J. L. WRIGHT, JR..

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding to and increasing costs in district justice proceedings.

Referred to Committee on JUDICIARY, February 27, 1980.

No. 2303 By Representative J. L. WRIGHT, JR..

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the allocation of certain fines to certain municipalities.

Referred to Committee on JUDICIARY, February 27, 1980.

No. 2304 By Representative J. L. WRIGHT, JR..

An Act exempting certain persons from civil liability.

Referred to Committee on JUDICIARY, February 27, 1980.

No. 2305 By Representatives CESSAR, POTT, TADDONIO, ZORD, GOEBEL, McVERRY, FISHER, TRELLO, SEVENTY, KNIGHT AND YAHNER.

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), limiting the increase in revision of assessment of real property and making a repeal.

Referred to Committee on URBAN AFFAIRS, February 27, 1980.

No. 2306 By Representatives GRABOWSKI, PISTELLA AND SEVENTY.

An Act amending the act of April 14, 1937 (P. L. 313, No. 87), entitled, as amended, "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships, to govern and regulate by ordinance the construction, alteration, repairs, ***; and repealing existing laws," providing for referendums in those wards of cities of the second class wherein it is proposed to construct or renovate a building for use as a multi-family dwelling of twenty-five or more units.

Referred to Committee on STATE GOVERNMENT, February 27, 1980.

No. 2307 By Representatives HOFFEL AND KOLTER.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of emergency vehicles.

Referred to Committee on TRANSPORTATION, February 27, 1980.

No. 2308 By Representatives FISHER, CESSAR, ZORD, McVERRY AND TADDONIO.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emission inspections and implementing regulations relating thereto.

Referred to Committee on TRANSPORTATION, February 27, 1980.

No. 2309 By Representatives WARGO AND SHUPNIK.

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," further providing for pensions to widows or children of deceased police officers.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2310 By Representatives MILLER, BRANDT, GOEBEL, HASAY, BURD, SALVATORE, SIEMINSKI, POTT, MACKOWSKI, STAIRS, D. M. O'BRIEN, VROON, CIMINI, GRIECO, ZELLER, PETRARCA, NAHILL, LEHR, BOWSER, WILT, ROCKS, GRUPPO, McKELVEY, PERZEL AND A. C. FOSTER, JR..

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing.

Referred to Committee on JUDICIARY, February 27, 1980.

No. 2311 By Representatives D. R. WRIGHT, WILT, LIVENGOOD, LEVI, PETRARCA, A. K. HUTCHINSON, COWELL, CHESS, LETTERMAN, HOFFEL, FEE AND DeMEDIO.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from the tax for education the sale of photocopies by public libraries.

Referred to Committee on FINANCE, February 27, 1980.

No. 2312 By Representatives D. R. WRIGHT, WILT, LIVENGOOD, LEVI, PETRARCA, A. K. HUTCHINSON, COWELL, CHESS, LETTERMAN, ZITTEMAN, STEIGHNER, DeMEDIO, FEE, HOFFEL, STEWART AND C. GEORGE.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for notice at polling places of an electors right to appeal to the common pleas court from a decision of an election officer.

Referred to Committee on STATE GOVERNMENT, February 27, 1980.

No. 2313 By Representatives FREIND, VROON, PUNT, POLITE, BRANDT, COHEN, BROWN, CHESS AND KUKOVICH.

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), further providing for certain sewer and water tapping fees and for the construction of certain water and sewer mains, systems and extensions.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2314 By Representatives FREIND, VROON, PUNT, POLITE, BRANDT, COHEN, BROWN, CHESS AND KUKOVICH.

An Act amending the "Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for certain water and sewer tapping fees and for the construction of certain water and sewer mains, systems and extensions.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2315 By Representatives FREIND, VROON, PUNT, POLITE, BRANDT, COHEN, BROWN, CHESS AND KUKOVICH.

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for certain water and sewer tapping fees and for the construction of certain water and sewer mains, systems and extensions.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2316 By Representatives FREIND, PUNT, POLITE, BRANDT, BROWN, KUKOVICH, VROON, CHESS AND COHEN.

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), further providing for certain water and sewer tapping fees and for the construction of certain water and sewer mains, systems and extensions.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2317 By Representatives FREIND, PUNT, POLITE, BRANDT, BROWN, KUKOVICH, VROON, CHESS AND COHEN.

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for certain water and sewer tapping fees and for the construction of certain water and sewer mains, systems and extensions.

Referred to Committee on LOCAL GOVERNMENT, February 27, 1980.

No. 2318 By Representatives FREIND, ALDEN, GANNON AND DURHAM.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for arrest powers of municipal police officers and retaining certain immunities and benefits.

Referred to Committee on JUDICIARY, February 27, 1980.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 183

(Concurrent) By Representatives E. G. JOHNSON, S. E. HAYES, JR., HONAMAN, NOYE AND PITTS.

General Assembly memorialize Congress amend the United States Constitution to permit bible reading in schools.

Referred to Committee on FEDERAL-STATE RELATIONS, February 27, 1980.

No. 184 By Representatives SWEET, DeMEDIO AND FISCHER.

House urge the Governor reconsider his decision in the case of Canonsburg General Hospital vs. Commonwealth of Pennsylvania.

Referred to Committee on RULES, February 27, 1980.

No. 185

(Concurrent) By Representatives B. F. O'BRIEN, J. L. WRIGHT, JR., GEESEY, BRANDT AND DININNI.

General Assembly memorialize the President and Congress to urge the Nuclear Regulatory Commission formulate guidelines to decontaminate TMI-2.

Referred to Committee on FEDERAL-STATE RELATIONS, February 27, 1980.

No. 186 By Representatives PRATT, REED, CAPPABIANCA AND COCHRAN.

House directs the Joint State Government Commission to conduct an in-depth study of the State Workmen's Insurance Fund.

Referred to Committee on RULES, February 27, 1980.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 725, PN 2413; HB 1256, PN 2187; HB 1384, PN 2278; HB 1385, PN 2279; and HB 1512, PN 2567.**

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

HB 373, PN 2890; HB 735, PN 2932; and HB 1217, PN 2933.

The SPEAKER. The bills will appear on the calendar.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in the House resolution congratulating the United States Olympic Ice Hockey Team.

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 274, PN 1510.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 187

(Concurrent) By Representatives SALVATORE, D. M. O'BRIEN, PERZEL, McKELVEY, ROCKS AND McMONAGLE.

Speaker of the House and the President pro tempore of the Senate appoint a committee to study fiscal priorities of Philadelphia with regard to the furlough of members of the police and fire departments.

Referred to Committee on RULES, February 27, 1980.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I have no requests for leaves other than those I requested previously this week, Messrs. WEIDNER and YOHN.

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

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

The SPEAKER. The Chair thanks the gentlemen.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take the master roll. Only those members on the floor of the House may be recorded.

The following roll call was recorded:

YEAS—185

Table listing names of members who voted 'YEAS' (185 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Foster, Jr., A., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goebel, Goodman, Grabowski, Lynch, E. R., McCall, McClatchy, McIntyre, McKelvey, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Milanovich, Miller, Moehlmann, Mowery, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner.

Table listing names of members who voted 'NAYS' (0 total). Includes Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, DiCarlo, Davies, Dawida, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Earley, Fee, Fischer, Fisher, Foster, W. W., Gray, Grieco, Gruppo, Halverson, Harper, Hasay, Hayes, Jr., S., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, E. G., Johnson, J. J., Jones, Kanuck, Klingaman, Knight, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Letterman, Levi, Levin, Lewis, Livengood, Mrkonic, Mullen, Murphy, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., Oliver, Perzel, Peterson, Petrarca, Piccola, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Reed, Richardson, Rieger, Ritter, Rocks, Rodgers, Ryan, Stewart, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Wenger, White, Williams, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Zeller, Zitterman, Zord, Zwinkl, Seltzer, Speaker.

NAYS—0

NOT VOTING—11

Table listing names of members who did not vote (11 total). Includes Beloff, Dumas, Giammarco, Greenfield, Hayes, D. S., Knepper, Micozzie, Musto, Rhodes, Weidner, Yohn.

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

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1671, PN 2209; HB 2150, PN 2737; and HB 1986, PN 2496.

RULES SUSPENDED

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

Mr. RODGERS. Mr. Speaker, I move that the rules of the House be temporarily suspended so that a resolution I am about to introduce may be considered immediately.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—167

Table listing names of members who voted 'YEAS' (167 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Freind, Fryer, Gallagher, Gallen, Gamble, Livengood, Lynch, E. R., McCall, McClatchy, McIntyre, Ryan, Salvatore, Scheaffer, Schmitt, Schweder.

Belardi	Gannon	McKelvey	Serafini
Bennett	Gatski	McMonagle	Seventy
Berson	Geesey	McVerry	Shupnik
Bittle	Geist	Mackowski	Sieminski
Borski	George, C.	Madigan	Sirianni
Bowser	George, M. H.	Manderino	Smith, L. E.
Brown	Gladeck	Manmiller	Spencer
Burd	Goebel	Michlovic	Spitz
Burns	Goodman	Miller	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cessar	Gray	Mowery	Stewart
Chess	Grieco	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Clark, B. D.	Halverson	Nahill	Taddonio
Clark, M. R.	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Brien, B. F.	Taylor, F.
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Telek
Cornell	Helfrick	O'Donnell	Thomas
Coslett	Hoefel	Oliver	Trello
Cowell	Honaman	Perzel	Vroon
Cunningham	Hutchinson, A.	Peterson	Wachob
DeVerter	Hutchinson, W.	Petrarca	Wargo
DeWeese	Irvis	Piccola	Wass
DiCarlo	Johnson, E. G.	Pievsky	Wenger
Davies	Johnson, J. J.	Pistella	White
Dawida	Jones	Pitts	Wilson
Dietz	Kanuck	Polite	Wilt
Dininni	Klingaman	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalshyn	Pucciarelli	Yahner
Duffy	Kukovich	Punt	Zeller
Durham	Lashinger	Pyles	Zitterman
Earley	Laughlin	Rappaport	Zord
Fee	Lehr	Rieger	Zwikl
Fischer	Letterman	Ritter	
Fisher	Levi	Rocks	Seltzer,
Foster, W. W.	Lewis	Rodgers	Speaker
Foster, Jr., A.			

NAYS—0

NOT VOTING—29

Barber	Greenfield	Milanovich	Shadding
Beloff	Hayes, D. S.	Mrkonic	Smith, E. H.
Brandt	Itkin	Musto	Street
Cappabianca	Knepper	Novak	Stuban
Cole	Knight	Reed	Weidner
DeMedio	Levin	Rhodes	Williams
Dumas	Micozzie	Richardson	Yohn
Giammarco			

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

RESOLUTION

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

Mr. RODGERS. Mr. Speaker, I offer the following resolution.

The SPEAKER. The clerk will read the resolution.

The following resolution was read by the clerk:

In the House of Representatives,
 WHEREAS, The 1980 Olympic Games were held at Lake Placid, New York, from February 12 to February 24; and
 WHEREAS, Eric Heiden of Madison, Wisconsin competed in five events against the best speed skaters in the world; and
 WHEREAS, Eric Heiden won five gold medals for the United States in speed skating events ranging from the 500-meter event to the grueling 10,000-meter event; and
 WHEREAS, In none of the events did a competitor come close to defeating Eric Heiden; and

WHEREAS, In the 10,000-meter event Eric Heiden broke the world record by a full six seconds; and

WHEREAS, Eric Heiden's performance was unprecedented in the annals of speed skating; therefore be it

RESOLVED (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania congratulates Eric Heiden on winning five gold medals at the 1980 Winter Olympics; and be it further

RESOLVED, That a copy of this resolution be transmitted to Eric Heiden.

JOHN M. RODGERS
 THOMAS J. McCALL
 ROBERT W. O'DONNELL
 WILLIAM WACHOB
 JAMES J. A. GALLAGHER

On the question,
 Will the House adopt the resolution?

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

Mr. RODGERS. Mr. Speaker, I would request that all members' names be added to this resolution.

The SPEAKER. Without objection, the record will show that the resolution is introduced by the entire membership of the Pennsylvania House of Representatives. The Chair hears no objection.

On the question recurring,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—175

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

Earley	Laughlin	Rappaport	Zord
Fee	Lehr	Rieger	Zwikl
Fischer	Letterman	Ritter	
Fisher	Levi	Rocks	Seltzer,
Foster, W. W.	Lewis	Rodgers	Speaker
Foster, Jr., A.			

NAYS—0

NOT VOTING—21

Beloff	Greenfield	Micozzie	Shadding
Brandt	Hayes, D. S.	Musto	Street
Davies	Knepper	Reed	Weidner
Dininni	Levin	Rhodes	Williams
Dumas	McClatchy	Richardson	Yohn
Giammarco			

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

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

REMARKS ON VOTE

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

Mr. DAVIES. Mr. Speaker, I inadvertently did not get on the roll on the last vote on the resolution. I would like to be recorded in the affirmative.

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

CALENDAR CONTINUED

FINAL PASSAGE POSTPONED BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. MANDERINO, the House resumed consideration on final passage of **HB 200, PN 2894**, entitled:

An Act amending the "Housing Authorities Law," approved May 28, 1937 (P. L. 955, No. 265), providing certain additional powers to housing authorities in cities of the first class.

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF VOTE ON HB 200

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I move that the vote by which HB 200 passed third consideration, as amended on February 13, 1980, be reconsidered.

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

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

Mr. MANDERINO offered the following amendments:

Amend Sec. 1 (Sec. 10), page 2, line 9, by striking out "police" and inserting security

Amend Sec. 1 (Sec. 10), page 2, line 11, by striking out "other"

Amend Sec. 1 (Sec. 10), page 2, line 17, by striking out "police" and inserting security

Amend Sec. 1 (Sec. 10), page 2, line 19, by striking out "POLICE" and inserting security

Amend Bill, page 2, by inserting between lines 22 and 23 Section 2. Nothing in this amendatory act shall be construed to amend, modify or repeal a collective bargaining agreement now or hereafter entered into between such security officers and its employe organization or representative under the authority of the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employee Relations Act."

Amend Sec. 2, page 2, line 23, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, HB 200 and HB 269 are companion bills, and I have an amendment to each. The first amendment that we will consider is the amendment to HB 200.

I have had some concern, ever since HB 200 and HB 269 hit the calendar, about the reasons that such bills were introduced and especially the reasons that such bills were introduced by a suburban legislator to affect a problem that is exclusively in the urban area of Philadelphia. Doing some minimal research on the matter and reading the bill thoroughly, I found that if these two bills pass, not only would we be making a policy decision so far as whether or not housing authority police or security guards of housing authorities in Pennsylvania will be given powers that ordinarily are reserved to police officers of this Commonwealth, but we would also be doing some strange things—at least I thought they were strange—so far as defining security officers and defining police officers so that security officers will now be falling in the category of police officers for the purposes of union organization.

Mr. Speaker, when I went into the matter further, I found out that there has already been a case before the National Labor Relations Board dealing with this specific problem of the security guards and their right to organize in the city of Philadelphia and whether or not they should be organized by the F.O.P. or organized by that union that organizes security guards, and I found that in addition to the purposes expressed on the floor of this House regarding the necessity for police powers for the security guards at the housing authority in Philadelphia, we were changing definitions to allow organization of those particular security guards by another union other than the one that presently organizes them. I do not think we ought to get into that, especially when that matter has already been before the Labor Relations Board and it was determined that the union wanting to organize those particular security guards is not permitted to organize those particular security guards, and when in fact that case is still on appeal in the courts from the National Labor Relations Board. I think in

fairness we ought to have been told that that was one of the purposes of this bill.

My amendment does nothing so far as whether or not these security guards should be given the additional responsibilities and the additional powers that this particular proposed legislation wants to give them, but it does speak to the matter that I just explained. I simply add a section making it clear that the security officers of the housing authority do not, do not, if this bill would pass, do not become police officers—they still are security officers—and that nothing in this amendatory act, should it pass, shall be construed to amend, modify, or repeal a collective-bargaining agreement now or hereinafter entered into between such security officers and its employe organization or representative under the authority of the act of July 23, 1970, known as the Public Employee Relations Act.

Mr. Speaker, I am not trying to affect what union they should belong to; I am simply saying by this legislation we ought to leave the parties in that particular labor matter before the National Labor Relations Board and before the courts for a determination and not to enter into that particular phase.

Mr. Speaker, I urge the adoption of the amendment.

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

Mr. FREIND. Would the minority whip stand for interrogation, please?

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

Mr. FREIND. Mr. Speaker, despite what you have stated about my intentions in introducing the bill, I could not care less about what effect this would have on collective bargaining. My only interest is whether or not these individuals who work on the authority grounds have the power to make arrest. So for purposes of the record for legislative intent, if in fact your amendment passes, do you believe that these—whether you want to call them security officers or guards—these municipal housing authority security officers can make arrests? Specifically, can they make arrests for probable cause for felonies?

Mr. MANDERINO. Mr. Speaker, I do nothing in my amendment to that portion of the bill that presently speaks to those matters. You have written the bill. You ought to know whether they would have the power of arrest, whether you are giving them the power of arrest. I am simply saying that whatever powers you are giving them, they still remain public employes under the Public Employee Relations Act and not under Act 111.

Mr. FREIND. Mr. Speaker, I hate to differ with you, but in fact you are making a change. In the original bill when it says they are given police powers, inherent in police powers and the difference between a police officer and a citizen is that a citizen can arrest for a crime committed in his presence, be it a misdemeanor or a felony, but cannot arrest for probable cause. You have changed "police" to "security." My question and my only concern is this: With

your amendment, can in fact one of these security officers arrest for probable cause? Let me give you an instance.

Mr. MANDERINO. Mr. Speaker—

Mr. FREIND. Could I finish, Mr. Speaker?

Mr. MANDERINO. I thought you asked a question.

Mr. FREIND. Yes, but let me just clarify this.

A security officer is walking down the corridor of one of these projects. A door opens. A man runs out. A woman comes out, follows and yells, "Stop that man; he assaulted me; he robbed me." That is a probable-cause situation. Can that housing authority security officer make an arrest on probable cause?

Mr. MANDERINO. Mr. Speaker, it is my understanding that the district attorney of Philadelphia has indicated that the housing authority security officers now have the power to arrest on probable cause when a felony is being committed. Mr. Speaker, they do not have the power on misdemeanors, but neither do police officers.

I am not changing the powers and duties that you have given to the security officers in the bill that you have written, where on page 2 you give them the same powers, the same rights and duties as other police officers in the Commonwealth in and upon the grounds and buildings of the authority. Mr. Speaker, I am simply speaking to the designation of them as policemen, which may well affect their rights of organization.

You spoke of your intent, Mr. Speaker, in proposing this bill. Are you unaware of the National Labor Relations Board suit? Are you unaware of that?

Mr. FREIND. I believe if you will check, it is the Pennsylvania Labor Relations Board.

Mr. MANDERINO. Are you aware of the Pennsylvania Relations Board suit?

Mr. FREIND. I certainly am.

Mr. MANDERINO. And do you not agree that your particular language in this bill would change what the Pennsylvania Relations Board said was possible so far as these people's organization was concerned?

Mr. FREIND. What in fact it would do would bring Philadelphia in sync with Act 215 of 1978 with respect to Allegheny County. That is precisely what it would do.

Mr. MANDERINO. You did not tell us that when you proposed the bill and discussed the bill before.

Mr. FREIND. Au contraire, Mr. Speaker. I have been very specific about this for the last 7 months.

Mr. MANDERINO. On the floor of this House? Maybe I missed it and I will apologize, but I do not think that we ought to be entering into that kind of relationship. I think that if we decide to give them the powers that you want to give them, that is one thing, but to enter into a labor dispute is another thing, and I would urge an adoption of the amendment.

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

Mr. WHITE. Mr. Speaker, I rise to support the Manderino amendment. The potential danger that exists, should we fail to adopt this amendment, and subsequently pass HB

200, is one that could bring about increased costs to be borne by the housing authority of the city of Philadelphia.

It is the opinion of the district attorney that the heart of the issue dealing with law enforcement—and that is the authority of the housing security guards to make arrests upon probable cause in the commission of a felony—is not a problem. It is the opinion of the district attorney, the knowledge of the district attorney that we have not suffered from blowouts in court of cases involving the housing authority security officers exercising that power of arrest. That problem aside, the question then becomes a debate over labor negotiations.

The organization representing the Philadelphia Housing Authority security officers did in fact appeal to the Pennsylvania Labor Relations Board for relief. The Pennsylvania Labor Relations Board rejected that appeal. They then filed suit with the Commonwealth Court here in Pennsylvania to try to achieve that same end. The Commonwealth Court of this state referred it to the common pleas court within the city of Philadelphia for determination.

The question over who shall be the bargaining agent, the question over what group or what organization will represent, in labor negotiations, the housing authority security guards, is a matter that duly rests with the local government in the city of Philadelphia, possibly through a city ordinance—which was done, for example, in the city of Detroit—and not with this General Assembly. I would urge, Mr. Speaker, that our colleagues here in the House vote in favor of adopting the Manderino amendment. Thank you, Mr. Speaker.

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

Mr. FREIND. I think to set the record straight, we have to step back a year and explain exactly why this bill is present right now.

