

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 18, 1980

Session of 1980

164th of the General Assembly

No. 21

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

Christopher Estright, member of the House of Representatives' staff from Dauphin County and guest chaplain, offered the following prayer:

Let us pray:

Father, as we gather here to legislate the future of this, our Commonwealth, please look down on us with Your wisdom. You, Lord, who make the final decision, give us the people, who have government by petition, the benefit of heavenly guidance. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 17, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2364 By Representatives PRATT, F. TAYLOR, CAPPABIANCA AND MILANOVICH.

An Act regulating fee sharing among the officers and employees of political subdivisions, intermediate units, authorities and agencies created by political subdivisions, and consultants and other persons contracting therewith, and providing penalties.

Referred to Committee on JUDICIARY, March 17, 1980.

No. 2365 By Representative GOEBEL.

An Act making an appropriation to the Department of Justice for the payment of certain moral claims against the Commonwealth.

Referred to Committee on APPROPRIATIONS, March 17, 1980.

No. 2366 By Representative B. D. CLARK.

An Act declaring and adopting the song "Pennsylvania, The Land I Call Home," music by Sundee Kelly and lyrics by Diana Shurina, as the State song of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, March 17, 1980.

No. 2367 By Representatives GOEBEL, SIEMINSKI AND FISHER.

An Act creating the Commonwealth Commission on Family Life.

Referred to Committee on STATE GOVERNMENT, March 17, 1980.

No. 2368 By Representatives REED, PUNT, KOWALYSHYN AND DIETZ.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), limiting the use of medical assistance funds.

Referred to Committee on HEALTH AND WELFARE, March 17, 1980.

No. 2369 By Representatives A. K. HUTCHINSON, KOLTER, LETTERMAN, LIVENGOOD, B. D. CLARK, PETRARCA, DeMEDIO, TADDONIO, KUKOVICH, KLINGAMAN, YAHNER, C. GEORGE, FEE, WACHOB, SWEET AND GREENFIELD.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the refund of the unused portion of any collected license fee.

Referred to Committee on FINANCE, March 17, 1980.

No. 2370 By Representatives MOEHLMANN, STUBAN, LEVI, STEWART, WENGER AND A. C. FOSTER, JR..

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for the appointment of assistant county solicitors.

Referred to Committee on LOCAL GOVERNMENT, March 17, 1980.

No. 2371 By Representatives D. R. WRIGHT, LIVENGOOD, LETTERMAN, STEIGHNER, ZITTERMAN, SHUPNIK, STUBAN AND COHEN.

An Act providing for the right of grandparents to visit grandchildren in certain cases.

Referred to Committee on JUDICIARY, March 17, 1980.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in HR 162, PN 2697.

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 914, PN 2949; and HB 1778, PN 3047.

The SPEAKER. The bills will appear on the calendar.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. FREIND, MOWERY, and E. G. JOHNSON for today's session.

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

Mr. GALLAGHER. Mr. Speaker, I request leaves of absence for Messrs. MUSTO and WILLIAMS for today's session.

The SPEAKER. Without objection, leaves are granted.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony seventh and eighth grade students from St. Thomas School, Delaware County, who are here as the guests of Mr. Ryan and Mrs. Durham.

The Chair also welcomes to the balcony students and faculty of the Philipsburg School of Nursing, who are here today as the guests of Messrs. George, Yahner, Wachob, S. E. Hayes, and Letterman.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll. All those members on the floor of the House may now record their presence.

The following roll call was recorded:

YEAS—186

Table listing names of members who voted 'YEAS' (186 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Foster, W. W., Foster, Jr., A., Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Giammarco, Gladeck, Lewis, Livengood, Lynch, E. R., McCall, McClatchy, McIntyre, McKelvey, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H.

Table listing names of members who voted 'NAYS' (0 total). Includes Burd, Burns, 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, Duff, Dumas, Durham, Earley, Fee, Fischer, Fisher, Goebel, Goodman, Grabowski, Gray, Greenfield, Grieco, Gruppo, Halverson, Harper, Hasay, Hayes, Jr., S., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J. J., Jones, Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Letterman, Levi, Levin, Micozzie, Milanovich, Miller, Moehlmann, Mrkonic, Mullen, Murphy, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Oliver, Perzel, Peterson, Petrarca, Piccola, Plevsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Reed, Rhodes, Richardson, Rieger, Ritter, Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Wenger, White, Wilson, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, Zord, Zwinkl, Seltzer, Speaker.

NAYS—0

NOT VOTING—10

Table listing names of members who did not vote (10 total). Includes Beloff, Freind, Hayes, D. S., Johnson, E. G., Musto, Street, Weidner, Williams, Wilt.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 902, PN 1512 By Rep. SCHEAFFER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for an increase in the amount of pension for blind veterans.

MILITARY AND VETERANS AFFAIRS.

REPORT FROM RULES COMMITTEE

BILLS REMOVED FROM TABLE AND PLACED ON ACTIVE CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

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

- HB 2335, PN 3001;
HB 2107, PN 3004;
HB 1668, PN 2025;
HB 2028, PN 2562;
HB 2048, PN 2592;
HB 2114, PN 2686;

HB 2191, PN 2785;
 HB 2231, PN 2853;
 HB 2340, PN 3009;
 SB 68, PN 1581;
 SB 308, PN 312;
 SB 323, PN 327;
 SB 581, PN 1589;
 SB 877, PN 1000;
 SB 985, PN 1601;
 SB 986, PN 1602;
 SB 1163, PN 1425; and
 SB 1176, PN 1606.

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

**BILLS REMOVED FROM TABLE AND
 PLACED ON ACTIVE CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, with rereferral to the Appropriations Committee for the purpose of a fiscal note waived pursuant to rule 19(a)(1)(b), and I so move:

SB 1104, PN 1330; and
 SB 1105, PN 1331.

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

**BILLS REMOVED FROM TABLE
 AND REREFERRED**

The SPEAKER. The Chair recognizes the majority leader.

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

SB 759, PN 1643;
 HB 2187, PN 2927;
 HB 2188, PN 2928; and
 SB 414, PN 1600.