Apparently up until 1978 there was no particular problem with municipal housing authority guards making arrests. In 1978 this legislature passed Act 215. What Act 215 said was that housing authority guards in second-class counties, Allegheny County, in fact would have arrest power and would come under the Municipal Police Officers' Training Act. It is true that there is a labor dispute with the Philadelphia guards. The problem, however, is the PLRB referenced Act 215 of 1978 that said—and it would not have been too bad if it said just Act 195 and Act 111—but they said, you do not have police powers, Philadelphia, because the legislature specifically excluded you when it passed Act 215 of 1978. So the issue boils down right now. Can those guards, security officers, whatever you want to call them, in those housing projects make arrests? Do, in fact, they have arrest powers?

I have personally spoken to the district attorney of Philadelphia. Mr. Rendell has advised that it is their opinion that in fact these guards do have arrest powers, that they can arrest for felonies committed in their presence, for misdemeanors committed in their presence, and for felonies not committed in their presence but where

there is probable cause. Mr. Rendell, however, stated that that is just their opinion; there is nothing in the law to confirm that. He admitted that his office supports this bill because this bill confirms their legal opinion. He did state that there is no big emergency right now—

Mr. WHITE. Mr. Speaker?

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

Mr. WHITE. Just to correct the record. I believe the opinion of the district attorney was that they had no position on this particular piece of legislation.

Mr. FREIND. Well, I believe we then disagree. I believe that the district attorney, from what he said to me—and we were there together, Mr. Speaker—

Mr. WHITE. We were sitting there together, Mr. Speaker.

Mr. FREIND. We sure were. But at any rate, they certainly do not oppose it, and they did state that this would confirm in law what their opinion is. His statement was, there is no emergency; maybe we have only had a couple of cases challenged and thrown out because of the arrest power being challenged. The issue is, you cannot be a little bit pregnant or a little bit dead. They are saying in fact that these guards have the police arrest powers. All my bill does is confirm that.

This is the kind of bill which benefits those people in the housing projects. You know it is difficult to get Philadelphia police officers to respond to those housing projects. You have got to give those guards the powers to make the arrests then and there. The city of Philadelphia says that for a felony committed not in the presence of a guard, they can detain until the police arrives. We all know that that is garbage. There is no such thing as detaining. The minute you detain someone, you have in fact arrested him.

Just to indicate, however, to the minority whip and to the Philadelphia members that I do not care about the collective-bargaining issue of this, let me say that even if this bill passes, there is no guarantee that the PLRB will say that these people come under Act 111. If in fact they do rule that they come under Act 111, there is no guarantee that that is going to be more expensive to the city of Philadelphia. No one has been able to say which costs more money, Act 111 or Act 195. The difference if they are in Act 111, however, is that security guards or police guards, whatever you want to call them, would not have the right to strike, and that certainly is in the interest of those people in those projects that these guards cannot strike. The last time they struck, the police would not go into the projects; when the elevators broke down, Otis would not go in to repair them; the mailmen would not deliver the mail; you could not get any third party to go into the project. You do not want these people striking. They in fact have arrest powers, and when they have it, you do not want to give them the right to strike.

REQUEST TO DIVIDE AMENDMENTS

Mr. FREIND. However, as an indication of my good faith and my only interest in the law enforcement aspect of it, I would request from the Chair an opinion as to whether or not this amendment can be divided, the division taking place after the section which says, "Amend Sec. 1, (Sec .10), page 2, line 19, by striking out 'police' and inserting 'security,'" to divide it at that point.

The SPEAKER. The question is whether or not all of the material above the last "security" would be in one amendment and that language below the third "security" would be considered separately. The House will be at ease.

It is the opinion of the Chair that the amendment is divisible in the manner which has been suggested by the gentleman from Delaware, Mr. Freind.

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

Mr. RITTER. Mr. Speaker, on that point of the amendment being divisible, I would have to disagree with the Chair, because if the first part of the amendment is defeated and the words "police officer" still remain, then the second part of the amendment cannot stand, because it refers to security officers and we would be talking about police officers. So it seems to me that the amendment is not divisible, and I would ask the Speaker to take another look at that, because the second part of the amendment cannot stand without the first part.

The SPEAKER. The Chair thanks the gentleman from Lehigh, Mr. Ritter, for calling to his attention the words that were changed in the second part of the amendment from police officer to security officer, and the Chair therefore changes its opinion that the amendment is not divisible because of the matter that was brought to the attention of the Chair by the gentleman from Lehigh, Mr. Ritter.

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

Mr. FREIND. In that case, Mr. Speaker, I would oppose the amendment, because we still have the confusion that remains as to whether or not these people can in fact make arrests the same way police officers make arrests. That is the whole bottom line here, and if you are going to put them in those projects, you have to give them those arrest powers, and if you are not going to give them the arrest powers, you have to come out with the legislation that says they are just guards, they cannot arrest, and the police had better come down and patrol these projects because there is no proper security down there. I would certainly be amenable to an amendment which embodied the second paragraph worded right, saying that this would not change any collective-bargaining agreement, but as the amendment is now, I cannot support it and I think we would just make things more confused than they already are.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives notice that it has given permission to Ms. Yvonne Seymour of the Independent

Press to take pictures of certain members of this House while we are in session. Ms. Seymour may proceed.

CONSIDERATION OF HB 200 CONTINUED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I do not think that the matter with the adoption of this amendment would be at all confusing, and I think it accomplishes what Mr. Freind says he wants to accomplish. Now I will read the language of Mr. Freind's bill with my amendatory language so far as police and security officers are concerned, and it would begin on page 2, line 9: "(ff) In the city of the first class, to appoint security officers." My amendment would say, "who shall have the same rights, powers and duties as other police officers"—I have not changed your police officers—"in the Commonwealth in and upon the grounds and buildings of the authority and in instances of hot pursuit within the boundaries of the city...."

I am simply not calling the security officers police officers. They remain and will be called security officers. They will be given, according to the language Mr. Freind has inserted, the same powers and duties as police officers in the Commonwealth. Now that accomplishes what he wants to do, unless what he really wants to do is something different than what he is telling us he wants to do. And I suspect that that may or may not be true. I do know that the gentleman who represents one of the groups that is trying to organize these security officers as counsel lives very near Mr. Freind in Montgomery County. I do not know whether that has anything to do with it—

Mr. FREIND. Mr. Speaker, could I interrupt for a minute, please?

Mr. MANDERINO. Maybe it is not as near as you would think.

Mr. FREIND. Mr. Speaker, I do not mind—

The SPEAKER. Will the gentleman yield?

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. FREIND. Mr. Speaker, I do not mind my good friend, Mr. Manderino, attacking my motives for introducing this. He made a 9-month habit of attacking my motives a few years back when we worked together, but if you are going to, Mr. Speaker, would you get the county right? It is Delaware, not Montgomery. Thank you, Mr. Speaker.

Mr. MANDERINO. But the nearness of your association with counsel for the F.O.P. is accurate, is it not?

Mr. FREIND. That is correct. He is the vice chairman of the Democratic Party of Haverford Township.

Mr. MANDERINO. Thank you, Mr. Speaker.

The SPEAKER. That is what is called an arm's length transaction.

The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, what we do if we adopt the bill without the amendment that I propose is give the security officers the right to reorganize under Act 111, or make it very possible that that occur, when there is before the Pennsylvania Labor Relations Board and the courts of this Commonwealth a suit regarding the matter, and remember, what that means is these security officers then would be entitled to binding arbitration as our police and fire are, and, you know, I do not think we ought to be affecting those kinds of relationships under the guise of arming the security officers at the Philadelphia Housing Authority with powers that they might need. So my amendment simply leaves them security officers, makes it clear that they continue to be organized and fall under the Commonwealth act pertaining to public employes, the Public Employe Relations Act, and gives them, as Mr. Freind has asked, the powers of police officers, but they continue to be security officers. Mr. Speaker, I ask for an adoption of the amendment.

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

Mr. STREET. Yes.

The SPEAKER. The gentleman may proceed.

Mr. STREET. Mr. Speaker, I will hold my remarks until the debate on the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Philadelphia, Mr. Richardson, wish to debate the amendment?

Mr. RICHARDSON. I rise in support of the amendment, Mr. Speaker, and the only reason I rise to support the amendment is because it seems that in Philadelphia where all of this problem is, the members of the Philadelphia delegation, at least, have talked with Mr. Freind, have indicated to him that they have talked to the district attorney's office, and have indicated to him very strongly that in the opinion of the district attorney, right now the guards of the Philadelphia Housing Authority police have the right to arrest in cases of felonies. It seems, however, that Mr. Freind wants to ramrod this down our throats anyway and not give us the opportunity to deal with the problems that are facing us.

Last week we indicated that we were going to send some people to Detroit. They have gotten there. Yesterday there was a partial agreement made, and as a result, we were not aware of the fact that the bill was going to be run until just a few moments ago.

It seems that those individual members, specifically whose legislative districts house housing authority buildings, should have an opportunity to at least deal with this particular problem as it relates to their constituency. I do not know whether or not the gentleman from Montgomery County has visited any of those projects, but it would seem to me that at this point it is just because the F.O.P. is saying to him, do this, that it is being done. I think that we

need to deal with the problems of the constituents who face the problem on a daily basis every day, not because of particular interest organizations who have some concern about what is going to happen in a labor agreement situation which is presently in the courts. It is not our responsibility to make that decision of labor negotiations that are presently taking place right now, but it is certainly our responsibility to make sure that the constituents are safe and that in fact they are getting the due process of law. According to the authorities in Philadelphia and the mayor of the city at this point, there is clear indication that they have agreed to the fact that they are being covered under the law, and I will support the amendment of Mr. Manderino giving us that authority to allow the continuation of the housing authority police to continue to negotiate the collective-bargaining agreement and that we would move forward to in fact deal with the rest of the bill when it comes up.

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

Mr. FREIND. Mr. Speaker, I really hate to do what I am going to do right now.

The SPEAKER. The Chair would suggest you do not do it.

Mr. FREIND. Well, when this amendment was passed out, I did not have a chance to quickly review it. I thought, in fact, that Mr. Manderino's amendment was eliminating police officers the second time, which it is not. Much as I hate to admit it, my good friend from Westmoreland County is absolutely correct. In fact, it would not change the arrest powers. It would still clarify the arrest powers, and I am with you, Mr. Speaker. I support your amendment.

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

The following roll call was recorded:

YEAS—174

Alden	Fisher	Livengood	Rodgers
Anderson	Foster, W. W.	Lynch, E. R.	Ryan
Armstrong	Foster, Jr., A.	McCall	Salvatore
Arty	Freind	McClatchy	Scheaffer
Austin	Fryer	McIntyre	Schmitt
Barber	Gallagher	McKelvey	Schweder
Belardi	Gamble	McMonagle	Serafini
Bennett	Gannon	McVerry	Seventy
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Borski	George, C.	Manderino	Sirianni
Bowser	George, M. H.	Manmiller	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.
Brown	Goebel	Miller	Spitz
Burd	Goodman	Moehlmann	Stairs
Burns	Grabowski	Mrkonic	Steighner
Caltagirone	Gray	Mullen	Stewart
Cappabianca	Grieco	Murphy	Stuban
Cessar	Gruppo	Nahill	Sweet
Chess	Halverson	Novak	Swift
Cimini	Harper	Noye	Taddonio
Clark, B. D.	Hasay	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cochran	Hoefel	O'Donnell	Telek
Cohen	Honaman	Oliver	Thomas
Cole	Hutchinson, A.	Perzel	Trello
Cornell	Hutchinson, W.	Peterson	Wachob

Coslett	Irvis	Petrarca	Wargo
Cowell	Itkin	Piccola	Wass
Cunningham	Johnson, E. G.	Pievsky	Wenger
DeMedio	Johnson, J. J.	Pistella	White
DeWeese	Jones	Pitts	Williams
DiCarlo	Kanuck	Polite	Wilson
Davies	Klingaman	Pott	Wilt
Dawida	Knight	Pratt	Wright, D. R.
Dietz	Kolter	Pucciarelli	Wright, Jr., J.
Dininni	Kowalyszyn	Punt	Yahner
Dombrowski	Kukovich	Pyles	Zeller
Dorr	Lashingier	Rappaport	Zitterman
Duffy	Laughlin	Reed	Zord
Durham	Lehr	Richardson	Zwilk
Earley	Letterman	Rieger	
Fee	Levi	Ritter	Seltzer,
Fischer	Lewis	Rocks	Speaker

NAYS—4

DeVerter	Geist	Helfrick	Vroon
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NOT VOTING—18

Beloff	Hayes, D. S.	Mowery	Spencer
Dumas	Knepper	Musto	Street
Gallen	Levin	Rhodes	Weidner
Giammarco	Micozzie	Shadding	Yohn
Greenfield	Milanovich		

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Bessieann and Habe Raybuck from Akron, Lancaster County, who are here today as the guests of Mr. Wenger.

CONSIDERATION OF HB 200 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RICHARDSON. Mr. Speaker, I have an amendment to HB 200 that is being drawn. I would at this point like to withdraw that amendment. I would like at this point, Mr. Speaker, to withdraw that amendment because of the Manderino amendment, and I would like to speak on final passage of the bill.

The SPEAKER. The gentleman is in order to debate the bill and is recognized for that purpose. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, with the amendment of Mr. Manderino's now in the bill, I am not quite clear whether or not all of us understand what the implications of that are in relationship to HB 200, but if I were to interpret it at this point, I would say that it will leave everything as is. In other words, in the city of Philadelphia, security

guards who presently are security guards would remain security guards and continue to operate in the fashion that they are in terms of arrests, et cetera, with the exception of misdemeanors.

The information ascertained out of Detroit concerning this, where Mayor Coleman Young is, where a lot of research and intense study was done, talked about the fact that they have organized and maintained a force of security guards for all public housing projects, and in that regard the responsibility of those specific security guards was to provide for an effective program of crime prevention and public housing projects involving the project residents with the goal of reducing robberies, burglaries, and other related crimes.

I am still a little nebulous of what this does and rise to oppose HB 200 even with the Manderino amendment in it. It seems that there are a number of things that need to be raised as questions as we vote on final passage.

Number one, I raise on final passage the urgency of this bill being pushed through the House of Representatives—regardless of when it was introduced, now the urgency—specifically since the labor negotiation commission is negotiating this in court.

Number two, I raise the question that none of the members of the Philadelphia delegation are in fact sponsors of this bill to introduce this bill and to push this bill. There is not an effort coming out of our city administration to in fact push this bill dealing directly with our city. It seems to me that if any of us had violated the unwritten law that deals with our own legislative districts, all of us would have been upset. If I were to have come into your particular counties raising some questions about changing your law in your particular area, I can almost be written assured that I would have been opposed unequivocally on this floor, but I do not hear that same argument today as we move on HB 200, something so dangerous and so important as this piece of legislation. We have 128,000 residents in the Philadelphia Housing Authority. I doubt very seriously whether or not we have had a Representative who is introducing this bill in those projects to see how those people live on a daily basis. I raise that question today as we vote for final passage.

I also raise the question as to how do we begin to really recognize the importance of the situation of security guard versus police in terms of authority when we already have the district attorney of the city of Philadelphia saying to us that it is his opinion that they do have those powers there now in felony cases, that they do have the power of arrest now. There are no outstanding cases dealing with this particular problem in our city, and if you were to note how the projects are surrounded and protected now, you do not have the same problem as Second and Walnut where there are private high-rise projects where there is a security guard who sits in the lobby and will not allow people to walk through that lobby. We do not have this same type of protection in our projects. Maybe the Speaker does not know that; we want to share that information today.

So as I speak not to exhaust the points on why I object to HB 200 in final passage form at this present time, I will just say this: Perhaps maybe we have a tendency to always cast aspersions on someone else without knowing all the facts, and because there is a lawyer who may come from your particular district who says that because I am concerned about this piece of legislation, I will introduce it regardless of what the Philadelphia delegation or regardless of what any other delegation might say. We have a home rule charter in the city of Philadelphia which we are guided by, and also that speaks to this particular point, that in the city of the first class, this bill should not even be negotiated or debated here, that this should be done by city council, and that the authority for that police comes, even in terms of its money, out of the Federal Government.

Why we are pushing this particular piece of legislation so vehemently is beyond me, and I would just ask the members of the House to raise those questions in their own mind as I have done and ask that we deal specifically with recognizing that this bill, as I see it now, is going to hurt us in the city of Philadelphia, and those who have projects who will be speaking on this particular bill can enumerate the number of problems that do exist particularly with their constituents. I think that that should be taken into consideration, not special interest groups but concern of the people. That is what we were elected for, and I would hope that we would be guided by that on our vote, and I ask for a negative vote, Mr. Speaker.

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

Mr. STREET. Mr. Speaker, if I may, I am extremely concerned about this piece of legislation because I have upwards of 15,000 housing constituents who live in public housing in my district. I am concerned because we have searched the records. The housing authority police—Mr. Speaker, may I have order? This is very, very important to me.

The SPEAKER. The gentleman is so right. Every member of this House is entitled to be heard.

The gentleman may proceed.

Mr. STREET. Mr. Speaker, I say that I have searched my mind diligently to try to come up with a reasonable explanation as to why Mr. Freind is so interested in resolving the problems in the projects in Philadelphia, and I find that I agree that we do have a problem of security in the projects. I know; I was there last night; I represent the people. But the answer to our problem is not instilling in these guards total police powers. I say that because the record reflects, if you will listen to me, that over half of the housing authority guards are individuals who could not pass the psychiatric examination to become a part of the Philadelphia police force. If Mr. Freind would search the record, he would know that. They have found a job on the housing authority police force. The response to that would be, well, we are going to correct that in HB 269. I will speak to that at that time, but it is not the answer.

I say that Nellie Reynolds, who is the head of the RAB—please listen to me—the Residents Advisory Board, has taken a position against this bill. We think it would be very dangerous to the constituents who live in those projects to give the guards, based on the behavior that they have already demonstrated, total police powers. I have talked to Mr. Freind about this, and Mr. Freind agreed—and I would hope that he would do it again today—that giving the housing authority guards total police powers is not the answer to the security problem that we have in the projects in the city of Philadelphia. I would hope that you would support me on this bill and give us an opportunity to resolve our own problems in the projects in Philadelphia by giving me a “no” vote on HB 200. Thank you.

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

Mr. WILLIAMS. Mr. Speaker, would the gentleman, Mr. Freind, consent to interrogation?

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

Mr. WILLIAMS. Mr. Speaker, this bill would allow certain police powers to the security guards we are talking about, provided they are trained in accordance with another law. May I ask you, if you know, if the police who get training under that particular law are police who are already eligible and processed by the city of Philadelphia?

Mr. FREIND. The city of Philadelphia police do not get trained under the Municipal Police Officers' Education and Training Act. They are specifically excluded from that act. They have their own police academy. All other law enforcement in Pennsylvania comes under the act.

Mr. WILLIAMS. Okay. Mr. Speaker, those who do get that training under the act, are they processed by their own districts or municipalities as applicants before they take the training under this act?

Mr. FREIND. As I understand it, the State Police and the State Municipal Police Officers' Training Commission administer this training program. There are a number of places where you can go to take this training. One is in Harrisburg, and a number of community colleges.

Mr. WILLIAMS. Mr. Speaker, I guess you misunderstand my question.

I am sorry.

In pointblank, before I get the training wherever, am I a cop? Am I an applicant? Have I received some process already? Have I been eligible? Am I hired by the municipality or whoever it is before I go to them to get this training?

Mr. FREIND. Well, obviously you have been hired first, yes. You have been hired as a police officer or, as in the case of Allegheny County, which is right on point here, a municipal authority, housing authority guard or police officer, and then you get the training.

Mr. WILLIAMS. Okay. Thank you, Mr. Speaker. I think that you have answered my question.

Mr. Speaker, one of the most serious, most fatal, and most dangerous aspects of this bill was raised by Mr. Street, and that is that whether it is the psychiatric part or the background part, or what have you, to determine just who is going to or should be able to carry a gun and who should be able to enforce the law honestly and fairly as they are supposed to, that processing is out of here, because it is not contained in the training that one would get. What we are doing here is we are taking individuals who have not yet been determined in any way to be fit as far as fair and honest law enforcement or psychiatric or other background, which is a very sensitive part of allowing anybody to have a gun, as you know. There is no way under the present two proposed acts for us to determine that these folks are fit to do that, and in my estimation it is very, very dangerous in that respect.

Number two, I would submit that if in Philadelphia you are going to create two police forces, we have a bad enough problem right now with crime and its administration and its solution, but what you are going to do here is to provide a police force which has no command to it. Not the commissioner, not the mayor or anybody elected by the people of Philadelphia will be able to instruct these people as to what to do, and I do not know of any sound field like local law enforcement that we would do that with. It is just crazy to create two heads, and in this case no real head, as far as law enforcement is concerned.

I might add—and I think Mr. Richardson stated it—we are going to impose on the people and the citizens of Philadelphia a mechanism that even its professionals do not want. The police in Philadelphia do not want this. It interferes with law enforcement. Now just because the union—the Fraternal Order of Police; that is a union, and we must understand that distinction, and it is proper for any union to want to get more members to pay more dues, and that is okay, but the police, those who are given the responsibility of enforcing the law and to administer it, do not want two police forces, and the problems that will be created in merging those respective procedures is just going to be very, very bad, in my judgment. I would hope that the sponsor of this bill, who was a prosecutor of great renown when he was in Philadelphia, knows that, and I would hope the rest of us, not to disregard the renowned person sitting next to you there from out there in the suburbs, I would hope that you would recognize the fundamental problem of law enforcement that we are creating. We have no obligation whatsoever to turn over law enforcement or anything else to any union, and, as Mr. Street said, the people in public housing, who are the only potential victims—understand that—are the people who should get due and proper security, and we should not just abandon them by turning over this fundamental responsibility to an uncentralized and expensive administration.

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

Mr. J. J. JOHNSON. Mr. Speaker, could I interrogate Mr. Freind, please?

The SPEAKER. The gentleman, Mr. Freind, indicates he will stand for interrogation. Mr. Johnson may proceed.

Mr. J. J. JOHNSON. Mr. Speaker, one of those projects lies in my district. Could I ask you, have you ever attended or been to one of the projects in the city of Philadelphia?

Mr. FREIND. No.

Mr. J. J. JOHNSON. Do you know the problem that we have in the city of Philadelphia?

Mr. FREIND. I am aware of some of them. I used to be a resident and employe of the city, yes.

Mr. J. J. JOHNSON. That was quite a while ago, I guess, was it not? Was that quite a while ago?

Mr. FREIND. In 1974, about 5 years.

Mr. J. J. JOHNSON. Have you ever visited a project?

Mr. FREIND. Have I ever been inside a project?

Mr. J. J. JOHNSON. Yes, sir.

Mr. FREIND. No.

Mr. J. J. JOHNSON. Mr. Speaker, may I ask you another question? Under your bill, what is the procedure if an arrest is made? What are these guards supposed to do after an arrest is made now?

Mr. FREIND. The same procedure that is right now utilized, one of two things: they can either take the individual to the police station and the police will receive them, or, in fact, if the police finally arrive on the scene, the police can take custody. The same thing that is being done right now at the present.

Mr. J. J. JOHNSON. Then why is a change being made?

Mr. FREIND. Because of the fact, as even the district attorney indicated, this bill would confirm what their position is. He has admitted that several cases have been thrown out because of a challenge of the arrest power. I do not think that is a healthy situation for the benefit of the people who live in those projects.

Mr. WHITE. Mr. Speaker, I believe that the direct quote of the district attorney of Philadelphia is that there may have been one case that possibly was thrown out and not several cases that have been thrown out of court.

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. Mr. White, Mr. Speaker, has, on at least two occasions in this debate, interrupted the speaker to bring his view of what took place at a meeting to the attention of the House. This is very proper on his part, but in turn, the only reason we are permitted to interrupt is on a point of parliamentary inquiry. I understand the gentleman's problem, because more often than not I want to correct Mr. Manderino when he speaks and does not tell the truth as it should be told, but I refrain from doing that.

Mr. WHITE. I apologize, Mr. Speaker, in spite of the fact that that was not a parliamentary inquiry.

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

Mr. J. J. JOHNSON. I hope I can continue to interrogate Mr. Freind.

The SPEAKER. The gentleman, Mr. Freind, indicates he will stand for further interrogation. Mr. Johnson is in order and may proceed.

Mr. J. J. JOHNSON. Mr. Speaker, if you go into a department store today and you are accused of shoplifting, does the security guard have a right to arrest you?

Mr. FREIND. Only if that security guard sees it being done in his presence, not on probable cause.

Mr. J. J. JOHNSON. And when he arrests you, what does he do at the time?

Mr. FREIND. Call the police.

Mr. J. J. JOHNSON. All right. Now, Mr. Speaker, I am back to where we started with the housing authority. We have been doing this for a number of years, the same identical thing. I cannot see why we want to change the law. When a law is violated, whether it is in the housing authority or whether it is in a department store, if you break the law, the security guard has the same right to hold you until the police arrive. What I am disturbed about, when you change the law here now, you are saying to the security guards, you must take the man to the police station. He has the same right to put him in a cell as a police officer does, and that would never happen. When he goes to the police station, he cannot book that man under your law. The police still would have to be called in to do the job. Whether he calls them to do the job in the Housing Authority or called to do the job at the station, the police will still have to intervene, and under your bill you are not changing a thing that has not been going on now, and I cannot see why we are changing the law for a few words to change their title when the authority is the same identical thing.

I am asking everyone to think about what we are doing here. We are setting up a body here for the housing authority, but you are not setting up a body for the department stores. If I go in a department store and am accused of committing a crime, I am held for the police. If I go in the housing authority and am accused of committing a crime, I am supposed to be held for the police, and the same identical thing should operate across this Commonwealth. We should not set up a separate body to give them half authority. If a policeman arrests someone in a project, under Mr. Freind's bill the police still have to be called. There is no difference between now and then, just a name, and this is why I am asking everyone to defeat this bill.

The SPEAKER. Does the gentleman, Mr. White, wish to be recognized?

Mr. WHITE. We have debated this bill now for a considerable period of time, and this is the second day that we have had discussions around HB 200. I think it would suffice to say simply that we are opposed to the passage of this particular legislation. Thank you, Mr. Speaker.

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

Mr. FREIND. Very briefly, Mr. Speaker. The one issue that has been discussed I think more than anything else is why did I, from Delaware County, introduce it? I was very honest to tell you. A constituent of mine who represents those guards came to me and pointed out a problem. Now despite the fact that he is a constituent and despite the fact he is the vice chairman of the opposite party, I would not have introduced the bill if I did not think he was right and I did not think there was a severe law enforcement problem presently in Philadelphia.

Secondly, I hear that we are ramrodding this bill. If this is ramrodding, I do not know what it means but taking your time. We introduced the bill in February of 1979, unanimously reported it out of the House Urban Affairs Committee, which a number of Philadelphia legislators are on, in July of '79. There has been a hold on it from the other side for the last 3 months. I have met with members of the other side; I have sent them memos; I have asked for their input. We happen to now just come to a disagreement.

The third thing is, this bill does not change anything. I have heard the argument that these men are not fit to be police, that they should not be carrying guns. Maybe that is true, but they are making arrests now and they are carrying guns. You have got the worst of both worlds. You have given them the arrest power—they are making it anyway, because they are allowed to make arrest—but when they do make arrests for crimes committed against people who live in those projects, the way it is right now there is a good chance the arrest can be challenged and the case thrown out. That is not helping the people who live in those projects.

The way the bill is amended, it does not affect collective bargaining rights at all. It is not going to cost the city of Philadelphia one dime. What it is going to do is confirm in law what the DA thinks is the case right now, that in fact they can make arrest. The difference with what Mr. Johnson said is this: The critical difference between a guard - a non-police officer, a citizen - and a police officer is that a police officer, unlike a citizen, can arrest for a felony not committed in his presence but for which there is probable cause. I ask any Philadelphia legislator, especially those who represent the people in those projects, what do you do in the situation where the guard is walking down a corridor and the door opens and a man runs out and a woman runs out afterwards and says, that man assaulted me, that man robbed me? If you do not give them police powers, that guard cannot stop and cannot arrest that individual, because he does not have the power to arrest for probable cause, and we all admit that. They can only arrest for crimes that are committed in their presence.

I am not changing anything. This will help the city of Philadelphia; it will help the district attorney's office; and most importantly, it is going to help the people who live in those projects. I would therefore, Mr. Speaker, ask for support for this bill.

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

Mr. WILLIAMS. Mr. Speaker, would the previous speaker consent to interrogation on one question?

The SPEAKER. The gentleman, Mr. Freind, indicates that he will. The gentleman, Mr. Williams, may pose his question.

Mr. WILLIAMS. Mr. Speaker, I am not sure that I made my point before. Under the Municipal Training Act, am I correct that in that municipal training law where they would be trained, there is no provision for background checks, psychiatric evaluation, and those sorts of things? That is correct, is it not?

Mr. FREIND. The hiring authority makes those decisions.

Mr. WILLIAMS. But in the law where they will be trained, they do not get that kind of processing. Is that correct?

Mr. FREIND. No. They receive training. They are not processed. That is done in hiring.

Mr. WILLIAMS. Okay; fine. Now with regard to the people in question we are talking about, are you aware of any procedure similar to the Philadelphia police procedure that gives them a processing that qualifies them psychiatrically, psychologically, and otherwise?

Mr. FREIND. I do not understand your question, Mr. Speaker.

Mr. WILLIAMS. The question is, do these fellows get a psychological and psychiatric evaluation before they become security guards for the housing authority?

Mr. FREIND. Mr. Speaker, I do not know, and it is not the slightest bit relevant. They are still making arrests and carrying guns now—

Mr. WILLIAMS. Well, I just want to know yes or no. You do not know.

Mr. FREIND. The answer is, I do not know and I do not care.

The SPEAKER. Will the gentleman, Mr. Williams, permit Mr. Freind to respond to his question?

Mr. WILLIAMS. He did. He said he did not know.

The SPEAKER. The gentleman had not completed his response.

Mr. WILLIAMS. Mr. Speaker, I guess he is completed now. I am sorry, Mr. Freind; I did not want to cut you off, but I thought you said "no." You know how lawyers are.

The SPEAKER. The Chair well knows how lawyers are.

Mr. WILLIAMS. I am sure the Chair does and will continue to know.

Mr. Speaker, fine; I think you have answered that question. Thank you very much.

May I comment further?

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

Mr. WILLIAMS. Mr. Speaker, the main sponsor of this bill said a few things that really disturbed me. Mr. Freind said that he thought there was a problem. He admits that the only information he has is from a friend of his who is a

lawyer. He has never been to a project, and it really is strange to me how he can so fully know the problem that we are trying to point out is dangerous in this bill. I suggest that that is, I think, a little bit short of basic knowledge on the question.

Mr. Freind says he does not know whether or not they have any psychiatric or psychological evaluation or what they do with these guys. He offers that they have guns already. Mr. Speaker, the very point of some background information on people who hold guns is not to encourage and increase what is wrong already but to make sure that we as a legislative body do not reaffirm a condition that might be dangerous to those who are victims of crime.

I would like to answer Mr. Freind's question. He says, what happens if someone runs down the hallway and says that man just robbed me? Well, Mr. Speaker, I would suggest that what I would do if I lived there, I would stop that man even if I were not a security guard, and if I hired someone to be a security guard and he did not stop that man, I would fire him on the spot, just as a matter of basic, simple decency and common sense.

You are talking about arrest, Mr. Speaker, and you just slip that in. Whether or not that person has the authority to arrest right there on that information does not even speak to the question, because if he is a citizen and he stops the person and the cop comes, there is no question about the arrest. If in fact, as the district attorney says, he has the authority already, then it is legally proper to arrest. There is absolutely no way that the issue depends on whether or not he would have the authority to stop that person for the arrest. If he is a private citizen and he does it and the cop comes along, it is okay and it is valid. If already he is a cop, by the law it is okay. So your argument is absolutely fallacious on that point.

I just want to add one final thing. I never said that these guards are not fit to be police, and I would not like that to be repeated as such. I am saying that we have no process to determine their fitness, and we have had in Philadelphia two killings in recent years by such security guards. One happened to a relative of a Senator who is in the other chamber. So we are very acutely aware of that particular problem.

Finally, Mr. Freind says that we have suggested or somebody suggested that the bill is being ramrodded. We are not talking about time; we are talking about quality. We are saying that someone who has hearsay information has not consulted with the people who are the only people affected - the people who live in those projects. It is of no interest whatsoever whether or not this group gets unionized and gets more money and carries guns. That is not and should not be important. All that should be important is that we are trying to protect, hopefully, some citizens of Pennsylvania and citizens of Philadelphia, and we have only said that it is presumptuous if you do not hear what the people say they need and where the people say they may be in danger. We just think that that is out of time, that is out of substance, and that you ought to do that. You ought to go

there and say, what is the problem and how can we solve it? Thank you.

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

Mr. STREET. No purpose. Roll it.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—103

Alden	Fischer	Lynch, E. R.	Serafini
Anderson	Fisher	McClatchy	Sieminski
Armstrong	Foster, W. W.	McKelvey	Sirianni
Arty	Freind	McVerry	Smith, E. H.
Belardi	Gallen	Mackowski	Smith, L. E.
Bennett	Gannon	Madigan	Spencer
Bittle	Geesey	Manmiller	Spitz
Bowser	Geist	Miller	Stairs
Brown	George, M. H.	Moehlmann	Stuban
Burd	Gladeck	Mowery	Swift
Burns	Goebel	Nahill	Taddonio
Caltagirone	Grabowski	Noye	Taylor, E. Z.
Cessar	Gruppo	O'Brien, D. M.	Telek
Chess	Halverson	Perzel	Thomas
Cimini	Hasay	Peterson	Vroon
Clark, M. R.	Hayes, Jr., S.	Piccola	Wass
Cochran	Helfrick	Pitts	Wenger
Cole	Honaman	Polite	Wilson
Cornell	Hutchinson, W.	Pott	Wilt
Coslett	Johnson, E. G.	Pucciarelli	Wright, Jr., J.
Cunningham	Kanuck	Pyles	Zeller
DeVerter	Klingaman	Rocks	Zitterman
Davies	Kowalyshyn	Ryan	Zord
Dietz	Lashingier	Salvatore	
Dininni	Lehr	Scheaffer	Seltzer,
Dorr	Levi	Schweder	Speaker
Durham			

NAYS—74

Austin	Gatski	McCall	Reed
Barber	George, C.	McIntyre	Richardson
Berson	Goodman	McMonagle	Rieger
Borski	Gray	Manderino	Ritter
Brandt	Grieco	Michlovic	Rodgers
Cappabianca	Harper	Milanovich	Schmitt
Clark, B. D.	Hoeffel	Mrkonic	Seventy
Cowell	Hutchinson, A.	Mullen	Shupnik
DeMedio	Irvic	Murphy	Steighner
DeWeese	Itkin	Novak	Stewart
DiCarlo	Johnson, J. J.	O'Brien, B. F.	Street
Dawida	Jones	O'Donnell	Sweet
Dombrowski	Knight	Oliver	Wachob
Duffy	Kolter	Petrarca	Wargo
Earley	Kukovich	Pievsky	White
Fee	Laughlin	Pistella	Williams
Fryer	Letterman	Pratt	Wright, D. R.
Gallagher	Lewis	Rappaport	Yahner
Gamble	Livengood		

NOT VOTING—19

Beloff	Greenfield	Musto	Trello
Cohen	Hayes, D. S.	Punt	Weidner
Dumas	Knepper	Rhodes	Yohn
Foster, Jr., A.	Levin	Shadding	Zwilk
Giammarco	Micozzie	Taylor, F.	

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.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest that we recess until 2:30, that the Republican members report to the caucus room at 1:45. Hopefully—and I do not know the answer to this at this time—there has been a resolution to at least part of the problem on the Philadelphia residency bill. If that is the case, we will take that up immediately when we come back, although I think we would first take up the companion bill to this one, which I understand will move rather quickly, and then move into the residency bill. I would not expect that we will get to HB 2044, and I am not so sure just what else on that calendar we will reach. We will know better after the leadership from both sides has determined whether or not a resolution has been made of the major problems in the school residency bill.

RULES COMMITTEE MEETING

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

WELCOME

The SPEAKER. The Chair welcomes to the balcony the Patrician Senior Citizens of St. Patrick's Church, York, Pennsylvania, who are here today as the guests of the York County delegation.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, It will be necessary for the Democrats to caucus, and we would ask that we go in caucus at quarter of 2. I would ask that the Republican Party take note of this one particular bill. We would ask you to caucus on HB 1111, which is on page 14. The chief sponsor of the bill has advised me he would like to call that bill up today. Would you mark that, please, Mr. Majority Leader, and SB 770 on page 15, SB 770 on page 15 and HB 1111 on page 14. We intend to caucus on at least those two bills, and we would like you to do the same if at all possible.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, our caucus chairman has taken note of the bills called to our attention by Mr. Irvis. There may be one other bill that is of major importance, and I will discuss that with the gentleman when we are at the Rules Committee meeting. The staff people are making a determination as to whether or not it must be run today.

REMARKS ON VOTE

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

Mr. ZWIKL. Mr. Speaker, my switch was locked when the vote was taken on HB 200. I wish to be recorded in the affirmative, please.

EDUCATION COMMITTEE MEETING

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

Mr. R. R. FISCHER. Mr. Speaker, I would like to remind the members of the Education Committee of the meeting we are going to have now in the Appropriations Committee room.

The SPEAKER. The chairman of the House Committee on Education has called a committee meeting immediately in the House Appropriations Committee meeting room. There are Democratic and Republican caucuses at 1:45.

RECESS

The SPEAKER. Without objection, this House does now stand in recess until 2:30 p.m. The Chair hears no objection.

AFTER RECESS

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

SENATE MESSAGE**HOUSE AMENDED SENATE BILL
NONCONCURRED IN**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 65, PN 1505**.

**MOTION INSISTING UPON CONCURRENCE AND
APPOINTMENT OF A CONFERENCE COMMITTEE**

Mr. RYAN moved that the House insist upon Senate concurrence in House amendments to SB 65, PN 1505, and that a Committee of Conference be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House on SB 65, PN 1505: Messrs. L. E. SMITH, R. R. FISCHER and BERSON. Ordered, That the clerk inform the Senate accordingly.

REPORT FROM RULES COMMITTEE**BILLS REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. 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:

SB 911, PN 1042; and
HB 2203, PN 2803.

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

BILLS REMOVED FROM TABLE AND REREFERRED

Mr. SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. 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 22, PN 22; and
HB 169, PN 2924.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I also move that HB 2146, PN 2733, be removed from the table.

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

RESOLUTION REPORTED FROM COMMITTEE**HR 187, PN 2955 (Concurrent)**

By Rep. RYAN

The Speaker of the House of Representatives appoint five members, three from the Majority Party, one of whom shall be chairman, and two from the Minority Party upon the recommendation of the Minority Leader, and the President pro tempore of the Senate appoint five members, three from the Majority Party and two from the Minority Party upon the recommendation of the Minority Leader, to make a complete and thorough study of the fiscal priorities established by the City of Philadelphia with regard to the proposed furlough of members of the police and fire departments and of the impact upon the lives, health, safety and welfare of the residents of the city and of the fiscal implications for the Commonwealth.

RULES.

**CALENDAR RESUMED
FINAL PASSAGE POSTPONED BILL
CONSIDERED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. MANDERINO, the House resumed consideration on final passage of **HB 269, PN 2515**, entitled:

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, further providing for the addition of first class city housing authorities in the definitions of "police officer" and "political subdivision."

On the question recurring,
Shall the bill pass finally?

**RECONSIDERATION OF
VOTE ON HB 269**

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I move that the vote by which HB 269 passed third consideration, on February 13, 1980, be reconsidered.

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

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

Amend Title, page 1, lines 10 through 12, by striking out "further providing for the addition" in line 10; all of lines 11 and 12 and inserting providing police training for security officers appointed by first class city housing authorities.

Amend Sec. 1, page 1, lines 15 and 16, by striking out "and "political subdivision""

Amend Sec. 1, page 1, line 18, by striking out "are" and inserting is

Amend Sec. 1 (Sec. 2), page 1, line 23, by striking out the brackets before and after "or"

Amend Sec. 1 (Sec. 2), page 1, line 23; page 2, line 1, by striking out "or first class city housing authority"

Amend Sec. 1 (Sec. 2), page 2, line 2, by inserting after "duties," and for the purpose of training only, security officers of first class city housing authority,

Amend Sec. 1 (Sec. 2), page 2, lines 6 through 8, by striking out all of said lines

Amend Sec. 2, page 2, line 10, by striking out "POLICE" and inserting security

Amend Sec. 2, page 2, line 12, by striking out "POLICE" and inserting security

Amend Sec. 2, page 2, line 14, by striking out "POLICE" and inserting security

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

The SPEAKER. The Chair recognizes the minority whip to explain his amendment.

Mr. MANDERINO. Mr. Speaker, this amendment to HB 269 is a companion amendment as HB 269 is a companion bill to HB 200. It simply says that so far as the first-class cities are concerned and so far as the police training act is

concerned, police would be defined for the purposes of the training act only in first-class cities to include security guards of housing authorities. We also take out unnecessary language that would have changed the definition of municipality, since the way we have changed the amendment makes it clear that the only purpose for which the police definition is being changed is that it will cover for training purposes only the housing authority security guards.

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

Mr. FREIND. Would the minority whip stand for brief interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

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

Mr. FREIND. Mr. Speaker, just so I understand—because I just had a chance to skim this over—all this does is change and state that for purposes of this act only, the security officers in cities of the first class come under the training provisions and have to have the 480 hours' worth of training under the law, right?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. FREIND. Does this also keep in the grandfather which we have in HB 269 as it presently is relates only to those security officers from the first class who have been employed less than a year from the effective date of the act.

Mr. MANDERINO. We have not touched that language at all.

Mr. FREIND. Fine. Thank you.