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

**HB 1507 REMOVED FROM TABLE
 AND RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to move that HB 1507, PN 2926, be removed from the table and recommitted to the Transportation Committee, and I so move.

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

RULES SUSPENDED

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

Mr. RICHARDSON. Mr. Speaker, I move that the rules of the House be temporarily suspended in order that the House may consider a condolence resolution that I wish to introduce.

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

The following roll call was recorded:

YEAS—180

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

NAYS—0

NOT VOTING—16

Arty	Hayes, D. S.	Musto	Sweet
Beloff	Johnson, E. G.	Reed	Weidner
Freind	Knepper	Rhodes	Williams
Gannon	Mowery	Street	Wilt

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

HR 215 ADOPTED

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

Mr. RICHARDSON. Mr. Speaker, I offer the following condolence resolution.

The following resolution was read:

In the House of Representatives,

WHEREAS, Lonnie D. Young was born on November 15, 1957 and was graduated from Olney High School in 1977; and

WHEREAS, He attended Immaculate Conception Church and served as an altar boy at a very young age; and

WHEREAS, Lonnie started boxing at the age of nine and received the Mr. Athlete Award in the eighth grade; and

WHEREAS, His first organized involvement in sports started at the East Germantown Recreation Center where he participated in boxing, basketball, baseball, football, swimming and ping-pong; and

WHEREAS, He played with the Northwest Raiders and the Ivy Hill football teams; and

WHEREAS, Lonnie was the pilot in the first boxing tournament ever held by the Department of Recreation at the East Germantown Recreation Center in 1970. In 1971 and 1972 he played on the East Germantown baseball team which won the divisional championship and was runner-up in the overall championship. Lonnie won the Golden Gloves Tournament for Philadelphia and the Eastern Region for four consecutive years from 1977 to 1980, and was the State Champion for two years. Lonnie was considered one of the most outstanding amateur boxers in the United States and was ranked number five in the country in his weight class, light flyweight; and

WHEREAS, Lonnie was touring Europe with the United States International Boxing Team; and

WHEREAS, While enroute to Poland the plane in which he was a passenger crashed on March 14, 1980 killing him and other members of the United States Boxing Team; therefore be it

RESOLVED, That the House of Representatives pauses in its deliberations to mourn the passing of Lonnie D. Young, and extends its heartfelt condolences to the mother and father and family of this truly outstanding young man; and be it further

RESOLVED, That copies of this resolution be delivered to each member of the immediate family.

DAVID P. RICHARDSON, JR.
K. LEROY IRVIS

On the question,

Will the House adopt the resolution?

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

Mr. RICHARDSON. I rise today to ask that all of the members be placed on this condolence resolution and that it be delivered to the family of the deceased, Mr. Lonnie Young.

I would also indicate that the plane that was on its way to Warsaw in Poland was to, in fact, be involved in the amateur boxing title, and that Mr. Young was not only representing the city of Philadelphia but also the United States with the International Boxing Team.

Mr. Shadding, who is not here, also has a member who was killed on that airplane who was from Philadelphia, Mr. Tyrone Clayton, and has not brought the additional information here and will offer a condolence resolution at another time for the other individual. There were only two individuals who were killed from Philadelphia. There were 87 in total who were killed. No remains of any of the bodies have been found at this point, and it seems to me that it would be in the best interest of all of us to recognize this young man for his outstanding work and also his involvement in the community and in sports. I am asking that each and every member's name be placed on the condolence resolution that is being offered at this time. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER. The question is on the adoption of the resolution. Those in favor will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House the newly elected member from the 32d legislative district of Allegheny County, Mr. Albert Rasco. Mr. Rasco is here as the guest of the entire Allegheny County delegation.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on SB 915, PN 1547.

SPECIAL ORDER OF BUSINESS

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on SB 915, PN 1547:

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

On the question,

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

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

Mr. ZITTERMAN. Mr. Speaker, SB 915, PN 1547, was passed by this House by a large majority and, with the insertion of the amendments, was sent over to the Senate

and then to a conference committee, of which I was a member. When the conference committee report was written, Mr. Speaker, it eliminated the Laughlin amendment which would have provided adequate protection for industries and for the industries that are serviced by the rail system between Pittsburgh and Philadelphia and a freight line running east and west.

During the conference committee, I reported that the United States Railway Association, the grandfather to Conrail, was going to bring out a report to Congress and in this report they would basically eliminate the freight service from Pittsburgh to Philadelphia. It was my opinion that the United Pacific from Cleveland would run west into the New York area and other rail lines would run—

As I indicated, Mr. Speaker, SB 915 will issue a \$50-million tax credit to the railroads of our Commonwealth, basically to Conrail, and I would not want to be one of the people who would wake up some morning and find out that the railroad, the freight lines in general, will not be in our area from Pittsburgh to Philadelphia. The contemplated program is to run this railroad from Columbus, Ohio, up along Erie, up through New York State into Albany and through New York City.

Mr. Speaker, without the Laughlin amendment, this bill would affect the industry in Pennsylvania by not having the rail service. It would eliminate basically the rail system running into Lackawanna County and a lot of other areas. I, as a conferee in this report, Mr. Speaker, have not signed the conference committee report, and I am asking all members of the General Assembly to vote “no” on the conference committee report. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. As a conferee and a member of the committee on the report, I would urge adoption of SB 915. The fears expressed by Mr. Zitterman with the Laughlin amendment I feel are unfounded. The \$50 million as referred to the railroads of Pennsylvania is a boon. It is 50 percent labor intensive and 50 percent materials intensive, and it is a very good piece of legislation for us here in the Commonwealth. I urge its adoption.

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

Mr. DeVERTER. Briefly, Mr. Speaker, in rebuttal to Mr. Zitterman’s debate on the Laughlin amendment being removed, I have in front of me a letter addressed to Senator Smith, February 13, 1980, in which Donald Cole, the president and chief executive officer of the United States Railway Association, indicates that the purpose of his letter is to inform you that the association is not in the process of studying any aspects of Conrail’s operation that would result in a recommendation of this nature, referring to the ceasing of operating over the main line from Philadelphia to Columbus, Ohio, through Harrisburg and Pittsburgh.

There are a number of other documents which substantiate that position, and I understand that there was a letter

from Gerry Williams of Conrail to Mr. Laughlin in which it was pointed out that his language was sufficiently vague as to be either unenforceable or unconstitutional; secondly, that if the language would have stayed in the conference report, it could have deprived other railroads in Pennsylvania of the benefit of the tax credit. There is no way that the language that was contained in the Laughlin amendment could prevent the closing down of such line. It just says the tax credit would not be granted. I think based on that, Mr. Speaker, we should vote to concur, as there were five of the six conferees agreeable to the conference report, and I would ask a vote on the report. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose the conference committee report.

Mr. Speaker, it is very important—I was one of the six who voted against the bill, and I was supporting Mr. Manderino’s argument—that if we are going to do something for the railroads, we ought to know what they are going to do with the tax credit that we are going to give them. Are they going to put new rails in Pennsylvania? Are they going to rebuild the whole railroad bed? What are they going to do with it? Mr. Manderino was trying to put into the bill a method so at least we would be able to understand what they were going to get the credit for. His amendment failed; the bill passed; and right after that, on February 18, in the Philadelphia Inquirer there was a headline that said, “Is Conrail trying to bury the facts.” Here is a very interesting article that was “dug out” —and I have to use that word with quotes— “dug out” by a congressional investigation of the Interstate Commerce Commission from the Congress of the United States and from a special committee of Congress, that they found, in Plain City, Ohio, that Conrail—which is part of this package—had buried “...a small part of the tons of rails, ties, switches and other supplies - some new, much of it reusable - buried by railroad employes the previous summer. Workers say they were ordered to bury the materials in a frantic effort to get the area cleaned up before the railroad’s president rode through on an inspection tour of the line.”

Right here in this conference committee report they indicate on page 2, line 30, that “For the purpose of this act—”

The SPEAKER. Will the gentleman, Mr. Gallagher, yield?

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Vroon, rise?

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

The SPEAKER. The gentleman will state his point of order.

Mr. VROON. I understand that the issue here is whether or not we accept the conference report, and the gentleman is debating the merits of the bill. I do not think that anything that took place in the conference report is being

discussed at this point, and will you please hold to the issue?

The SPEAKER. The Chair has been listening to the gentleman from Bucks, Mr. Gallagher, and it would appear to the Chair that he is debating the merits of the legislation that is before us, which is the conference committee report. It would appear to the Chair that the gentleman is in order, and the point of order is not well taken. The Chair will further continue to listen to the debate of Mr. Gallagher, and if the Chair feels the gentleman is going beyond the intent of the legislation before us, the Chair would then ask the gentleman to confine his remarks to the bill. But the gentleman, Mr. Gallagher, may proceed.

Mr. GALLAGHER. Mr. Speaker, on page 2 of the conference committee report, the conferees put together the language on line 30, that "For the purpose of this act, 'maintenance and improvement of rights-of-way' shall mean and include only those capital and maintenance expenditures except depreciation, in the official maintenance-of-way and capital track accounts of said railroad company for ties, rails, signals and interlockers, communication systems, power transmission systems, other track materials, ballast and related labor as presently prescribed under the ICC Uniform System of Accounts."

Now, even though that is in this conference committee report, there is a definite need for more specific language before we give them a credit, when in February of this year it is well known in the whole country that this very railroad had ordered its workers to bury the very items that the conference committee is trying to ascertain is part of the tax credit. What Mr. Manderino was trying to establish and what the conference committee report does not establish is that if there is going to be rebuilding of the railroad bedways in Pennsylvania, that there is some honest application of using this credit to build up our railroads in Pennsylvania when we can become very, very suspicious of the total operation when you see what happened in February, where they actually buried in the ground the very items that we want to give them tax credit for. So what we are doing if we adopt this conference committee report, we are forgetting what they did; we are going to allow them to use that as part of the tax credit, and it is all buried in Plain City, Ohio, when we really need it in my district in Bucks County and in Philadelphia. We need it.

I do not think that we should adopt this kind of conference committee report until this whole matter is cleared up. It is very obvious that there was a lot of hanky-panky going on with that railroad, and there is no sense in Pennsylvania giving them a windfall and a tax break when we do not know and we will never know that that tax rate is going to rebuild the railroads in Pennsylvania, particularly in Bucks County and southeastern Pennsylvania. So, Mr. Speaker, because of these facts, I urge the members to oppose this conference committee report.

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

Mr. DININNI. Mr. Speaker, I rise in support of adopting this conference committee report. I think we have adequate protection in this bill as it left the conference committee.

First, basically, this bill was really shaped by the House of Representatives. We did accept the Manderino amendment, which required the railroad to spend twice the amount of credit granted in order to qualify for a tax credit. As an additional protection, we accepted the amendment of Mr. Murphy's, which was the "sunset" provision and they have to report the work done to the General Assembly. Then you had Mr. Letterman's amendment on the Department of Environmental Resources' purchasing of abandoned rights-of-way. Then, of course, you had Mr. Zeller's amendment on "buy American products." With these amendments that were untouched in the conference committee, I think there is adequate protection, and I feel very strongly that we should adopt this conference committee report now.

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

Mr. LEVIN. Mr. Speaker, Mr. Dininni has put his finger on the crucial question that faces us in this vote, and that is clearly whether or not we have built adequate protection into this law to see that the railroads do in effect enhance the railroads in Pennsylvania by virtue of this tax credit.

Now, I think it should be very clear that we are going to spend taxpayers' money in the form of a credit to the tune of approximately \$50 million over a 5-year period. That is a great deal of money, in my book. It is probably going to be a little in excess of that, but for convenience, it is at least \$10 million a year. The question is, did the conference committee report give us adequate protection? Does this bill in its present form provide the taxpayer with the ability to oversee, to look back at what the railroad did and conclude that their money was well spent? I believe that if you look at the conference committee report, you will see that it is just like the bill was; it is inadequate.