I support the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—173

Alden	Fisher	Levi	Salvatore
Anderson	Foster, W. W.	Lewis	Scheaffer
Armstrong	Freind	Livengood	Schmitt
Arty	Fryer	Lynch, E. R.	Schweder
Austin	Gallagher	McCall	Serafini
Barber	Gallen	McIntyre	Seventy
Belardi	Gamble	McKelvey	Shupnik
Bennett	Gannon	McMonagle	Sieminski
Berson	Gatski	McVerry	Sirianni
Bittle	Geesey	Mackowski	Smith, E. H.
Borski	Geist	Madigan	Smith, L. E.
Bowser	George, C.	Manderino	Spencer
Brandt	George, M. H.	Manmiller	Spitz
Brown	Gladeck	Michlovic	Stairs
Burd	Goebel	Milanovich	Steighner
Burns	Goodman	Miller	Stewart
Caltagirone	Grabowski	Mrkonic	Street
Cappabianca	Gray	Mullen	Suban
Cessar	Grieco	Murphy	Sweet
Chess	Gruppo	Nahill	Swift
Cimini	Halverson	Novak	Taddonio
Clark, B. D.	Harper	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Hasay	O'Brien, D. M.	Telek
Cochran	Hayes, Jr., S.	O'Donnell	Thomas
Cohen	Helfrick	Oliver	Trello
Cole	Hoeffel	Perzel	Vroon
Cornell	Honaman	Peterson	Wachob
Coslett	Hutchinson, A.	Petrarca	Wargo
Cowell	Hutchinson, W.	Piccola	Wass

Cunningham	Irvis	Pievsky	White
DeMedio	Itkin	Pitts	Williams
DeVerter	Johnson, E. G.	Polite	Wilson
DeWeese	Johnson, J. J.	Pott	Wilt
DiCarlo	Jones	Pratt	Wright, D. R.
Davies	Kanuck	Pucciarelli	Wright, Jr., J.
Dawida	Klingaman	Pyles	Yahner
Dietz	Knight	Rappaport	Zeller
Dininni	Kolter	Reed	Zitterman
Dombrowski	Kowalshyn	Richardson	Zord
Duffy	Kukovich	Rieger	Zwinkl
Durham	Lashinger	Ritter	
Earley	Laughlin	Rocks	Seltzer,
Fee	Lehr	Rodgers	Speaker
Fischer	Letterman	Ryan	

NAYS—0

NOT VOTING—23

Beloff	Hayes, D. S.	Mowery	Shadding
Dorr	Knepper	Musto	Taylor, F.
Dumas	Levin	Noye	Weidner
Foster, Jr., A.	McClatchy	Pistella	Wenger
Giammarco	Micozzie	Punt	Yohn
Greenfield	Moehlmann	Rhodes	

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. RITTER offered the following amendment:

Amend Sec. 2, page 2, lines 12 through 14 by striking out "ALL POLICE OFFICERS HIRED" in line 12, all of line 13 and "ACT." in line 14

On the question,

Will the House agree to the amendment?

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

Mr. RITTER. Mr. Speaker, what this does is it removes the grandfather clause that Mr. Freind referred to earlier by removing the words "All police officers hired prior to such date shall be exempt from the requirements of this act." I am simply taking that language out and saying that all security officers at the housing authorities shall come under the act, take the municipal police training program, and they shall have 1 year from the date of this act in order to comply with it.

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

Mr. FREIND. Mr. Speaker, the reason I put the grandfather in originally is the cost consideration. There are approximately 200 security officers in the Philadelphia Municipal Housing Authority. If in fact the grandfather is taken out, all 200 of them will have to meet the requirements of the act, which means 480 hours' worth of training. It is not going to cost the city any money, but what it will cost the state is a considerable amount of money, since in fact the state pays for the entire cost of this training and also reimburses—in this case the housing authority—50 percent of the salary of these officers while they are attending school.

Now I understand the gentleman, Mr. Ritter's, concern and it is a law enforcement concern about having trained security officers carrying guns. All of them have received some training at the Philadelphia Police Academy. It is not uniform training but at least 3 or 4 weeks at the academy. We made a year cutoff, because in addition to that training, those who have been employed for more than a year have had on-the-job training also. And keep in mind one particular aspect of the training of these guards that they are not really going to get at the academy and they are not going to get anyplace else, because it is vertical crime, which is a different type of crime than the normal crime investigated by law enforcement. If the amendment passes, fine, but it is going to cost this state a lot of money.

I think the grandfather, which will make approximately 10 security officers have to take the 480 hours' worth of training, is sufficient to insure the quality of these officers and at the same time not cost us an absolute bundle. For that reason I would oppose the amendment.

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

Mr. RITTER. Mr. Speaker, Mr. Freind made reference to the fact that whether you call them security guards or police officers or whatever, you are talking about somebody running around or walking around with a weapon. In HB 200 we gave them the right to engage in hot pursuit off the property, off the premises of the housing authority and onto the streets of Philadelphia. I am saying to you that it seems to me that 1 year does not make a police officer, and I do not know what kind of training they received at the academy, and Mr. Freind said that it was not uniform.

As long as we are going to give these security officers all the powers of a policeman in terms of making arrests, in terms of pursuing, in terms of doing anything else, it seems to me that they ought to have the municipal police training. My amendment simply says that all of those security officers will at one time or another, at least within 1 year after the effective date of this act, have completed that training program. Then we will know that all of the officers at the housing authority will have had uniform training. We will not have some who have had none, some who have had only a couple of weeks, and others who have gone through the entire program. And, as I said, if we are going to give them all the powers of a regular police officer, it seems to me that we ought to require that they go through the training program that any other police officer does, and I would ask support for the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Austin	Gamble	McCall	Rodgers
Barber	Gatski	McIntyre	Schmitt
Bennett	Geist	McMonagle	Schweder
Berson	George, C.	Manderino	Seventy
Borski	George, M. H.	Michlovic	Shupnik
Brown	Goodman	Milanovich	Smith, L. E.
Caltagirone	Grabowski	Mrkonic	Spitz
Cappabianca	Gray	Mullen	Steighner

Chess	Harper	Murphy	Stewart
Clark, B. D.	Hoeffel	Novak	Stuban
Cochran	Hutchinson, A.	O'Brien, B. F.	Sweet
Cohen	Irvis	O'Donnell	Trello
Cowell	Itkin	Oliver	Wachob
Cunningham	Jones	Petrarca	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeWeese	Knight	Pistella	White
DiCarlo	Kolter	Pratt	Williams
Dawida	Kowalshyn	Pucciarelli	Wright, D. R.
Dombrowski	Kukovich	Reed	Yahner
Duffy	Laughlin	Richardson	Zeller
Fee	Letterman	Rieger	Zitterman
Fryer	Livengood	Ritter	Zwikl
Gallagher			

NAYS—83

Alden	Foster, W. W.	Lynch, E. R.	Scheaffer
Anderson	Foster, Jr., A.	McKelvey	Serafini
Armstrong	Freind	McVerry	Sieminski
Arty	Gallen	Mackowski	Sirianni
Belardi	Gannon	Manmiller	Smith, E. H.
Bittle	Geesey	Miller	Spencer
Bowser	Gladeck	Moehlmann	Stairs
Brandt	Goebel	Mowery	Swift
Burd	Gruppo	Nahill	Taddonio
Burns	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cessar	Hasay	Perzel	Telek
Clark, M. R.	Hayes, Jr., S.	Peterson	Thomas
Cornell	Helfrick	Piccola	Vroon
Coslett	Honaman	Pitts	Wenger
DeVerter	Hutchinson, W.	Polite	Wilson
Davies	Johnson, E. G.	Pott	Wilt
Dietz	Klingaman	Punt	Wright, Jr., J.
Dininni	Lashingner	Pyles	Zord
Durham	Lehr	Rocks	
Earley	Levi	Ryan	Seltzer,
Fischer	Lewis	Salvatore	Speaker
Fisher			

NOT VOTING—24

Beloff	Greenfield	McClatchy	Rhodes
Cimini	Grieco	Madigan	Shadding
Cole	Hayes, D. S.	Micozzie	Street
Dorr	Johnson, J. J.	Musto	Taylor, F.
Dumas	Knepper	Noye	Weidner
Giammarco	Levin	Rappaport	Yohn

YEAS—174

Alden	Foster, W. W.	Lynch, E. R.	Salvatore
Anderson	Foster, Jr., A.	McCall	Scheaffer
Armstrong	Freind	McClatchy	Schmitt
Arty	Fryer	McIntyre	Schweder
Austin	Gallagher	McKelvey	Serafini
Barber	Gallen	McMonagle	Seventy
Belardi	Gamble	McVerry	Shupnik
Bennett	Gannon	Mackowski	Sieminski
Berson	Gatski	Manderino	Sirianni
Bittle	Geesey	Manmiller	Smith, E. H.
Borski	Geist	Michlovic	Smith, L. E.
Bowser	George, C.	Milanovich	Spencer

Brandt	George, M. H.	Miller	Spitz
Brown	Gladeck	Moehlmann	Stairs
Burns	Goebel	Mowery	Steighner
Caltagirone	Goodman	Mrkonic	Stewart
Cappabianca	Grabowski	Mullen	Street
Cessar	Gray	Murphy	Stuban
Chess	Grieco	Nahill	Sweet
Cimini	Gruppo	Novak	Swift
Clark, B. D.	Halverson	O'Brien, B. F.	Taddonio
Clark, M. R.	Harper	O'Brien, D. M.	Taylor, E. Z.
Cochran	Hasay	O'Donnell	Telek
Cohen	Hayes, Jr., S.	Oliver	Thomas
Cole	Helfrick	Perzel	Trello
Cornell	Hoeffel	Peterson	Vroon
Coslett	Honaman	Petrarca	Wachob
Cowell	Hutchinson, A.	Piccola	Wargo
Cunningham	Hutchinson, W.	Pievsky	Wass
DeMedio	Irvis	Pistella	Wenger
DeVerter	Itkin	Pitts	White
DeWeese	Johnson, E. G.	Polite	Williams
DiCarlo	Jones	Pott	Wilson
Davies	Kanuck	Pratt	Wilt
Dawida	Klingaman	Pucciarelli	Wright, D. R.
Dietz	Knight	Punt	Wright, Jr., J.
Dininni	Kowalshyn	Pyles	Yahner
Dombrowski	Kukovich	Reed	Zeller
Duffy	Lashingner	Richardson	Zitterman
Durham	Laughlin	Rieger	Zord
Earley	Lehr	Ritter	Zwikl
Fee	Letterman	Rocks	
Fischer	Levi	Rodgers	Seltzer,
Fisher	Livengood	Ryan	Speaker

NAYS—3

Burd	Johnson, J. J.	Lewis
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NOT VOTING—19

Beloff	Hayes, D. S.	Micozzie	Shadding
Dorr	Knepper	Musto	Taylor, F.
Dumas	Kolter	Noye	Weidner
Giammarco	Levin	Rappaport	Yohn
Greenfield	Madigan	Rhodes	

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

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

REMARKS ON VOTES

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

Mr. MADIGAN. Mr. Speaker, on the last vote and the vote on the Ritter amendment to HB 269, my switch was locked out. I would like to be recorded in the negative on the amendment and in the affirmative on final passage.

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

The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, my switch was inoperative also, and I would like to be recorded in the affirmative on final passage of HB 269.

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

RECONSIDERATION OF VOTE ON HB 200

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

Mr. WHITE. Mr. Speaker, I move that the vote by which HB 200 was passed on the 27th day of February, 1980, be reconsidered.

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, I second the motion.

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

The following roll call was recorded:

YEAS—165

Alden	Freind	Lynch, E. R.	Schmitt
Anderson	Fryer	McCall	Schweder
Armstrong	Gallagher	McClatchy	Serafini
Arty	Gallen	McIntyre	Seventy
Austin	Gamble	McKelvey	Shupnik
Barber	Gannon	McMonagle	Sieminski
Belardi	Gatski	McVerry	Sirianni
Bennett	Geesey	Mackowski	Smith, E. H.
Berson	Geist	Manderino	Smith, L. E.
Bittle	George, C.	Manmiller	Spencer
Borski	George, M. H.	Michlovic	Spitz
Bowser	Gladeck	Milanovich	Stairs
Brandt	Goebel	Miller	Steighner
Brown	Goodman	Moehlmann	Stewart
Burns	Grabowski	Mrkonic	Street
Cappabianca	Gray	Mullen	Stuban
Cessar	Grieco	Murphy	Sweet
Cimini	Gruppo	Nahill	Swift
Clark, B. D.	Hasay	Novak	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cochran	Helfrick	O'Donnell	Thomas
Cohen	Hoeffel	Oliver	Trello
Cole	Honaman	Peterson	Vroon
Cornell	Hutchinson, A.	Petrarca	Wachob
Coslett	Hutchinson, W.	Piccola	Wargo
Cowell	Irvis	Pievsky	Wass
Cunningham	Itkin	Pistella	Wenger
DeMedio	Johnson, E. G.	Pitts	White
DeVerter	Johnson, J. J.	Polite	Williams
DiCarlo	Jones	Pott	Wilson
Davies	Klingaman	Pratt	Wilt
Dawida	Knight	Pucciarelli	Wright, D. R.
Dietz	Kolter	Punt	Wright, Jr., J.
Dininni	Kowalyshyn	Pyles	Yahner
Dombrowski	Kukovich	Rappaport	Zeller
Duffy	Lashingner	Reed	Zitterman
Durham	Laughlin	Richardson	Zord
Earley	Lehr	Rieger	Zwilk
Fee	Letterman	Ritter	
Fischer	Levi	Rodgers	Seltzer,
Fisher	Lewis	Ryan	Speaker
Foster, Jr., A.	Livengood	Salvatore	

NAYS—4

Halverson	Kanuck	Mowery	Scheaffer
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NOT VOTING—27

Beloff	Foster, W. W.	Madigan	Rocks
Burd	Giammarco	Micozzie	Shadding
Caltagirone	Greenfield	Musto	Taddonio
Chess	Harper	Noye	Taylor, F.
DeWeese	Hayes, D. S.	O'Brien, D. M.	Weidner
Dorr	Knepper	Perzel	Yohn
Dumas	Levin	Rhodes	

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—101

Alden	Foster, Jr., A.	McClatchy	Serafini
Anderson	Freind	McKelvey	Sieminski
Armstrong	Gallen	McVerry	Sirianni
Arty	Gannon	Mackowski	Smith, E. H.
Belardi	Geesey	Madigan	Smith, L. E.
Bittle	Geist	Manmiller	Spencer
Bowser	George, M. H.	Miller	Spitz
Brandt	Gladeck	Moehlmann	Stairs
Burd	Goebel	Mowery	Swift
Burns	Grabowski	Nahill	Taddonio
Cessar	Gray	Noye	Taylor, E. Z.
Cimini	Gruppo	O'Brien, D. M.	Telek
Clark, M. R.	Halverson	Perzel	Thomas
Cornell	Hasay	Peterson	Vroon
Coslett	Hayes, Jr., S.	Piccola	Wass
Cunningham	Helfrick	Pitts	Wenger
DeVerter	Honaman	Polite	Wilson
Davies	Hutchinson, W.	Pott	Wilt
Dietz	Johnson, E. G.	Punt	Wright, Jr., J.
Dininni	Kanuck	Pyles	Zeller
Dorr	Klingaman	Reed	Zord
Durham	Kowalyshyn	Rocks	Zwilk
Earley	Lashingner	Ryan	
Fischer	Lehr	Salvatore	Seltzer,
Fisher	Levi	Scheaffer	Speaker
Foster, W. W.	Lynch, E. R.	Schweder	

NAYS—79

Austin	Gallagher	McCall	Rieger
Barber	Gamble	McIntyre	Ritter
Bennett	Gatski	McMonagle	Rodgers
Berson	George, C.	Manderino	Schmitt
Brown	Goodman	Michlovic	Seventy
Caltagirone	Grieco	Milanovich	Shupnik
Cappabianca	Harper	Mrkonic	Steighner
Clark, B. D.	Hoeffel	Mullen	Stewart
Cochran	Hutchinson, A.	Murphy	Street
Cohen	Irvis	Novak	Stuban
Cole	Itkin	O'Brien, B. F.	Sweet
Cowell	Johnson, J. J.	O'Donnell	Trello
DeMedio	Jones	Oliver	Wachob
DeWeese	Knight	Petrarca	Wargo
DiCarlo	Kolter	Pievsky	White
Dawida	Kukovich	Pistella	Williams
Dombrowski	Laughlin	Pratt	Wright, D. R.
Duffy	Letterman	Pucciarelli	Yahner
Fee	Lewis	Rappaport	Zitterman
Fryer	Livengood	Richardson	

NOT VOTING—16

Beloff	Giammarco	Levin	Shadding
Borski	Greenfield	Micozzie	Taylor, F.
Chess	Hayes, D. S.	Musto	Weidner
Dumas	Knepper	Rhodes	Yohn

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

REMARKS ON VOTE

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

Mr. MADIGAN. My switch is still inoperative. I would like to be recorded in the positive on HB 200.

The SPEAKER. The gentleman was recorded in the affirmative.

Mr. MADIGAN. Okay. Thank you.

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

Mr. FREIND. I think it is a little confusing, Mr. Speaker, because of the voice vote. Could I request another vote on that, please?

The SPEAKER. The Chair would suggest that the gentleman present a reconsideration motion.

RECONSIDERATION OF VOTE ON HB 200

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the vote by which HB 200 was defeated on the 27th day of February, 1980, be reconsidered.

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

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

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—174

Table listing names of members who voted 'YEAS' for HB 200, including Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burns, Caltagirone, Cappabianca, Cessar, Cimini, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVertter, DeWeese, DiCarlo, Davies, Dawida, Dietz, Dininni, Dombrowski, Duffy, Durham, Earley, and Fee.

Table listing names of members who voted 'NAYS' for HB 200, including Fischer, Fisher, Foster, W. W., Letterman, Levi, Lewis, Ritter, Rocks, Rodgers, Seltzer, and Speaker.

NAYS—0

NOT VOTING—22

Table listing names of members who did not vote on HB 200, including Beloff, Burd, Chess, Dorr, Dumas, Giammarco, Greenfield, Gruppo, Hayes, D. S., Knepper, Levin, McClatchy, McIntyre, Micozzie, Moehlmann, Musto, Rhodes, Shadding, Taylor, F., Weidner, Wenger, and Yohn.

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

On the question recurring, Shall the bill pass finally?

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, my switch seems to be inoperative also, and I would like to be recorded in the affirmative on the reconsideration motion on HB 200.

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

On the question recurring, Shall the bill pass finally?

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

YEAS—96

Table listing names of members who voted 'YEAS' for HB 200, including Alden, Anderson, Armstrong, Arty, Belardi, Bittle, Bowser, Brandt, Burd, Burns, Cessar, Cimini, Clark, M. R., Coslett, Cunningham, DeVertter, Davies, Dietz, Durham, Fischer, Foster, W. W., Foster, Jr., A., Freind, and Gallen.

NAYS—83

Table listing names of members who voted 'NAYS' for HB 200, including Austin, Barber, Bennett, Berson, Borski, Brown, Caltagirone, Cappabianca, Chess, Clark, B. D., Fee, Fryer, Gallagher, Gamble, Gatski, George, C., Goodman, Gray, Grieco, Harper, Livengood, McCall, McIntyre, McMonagle, Manderino, Michlovic, Milanovich, Mrkonic, Mullen, and Murphy.

Cochran	Hoeffel	Novak	Stuban
Cohen	Hutchinson, A.	O'Brien, B. F.	Sweet
Cole	Irvis	O'Donnell	Trello
Cowell	Itkin	Oliver	Wachob
DeMedio	Johnson, J. J.	Petrarca	Wargo
DeWeese	Knight	Pievsky	White
DiCarlo	Kolter	Pistella	Williams
Dawida	Kowalshyn	Pratt	Wright, D. R.
Dombrowski	Laughlin	Pucciarelli	Yahner
Duffy	Letterman	Rappaport	Zitterman
Earley	Lewis	Reed	

NOT VOTING—17

Beloff	Giammarco	Levin	Shadding
Dininni	Greenfield	Micozzie	Taylor, F.
Dorr	Hayes, D. S.	Musto	Weidner
Dumas	Knepfer	Rhodes	Yohn
Fisher			

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

REMARKS ON VOTE

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

Mr. D. M. FISHER. Mr. Speaker, on that last vote on final passage of HB 200, my switch was locked and I was not recorded. I should have been recorded in the affirmative.

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

SB 449 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, because of the lateness of the hour, I am going to make a few suggestions. First, it is my understanding that the parties interested in SB 449, both those in favor and those opposed to it, are still of a mind that a compromise may be reached with respect to the heart of the matter. There are other amendments, I suspect, that will still be offered, but in any event I have been requested to hold that over for the week, and I have no objection to that suggestion. So accordingly, I would ask that it be passed over.

The SPEAKER. Without objection, SB 449 will be passed over.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, on page 14, HB 1111, I have no objection to voting that bill now. I happen to feel, however, that it does need some technical amendments. I am not intending to delay the bill, and I have no great feelings one way or the other on it. If whoever says they were calling it up wants to call it up so bad, I will debate against it based on technical defaults, and I would like an expression of opinion from Mr. Livengood on that.

The SPEAKER. Does the gentleman from Armstrong, Mr. Livengood, wish to be recognized?

Mr. LIVENGOOD. Mr. Speaker, I would like you to call the bill up.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1111, PN 2654**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for division and organization of certain school districts.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, when Act 385 of 1965 was passed, it allowed for the organization and centralization of school districts across the state. There were a number of school districts, especially in the extremely rural areas, that were left with completely unmanageable school districts.