We are going to be relying on the railroad's subjective view of what they did; we are going to be relying on their good faith, and their track record does not justify our spending \$10 million a year and relying on their good faith. That is a harsh judgment of an industry, but I believe that is the correct judgment of the railroad industry in Pennsylvania, and I believe that those of us who voted against this bill initially and will vote against the conference report will be proven correct in the future. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, I have sent up to my office for the report that I have on Conrail. Would you be kind enough to give me enough time to get that report, until it comes down here, and I will be glad to discuss the issue?

Mr. Speaker, if you would pass it over for 5 or 10 minutes, I could go up and get it myself.

The SPEAKER. Can the gentleman explain to the Chair the purpose of the report and how it pertains to the conference committee report?

Mr. LAUGHLIN. Yes, Mr. Speaker. You may recall that I was the sponsor of the amendment that protected the east-west passage regarding the Conrail system, and I have the U.S. report on the rail system that pertains to that, as well as the action that has been taken on that system since we had the discussion. As I said, Mr. Speaker, it would not unduly delay the House; I would have it in but a few minutes.

The SPEAKER. The gentleman, Mr. Laughlin, is in order at this time to debate the bill and the Chair will recognize him for that purpose, if the gentleman wants to debate the bill.

Mr. LAUGHLIN. Mr. Speaker, I do want to debate the bill. Are you denying me the opportunity to get the material? I did not know that this bill was going to be called up first on the agenda. In caucus yesterday it was not discussed that it would be brought up immediately, and I came to the floor this morning without bringing that particular folder with me. Are you objecting to giving me just a few minutes to get it?

Mr. Speaker, for the amount of time that we are taking in the discussion, I could have gotten it already. Mr. Speaker, can I go to the office and get it?

The SPEAKER. The Chair was under the impression that the gentleman already ordered it.

Mr. LAUGHLIN. Mr. Speaker, the staff person of the pages here who went upstairs had difficulty finding it. That is why I want to go get it myself.

The SPEAKER. Mr. Laughlin, you are putting me in a heck of a spot to trust me to let you get off the floor of the House.

Mr. LAUGHLIN. The last thing I would ever do, Mr. Speaker, is want to put you on the spot. I have too much respect for you.

The SPEAKER. The House will be at ease.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair welcomes to the front of the House the brother of one of our members, James O'Brien, who is the brother of Mr. Dennis O'Brien.

CONSIDERATION OF SB 915 CONTINUED

The SPEAKER. The Chair welcomes the gentleman from Beaver, Mr. Laughlin, and recognizes him. The gentleman may proceed.

Mr. LAUGHLIN. Mr. Speaker, initially today I would like to bring to the attention of the House one very important matter. I, for one, do not stand here as an obstructionist with regard to aid to the railroads of this state. I am well aware of the needs that they have. I am well aware of the conditions of the railroads in this state. Numerous accidents have been occurring in western Pennsylvania. Right in

my hometown of Conway, we have the largest concentration of rail service in the entire eastern United States. But in that vein, Mr. Speaker, although I do not stand here to obstruct the railroads from receiving this aid, I do ask for the members of this House to consider what has gone before us. For instance, the Conrail letter mentioned by Mr. DeVerter—and Mr. Speaker, would Mr. DeVerter please stand and answer a few questions that I have?

The SPEAKER. Will the gentleman, Mr. DeVerter, stand for interrogation?

Mr. DeVERTER. I will try, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, you mentioned the letter that was received from Conrail, specifically from Mr. G. M. Williams, Jr., director of state and local affairs for government. In that letter can you find any information that says that Conrail intends, in any way, shape, or form, to support and continue the much-needed traffic that we have on the east-west corridor? What they say, Mr. Speaker, if you will read it, is that the amendment was ambiguous. Is that correct? Is that a portion of the letter?

Mr. DeVERTER. Mr. Speaker, that is a portion of the letter, but there is a paragraph in the letter which indicates that "...the line described in the amendment has the highest rail freight traffic density in the nation. It is the main artery in a system that links the Middle Atlantic states with the Mid-west and Western states. Unless rail service in the Northeast altogether evaporates, I can assure you that rail-freight service will continue over that line — servicing the points cited in the amendment."

Mr. LAUGHLIN. Thank you, Mr. Speaker. I followed right along with you in that reading.

Mr. Speaker, do you recall the types of information and the letters that came out when the New York Central and the Pennsylvania Railroad were merged initially before they went bankrupt? It was the same type of delivery from the railroad people, saying that this merger was for the benefit and in the best interest of the people of the northeastern United States. Within a matter of a few years, Mr. Speaker, that rail company was bankrupt, and we now have Conrail. The same types of letters are now coming from Conrail, saying to us that we need \$11 million. I do not disagree with them needing that \$11 million. I do not disagree with the fact that they are in bad financial shape. I do not disagree with the fact that the Federal Government has given them over \$3 billion in order to help finance and update the railroads. But that money and that investment, as is the report, turned out by their own investigation in Congress, is in jeopardy right now.

Mr. Speaker, I will read to you a portion of this report dealing with the area that is most affected - Harrisburg, the central part of the state, and the northeast. Mr. Speaker, on page 79, for those who may be following who have the report, it says:

The D&H's proposed changes to its system are:
The Conrail line from Binghamton, New York, to Scranton, Pennsylvania, would be acquired and the

D&H's mountainous line from Carbondale, New York, to Lanesboro, Pennsylvania, would be abandoned.

Mr. Speaker, we are talking about abandoning service in the State of Pennsylvania. We are not talking about increasing it or improving it.

In addition to that, Mr. Speaker:

Trackage rights would be obtained from Harrisburg, Pennsylvania, to Potomac Yard, Virginia, via Hagerstown, Maryland, over Conrail, the Chessie System, and the N&W, thus avoiding use of the Northeast Corridor by D&H trains to Potomac Yard.

Trackage rights over Conrail from Harrisburg, Pennsylvania, to Reading, Pennsylvania, would also be obtained.

D&H would obtain trackage rights over the Southeastern Pennsylvania Transportation Authority line from Bethlehem to Philadelphia, Pennsylvania.

The Conrail line from Lehighon to East Penn Junction, Pennsylvania, would be acquired by D&H....

Mr. Speaker, does that sound like we are helping Conrail? Does it sound like we are doing, with Pennsylvania dollars, that which would be in the best interest of the people of Pennsylvania?