In my county, which is just one of several in the State of Pennsylvania, to give you an idea of the type of size that we are faced with, in Armstrong County we have four school districts. Three of the school districts in the southern end of my county cover an area of 150 square miles, and the Armstrong School District covers almost 500 square miles. It covers almost the whole size of our county. There is nothing contiguous between one area of the county and the other areas of the county. Our school district ranks fifth in the State of Pennsylvania as far as size goes, as far as square miles goes; we rank third in the state as far as total number of buildings goes—we have 28 school buildings in our school district—and we rank in the top 10 percent of all school districts as far as student enrollment goes in the State of Pennsylvania.

Now our school district has proposed a building program not to centralize any of the school districts but to move a couple of our schools out of the centralized area and move them into rural areas, which would result in total busing. Our farmers in Armstrong County have filed a suit against the school district, which is now in the Superior Court, to try and delay the building program long enough to get this bill passed. We have had polls done by our newspapers in our county, and 90 percent of the people have responded in favor of decentralization. There have been petitions presented to our school board. We have over 19,000 signatures so far submitted with many more petitions coming in.

Back in 1978 we had former Secretary Caryl Kline of the Department of Education and also Dr. Gerlach at a public meeting in Armstrong County, and they said that they supported the people at that time and said that there were several school districts in the state that did need to be decentralized and the Armstrong School District was one of them. We have done a lot of research on the subject of

decentralization, and most of the research has indicated that bigger does not mean better.

This bill has been in the making for 2 years. There has been a lot of input from the Department of Education, by educators in the House here, by House members, to try and come up with a set of guidelines that would be acceptable to the Department of Education. We tried limiting the guidelines in the bill to only 11 school districts in the state, and these are 11 of the most rural school districts. They are only school districts that have over 375 square miles, which is extremely large.

The same bill was introduced in the Senate, and over half of the members in the Senate cosponsored the bill. When the bill came up in the Education Committee in the House of Representatives, first it came up in the Basic Education Subcommittee. Our president of our school board in the Armstrong School District testified at that meeting, and basically what he said was that if you want a school district managed 100 percent by the school administrator or superintendent, then keep it the way it is; if you want to have some input by a school board or by the public, then you have to decentralize. The president of our school board has been on the school board for 10 years. He has been the president of the school board for over 5 years, and he said it is just totally, 100 percent unmanageable. It is impossible to go around to 28 different buildings to keep up with the problems in the district. He said he has to drive 27 miles just to get to a meeting.

Now HB 1111 does not mandate a thing. It was set up that it has to be of a local nature. A plan would have to be presented by the local school district for decentralization. Once this plan is presented, it would take a majority of the school board members to vote affirmatively in favor of the plan to be approved. Once the local school board would approve the plan, it would then be submitted to the State Board of Education. The State Board of Education would have a period of 6 months in order to come into your local school district, get public input from the people, and then either accept, reject, or modify the plan. Once that plan would be approved by the State Board of Education, at the next election, either municipal primary or general election, it would go on the ballot for the people in that school district to vote on the plan.

The Department of Education did have input into the language in this bill. The criteria was set up on presenting a plan, what type of criteria would have to be included in that particular plan. To my understanding, out of the 11 school districts that are included in the plan, there are probably only 2 or 3 that might even have an interest in decentralizing.

I have a letter here from Dr. Scanlon saying that he was not opposed to this type of legislation and that geography ought to be a main factor considered in decentralization. Also, he looked forward to having input into drafting the language in the bill, which the Department of Education did have. The newspapers in my area have come out editorials in favor of the legislation. One of my school districts

that adjoins the Armstrong School District has sent me correspondence saying that the Armstrong School District needs to be decentralized in the worst way, that it is just completely unmanageable.

This bill does not hurt anybody else in the State of Pennsylvania. It does not affect any other school districts other than 11 school districts which are in the real rural sections of Pennsylvania. The Pennsylvania Grange has come out in favor of the bill and has given us much support for it. The Pennsylvania Farmers Association has come out in favor of the bill. I would appreciate your support for HB 1111.

The SPEAKER. Does the gentleman, Mr. Hayes, wish to be recognized on the bill?

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Gannon, said he has amendments for the bill.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. D. R. Wright. Does the gentleman wish to be recognized on the bill?

Mr. D. R. WRIGHT. Mr. Speaker, what is the current status of the bill? Are we waiting now for amendments to be drawn? If we are ready to vote on the bill, I would like to speak. If we are not ready, then I will wait.

The SPEAKER. The Chair has been informed that a member now has amendments for the bill. So if the gentleman will yield, we will try to dispose of that.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Gannon, have amendments to this bill? Does the gentleman have them ready?

Mr. GANNON. They are being sent down right now, Mr. Speaker. As soon as I have them, I will distribute them.

The SPEAKER. The Chair is informed that the amendments are prepared and they are on their way down.

Mr. RYAN. Mr. Speaker, which amendments are these now that you are referring to, Mr. Gannon's?

The SPEAKER. The Gannon amendments.

Mr. RYAN. Mr. Speaker, the Gannon amendments, as I understand them, are so far reaching that it is going to require a caucus by both sides of the aisle. Mr. Speaker, my understanding—and I have not seen the Gannon amendments, but my understanding though—just in an informal conversation with some of the members who have talked to Mr. Gannon, would seem to indicate that we very well could be opening up the whole question of school reorganization. If that, in fact, is the case, the gentleman, of course, has the right to offer amendments. I think, though, that it is so far reaching that it is going to require a lengthy caucus. I am not saying that for the purpose of delay; I am saying that in sincerity, that this is that serious a breach in the bill from what we originally planned on looking at.

I am going to ask Mr. Livengood if he is satisfied that this bill be passed over. Otherwise, I am going to recommend that the bill be recommitted to the Education Committee and let the various amendments that are being proposed be looked at by that committee rather than on the floor of the House at 4:30 on a Wednesday afternoon.

REMARKS ON VOTE

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

Mr. **DORR**. Mr. Speaker, apparently my switch malfunctioned on the third vote on final passage on **HB 200** and also on the final vote on **HB 269**. I would like the record to indicate that I voted in favor of those two bills.

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

HB 1111 PASSED OVER

The **SPEAKER**. The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. **LIVENGOOD**. Mr. Speaker, I have got a report myself that we are getting a lot of snow back home in my county. Personally, I do not want to see the members detained. I do not want to be detained when we have such a long drive. My big concern is that the bill will be brought up next week, if we pass it over, and I am going to gamble that. I am hoping that we can have it brought up for discussion next week. So I will recommend that we pass it over today.

The **SPEAKER**. Without objection, **HB 1111** will be passed over.

The Chair recognizes the majority leader.

Mr. **RYAN**. Mr. Speaker, I neglected to ask that, on page 13, **HB 1924** be called up. I had promised Mrs. Harper and I neglected to advise the Chair of that. I would appreciate it if you will return to that bill.

The **SPEAKER**. The Chair returns to page 13 of today's calendar, **HB 1924**.

The House proceeded to third consideration of **HB 1924, PN 2399**, entitled:

An Act making an appropriation to the Afro American Museum in Philadelphia, Pennsylvania.

On the question,

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

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

The question is, shall the bill pass finally?

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

Mrs. **HARPER**. I will be very brief. I would just like to tell the members that the Afro-American Museum was built in honor of the Bicentennial. But since that time, this museum has proven to be successful, and this museum also affords information that you can only get at this particular museum, Seventh and Arch Streets in Philadelphia. I should like to tell you that this is the only museum in the country of this type.

Also, this is Black History Month, designated by President Carter, and I should like for you to vote for this bill in honor of Black History Month. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—145

Alden	Fryer	McMonagle	Ryan
Armstrong	Gallagher	McVerry	Salvatore
Arty	Gamble	Madigan	Schmitt
Austin	Gannon	Manderino	Schweder
Barber	Gatski	Manmiller	Shupnik
Bennett	George, C.	Michlovic	Sieminski
Berson	George, M. H.	Milanovich	Sirianni
Bittle	Goebel	Miller	Smith, E. H.
Borski	Goodman	Moehlmann	Spencer
Brandt	Grabowski	Mrkonic	Spitz
Brown	Gray	Mullen	Stairs
Burd	Grieco	Murphy	Steighner
Caltagirone	Gruppo	Nahill	Stewart
Cappabianca	Harper	Novak	Street
Cessar	Hayes, Jr., S.	O'Brien, B. F.	Stuban
Chess	Helfrick	O'Brien, D. M.	Sweet
Cimini	Hoefel	O'Donnell	Swift
Cochran	Honaman	Oliver	Taddonio
Cohen	Hutchinson, A.	Peterson	Taylor, E. Z.
Cornell	Hutchinson, W.	Petrarca	Telek
Cowell	Irvis	Piccola	Thomas
Cunningham	Itkin	Pievsky	Vroon
DeMedio	Johnson, E. G.	Pistella	Wachob
DeWeese	Johnson, J. J.	Pitts	Wargo
DiCarlo	Jones	Polite	Wenger
Davies	Klingaman	Pott	White
Dawida	Knight	Pratt	Williams
Dininni	Kolter	Pucciarelli	Wilt
Dombrowski	Kukovich	Punt	Wright, D. R.
Duffy	Lashinger	Pyles	Yahner
Durham	Laughlin	Rappaport	Zeller
Earley	Letterman	Reed	Zitterman
Fee	Livengood	Richardson	Zwikel
Fischer	Lynch, E. R.	Rieger	
Fisher	McCall	Ritter	Seltzer,
Foster, Jr., A.	McClatchy	Rocks	Speaker
Freind	McIntyre	Rodgers	

NAYS—35

Anderson	Dietz	Kanuck	Scheaffer
Belardi	Dorr	Kowalshyn	Serafini
Bowser	Foster, W. W.	Lehr	Smith, L. E.
Burns	Gallen	Levi	Trello
Clark, B. D.	Geesey	Lewis	Wass
Clark, M. R.	Geist	Mackowski	Wilson
Cole	Gladeck	Mowery	Wright, Jr., J.
Coslett	Halverson	Noye	Zord
DeVerter	Hasay	Perzel	

NOT VOTING—16

Beloff	Hayes, D. S.	Micozzie	Shadding
Dumas	Knepper	Musto	Taylor, F.
Giammarco	Levin	Rhodes	Weidner
Greenfield	McKelvey	Seventy	Yohn

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

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

The House proceeded to third consideration of **SB 770, PN 1578**, entitled:

An Act regulating the licensure and practice of optometry, making repeals and providing penalties.

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

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

The question is, shall the bill pass finally?

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

Mr. MURPHY. Mr. Speaker, I have amendments being drawn to this bill and they are not down yet. Could we hold it?

The SPEAKER. The Chair recognizes the majority Leader.

Mr. RYAN. Did the gentleman say he has an amendment to this bill?

Mr. MURPHY. Two amendments.

The SPEAKER. It is the first indication that the Chair has that there are any amendments to this bill.

Mr. MURPHY. We have not caucused on this bill either.

The SPEAKER. For the information of the gentleman, before we broke for lunch, the minority leader, Mr. Irvis, asked the Republican Caucus to caucus on two bills, HB 1111 and SB 770. The Chair can only assume that the caucuses did what was asked by the minority leader, Mr. Irvis. The Chair's calendar is marked that the bill is ready to move.

SB 770 PASSED OVER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have just been informed that not only does Mr. Murphy have amendments but Mr. Laughlin has amendments. I apologize. I did not know the existence of the amendments and, therefore, could not have given a marking to the Chair. But I would suggest, because of the amendments and the lateness of the hour, that we pass the bill over.

The SPEAKER. The Chair thanks the gentleman. Without objection, SB 770 will be passed over. The Chair hears none.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have no further business. It may be that the minority wishes to call up HB 739.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we would like to call up HB 739, the Governor's veto override.

The SPEAKER. Page 17 of today's calendar, HB 739.

The clerk will read the veto.

COMMUNICATION FROM GOVERNOR

VETO OF HB 739

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

VETO OF HB 739

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 expen-

sive 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, 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

The SPEAKER. The question before the House is, 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 a law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no."

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think there are several gentlemen who want to speak on the matter. I did not want you to go to a vote before they spoke on it.

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

Mr. KOLTER. Mr. Speaker, this is a serious problem today. I think it is important to note that those of us here this afternoon who wish to override the veto do not oppose emissions control inspections of automobiles. We are asking for a little bit more time to review how this is being done. During the course of the last debate, the majority leader alluded to certain criticisms of what we were doing. I wish to point out that at a meeting in Mr. Irvis' office held by EPA - Environmental Protection Agency - officials and the Democratic leadership that the EPA official admitted, had it not been for HB 739, the amendments to it, we would never have been given the additional time in the delay. The same official admitted at that same time, upon interrogation, that had we at that time voted to override the veto successfully, would funds be cut off for Pennsylvania, he said, yes; however, if you would put in another piece of legislation to undo what you did, that fight would stop at that precise time. In other words, there would be no loss of money in Pennsylvania, no loss of Federal funding. He also admitted we could fight this thing in court for years. All we are doing this afternoon is asking you House members to join us in this fight. Mr. Ryan alluded to the fact that this is not our fight; this belongs in Washington. Well, that is probably correct, Mr. Speaker. However, whom is the

taxpayer back home going to turn to if he cannot turn to you and to me. We are closer to them than any other elected official. They are asking for help back in my county and back in your counties. They are asking for us to get more time to fight this thing.

There are additional considerations to be considered. I am only talking at this time about the emissions control inspection program. The bad feature about the whole thing is that the five large auto makers have been allowed a 2-year delay, a 2-year delay, and according to Mr. Costle, the EPA administrator, quote: "There is no appreciable air quality damage that will result from this action." However, the Pennsylvania courts, PennDOT, what have you, are insisting we go ahead with the program. Mr. Speaker, I am asking for you to join me in the vote to override this veto.

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

Mr. GAMBLE. Mr. Speaker, I, too, rise to support the override. I am going to ask my colleagues to reminisce for a moment today. It will only take about 3 moments to go back to when you first ran for this office, and when you were asked if you thought the bureaucracy was too big, and when you were asked about whether you thought the bureaucracy should be cut down, and when you were asked about the bureaucracy being able to tell the little guy out there what to do over the head of the elected officials. We all know how we answered those questions back then. Well, big brother is at it again, the EPA, big brother of them all. Evidently the President of the United States cannot stop big brother. The U. S. Senate cannot stop him. The United States Congress cannot stop him. The Governor would not stop him, and only we can stop him today. The Governor has made a mistake. The Governor has made a serious mistake, and he cannot correct it, but we can. The bureaucratic blunder forced upon the people of Pennsylvania by the biggest boondogger of them all, the Federal, the United States Environmental Protection Agency, and for what? To clean up the atmosphere in certain areas, and by how much? Fifty percent? Twenty-five percent? Ten percent? By about 3 percent in the year 1987, according to the Department of Environmental Resources.

At a time when we are periodically lambasted with a shower of radioactivity from nuclear testing in China, we are going to support emissions control to clean up the air. At a time when Three Mile Island still leaks poison around us, we are going to support emissions control to clean up the air. At a time when we get showered with acid rain from the State of Ohio, we are going to support emissions control to clean up the air. At a time when thousands of huge trucks, bellowing their smoke, arrive daily in our urban areas, we are going to support emissions control, that does not include large trucks, to clean up the air. At a time when there is a jet landing every other minute and taking off every other minute at the Greater Pittsburgh International Airport in my district, and behind those jets is a stream of jet fuel waste, but we are going to support emissions control to clean up the air, and, of course, the jet

planes are not included either. At a time when you do not dare follow a Port Authority bus in Allegheny County, unless you want to meet your Maker, from their emissions, we are going to support emissions control, that does not apply to buses, to clean up the air. At a time when the people of Pennsylvania are buying automobiles so small they can hardly fit into them, to conserve energy, thereby cutting down on emissions, we are going to support emissions control that will affect and cost and penalize the little guy who is doing the best he can, while all the poisons of the jets, the big trucks, the buses, Three Mile Island, the Chinese radioactive fallout and the acid rain from Ohio flows freely in and out of our lungs day in and day out. Does it make any sense? The Environmental Protection Agency was wrong. The Governor was wrong. The majority of this House was wrong on the last override attempt, because it failed. Today let us right all those wrongs. Vote to override the Governor's veto. Thank you.

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

Mr. TRELLO. Mr. Speaker, apparently, I lost the remarks I was going to make, and it is evident that Mr. Gamble found my copy for what he said was exactly what I was going to say.

The SPEAKER. But he said it with such emotion.

Mr. TRELLO. I would just like to say, let us send a message to Washington, also. Thank you very much.

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

Miss SIRIANNI. May I interrogate the gentleman, Mr. Gamble?

The SPEAKER. Will the gentleman from Allegheny, Mr. Gamble, permit himself to be interrogated? The gentleman, Mr. Gamble, indicates that he will, and Miss Sirianni may proceed as soon as the House comes to order.

Miss SIRIANNI. Mr. Speaker, would you inform the House which Governor signed that consent order that caused all this problem that you are talking about?

Mr. GAMBLE. The courts effected this.

The SPEAKER. The lady posed a query, the gentleman responded. Does the lady have further questions?

Miss SIRIANNI. Yes.

The SPEAKER. The lady may proceed.

Miss SIRIANNI. When?

Mr. GAMBLE. I believe it was a few years back, Mr. Speaker.

Miss SIRIANNI. Where were you then when Governor Shapp was signing it, Mr. Gamble?

Mr. GAMBLE. I was back in Oakdale; I was not here.

Mr. Speaker, does this emission control affect your area?

Miss SIRIANNI. The whole state is my area, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, the fact is that that consent order was signed during the administration of Governor Shapp. Another fact is that it was signed without any

knowledge of this legislature, without any notice to this legislature, without any notice to the Transportation Committee of either this House or the Senate. It is typical of what PennDOT has been doing and is doing to this day. They procrastinate; they wait until the last minute; they ignore us whenever they can; they come over here only when they need money; an increase in fees or gas tax. They come over here and then they recognize us. When the time comes to make decisions affecting the people whom we represent, we are excluded. We were excluded in this emissions inspection program.

As I said to you before, and I say to you again, there are two states with guts enough to say to the Federal Government, we will go to court; we do not think you have that kind of authority. We said that we want to delay. If we do not have the courage to go to court, at least we ought to have the courage to wait and see what those other two states will do and what the outcome of those court cases will be. We said that we are asking for a delay; that we asked the attorney general to go back to court and overturn that consent decree and give this legislature an opportunity to comment. Maybe we ought to find out why for other states the maximum amount of repairs that you will have to make is \$50 and \$75, but in this state it will be \$300. Maybe we should find those things out.

When you go home and your constituents start to complain to you because they are going to pay \$300, \$400, and as much as \$1,000 repair bills, you tell them you did not have any input. They are not going to accept that, because when they get mad, you are the one whom they are going to take it out on; not Governor Shapp because he is not here to kick around anymore, and not Governor Thornburgh, because he will not be running for another 2 years. You and I are the ones who are going to pay that bill in terms of votes, in terms of public relations. I am saying to you that we have got an opportunity to tell the Federal Government and to tell PennDOT that we do not agree with what you do, and we want to take a look at it; we want to delay and we are asking for that delay until July of 1981.

Mr. Speaker, I ask that we vote in the affirmative to override the Governor's veto. Overturn the veto and let us go back and take another look at this and perhaps this legislature can have some input; and then when the questions come and the complaints come, maybe we can honestly say that we tried. If we do not overturn this veto, then we really have not tried anything, and when the complaints come be sure to tell your constituents that.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, as briefly as I can, I think the gentleman who discussed emissions control has hit all of the highlights. We ought to be thinking about the cost effectiveness. As Mr. Ritter said, we should be thinking about the fact that in Pennsylvania the consumer may pay up to \$300, and other states have passed rules and regulations and laws where they are only limited to \$50 and \$75 in the repair of those emission control devices and they

comply. We ought to be able to comply with a lot less money spent by the consumer.

In any event, Mr. Speaker, I want to talk about the photo-ident program. This is also what we are doing here. The state has very recently listed the places where the pictures are going to be taken in the counties. In my particular area there are three stations, one in Greensburg in Mr. Hutchinson's district, one in New Kensington about 60 miles away from the Mon Valley, and one in Washington, Pennsylvania. For each one of those stations which is the closest to the Mon Valley, in my area there are 100,000 people who will have to drive at least 30 miles to get a picture taken and then 30 miles back home. This is ridiculous.

This program could have been implemented 100 other ways. It is not only in my area that they are going to have to drive 30 miles; in some of your areas the people are going to drive a lot more than 30 miles. The fan will be hit when the people get the notices to drive those 30 miles, and that is when we are going to begin hearing it.

We have heard a lot of talk from emissaries from the Department of Transportation, rumors around the Capitol—some members alluded to this when we discussed this before—that we are going to lose a lot of money if we cancel these contracts that have been made to take the pictures. Well, I have looked at those contracts, and those contracts have an escape clause that we will not have to pay one dime, one ten-cent piece if there is a change in legislation. Those contracts can be cancelled. The only thing we will have to pay is about \$1.36 for every picture that has already been taken. That is what the contracts say. We can cancel those contracts, and the Governor ought to cancel those contracts and not put our people through the inconvenience of driving 30 miles, 40 miles, and 50 miles to get to a picture-taking station.

Now to do what the Federal Government does on passports—I have said that before—if you want a card system with pictures on it for your driver's license, you can be required to send in your own picture without driving 30 miles or 50 miles, spending that money, wasting the energy.

I urge an affirmative vote on the override. The last time this vote was taken there were 123 people who voted for it. I do not expect that there will be 123, because I know that people have gone. But the vote on this particular bill was designed by the majority party in this House to fall on a Wednesday afternoon, at the end of the day so that attendance would not be good enough to get 136 votes. But this problem will not go away. We will be back again. Even if we do not succeed today, we will be back again next week and the week after, because we believe that the people of Pennsylvania ought not suffer the inconvenience and the expense of the photo-ident program and the emission control program when this General Assembly has within its power, within its capabilities to stop those inequities. I ask for an override vote.

The SPEAKER. Does the majority leader wish to be recognized.

Mr. RYAN. I will yield to Mr. Fischer.

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

Mr. R. R. FISCHER. Mr. Speaker, I rise to urge my colleagues to vote "yes" and override the Governor's veto.

As an engineer I guess I know a little bit about air pollution, not very much, but I will tell you this: The air pollution situation, at least in the Pittsburgh area, has changed dramatically since this particular order was signed. If you notice as we drive to Harrisburg you can see it yourselves. There are simply less people driving right now, and that is less pollution. But in the Pittsburgh area, if you look at statistics for the Port Authority Transit, you will discover that ridership is way up. They have established, I believe, a rail line coming down from the Beaver Valley—Joe, is that not correct—and that has been working out very successfully. That eliminates people from going into the city of Pittsburgh and that eliminates part of the pollution problem.

If there is a delay, this pollution problem will be solved, I think, to a greater extent, and so I urge that delay.

But let me only speak about Washington County now as far as that photo identification program is concerned. They have located the photo center at the YWCA in Washington in the middle of our community. That happens to be a very nice facility for recreation for women. But it is an area that is very limited with parking. People who have to come in from the rural areas are going to find it very difficult to find it. They are going to find it very difficult to find a parking place and that is the only one in all of Washington County. If you come from Mr. DeMedio's area, down along the Monongahela Valley, you have got to travel 25 miles, perhaps, to get to that photo center. That is inconvenience. I think we should override this veto tonight right now.

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

Mr. FRYER. Mr. Speaker, mention has been made as to what Governor is responsible. I do not really feel that that in a sense is any cause for consideration. I have been up here and observed various Governors. I have found that they have one thing in common with us members - they have their good days and they have their days that are not so good. True, Governor Shapp made a mistake in signing that order. He made a mistake. I submit that, presently, if we do not override the Governor, this House is guilty of a serious mistake. I think there are many issues that come before us that, quite frankly, boggle the mind because its appropriations dealing with mass sums of moneys and involved subjects. But here I submit to you is an issue that even I with my limited knowledge can address myself to. I would say that we are all familiar, all of us, when we ran for this office. We went out and we had a good photographer and did not have numerous shots taken. We did not take one shot, because, my god, with such a gifted person, this is like a Hollywood production. We had many, many photo shots taken. Now I submit to you that when these

shots are taken with Polaroid cameras, you are going to find that many of your constituents are going to be irate. I saw several of those photo licenses. I saw here my good friend Amos Hutchinson—

The SPEAKER. They did what they could with what they had.

Mr. FRYER. To the contrary, Mr. Speaker, they did a tremendous disservice to this fine gentleman; and if you have any doubts, call his mother, sir. Now, what I am saying to you is I know that I am essence. At times I am a vain man and I would never go to the photographer and ask for one shot, absolutely not.

The SPEAKER. He has been known as a two-fisted drinker.

Mr. FRYER. That is a question of the bar, sir, and I am a nonattorney.

However, what I am pointing out is, I know that when my wife, who is an extremely attractive woman, goes to the photographer, she does not get one photo, oh, no. Now, I am really trying to talk sense and I am trying to approach it from the viewpoint of the people who exercise the good judgment to send you folks here. Talk to them and they will wonder what in the world is going on in Harrisburg; and maybe the jig is up. It could be we have overplayed our hand.

Now what is going to happen, particularly with women? Can you imagine your own wife going and getting one photograph? Why, she would say, "My God, that is terrible. I look much better than that." And certainly the male would reply, "You certainly do, dear. You go back there and you get more photographs taken." Now, I tell you, the wrath has not descended upon you yet, but it is going to, and you are going to hear from women, and, you know, the point is once again they are right. They are right because we are ignoring that point for that \$1.50 photo job with the Polaroid that is snapping it there. They are going to pay the gas money to run there, a great distance, taking time to go forth, and are we going to sit by here calmly?

We missed one opportunity on that override. Are we going to repeat that error? I will say this much, I am willing to go into that coming campaign defending my position. Your position may be, if you decide not to override—and I mean no criticism of the Governor. I have never criticized the Governor on the floor; privately, many times, with the various Governors. But this is what faces you, and, quite frankly, that one I think is quite simple. I do not think there is anything involved about it, but you get into that emissions program and you are really hitting into a bugaboo. The sophisticated equipment that will be required, there are not going to be too many stations that have it, and they are going to be charging accordingly.

Then here is the cute kicker. You know, if this program goes into effect and we lower the emissions control—I think of it every time these diesel monsters go by me on Route 22—and they tread on the gas and there is a smokestack that opens up. I think a little guy is going to pop out, but instead there is an angry belch of dark smoke which they

tell me is not injurious. I do not know, but you are going to have that situation. Then—here is the rationale along with it—when we lower that, you know, through this program that we are doing to the people for their own good since they do not really know what is their own good, then at that time they will lower the industrial standards at the cost of "Little Joe," the little guy who goes out to the polls and votes, and, to repeat, has the good judgment to send you and me up here and then we attain the title of Representative. Just reflect on it. Are you a representative? I know I have confidence in this body, but I submit if we do not override the Governor's veto, we are making a serious mistake. I do not believe you can defend it on the grounds, "Well, it is our Governor." I do not think the people are willing to buy that. If PennDOT has made an error, what is so wrong about your constituents sending in a photograph and stating that is my photograph? In fact, if we really want to get really lawful about it, an affidavit along with it that says, yes, this is Jim Gallen's photograph however it comes out. But would that not be simpler than making him drive around? Many times he does not have a car because he has eight children. Now you have to think of situations like that. But I plead with you, and I am not pleading for any political advantage; in fact, if I really wanted to be political, I could say it might be a matter of political survival. But most of all I feel strongly about this issue because this is directed to the people, and when we do something that is wrong with them, then in God's name we are wrong. I plead for the override of the Governor's veto.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the debate started off on the other side with a great deal of mention about smoke, and it continued and continued and continued. Air pollution is very apparent here today, and it may be that emission control should be put on some of us. But in any event, to contribute to the problem, you know it was less than a year ago that Mr. Kolter stood on this floor and recommended to the House that we extend the time to implement the photo ID bill. You know there are 38 members of the Democratic side of the House who served here during 1976 who voted for the photo ID bill. I know Mr. Fryer was here at that time, and I will be happy to find out how you voted if you cannot locate your voting record, but I did not hear of any of those amendments at that time. I, too, was here. I did not offer such an amendment. The fact remains that we, the legislature, in 1976, told the Governor's office of 1976, Governor Shapp, that we need it, we want it, we, the legislature, want it, the photo ID. We passed it in 1976. In 1979 we gave them an extra 6 months to implement it. Mr. Manderino voted for that continuance, and Mr. Kolter spoke on it. We did not do a whole lot until about the first of the year, in December sometime, when we decided we wanted to change our minds. Right? We passed it. Governor Shapp's administration signed it. Governor Thornburgh's administration is charged with carrying out our mandate, our mandate. Thirty-eight of you and prob-

ably thirty-eight of us and thirty-eight or forty more who are no longer serving here, we did it. Do not try to blame this on the Governor; blame it on ourselves back in 1976, on ourselves last summer when Mr. Kolter stood and said, "I am confident that this will be implemented if we get this delay by December 1"; and I read that from the House Journal the last time we talked. Go back a couple of years when you are going to shift blame around on the photo ID. I happen to think it is still a good idea, incidentally, but do not put up a lot of smokescreen about the terrible thing we are doing unless you look in the mirror and reflect on just what we have done. Mr. Fryer did vote in favor of this in 1976. I will double-check that Mr. Speaker. Do not interrupt me now; I will show you the record. You can reply later. If I may continue, on emission control, I listened, I listened carefully, particularly to Mr. Gamble who talked about the clouds coming in from Ohio, the jets landing every hour or every minute. I listened to the trucks. The only thing I did not hear Mr. Gamble say was that it is not our doing. What you should have been pointing out to the Fourth Estate, to the televisions, to Mr. Troan, who is the one who is climbing all over us, from the western part of the state, that newspaper, we did not do it. The Federal Government did it. The Feds did it. Mr. Hayes has a resolution he is going to talk about in a minute. The people of Pennsylvania have got to be told that the members of the House and the Senate did not put this law on the books. The Federal Government did it.

Now let us continue with our role. Right now if HB 739 became law, there would be a delay until July 1 of 1981, and at that time, as I understand it, it would be on a voluntary basis that you would comply with the emission control, and that it would not become mandatory until some months later. I have it here in my notes; it is not that important. On the question of emissions control, if HB 739 becomes law, we gain 2 months because a consent decree modifying the consent decree signed by the Shapp administration has been entered into, delaying everything until May 1. So all of this talk—and that is what it is, all of this talk—here today with respect to emissions control is if HB 739 becomes law the delay is until July 1; if HB 739 does not become law, the delay is until May of 1981. We are talking about 2 months. That is what is at issue.

Now, for Mr. Gamble, let us take a look at what we are gambling for. The Federal Government has the right—I will take this slow—the Federal Government has the right to impose sanctions on this state for failure to comply with the Clean Air Act. It could cost us in excess of \$400 million in Federal funds to Pennsylvania, and that money is PennDOT money. In addition, there are funds that would be lost to DER for sewerage treatment plants and development—I may have that just a little bit off, but that is basically what it is—and water lines. That is some \$90 million that could be lost if we override the Governor's veto.

Now, everyone in this House, who has been here longer than five minutes, immediately reacts and says the Federal

Government will not impose those sanctions. That is an iron fist in a velvet glove. They are never going to strike us with those sanctions. Well, let me tell you what has happened nationally. They have started the sanctions in Colorado. They have started them in one of the other states for the very thing that we are doing, not complying with the Clean Air Act.

Now Mr. Kolter went on to explain when he stood up—and I do not believe I am misquoting him—that if HB 739 becomes law, as the Federal representatives explained it to him, they can impose sanctions. However, we can always amend what I will call the HB 739 law, not having an act number, and at that point the sanctions would stop. Is that basically right, Mr. Kolter?

Now listen to what Mr. Kolter is suggesting we do. He is suggesting that we let HB 739 become law, and then when the Federal Government starts to impose sanctions on us, that we amend HB 739. How are we going to amend it? All it is is a delay. We do not control the quality-of-air standards; we do not control the emission devices; we do not control any of that through HB 739. HB 739 is simply a bill that delays the implementation of the emission control.

What you are doing if you override and if HB 739 becomes law, you are, for the sake of a 2-month delay—that is the months of May and June 1981. For the sake of 2 months, you jeopardize in excess of \$500 million; \$400 million in the highways and \$90 million-plus in the streams and sewerage facilities. It just is not worth it. It makes no sense.

I suggest that we sustain the Governor's position, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, could you recognize Mr. Ritter at this time, and then I would like to follow him, please?

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

Mr. RITTER. Mr. Speaker, just so that the record is straight, on March 23, 1976, on the sixth and last time we voted for the amendment to require the photographs on drivers licenses, the gentleman, Mr. Fryer, voted in the negative; the gentleman, Mr. Manderino, voted in the negative; Mr. Kolter voted in the negative; Mr. Ritter voted in the negative, et cetera, et cetera. And, Mr. Speaker, that amendment went in on the sixth and final vote by a vote of "aye" 94, "nay" 92. On the following day, the bill was passed finally with the photograph requirement in the bill. As I said, I was one who voted in the negative, Mr. Speaker. But Mr. Fryer did in fact vote in the negative on putting a photograph on the drivers license, as did Messrs. Manderino and Kolter. Some of us have not changed our position, Mr. Speaker. What we tried to point out was that never at any of those six votes was the difference between the "ayes" and the "nays"—and it was defeated three times and passed three times. Never was the difference—more than, I believe, 14 or 15 votes. There was never, never

a clear mandate on the part of this House that we would put a photograph on a drivers license, and when it went in finally for the last time, it did not have a constitutional majority; it had a simple majority of 94 to 92.

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

Mr. FRYER. Mr. Speaker, it seems to me, in essence, that it is immaterial how a member voted on that proposal. It was like many proposals that come before us in which the majority carried the day and that bill passed, but no one knew what in effect was going to be set up, nor were any members of the legislature contacted as to how PennDOT planned to carry this out. Many of us thought it was a case that the applicants could send in their own photograph. No one, in their wildest imagination, would imagine that we would come up with a program such as this. PennDOT is not finished with their current year's state map. I would suggest that before that map goes to the press, to the printers, we should insert all of these photo stations, with big stars, so that the people know where to go.

The point is, regardless if you voted yes, no, or if you did not vote, the point is, do you think it is right? If you think it is right, then follow Mr. Ryan's lead. I think he is wrong. But remember, he is the floor leader and he has certain responsibilities to the Governor.

I submit the greater responsibility is to the people we represent. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter, for the second time.

Mr. KOLTER. In answer to Mr. Ryan: Those of us on the Transportation Committee, who for a number of years worked on the Federal ID Program, we thought we were going to have a different product. At that time—and the reason I asked for a delay to help PennDOT to allow them an additional 6 months to work up a program—I thought the cost would be negligible or nothing to the constituents. However, PennDOT went through with a different program.

Furthermore, let us get back to the emissions program, Mr. Speaker. I did not say we ought to amend HB 739. I said, at that point in time, when sanctions are brought upon us, what we ought to do is put another piece of legislation into the hopper to show the Federal people, to show EPA, we do have desires to go along with their program. But before we do that, let us fight them like 28 other states have been fighting them. Ohio has been fighting for 10 years; California for 5 years. Let us join those other states and let us give them a fight. Let us not sit down and say, yes sir, yes, sir, I agree with you, sir. Let us fight them. And you fight them by overriding this veto.

Furthermore, as far as I am concerned, this is an emissions tax. Just very recently we were asked by Governor Thornburgh—and I am going to join Mr. Dininni in this fight—we are going to need more money for PennDOT. Here we are being asked to put a 6-percent sales tax on gasoline; we are asked to increase the title fees

from \$5 to \$15, all paid by the taxpayers; we are asking for an increase in taxes for truck drivers. When is it going to stop?

I say, let us put a stop to it, let us show the taxpayers back home we mean business; we are on their side. Let us help fight. I ask you to join in the override.

The SPEAKER. The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, the majority leader talks about this being our mandate. Yes, we mandated that they institute a program, and Mr. Kolter is entirely right, nobody expected them to spend \$12 million implementing a program for photographs on licenses. We did not have to do that. The Federal Government runs a whole task force program and does not spend that kind of money taking peoples' pictures; they do not spend a dime. People send their pictures in. It is not our mandate. It is a mandate of the administration that shows the way to do this.

I have never once at this microphone—although I voted against the program in the past—said that it does not have some advantages. We are arguing about the way this administration is going to do it. Not only the \$12-million contract, the 30 miles or more that most of the residents of this Commonwealth are going to have to drive in order to get a picture taken to put on their drivers license. It is ridiculous. It is not our mandate. Our mandate, once we knew what the program was, was the passage of HB 739, which cancelled it. That was our mandate this year, this session. That was our mandate. It was the Governor who vetoed that piece of legislation. It now becomes his program, and we ought not to let the program stand. We have to put up enough votes to cancel it again. Mr. Speaker, this particular cancelling of the program passed this House 189 to 0 this session. That was our mandate. We do not want the program.

In addition, Mr. Speaker, Mr. Ryan talked about the Federal Government. We ought to make our people believe that it is the Federal Government that is giving us this program of emission controls. Yes, they are giving it to us; they are telling us that we have to come into compliance with an ambient air standard that they have set up. They do not tell us how to come into compliance. They do not tell us to charge our people up to \$300; the Governor is doing that. His Department of Transportation has picked the number \$300. Other states are doing it with \$50 and \$75, saying, if you take your car in and it does not comply with the standard that it should comply with, you will not have to spend more than, and then a figure is used. We are using \$300. Why? The Federal Government did not tell us to use that \$300, and we are objecting as a General Assembly. We are saying there ought to be a cost-effectiveness relationship between the amount of money we pay and how much of that atmosphere we are really going to clear up, and we should not be charging our people that kind of money, and that is what we are rebelling against. It is not the Federal Government's mandate to charge up to \$300 for fixing those devices or for tuning up the car, or whatever it takes

to meet that standard. That is Pennsylvania and Pennsylvania alone. And we are not bargaining just for a 2-month difference, Mr. Speaker. When we met with the Federal officials who blackmailed us, or attempted to blackmail us, and told us, if you override the Governor's veto, we are going to do all these nasty things, we told them, what are you fighting about? We are talking about 2 months. That is what we said to them - just what Mr. Ryan is saying to this House today. We said, you are willing to give a delay if we do not override the veto, until May 1, 1981, and we are asking for a delay of implementation to July 1, 1981. Why are you fighting? Why are you putting that obstacle in our way?, we asked the Federal officials we met with, and they said, oh, no, there is a difference between what you are doing in the bill. You are delaying implementation until then. And, yes, I said, that is what we want to do, delay implementation. He said, the delay we are giving you has nothing to do with implementation. We are going to continue to implement. We are going to continue to gear up. We are going to continue to spend money. We are going to keep that train on the track. All we are doing is saying no one will be called in before that date to have to spend that \$300 that you are talking about, and there is a vast difference between what we are trying to do for the people of Pennsylvania today and that 6-month delay that was given to us. That was not a delay in total implementation. That was a delay as to when people would have to start spending their money.

I submit, Mr. Speaker, that this is not our mandate, this program of photo ID; it is the Governor's mandate. We cancelled the program 189 to 0, and 47 to 0 in the Senate. We cancelled it. He refused to let us cancel it, the Governor of this Commonwealth. This is now his program; the emission controls likewise. We passed a resolution asking him to go into court and open up that consent decree, get his Justice Department working. There are only five states in these whole United States that have complied with the emission control standards in full, only five, and what we are proposing to do goes way beyond what any of them are doing. Most states are resisting, and we ought to resist on behalf of our people. You can speak of our mandate; you can speak that it is the Federal Government's program. Mr. Fryer is right, this belongs to us. We have the right, we have the capability to cancel, and we ought to do it today.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, I believe the minority whip is in error on the point that the mandate that he talks about that passed this House 189 to 0 was HB 739. HB 739 was my bill originally and it dealt only with the question of the Pennsylvania Turnpike and the use of emergency vehicles on that highway. It passed here 189 to 0 and it went to the Senate, at which time the Senate amended both the photo ID program into this bill and the questions of the auto emissions, both. So I think the gentleman ought to get his facts straight.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman may be correct. If you notice, my aide was handing me the book. The bill did pass the first time 189 to 0; in the Senate it passed 47 to 0, with the emission controls in. When it came back to the House for concurrence in Senate amendments, it passed 124 to 25. It is still a mandate, Mr. Speaker.

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

Mr. MOWERY. I have just one question here of the previous speaker. A statement, I believe, was made that in the event that the photo-licensing ID cards were cancelled, that our contract with the company that has been contracted with to take it—I think Dek Electro—that the only obligation the state would have would be the cost of the pictures already taken. I would appreciate very much if the speaker would tell me where in the contract that the state may cancel at any time and our only obligation is the cost of the pictures that have already been taken.

Mr. MANDERINO. Mr. Speaker, first you must understand that the contract with—you knew the name, Dek Electro—is a leasing contract. We are paying \$1 per picture taken for the space that they lease at the various places. That is how they are paid under the contract. For every picture that is taken, for the space, we are paying \$1. We are paying up to 36 cents—that is rough, but it is 36 point something—36 cents for every picture that is taken for the leasing of the cameras. All we are doing is leasing space and leasing cameras for the state, and it comes to \$1.36, and all of the contracts written contain language that says the state may "terminate this contract due to default of the successful bidder due to unsatisfactory service of performance, or to constraints placed upon it by virtue of changes in funding for a new fiscal year or by changes in legislation." Mr. Speaker, my legal staff has informed me that \$1.36 is our obligation for every picture already taken, and no other obligation.

Mr. MOWERY. Thank you, Mr. Speaker. I believe it is a matter of interpretation. I believe that that could be construed to mean that there would be a sizeable starting-up cost to that \$1.36, and I also believe that at this point in time, on a good-faith basis, we as a state would be certainly in a position to be sued for good faith.

I think that one of the things that we tend to forget as we get involved in our discussion—and I certainly am glad that I had nothing to do with it, because the vote was made to get involved before I became a member of this House, but I think that one of the concerns that so many times we have and do not really face—is that the ID system which was talked about here today as being not good because PennDOT at this point in time went the wrong route as far as the charge of \$1.36 for each picture to be taken. We also had reference that, in lieu of that, maybe we could have all sent in pictures and had them put on the cards, on the driver's license.