Mr. DeVERTER. Mr. Speaker, I can only respond to you by way of what the USRA - United States Railway Association - acknowledges, that those packages that are in that report do not represent a recommendation of the association. I think in light of that, since they are not firm recommendations, they really have no basis in what we are attempting to do here.

You can drag this thing out forever, I suspect, on debate, Mr. Speaker, but from the information that I have currently—and I would refer you to another Congressman who labeled that report as one of the most inane, incomplete, and incompetent pieces of purported economic analysis of transportation that he has ever seen. I have a tendency to agree with him, if in fact we have to go by what we have seen come out of similar reports in the past.

Mr. LAUGHLIN. Mr. Speaker, I would only say in response to the gentleman that those same types of remarks were made whenever they tried to put together the New York Central and the Pennsylvania Railroad. The same types of reports came from the railroad people, telling us how much they needed what they wanted. Mr. Speaker, I am not against giving them what they want. I am for the \$11 million, but I am against giving them that without giving protection to the people of this state.

Mr. Speaker, you mentioned the fact that the railroad association report is less than what you would consider to be a valid document. This particular report carries on the face cover an evaluation of the marketing and competitive aspects of limited access by other rail carriers in the Conrail system. It does not state anything beyond that, Mr. Speaker. It does, however, carry a complete indexing of what would happen to the Philadelphia area; it carries an

indexing of the central portion of the state; and it carries an intrusion into western Pennsylvania.

Mr. Speaker, are you aware that the lines, the railroad communication coming in from the west, have what we would call subsidiary lines in the eastern part of the United States? Are you aware of that system, Mr. Speaker?

Mr. DeVERTER. I defer to my colleague, Mr. Geist, who, I understand, is the authority in this area.

Mr. LAUGHLIN. I would be happy to hear from Mr. Geist.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. In the area of clarification here, I have the letter of February 13 to Senator Joseph Smith from USRA, and I would like to read that letter in toto.

Mr. LAUGHLIN. Mr. Speaker, I had asked a specific question regarding the intrusion of lines from the west into the eastern part of the states. I did not ask for a report given to Senator Smith. Do you have a response relative to that?

The SPEAKER. It is the opinion of the Chair that the debate has gone far afield. The Chair up until now has had no objection to full and complete debate on this conference committee report, but the Chair must insist that the members confine their interrogation and their debate on the report which is before the House, and within those confines, the gentleman may proceed.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. DeVERTER. If that be the case and we are to confine our remarks solely to the content of the conference committee report, then I would suggest that all of the preceding dialogue that has taken place is not really germane to the question on the floor. I would ask that the speakers in the future then confine their remarks to the content of the legislation, which is in fact whether or not this House and the other body will provide tax-incentive programs to the railroad industry.

The SPEAKER. The Chair has attempted to listen to the debate, and up until now it is the opinion of the Chair that the gentleman, Mr. Laughlin, has been attempting to give reasons why the report should not be adopted.

Mr. LAUGHLIN. Mr. Speaker, you are incorrect about my reason for being at the mike. The reason that I wanted to question what Mr. DeVerter said, Mr. Speaker, is that in fact it is germane due to the fact that the removal of the amendment on the east-west passage and the effects of that are what we are discussing relative to the bill. That amendment occurred in the Senate, Mr. Speaker, and is a germane subject to what we are talking about right now.

Mr. Speaker, I would ask that you so rule.

The SPEAKER. Will the gentleman yield?

The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, I had asked the question as to the effect of those rail lines that own specific subsidiaries in the eastern part of the United States that are coming into the area relative to this legislation. I had asked Mr. DeVerter if in fact he had that information. He has given that obligation to Mr. Geist. I would appreciate if Mr. Geist would respond to the question.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. I believe that the USRA letter to Senator Smith of February 13 should be read into the record since this has been questioned, and then we will proceed from there.

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

Mr. GEIST. It says:

Dear Senator Smith:

It has been brought to my attention that the General Assembly of Pennsylvania in Senate Bill 915 is considering providing tax credits against the Pennsylvania gross receipts tax to railroads which qualify through making rehabilitation expenditures in the Commonwealth. It has been further brought to my attention that during the consideration of Bill 915, statements have been made to members of the General Assembly alleging that the United States Railway Association will issue a report on or about April 1, 1980, recommending that Conrail cease operating over its mainline from Philadelphia, Pennsylvania, to Columbus, Ohio, through Harrisburg and Pittsburgh, Pennsylvania.

The purpose of this letter is to inform you that the Association is not in the process of studying any aspects of Conrail's operation that would result in a recommendation of this nature.

Mr. LAUGHLIN. Is that your response, Mr. Speaker?

Mr. GEIST. And also, Mr. Speaker, I think that there are a few facts that should be mentioned here.

Mr. Laughlin represents the Conway yards in his home district. The Conway yards have recently had a \$12.3-million improvement project spent there to improve the work of the yard. I represent the city of Altoona and in the city of Altoona we have a \$15-million renovation project alone in the Juniata shops with further renovation programs planned. It seems asinine to me that any corporation would break its own back to abandon lines into which they are putting so much capital investment.

We in Pennsylvania are looking at the proposal here of tax dollars that are kept from leaving the state which will be captured totally within the state and put back into our rail system. The controls and balances that the Revenue Department has legislated into this bill afford Mr. Laughlin and anyone else who wants to examine the books of Conrail before these allocations are approved the right to do so. I believe that these things that have been written into the bill afford these protections.

The SPEAKER. Has the gentleman completed his response?

Mr. GEIST. Yes, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, I thank Mr. Geist for his remarks.

He mentioned the fact that the Conrail—

The SPEAKER. Does the gentleman wish to debate the bill? The gentleman is in order and may proceed. The Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the gentleman referred to the rail system in Pennsylvania, the updating of the Conway yards, and he is absolutely right. If he had followed Conrail's further report, he would have found that in the State of New York, on the main east-west line coming through to New York City from the west, there is also a \$13-million expansion project up there where they have installed new switching yards and new up-to-date equipment that can also handle a considerable increase in the rate of freight that they are presently handling. It is not merely the Conway yards that have been updated, only to a certain degree that has been ignored and has been passed over for years in that area. That is why the tremendous increase in funding to meet the safety guidelines and to meet the other stringent requirements that have now been set upon them by the Federal Government, Mr. Speaker. That is a part of what those updates and those safety regs that you are talking about are.

Now in addition to that, Mr. Speaker, I asked a specific question about the influence of the western railroads in the eastern part of the United States. Mr. Speaker, very clearly on page 78 of the report of the United States Railway Association, it says specifically, "The Delaware & Hudson Railway is a smaller railroad with all of its trackage lying within Conrail's service area." Mr. Speaker, at the bottom of that page, it clearly defines that "The D&H is a wholly-owned subsidiary of the Norfolk & Western Railroad," Mr. Speaker, which is a clear indication of the kind of intrusion that we are talking about into the rail system in the east. It is in fact definite proof that there are a number of areas in which Conrail may be put in a position of divestiture or of sharing service on these lines. It is not a question merely of whether or not someone is providing service, and I am sure that Mr. Geist is aware of that situation since he is the gentleman who is espousing that view from that side of the aisle. Mr. Speaker, are you in fact aware of this?

Mr. GEIST. Mr. Speaker, again, I am aware of quite a few things when it comes to railroading. The thing that I am most aware of in this bill, which gives us the better of both worlds, is that it is labor intensive and that it captures that money, that 50 cents on the dollar that goes back into the rehabilitating of that line, into rehabilitating those spur lines. We desperately need this in Pennsylvania. We desperately need it to market our coal reserves in the central part of the state; we definitely need it to get our anthracite lines back in shape. This is a bill that is good for the state, it is good for our economy, and it is a bill which is favored. I therefore would urge adoption of the conference committee report.

Mr. LAUGHLIN. One further question, Mr. Speaker. Mr. Speaker, have you heard me say one word at this microphone that indicates that I do not support funding for the rail systems within this state for the reasons that I have enumerated as well as you have enumerated?

Mr. GEIST. Mr. Speaker, from your comments at the mike, I would have to surmise that you are an obstructionist to this piece of legislation, and I would urge its adoption.

Mr. LAUGHLIN. Mr. Speaker, it is very obvious that Mr. Geist does not in fact pay attention to the debate on the floor or he would know very well that I have said all along that I support aid to the railroads in this state, and in no way do I believe in obstructing that aid. It is unfortunate that the gentleman does not pay attention as possibly he should have earlier.

Mr. Speaker, I would now like to make some closing comments.

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

Mr. LAUGHLIN. Mr. Speaker, approximately 2 months ago I took the time to call the Conrail company in Philadelphia and get their viewpoint on the legislation we have before us today. I also took the time to call the congressional delegation and to call the people who are employed in the Conrail system in my hometown of Conway. I can say that this legislation, having been brought before the House of Representatives and the Senate, is indeed in the best interest of the rail system of this state.

However, Mr. Speaker, as I said earlier, I am concerned with the deletion of an amendment. That amendment covered the east-west passage of the Conrail system through Pennsylvania. My concern is because I am very much aware of what has been happening over the last year with the Conrail system. There is no guarantee that we are going to have funding for Conrail from the Congress of the United States, and why do they want this legislation passed immediately? Why has it been moved through this House without being given the benefit of any type of public hearing, without benefit of exhaustive investigation that is going on in similar legislation that would provide a transit across the state for passenger service, Mr. Speaker?

Mr. Speaker, based on the east-west corridor problem that we have and based on my concern, I have asked the House and the Senate to consider that view. They have failed to do so. They have taken the amendment out that would have protected the industries in this state along that corridor.

Mr. Speaker, in the Conway yards in the last month—that is the juncture for this service east and west—there have been reports of bad orders on cars handled in those yards and reports of unserviced equipment handled in those yards, Mr. Speaker, the major problem being that Conrail was interested in shipping freight and not in taking care of the benefits of safety across this state.

Mr. Speaker, I can report to you today that because of the efforts in the House, Conrail is now under direct

scrutiny by the Federal Rail Administration. Their Federal agents are in the Conway yards right now checking the cars and checking the materials that are going out on the roads. We all recall what happened up in Toronto when a major accident on the rail system caused the evacuation of 30,000 or 40,000 people. We do not want that happening here in the State of Pennsylvania, and that is why I support giving the money to the Conrail system. But I ask you, Mr. Speaker, to remember this, that we have gone through an opportunity to amend this legislation and put in the safeguards to protect the people of this state. It has been withdrawn, and it has been withdrawn for a reason that has no substance or merit. Conrail themselves said, we are not concerned about the amendment; we do not like it; and we want it removed. They have their reasons. They have not given me those reasons other than to say that they do not want government influencing the rail system in this state and the legislature to have any say over where that money is spent to repair individual lines. I am not going to disagree with their right in that order, Mr. Speaker, but I am going to disagree with the fact that they have taken away a safety factor that I believe was necessary to provide that service to all of this state.

Mr. Speaker, I am going to ask the membership today to remember this debate on the floor, because in the Appropriations Committee hearings just the other day, the Secretary of Revenue told me that he supported removal of that amendment from the bill, but he gave no specific reason that was valid for the removal of it, and he said this: Mr. Laughlin, I agree with your concern; I will police that revenue, and I will police the action of Conrail in order to guarantee the interest that you have proposed. Mr. Speaker, I am satisfied with Secretary Cohen's efforts in that regard. I only hope that our PUC - Public Utility Commission - will do an equally good job in trying to keep the safety in those yards and across this state at a premium.

Mr. Speaker, as I said before, I ask the membership today to put it down in your notebooks as to what the circumstances are in granting this money and in taking away the protection that was offered by that amendment. I am not asking this House to vote against the moneys that will go to Conrail in order to provide whatever repair and whatever service they have in mind. Thank you, Mr. Speaker.