Mr. Speaker, of all the states that have had the ID system, there has been, to my knowledge—and there is a

recap of the methods of all the systems that the other states have used to get the photo system into operation—none of them has used the sending in of your own photograph. The purpose of this was to give better identification to the state troopers of those involved in traffic violations, to help to make our liquor control system work a little better for those under the age of 21, and to give the older people of this state a better way of being identified for the merchants, and so forth, and programs that they are looking for as far as discounts.

I believe that in order to—just thinking about it—send any picture in and have it copied on a license defeats the entire purpose. Therefore, I believe that since we have already taken the steps to go this far, it might behoove us to go on and continue the program and get it out of the way. There are many advantages to it. It is not all disadvantages. And as far as the emissions control, that is something that from where I am coming from, we are in and we have a job that we have to do, and I would recommend that we support the Governor in this particular piece of legislation that he had nothing to do with and is trying to uphold. Thank you.

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

Mr. DUFFY. Here on this floor, the last time this bill came up, we were led to believe that this emissions control was going to cost an average of from \$13 to \$35. When we read our local newspapers at home, we get figures from \$150 to \$200, and our people at home are not going to stand for anything like this. They do not want it, and the basis of the whole thing here is, we are tired of being blackmailed by the EPA and the rest of the agencies from Washington, D.C., and it is about time we got a little backbone up here, overrode this veto, and go home and tell the people about it. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am really sorry that Mr. Duffy got up before me then, because I wanted to make a statement along the lines that Mr. Duffy did. I am suggesting to the press—all right?—that before they print, before you print \$300, you check those numbers. I am telling you that the information—and I will give you copies of it—the information from Secretary Larson to the AAA, where I think one of these numbers originated, is \$16 to \$30. I am telling you that Mr. Schramm from the Environmental Protection Agency gives those same figures, and the correspondence I have, which I will be glad to share with you, indicates that there is only some 20 percent or 25 percent that would necessarily need these adjustments that would range in that \$16 to \$30 area.

I had determined to make that statement, Mr. Duffy, to the press, and I agree with you. Your people in your area pick up a newspaper and they read that they are going to have to spend \$150, \$200, \$300 to fix their cars on this emission control standard business, and they get panicky, and I do not blame them, but that is not factual. Now let

us see if the press will doublecheck, let us see if the press will act responsibly, which they can do, and very often do, because no one tells them, watch out for these numbers, check these numbers out. Now I am telling you gentlemen of the press and listening audience in the E-floor complex, check your numbers out, because it is an issue. I am asking you, please check them out before we read the headline, \$300. I agree with you, Mr. Duffy. Good point. Thank you, Mr. Speaker.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. COHEN. Mr. Speaker, Mr. Ryan addressed the press. I think that is in clear violation of the House rules. The purpose of debate here is not to address the press. The purpose is to address the members of the House. That is the purpose of debate.

The SPEAKER. It has been the custom of this House, when any member stands to speak, he addresses every other member of this House and on occasion the members of the Fourth Estate will listen. I would hope that what the majority leader was attempting to do was asking them to perk up their ears as he was addressing his peers.

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

Mr. STEWART. I will be brief. There has been a lot of figures tossed out here as far as the emission inspections go, and it was not too long ago, on a political note or the note of representing the people, that I stood on this floor and got 156 "yes" votes to return to a once-a-year vehicle inspection, because I feel that twice-a-year is unnecessary and there are no statistics to back it up.

In preparing those statistics at that time, I obtained a copy of a report prepared for the U.S. Secretary of Transportation concerning unnecessary vehicle repairs, and it is broken down into categories. In a 1979 report of repair stations reviewed over the whole country, emissions control had the highest percentage of unnecessary repair work. Actual required repair work in dollars and cents in the survey was \$272.04; actually charged was \$1,563.11, indicating a \$961 average overcharge for vehicle emission inspection and repair.

We are thrusting, with this legislation, the people of this Commonwealth into an already unnecessary inspection program, throwing them into the category of the highest unnecessary repair rates as surveyed by the U.S. Department of Transportation. I urge a vote to override.

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

Mr. DUFFY. I would just like to make one last comment. Whether this entails the cost of \$5 or \$10 or \$15, the people do not want it. I would like to say this, that we are going to have plenty of clean air when that price of

gasoline per gallon reaches \$2. Everything will be down. You will have plenty of clean air. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I have in my hand the Pennsylvania Bulletin—Mr. Ryan, if you would like to walk over and look at it—the Pennsylvania Bulletin that talks in terms of the emission control procedures in Pennsylvania. It says that “a certificate of waiver will not be issued by the EPA,” or whoever is going to issue this thing. “The Department shall issue a waiver”—When? Under I, when you spend “\$150 for 1968 through 1974 model year vehicles.” When you spend, in the next item, “\$250 for 1975 and newer model year vehicles.” And in addition to that, under section 4 below, accumulative additional \$50 to do the tuneup work, and it is a \$300-figure. Mr. Ryan, you are welcome to look at it. That is the figure. It is accurate, and other states are nowhere near this figure.

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 overriding the Governor’s Veto will vote “aye.” Those voting to sustain the veto of the Governor will vote “no.” The members will proceed to vote.

YEAS—118

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

NAYS—58

Anderson	Foster, W. W.	McKelvey	Salvatore
Arty	Freind	Mackowski	Scheaffer
Bittle	Gallen	Madigan	Sieminski
Bowser	Gannon	Miller	Smith, E. H.
Brandt	Geesey	Moehlmann	Smith, L. E.
Clark, M. R.	Geist	Mowery	Spencer
Cornell	Gruppo	Nahill	Taylor, E. Z.
Cunningham	Halverson	Noye	Thomas
DeVerter	Hayes, Jr., S.	Perzel	Vroon
Davies	Honaman	Peterson	Wass
Dietz	Johnson, E. G.	Pitts	Wenger
Dininni	Lehr	Polite	Wilt
Dorr	Lewis	Punt	

Durham	Lynch, E. R.	Pyles	Seltzer,
Earley	McClatchy	Ryan	Speaker

NOT VOTING—20

Alden	Hayes, D. S.	Micozzie	Shadding
Beloff	Helfrick	Musto	Sirianni
Dumas	Knepper	Rappaport	Street
Giammarco	Levin	Rhodes	Weidner
Greenfield	McIntyre	Rocks	Yohn

The SPEAKER. On the question of sustaining the veto of the Governor the “ayes” are 118, the “nays” 58, and the veto of the Governor is sustained.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. We have spent a great deal of time discussing emission control; and before people like Ron Gamble leave the floor, I would like this House to consider immediately, through the suspension of our House rules, a resolution which addresses the question of emission control and really where the genesis of this problem all began. I think since the House spent such a great deal of time on the matter of HB 739, I believe we could spend another few moments on this resolution.

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

The following roll call was recorded:

YEAS—161

Anderson	Freind	Lewis	Salvatore
Armstrong	Fryer	Livengood	Scheaffer
Arty	Gallagher	Lynch, E. R.	Schmitt
Austin	Gallen	McCall	Schweder
Belardi	Gamble	McClatchy	Serafini
Bennett	Gannon	McKelvey	Seventy
Bittle	Gatski	McVerry	Sieminski
Bowser	Geesey	Mackowski	Sirianni
Brandt	Geist	Madigan	Smith, E. H.
Brown	George, C.	Manmiller	Smith, L. E.
Burd	George, M. H.	Michlovic	Spencer
Burns	Gladeck	Milanovich	Spitz
Caltagirone	Goebel	Miller	Stairs
Cappabianca	Goodman	Moehlmann	Steighner
Cessar	Grieco	Mowery	Stewart
Chess	Gruppo	Mullen	Stuban
Cimini	Halverson	Murphy	Sweet
Clark, M. R.	Harper	Nahill	Swift
Cochran	Hasay	Novak	Taddonio
Cohen	Hayes, Jr., S.	Noye	Taylor, F.
Cole	Helfrick	O'Brien, B. F.	Thomas
Cornell	Hoeffel	O'Brien, D. M.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wargo
DeMedio	Irvis	Peterson	Wass
DeVerter	Itkin	Petrarca	Wenger
DeWeese	Johnson, E. G.	Piccola	White
DiCarlo	Johnson, J. J.	Pistella	Wilson
Davies	Jones	Pitts	Wilt
Dawida	Kanuck	Polite	Wright, D. R.
Dietz	Klingaman	Pott	Wright, Jr., J.
Dininni	Knight	Pratt	Yahner
Dombrowski	Kolter	Pucciarelli	Zeller
Dorr	Kowalshyn	Punt	Zitterman
Duffy	Kukovich	Pyles	Zord
Durham	Lashingner	Reed	Zwinkl
Fee	Laughlin	Richardson	
Fischer	Lehr	Ritter	Seltzer,
Foster, W. W.	Letterman	Rodgers	Speaker

Foster, Jr., A. Levi Ryan
NAYS—2

Clark, B. D. Grabowski
NOT VOTING—33

Alden	Gray	Micozzie	Shadding
Barber	Greenfield	Mrkonic	Shupnik
Beloff	Hayes, D. S.	Musto	Street
Berson	Knepper	Pievsky	Taylor, E. Z.
Borski	Levin	Rappaport	Telek
Dumas	McIntyre	Rhodes	Weidner
Earley	McMonagle	Rieger	Williams
Fisher	Manderino	Rocks	Yohn
Giammarco			

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

HR 190 INTRODUCED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I offer a resolution.

The SPEAKER. The resolution will be read by the clerk.

The following resolution was read:

In the House of Representatives,

WHEREAS, The Federal Clean Air Act and the regulations of the United States Environmental Protection Agency require the Commonwealth to implement a vehicle emissions control inspection/maintenance program in certain Pennsylvania counties; and

WHEREAS, A binding Federal court consent decree, entered on August 29, 1978, required the Commonwealth to begin a mandatory emissions inspection program in August 1980; and

WHEREAS, The Federal Government has threatened to withhold highway funds and water and sewage grants if Pennsylvania does not comply with Federal deadlines to implement the emissions program; and

WHEREAS, The General Assembly adopted Senate Resolution No. 222 which directed the Governor to have the Attorney General petition the United States District Court to vacate its consent decree of August 29, 1978; and

WHEREAS, The General Assembly passed House Bill No. 739 which sought to delay this Federal inspection program until July 1, 1981; and

WHEREAS, Recent negotiations were held between the United States Environmental Protection Agency and officers of the Commonwealth of Pennsylvania to pursue a delay of the Federal emission program; and

WHEREAS, This combined action by the General Assembly prompted the Federal Government and other parties to modify the Federal court decree to delay this inspection program until May 1, 1981; and

WHEREAS, The House of Representatives does not want to risk Pennsylvania's loss of highway funds and other Federal grants; and

WHEREAS, The General Assembly is without authority to change Federal law, Federal regulations or Federal court decrees; and

WHEREAS, Only the Congress of the United States has the legal authority to abolish or further delay the implementation of the vehicle emissions inspection control program; and

WHEREAS, Doubt exists whether the estimated benefit from the emission program justifies the cost and burden which will be imposed upon Pennsylvania motorists by this Federal inspection requirement; and

WHEREAS, A thorough review of the Federal Clean Air Act requirements for mandatory automobile emissions control inspection/maintenance programs is both necessary and urgent; therefore be it

RESOLVED, That the House of Representatives memorialize the Congress of the United States of America to undertake a thorough review of the Federal Clean Air Act, insofar as it requires mandatory emissions inspection/maintenance programs, in order to determine whether or not existing requirements are in the public interest; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, and to each Senator and Representative from Pennsylvania in the Congress of the United States of America.

SAMUEL E. HAYES, JR.
RICHARD J. CESSAR
D. MICHAEL FISHER
LEE C. TADDONIO
TERRENCE F. McVERRY
JOHN M. PERZEL
M. JOSEPH ROCKS
GERALD J. McKELVEY
FRANK A. SALVATORE
DENNIS M. O'BRIEN
MARY ANN ARTY
JOHN ALDEN
THOMAS P. GANNON
KATHRYNANN DURHAM
GERALD J. SPITZ
ARTHUR F. EARLEY
WILLIAM K. KLINGAMAN, SR.
EARL H. SMITH
WALTER F. DeVERTER
LEONARD Q. GRUPPO
FRED C. NOYE
HARRY E. BOWSER
NOAH W. WENGER
PAUL WASS
HAROLD F. MOWERY, JR.
JOSEPH V. GRIECO
ROGER ALLEN MADIGAN
EDMUND J. SIEMINSKI
EDWIN G. JOHNSON
E. RAYMOND LYNCH
JOSEPH R. PITTS
ELINOR Z. TAYLOR
ROY W. CORNELL
JOSEPH M. GLADECK, JR.
JOSEPH A. LASHINGER, JR.
MARILYN S. LEWIS
PETER R. VROON
RICHARD A. GEIST
ROGER RAYMOND FISCHER
JOHN E. PETERSON
JESS M. STAIRS
CARMEL SIRIANNI
JEFFREY E. PICCOLA
EDWARD W. HELFRICK
RUDOLPH DININNI
JOSEPH C. MANMILLER
JOSEPH LEVI, II
GEORGE C. HASAY
WILLIAM D. MACKOWSKI
L. EUGENE SMITH
FRANKLIN COSLETT
FRED BELARDI
FRANK A. SERAFINI
GREGG L. CUNNINGHAM
JOHN S. DAVIES

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I believe the gentleman, Mr. Manderino, would like to discuss the resolution. He is moving towards the microphone. I would be most happy to debate with the gentleman.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I missed what the gentleman said. Do you want to talk about your resolution?

Mr. S. E. HAYES. You seemed to be ambling towards the microphone, Mr. Speaker, and I thought you would like to discuss the resolution. I would be most happy to do so.

Mr. MANDERINO. Well, I have not seen the resolution. I was told you were going to introduce one. I see things in here that I would not like to vote for. For instance, "WHEREAS, The General Assembly is without authority to change Federal law, Federal regulations or Federal court decrees;". I agree with that.

The next whereas, on page 216, says: "WHEREAS, Only the Congress of the United States has the legal authority to abolish or further delay the implementation....", and I do not think that is true. I think this General Assembly can, and I do not think that I want to advise the members on this side of the aisle to vote for a cop-out resolution, and that is what it is. And I am not going to ask them to vote for it.

Mr. Speaker, I do not see an urgency on this. If we want to send a message to Congress, I would like to have the opportunity to offer amendments to this resolution. That can be done next week. I said this problem is not going to go away; it is still going to be with us. I would suggest that unless we can delay the vote on this, we ought to vote "no" on this.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I would suggest to those who are usually prone to follow the minority whip that they take pause in his blinded recommendation at this time.

This resolution has as its purpose—and by the way, I have been here long enough to understand the ordeal and why the ordeal that we have just gone through. But people like Mr. Duffy and Mr. Gamble and others, who get written to them letters from constituents concerning the emission control program, I believe, should have some opportunity to clearly explain that this General Assembly really did not pass the Federal Clean Air Act; that the Environmental Protection Agency is a Federal agency, not a state agency. It is the administration in Washington, which promulgated the original rules and regulations, which has brought to this Commonwealth and to other states the emission control program.

Your minority whip cannot point to any state law passed by this General Assembly that is requiring this emission control program. He can point to a United States Congress that passed such a law. He has said himself that this General Assembly is without authority to change Federal law, to change Federal regulations, or to change Federal

court consent decrees. He acknowledged that just a new moments ago.

We can go through this ordeal of overriding vetoes today, tomorrow, next week, next month, next year, and even the next decade. But I suggest to you, those of you who serve along the back benches, if you really mean what you say, that you want to relieve the onerous burden of a Federal emission control program, that we get in touch with our brethren in the United States Congress. They are the statutory authority of this nation, not this General Assembly. If you really mean what you say, if it is more than just speechmaking today, tomorrow, next week, next year or next decade, the most direct, the most expeditious way of resolving this matter is not to have Colorado go into court and to have Pennsylvania go into court and to have Utah go into court and to have Virginia go into court, to have all 50 states go into court; the most expeditious way is to have the United States Congress change the law so that there is not to be a Federal emissions inspection program, so that the Administration in Washington cannot come to Pennsylvania, cannot go to Colorado, and even threaten the use of sanctions.

Now if you really mean what you say, you had better not follow the lead of your minority whip. His purpose is not the public's purpose; his purpose is a political purpose. Vote your will today, but you had better be wary because your short gains today will be a long-term detriment. Do not go home to your constituents and say, beating thy chest, I gave a speech in Harrisburg, and we are going to spare you, forever, this Federal inspection program. Why do you not give such a speech to Congressman Moorhead, who is chairman of the Pennsylvania delegation in Congress, so I understand? You know what he would do, he would laugh at you. You cannot change the law, assemblymen of Pennsylvania. The assemblymen of Colorado cannot change our Federal law. Only we who serve in the United States Congress can change the law. Governor Thornburgh cannot change President Carter's rules and regulations. I suggest that you be careful as you vote on this resolution. Vote with the minority whip if you want to; just be careful in your actions. I urge support of the resolution. Thank you, Mr. Speaker.

MOTION TO TABLE HR 190

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the only part of this resolution—I have read it a little more—that I have any problems with in the discussion that is going on here, is lines 16, 17, and 18, where there is an admission made that "Only the Congress of the United States has the legal authority to abolish or further delay the implementation of the vehicle emissions inspection control program;...." That is being enacted by regulation in Pennsylvania, and I think that we, the General Assembly of Pennsylvania, have the authority to delay or to cancel that program. I think that it is only Congress that has the authority to implement the Clean Air Act, only they; and, frankly, I do not see the

urgency of this. I would move that this be laid on the table so that that one line can be corrected, and then I will join Mr. Hayes at the first of the week in passing this and sending it to Congress.

The SPEAKER. It is moved by the minority whip, Mr. Manderino, that the resolution be laid on the table.

On the question,

Will the House agree to the motion?

The SPEAKER: The Chair recognizes the majority whip.

Mr. S. E. HAYES. The minority whip knows very well what I am talking about. He is a little less irritable at this moment than he was, because he knows what I was saying is absolutely correct, and I am still correct with regard to the few lines that he mentioned. I am not going to stand here on the floor of this House and try to rewrite all the civics books of this nation. He knows very well that the most direct way of changing this Federal emission program is for the United States Congress to speak clearly and say the Federal Government, the Carter Administration, shall not go out to the 50 states and implement the Federal emission inspection program. Now, a man by the name of Manderino cannot change the civics books of this nation. That is the most direct way for this issue to be pushed under the rug once and for all.

Now if you want to try to write the books some different way, if you want to try to tell the people of this Commonwealth that there is some more direct way, you go right ahead and try to tell those people that, but I know that the quickest way, since we are lawmakers about the business of trying to make law as we are with HB 739, why do we try to do that on one hand but then on the other hand say there is some more direct, some more effective way of pushing this thing asunder once and for all. I suggest to you that the gentleman, Mr. Manderino, does not want to push it aside once and for all. You all know what his purpose is in this House, and it is not public. It starts with a "p" but it is not public; it is political. Now once and for all, express yourself.

I oppose the motion to table. I urge a vote in favor of this resolution.

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

Mr. A. K. HUTCHINSON. Would Mr. Hayes answer a couple of questions I have for him?

The SPEAKER. The question before the House is the motion to lay on the table.

Mr. A. K. HUTCHINSON. Well, this has something to do with it. I tried to get in before.

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

Mr. S. E. HAYES. Yes, Mr. Speaker. I will do my best, sir.

Mr. A. K. HUTCHINSON. What happened to the resolution, the joint resolution, that was passed by the Senate and the House about 2 months ago, asking the Governor and the Attorney General to go to court and ask for some time? When you are talking about resolutions, what did we

do with that one? I put one in and I was called political by putting one in. That one passed. What are the Governor and the Attorney General now doing with it? Thank you.

Mr. S. E. HAYES. I will do my best, Mr. Speaker, to answer the gentleman's question. What Mr. Hutchinson has just asked is, as you heard, what happened to the Senate resolution which was a concurrent resolution adopted also by this House of Representatives? That resolution, SR 222, asked the Governor to direct the Attorney General of this Commonwealth to petition the Federal Court to vacate their consent decree of August 29, 1978. That is all that that resolution did. Now through that action and through the action of this General Assembly with regard to HB 739 and the subsequent negotiations which took place with the Administration in Washington, there was an agreement to vacate that consent decree, which says the State of Pennsylvania is to start up, even yet in 1980. They modified and they agreed to delay until May of 1981, and the Environmental Protection Agency has gone back to the Federal Court, and the Federal Court has shown its favorable disposition to the May 1981 delay. But that concurrent resolution, Mr. Speaker, does not do any more than ask for the court to be petitioned to vacate that August 29, 1979 consent decree. And this is what I am talking about, Mr. Speaker, if I may just—

Mr. A. K. HUTCHINSON. I would just like to ask you one more question.

Mr. S. E. HAYES. Okay, sir. Go ahead.

Mr. A. K. HUTCHINSON. When was the law passed for emissions control?

Mr. S. E. HAYES. Would you restate your question and somewhat amplify it?