On the question recurring,

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

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

YEAS—147

Alden	Gallen	McClatchy	Ryan
Anderson	Gamble	McKelvey	Salvatore
Armstrong	Gannon	McMonagle	Scheaffer
Arty	Gatski	McVerry	Schweder
Austin	Geesey	Mackowski	Seventy
Berson	Geist	Madigan	Shadding
Bittle	George, C.	Manmiller	Sieminski
Borski	Giammarco	Michlovic	Sirianni
Bowser	Gladeck	Micozzie	Smith, E. H.
Brandt	Goebel	Milanovich	Smith, L. E.

Brown	Goodman	Moehlmann	Spencer
Burd	Grabowski	Mrkonc	Spitz
Burns	Greenfield	Mullen	Stairs
Cappabianca	Grieco	Murphy	Stewart
Cessar	Gruppo	Nahill	Stuban
Cimini	Halverson	Novak	Sweet
Clark, M. R.	Hasay	Noye	Swift
Cole	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Cornell	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Coslett	Honaman	Oliver	Telek
Cowell	Hutchinson, A.	Perzel	Thomas
Cunningham	Hutchinson, W.	Peterson	Trello
DeVerter	Irvis	Petrarca	Vroon
DiCarlo	Itkin	Piccola	Wachob
Davies	Jones	Pievsky	Wass
Dawida	Kanuck	Pistella	Wenger
Dietz	Klingaman	Pitts	White
Diminni	Knepper	Polite	Wilson
Dombrowski	Knight	Pott	Wright, Jr., J.
Dorr	Kolter	Pratt	Yahner
Durham	Kowalshyn	Pucciarelli	Yohn
Earley	Lashingner	Punt	Zeller
Fee	Laughlin	Pyles	Zord
Fischer	Lehr	Reed	Zwikl
Fisher	Levi	Rieger	
Foster, W. W.	Lynch, E. R.	Ritter	Seltzer,
Foster, Jr., A.	McCall	Rocks	Speaker
Fryer			

NAYS—38

Barber	Duffy	Levin	Rodgers
Belardi	Dumas	Lewis	Schmitt
Bennett	Gallagher	Livengood	Serafini
Caltagirone	George, M. H.	McIntyre	Shupnik
Chess	Gray	Manderino	Steighner
Clark, B. D.	Harper	Miller	Taylor, F.
Cochran	Hoefel	O'Donnell	Wargo
Cohen	Johnson, J. J.	Rappaport	Wright, D. R.
DeMedio	Kukovich	Richardson	Zitterman
DeWeese	Letterman		

NOT VOTING—11

Beloff	Johnson, E. G.	Rhodes	Williams
Freind	Mowery	Street	Wilt
Hayes, D. S.	Musto	Weidner	

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. I would like to correct my vote on the conference committee report on SB 915. I would like to be recorded in the affirmative, please.

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

For what purpose does the gentleman from Washington, Mr. DeMedio, rise?

Mr. DeMEDIO. Will the record please show that I inadvertently voted in the negative on the conference committee report on SB 915 and I want to be recorded as voting in the affirmative?

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

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that we recess for a period of 1 hour and return to the floor at 10 minutes of 2 to take up the balance of today's calendar.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 1:50 p.m. The Chair hears none.

AFTER RECESS

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate, March 17, 1980

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 24, 1980 and when the House of Representatives adjourns this week it reconvene on Monday, March 24, 1980.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

SB 915 PN 1547

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

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House from Altoona, Blair County, Mr. Dave Sacks, who is here today as the guest of Mr. Geist.

CALENDAR

FINAL PASSAGE BILL CONSIDERED

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1888, PN 3053**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for temporary staffing in the local office and for reimbursement for psychiatric clinic para-medical services.

On the question recurring,
Shall the bill pass finally?

**RECONSIDERATION OF VOTE
ON HB 1888**

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

Mr. COHEN. Mr. Speaker, I move that the vote by which HB 1888 passed third consideration as amended on March 17, 1980, be reconsidered.

Mr. PIEVSKY. I second the motion.

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

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

Mr. COHEN offered the following amendments:

Amend Title, page 1, line 3, by inserting after "for" the establishment of temporary county assistance offices and for

Amend Sec. 1, page 1, lines 7 through 10, by striking out all of said lines and inserting Section 1. The act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," is amended by adding a section to read: Section 414. Temporary Assistance Offices.—The secretary shall, whenever possible, establish temporary county assistance offices close to any business where such number of employes have been involved in a labor dispute, furloughed or laid off, as will require at least five additional office workers.

Section 2. Section 417 of the act, suspended insofar as inconsistent with Reorganization Plan No. 3 of July 24, 1975 (P. L. 629), is amended to read:

Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.

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

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

Mr. COHEN. Mr. Speaker, this amendment to HB 1888 merely says that whenever there are going to be so many people who are in need of temporary assistance that more than five employes are going to have to be moved into a separate office, the secretary shall, when it is possible to do so, establish a temporary county assistance office close to the business where the employes have been laid off. The purpose of this is convenience for everyone - convenience for the business itself in terms of keeping track of its workers, convenience for the workers, convenience for the state bureaucracy. This is a practice that has been employed in the past by the department, and I think it is a practice that we ought to continue employing.

The last time this was brought up, it was temporarily stalled due to inquiries about the fiscal implications. We have a fiscal note from the majority Appropriations Committee staff. The fiscal note says that the effect of this fiscally is nil. I therefore urge everyone's support of it.

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

Mr. GANNON. Mr. Speaker, I oppose this amendment.

Mr. Speaker, quite simply, the purpose of this bill is to save money. The result of Mr. Cohen's amendment is to cost money. It will add significantly to the administrative cost of the bill.

Additionally, local county assistance offices are located centrally to the individuals whom they serve; that is, the client. A plant facility may not be necessarily located centrally to the client who would have to report to a particular office that serves the geographic location. So it could lead to substantial administrative problems.

Additionally, the amendment does nothing to advance the purpose of the bill, and finally, I think we have to preserve our limited resources for the clients who are entitled to these benefits and not end up wasting taxpayers' dollars for unnecessary administrative expense. I therefore urge a negative vote on the amendment, Mr. Speaker. Thank you.