Mr. A. K. HUTCHINSON. When was the Federal Clean Air Act passed?

Mr. S. E. HAYES. Nineteen seventy-seven.

Mr. A. K. HUTCHINSON. Whoa, let us go back to 1971 or 1972.

Mr. S. E. HAYES. Seventy. But wait a minute. Understand, Mr. Speaker, like any other body of law, it is also amended, too.

Mr. A. K. HUTCHINSON. Yes, but anyhow, how did we get to the point that we had to go into emissions control?

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. DORR. Is a motion to lay on the table debatable, Mr. Speaker?

Mr. MANDERINO. Rule 59, Mr. Speaker.

The SPEAKER. The gentleman has called to the attention of the Chair that a motion to lay on the table is not debatable. The Chair was attempting to be lenient. Since it has been called to the Chair's attention, the Chair will follow the rule.

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

The following roll call was recorded:

YEAS—80

Austin	Gallagher	Livengood	Rodgers
Bennett	Gamble	McCall	Schmitt
Berson	Gatski	Manderino	Schweder
Brown	George, C.	Michlovic	Seventy
Caltagirone	George, M. H.	Milanovich	Shupnik
Cappabianca	Goodman	Mrkonic	Steighner
Chess	Grabowski	Mullen	Stewart
Clark, B. D.	Harper	Murphy	Stuban
Cochran	Hoefel	Novak	Sweet
Cohen	Hutchinson, A.	O'Brien, B. F.	Taylor, F.
Cole	Iris	O'Donnell	Trello
Cowell	Itkin	Oliver	Wachob
DeMedio	Johnson, J. J.	Petrarca	Wargo
DeWeese	Jones	Pievsky	White
DiCarlo	Knight	Pistella	Williams
Dawida	Kolter	Pratt	Wright, D. R.
Dombrowski	Kowalshyn	Pucciarelli	Yahner
Duffy	Kukovich	Reed	Zeller
Fee	Laughlin	Richardson	Zitterman
Fryer	Letterman	Ritter	Zwikl

NAYS—92

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

NOT VOTING—24

Alden	Gray	McMonagle	Rieger
Barber	Greenfield	Madigan	Rocks
Beloff	Hayes, D. S.	Micozzie	Shadding
Borski	Knepper	Musto	Street
Dumas	Levin	Rappaport	Weidner
Giammarco	McIntyre	Rhodes	Yohn

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

HR 190 ADOPTED

On the question recurring,
Will the House adopt the resolution?

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

Mr. A. K. HUTCHINSON. I was not done when you told me to sit down. I would like to ask a couple more questions.

The SPEAKER. The Chair apologizes to the gentleman, but the Chair was reminded that the gentleman was out of order at the time because the motion to—

Mr. A. K. HUTCHINSON. I am still out of order.

The SPEAKER. Will the gentleman yield? —because the motion to lay on the table is not debatable. The question now before the House is on the adoption of the resolution, and the Chair will recognize the gentleman after two other members who have asked for recognition prior to Mr. Hutchinson.

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

Mr. COWELL. Mr. Speaker, a little while ago, Mr. Hayes suggested that we ought to send our brethren in Congress a message, or communicate with our brethren in Congress, and I agree with that. But he also suggested that we should not follow the minority whip blindly, but at the same time we are being asked to vote in favor of the resolution blindly. I think that we should do nothing blindly. I therefore would ask that the further debate on this particular resolution be suspended until the proposed resolution is distributed for our review and consideration. Is that possible?

Mr. S. E. HAYES. If the gentleman has some questions about the resolution, I will be most happy to answer them.

Mr. COWELL. Mr. Speaker, I would like to read the resolution. Could it be circulated as a courtesy to all the members of the House?

Mr. Speaker, I am going to have a great deal of difficulty sharing this with all the members around me who have just asked to review it. Could we have it reprinted for review by each of the members?

Mr. S. E. HAYES. Mr. Speaker, if I may interrupt the gentleman, this resolution is not at all difficult to understand, and I respectfully suggest that the reading clerk of this House very carefully and slowly read the resolution. I would personally appreciate the reading clerk doing that, and then let us take a vote on this resolution. But I respectfully suggest that rather than having the reading clerk, as he did a moment ago, read two or three words, that we follow the rules of the House and have the reading clerk read the whole resolution.

PARLIAMENTARY INQUIRY

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

Mr. MANDERINO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, does the procedure that the majority whip suggests meet the rules of the House or does what Mr. Cowell suggests meet the rules of the House, that it be printed and given to every member?

The SPEAKER. Will the gentleman from Allegheny, Mr. Cowell, again pose his query to the Chair?

Mr. COWELL. Mr. Speaker, I asked if the Chair would be courteous enough to permit copies of the resolution to be reprinted and distributed to all the members before the discussion proceeded any further.

The SPEAKER. Will the minority whip, Mr. Manderino, restate his point of order?

Mr. MANDERINO. Mr. Speaker, my point of parliamentary inquiry was simply, Was the suggestion of Mr. Hayes that the reading clerk read the resolution in full or the suggestion of Mr. Cowell, that everybody be given a copy, what the rules of this House require? Which? I do not know. That was my question.

The SPEAKER. The Chair will respond to both questions. First of all, to the query of Mr. Cowell, it is my understanding that a copy of the resolution is being reproduced for all members for distribution to the members. As the Chair diligently went through our rules, it finds nothing in our rules which would indicate that the resolution has to be in print and on each member's desk. The Chair would certainly believe, though, that it is more proper for this General Assembly to consider legislation, resolutions and such if they were in print and on the members' desks, but there is nothing in the rules which dictates that they do be in print and on the members' desks.

So if the Chair is willing to abide by the wishes of the House, either to have the reading clerk again read the resolution in its entirety or wait a few extra moments until the reproduction has been completed and passed out to each member. The Chair is willing to abide by whatever decision the members of this House would ask.

Without the direction from the House, the Chair will take it upon itself to ask the clerk to read in its entirety again the resolution offered by the gentleman from Blair, Mr. Hayes. The clerk may proceed.

The following resolution was read:

In the House of Representatives,
WHEREAS, The Federal Clean Air Act and the regulations of the United States Environmental Protection Agency require the Commonwealth to implement a vehicle emissions control inspection/maintenance program in certain Pennsylvania counties; and

WHEREAS, A binding Federal court consent decree, entered on August 29, 1978, required the Commonwealth to begin a mandatory emissions inspection program in August 1980; and

WHEREAS, The Federal Government has threatened to withhold highway funds and water and sewage grants if Pennsylvania does not comply with Federal deadlines to the implement emissions program; and

WHEREAS, The General Assembly adopted Senate Resolution No. 222 which directed the Governor to have the Attorney General petition the United States District Court to vacate its consent decree of August 29, 1978; and

WHEREAS, The General Assembly passed House Bill No. 739 which sought to delay this Federal inspection program until July 1, 1981; and

WHEREAS, Recent negotiations were held between the United States Environmental Protection Agency and officers of the Commonwealth of Pennsylvania to pursue a delay of the Federal emission program; and

WHEREAS, This combined action by the General Assembly prompted the Federal Government and other parties to modify the Federal court decree to delay this inspection program until May 1, 1981; and

WHEREAS, The House of Representatives does not want to risk Pennsylvania's loss of highway funds and other Federal grants; and

WHEREAS, The General Assembly is without authority to change Federal law, Federal regulations or Federal court decrees; and

WHEREAS, Only the Congress of the United States has the legal authority to abolish or further delay the implementation of the vehicle emissions inspection control program; and

WHEREAS, Doubt exists whether the estimated benefit from the emission program justifies the cost and burden which will be imposed upon Pennsylvania motorists by this Federal inspection requirement; and

WHEREAS, A thorough review of the Federal Clean Air Act requirements for mandatory automobile emissions control inspection/maintenance programs is both necessary and urgent; therefore be it

RESOLVED, That the House of Representatives memorialize the Congress of the United States of America to undertake a thorough review of the Federal Clean Air Act, insofar as it requires mandatory emissions inspection/maintenance programs, in order to determine whether or not existing requirements are in the public interest; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, and to each Senator and Representative from Pennsylvania in the Congress of the United States of America.

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

Mr. BENNETT. I missed that second whereas. Would he go over that one again?

The SPEAKER. Are you sure it is the second one?

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

Mr. MANDERINO. I rise to ask the Chair for what purpose are we delaying now?

The SPEAKER. It was the understanding of the Chair that certain members had asked that the House be at ease awaiting the distribution of the resolution offered by Mr. Hayes.

Mr. MANDERINO. Mr. Speaker, while we are doing that, can we talk on the resolution?

The SPEAKER. The gentleman is in order to debate the resolution.

Mr. MANDERINO. Mr. Speaker, the Governor of this Commonwealth vetoed HB 739 on the 28th day of December, 1979. I guess that is about 3 months ago. Mr. Hayes is accusing me of being political for asking for a delay until Monday in the consideration of this resolution. Well, I have never run away from anyone saying that I was political. No question that I am political. But, Mr. Speaker, this resolution that was prepared just yesterday and obviously delivered to a number of the members on the other side of the aisle was not delivered even to the minority leader on this side of the aisle. I will not accuse you of being political. I will not accuse you of being political, Mr. Speaker, in the introduction of this resolution on a day when we failed here in the House of Representatives of the General Assembly and we failed to do what we should have for the people back home. So we are going to do something less by passing a resolution.

Mr. Speaker, the resolution says that "WHEREAS, the General Assembly passed House Bill No. 739 which sought to delay this Federal inspection program..." in one whereas clause, and in another whereas clause says, "Only the Congress of the United States has the legal authority to...delay the implementation of the vehicle emissions inspection control program." You know, in one sentence we are saying we did it in HB 739, but only Congress had the right to do it. I was simply pointing out to you, Mr. Speaker, that the whereas clauses were inconsistent; I think also inaccurate. If you want to call it political for me to say that we should have delayed until Monday and corrected this thing so it would have read like a document that we would have all been proud, and maybe I am the only one who is not proud to go along with the language as it is here. Mr. Speaker, I think we could have waited, and I do not know who was being political for not wanting to wait. I will rest with the judgment of the members of this House.

Mr. Speaker, I will say that I am not going to ask my members to vote against this resolution, as bad as it may be drafted, because, although I may be political, I would hope that I am not an unwise politician. Mr. Speaker, I think we ought to do the job by overriding the Governor's veto and not copping out with a resolution.

I have heard some member of this House—and I cannot remember who it was—say a resolution is like kissing your sister; and that is about what effect our resolutions have. I have not seen Congress look at one of them or do anything about one of our resolutions in memorializing them yet, and I suppose that they will not do anything about this one, especially since in the whereas clause we had the temerity not to object to what they have done, but we have the temerity simply to ask them to please review their actions insofar as it requires mandatory emissions in order to determine whether or not the existing requirements are in the public interest. I would have liked to have seen a resolution worded a little more strongly; a resolution saying that we think we have been had in Pennsylvania; that we think the requirements put on some of our citizens, while Ohio keeps getting extension after extension, are improper. I think the resolution will have very little effect.

I think if you want to go home and claim that you did anything about two programs that the people do not want, after we send this resolution to Congress, we ought to get back to the business next week of figuring out how we can override the Governor's veto. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I agree 100 percent that we should communicate with our Federal officials about this very important matter, and we should be very firm in that communication and very clear in that communication. That is the problem with the resolution that is before us today; it is about as firm as a bowl of jello. It really does not say anything. This resolution does not even go so far as to say that we, the members of this legislature, are opposed to this program. It does not go so far as to say that we want the

Congress to do whatever is necessary to insure that this emission inspection program will not be imposed on the automobile owners and operators of Pennsylvania. It does not say any of that. It runs through a little bit of rhetorical history, and then it says we want them to review these provisions as they relate insofar as it requires mandatory emissions. God only knows how long it will take them to conduct that congressional review at the Federal level. We will probably be stuck with this program before they get very far along with the review. I think that we should be much more forceful in the message that we communicate to our brethren in the Congress. Unfortunately, this does not do that.

I am going to support this resolution because I do believe that we should use every opportunity to communicate, every opportunity to express our opposition to this program in every way possible. But let us not kid ourselves and let us certainly not try to kid the public that once we have passed this resolution, we will put an end to this controversy or an end to this issue as it concerns the legislature once and for all. It will not. It should only be one minor step, and, frankly, this is not going to be a very effective step because it is not very forceful. We must pursue this on every avenue possible. We must continue to pursue HB 739. We must pursue stronger resolutions. We must pursue that joint resolution that was adopted earlier, that Mr. Hutchinson referred to earlier, where we instruct the Governor to have the state contest this consent decree through the courts. We must find every means possible to express our opposition to this program and to challenge this program. Let us pass this resolution, but let us not kid anybody. This is not going to end it; this certainly does not end our obligation with respect to this very important issue. It is only one small, minor statement. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentlemen, Mr. Cowell and Mr. Manderino, have for once and for all, I believe, started to give evidence to the fact that this problem is not going to be resolved by this General Assembly. This resolution is being offered today because, quite frankly, I am getting tired of certain members of this chamber trying to tell the people of Pennsylvania that every day is Halloween. It is time we tear the false face off those who have done nothing but torture this chamber with a lot of political rhetoric.

This House of Representatives and the Senate of Pennsylvania are without authority to strike from the books once and for all in a final way the Federal emission inspection program. Now I can agree with the gentleman, Mr. Cowell, that we do not want the Federal inspection program, but my saying that on the floor of this House of Representatives does not make that Federal program go away, nor does our eternal ritual in trying to override a Governor's veto of a piece of legislation make it go away. Let us stop playing Halloween with the people. Let us stand up foursquare and say, look, people of Pennsylvania, those

of you whom we represent, this problem started in Washington, D.C. It did not start with Milton Shapp and it is not going to end with Dick Thornburgh. You are going to have to address yourselves to those whom you elect to the United States Congress.

Now, one of the whereases in there, which both Mr. Manderino and Mr. Cowell would like to ignore, states "WHEREAS, Doubt exists whether the estimated benefit from the emission program justifies the cost and burden which will be imposed upon Pennsylvania motorists by this Federal inspection requirement." There is doubt, and, frankly, as one Pennsylvanian, I do not believe that that Federal inspection program is worth the paper upon which it is written, but we cannot change the Federal program. Now, if you want to keep playing Halloween with your people back home, keep beating on your chest and saying, I am against that program and I voted to override a veto. If you want to keep playing that kind of Halloween, go ahead, but I think once and for all that we should call the fakers what they are. If you are going to change the program, you are going to change it in Washington, D.C., not with Jim Manderino giving speeches on the floor of this House of Representatives. I urge support of the resolution.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—162

Anderson	Foster, W. W.	Lewis	Schmitt
Armstrong	Foster, Jr., A.	Livengood	Schweder
Arty	Freind	Lynch, E. R.	Serafini
Austin	Fryer	McCall	Seventy
Belardi	Gallagher	McClatchy	Shupnik
Bennett	Gallen	McKelvey	Sieminski
Berson	Gamble	McVerry	Sirianni
Bittle	Gannon	Mackowski	Smith, E. H.
Bowser	Gatski	Manderino	Smith, L. E.
Brandt	Geesey	Manmiller	Spencer
Brown	Geist	Michlovic	Spitz
Burns	George, C.	Miller	Stairs
Caltagirone	Gladeck	Moehlmann	Steighner
Cappabianca	Goebel	Mowery	Stewart
Cessar	Goodman	Mrkonic	Stuban
Chess	Grabowski	Mullen	Sweet
Cimini	Grieco	Murphy	Swift
Clark, M. R.	Gruppo	Nahill	Taddonio
Cochran	Halverson	Novak	Taylor, E. Z.
Cohen	Harper	Noye	Taylor, F.
Cole	Hasay	O'Brien, B. F.	Telek
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Coslett	Helfrick	O'Donnell	Trello
Cowell	Hoeffel	Oliver	Vroon
Cunningham	Honaman	Perzel	Wachob
DeMedio	Hutchinson, A.	Peterson	Wargo
DeVerter	Hutchinson, W.	Petrarca	Wass
DeWeese	Irvis	Piccola	Wenger
DiCarlo	Itkin	Pistella	White
Davies	Johnson, E. G.	Pitts	Wilson
Dawida	Johnson, J. J.	Polite	Wilt
Dietz	Jones	Pott	Wright, D. R.
Dininni	Klingaman	Pratt	Wright, Jr., J.
Dombrowski	Knight	Punt	Yahner
Dorr	Kolter	Pyles	Zeller
Duffy	Kowalyszyn	Reed	Zitterman
Durham	Lashinger	Ritter	Zord
Earley	Laughlin	Rodgers	Zwilk
Fee	Lehr	Ryan	
Fischer	Letterman	Salvatore	Seltzer,

Fisher Levi Scheaffer Speaker

NAYS—2

Clark, B. D. Kukovich

NOT VOTING—32

Alden	Gray	Madigan	Richardson
Barber	Greenfield	Micozzie	Rieger
Beloff	Hayes, D. S.	Milanovich	Rocks
Borski	Kanuck	Musto	Shadding
Burd	Knepper	Pievsky	Street
Dumas	Levin	Pucciarelli	Weidner
George, M. H.	McIntyre	Rappaport	Williams
Giammarco	McMonagle	Rhodes	Yohn

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 881, PN 1583**, entitled:

An Act amending the act of January 22, 1968 (1967 P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Assistance Law of 1967," adding and further providing for definitions and program authorizations, making an editorial change, further providing for project grants, further providing for intergovernmental cooperation, providing for State subsidies, authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, empowering each authority to function outside of the metropolitan area under certain terms and conditions, imposing a requirement to submit a reorganization plan, providing sanctions for failure to submit a reorganization plan and making appropriations, and making certain transfers and repeals.

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

SB 881 RECOMMENDED

The **SPEAKER**. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 881 be recommitted to the Committee on Appropriations

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

Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

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

The Chair hears no objection.

STATEMENT BY MR. THOMAS

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

Mr. THOMAS. Mr. Speaker, I have a brief statement I would like to make as it pertains to an economic loss to the agricultural community of Pennsylvania. I am talking about the immediate and foregone conclusion of American home foods to go out of the tomato processing business at their American Home Foods plant in Milton. This does not only affect tomato growers or farmers in Snyder and Union Counties, the district I represent, but it affects the whole Susquehanna Valley area as well as northeastern Pennsylvania. According to whose economic figures you are looking at, it is a \$3-million or a \$4-million or a \$1-billion loss to the agricultural community of Pennsylvania.

I think it is something that this House needs to be aware of, and any member who has farmers who are suffering from this particular decision can correlate their activities through their legislator, through the House Agriculture Committee, for whatever it might be worth.

I want to say at this time, as chairman of the House Agriculture Committee, I have been in contact with American Home Foods and its management, and I am also working through the State Food Processors Association to see what avenues we can take to help the farmers in this particular plight. We have inquiries in various directions regarding the solution to the problem, and I would be only too happy to correlate all the activities through the Agriculture Committee of the House. Should you have any questions, do not hesitate to call.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, I was out of the hall of the House when HB 269 was considered. I would like the record to reflect that had I been in my seat, I would have voted "yes" on the Manderino amendment; "no" on the Ritter amendment; and "yes" on final passage of HB 269.

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

The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, on HR 190, once again my switch was inoperative, and I would like to be recorded in the affirmative.

I would like to request that maybe somebody would check that switch. It is seat No. 144 for your information. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Madigan. Does the gentleman have the same problem?

Mr. MADIGAN. I had the same problem, Mr. Speaker. I would like to be recorded in the affirmative on HR 190.

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

STATEMENT BY MR. ZELLER

The SPEAKER. Does the gentleman from Lehigh, Mr. Zeller, wish to be recognized?

Mr. ZELLER. Mr. Speaker, I only wish that the remarks that were made by Mr. Reno Thomas were made to the full House because, really, this is a very serious problem. I wish that it could be printed. I wish that he would print this, and I hope Mr. Reno Thomas is listening to me on this. This should be printed and given to every member, because we met last week and that subject was brought up on Thursday at our agricultural meeting. Really, Mr. Speaker, I wish that this information which you have brought be met with, and I only wish that our minority chairman of the Agriculture Committee was invited to that meeting, and he was not. But I only wish that all the members of the House could hear it. We are in a very serious area. Our meeting was on Wednesday, and on Thursday I met up in Berwick, and we talked about this with members up there of the House of Representatives in regard to the heavy tomato area. It is a very heavy tomato area up there, and I only wish that there was a hearing held. I believe it is very serious and we have got to get into this area very quickly, otherwise California and other areas are going to take over the business. We are going to lose our tomato industry. I only hope and pray that the remarks that were made here on the floor by Mr. Thomas will be given to every member of the House, and also the fact is that we have got to have some meetings with these people up there because the farmers up there are very, very disturbed over it.

So thank you very much. I am glad he brought it to the attention of the House. I only wish that all the members were here to hear it.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2109, PN 2984 (Amended) (Unanimous)

By Rep. GALLEN

An Act relating to the lawful conduct of bingo, prescribing penalties and making a repeal.

STATE GOVERNMENT.

ADJOURNMENT

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

Mr. GRABOWSKI. Mr. Speaker, I move that this House do now adjourn until Monday, March 3, 1980, at 1 p.m., e.s.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 6:55 p.m., e.s.t., the House
adjourned.