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

Mr. COHEN. Mr. Speaker, as I said before, the majority Appropriations Committee staff, which is the Republican staff, says that the financial effect of this is nil. I assume "nil" means virtually no cost. I do not believe that the Appropriations Committee staff would lean over backwards to sugar-coat the truth for a Democratic amendment. I think they are absolutely telling the truth. The effects of this are nil. The Republicans have a good Appropriations Committee staff. I urge support of this amendment.

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

Mr. GANNON. Not one piece of legislation that passes this House has a nil effect, and I think we have a duty to protect and save even one dime of taxpayers' money of this Commonwealth. I would, therefore, urge the defeat of the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—90

Austin	Gallagher	Levin	Rieger
Barber	Gamble	Livengood	Ritter
Bennett	Gatski	McCall	Rodgers
Berson	George, C.	McIntyre	Schmitt
Borski	George, M. H.	McMonagle	Schweder
Brown	Giammarco	Manderino	Seventy
Caltagirone	Goodman	Michlovic	Shadding
Cappabianca	Grabowski	Milanovich	Shupnik
Chess	Gray	Mrkonic	Steghner
Clark, B. D.	Greenfield	Mullen	Stewart
Cochran	Harper	Murphy	Suban
Cohen	Hoeffel	Novak	Sweet
Cole	Hutchinson, A.	O'Brien, B. F.	Taylor, F.
Cowell	Irviss	O'Donnell	Trello
DeMedio	Itkin	Oliver	Wachob

DeWeese	Johnson, J. J.	Pievsky	Wargo
DiCarlo	Jones	Pistella	White
Dawida	Knight	Pratt	Wright, D. R.
Dombrowski	Kolter	Pucciarelli	Yahner
Duffy	Kowalshyn	Rappaport	Zeller
Dumas	Kukovich	Reed	Zitterman
Fee	Laughlin	Richardson	Zwinkl
Fryer	Letterman		

NAYS—93

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

NOT VOTING—13

Beloff	Johnson, E. G.	Petrarca	Weidner
Davies	Mowery	Rhodes	Williams
Freind	Musto	Street	Wilt
Hayes, D. S.			

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1888

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

Mr. GANNON. I move that the vote by which amendment No. A5199 was passed on March 17, 1980, be reconsidered.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—174

Alden	Fisher	Levin	Ritter
Anderson	Foster, W. W.	Lewis	Rocks
Armstrong	Foster, Jr., A.	Livengood	Rodgers
Arty	Fryer	Lynch, E. R.	Ryan
Austin	Gallagher	McCall	Salvatore
Barber	Gallen	McClatchy	Scheaffer
Belardi	Gannon	McIntyre	Schmitt
Bennett	Gatski	McKelvey	Schweder
Berson	Geesey	McMonagle	Serafini
Bittle	Geist	McVerry	Seventy
Borski	George, C.	Mackowski	Shadding

Bowser	George, M. H.	Madigan	Shupnik
Brandt	Giammarco	Manmiller	Sieminski
Brown	Gladeck	Michlovic	Sirianni
Burd	Goebel	Micozzie	Smith, E. H.
Burns	Goodman	Milanovich	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Gray	Moehlmann	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Cimini	Grieco	Mullen	Stuban
Clark, B. D.	Gruppo	Murphy	Sweet
Clark, M. R.	Halverson	Nahill	Swift
Cochran	Harper	Novak	Taddonio
Cohen	Hasay	Noye	Taylor, E. Z.
Cole	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cornell	Helfrick	O'Brien, D. M.	Telek
Coslett	Hoefel	O'Donnell	Thomas
Cowell	Honaman	Oliver	Vroon
Cunningham	Hutchinson, A.	Perzel	Wachob
DeMedio	Hutchinson, W.	Peterson	Wargo
DeWeese	Irvic	Petrarca	Wass
DiCarlo	Itkin	Piccola	Wenger
Davies	Kanuck	Pievsky	White
Dawida	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wright, D. R.
Dininni	Knight	Pott	Wright, Jr., J.
Dombrowski	Kolter	Pratt	Yohn
Dorr	Kowalshyn	Pucciarelli	Zeller
Duffy	Kukovich	Punt	Zitterman
Dumas	Lashingier	Pyles	Zord
Durham	Laughlin	Rappaport	Zwinkl
Earley	Lehr	Reed	
Fee	Letterman	Richardson	Seltzer,
Fischer	Levi	Rieger	Speaker

NAYS—0

NOT VOTING—22

Beloff	Johnson, E. G.	Pistella	Trello
Chess	Johnson, J. J.	Rhodes	Weidner
DeVerter	Jones	Smith, L. E.	Williams
Freind	Manderino	Spencer	Wilt
Gamble	Mowery	Street	Yahner
Hayes, D. S.	Musto		

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

On the question recurring,

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

Mr. ITKIN reoffered the following amendments:

Amend Title, page 1, line 4, by removing the period after "office" and inserting and for reimbursement for psychiatric clinic para-medical services.

Amend Bill, page 2, by inserting between lines 10 and 11 Section 2. The act is amended by adding a section to read: Section 453. Psychiatric Clinic Para-medical Services.—The department shall reimburse persons who qualify under regulations of the department for the following psychiatric clinic para-medical services: (1) Speech evaluation. (2) Speech therapy. (3) Audiologist training. (4) Hearing aid evaluation when performed by a person other than a physician. (5) Audiologic evaluation. (6) Dactylogic therapy.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting 3

On the question recurring,

Will the House agree to the amendments?

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

Mr. GANNON. Mr. Speaker, for the reasons which I stated in the debate that took place yesterday, I oppose this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would you recognize the gentleman, Mr. Itkin?

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

Mr. ITKIN. Mr. Speaker, I would like to clarify some misconceptions about this amendment that have been circulating among the members. Number one is that this amendment will provide speech and hearing services and other related kinds of services to those persons principally in our institutions who are being returned to the communities. The cost for these services is extremely nominal; the cost for these services is a bargain. For example, when these people come back into the community to receive speech therapy, the department reimburses for speech therapy \$5 per session. This particular collection of services is provided under medical assistance, of which 55 percent of the costs are paid by the Federal Government and only 45 percent are paid by the state. The Department of Welfare has suggested that if my amendment were to fail, these services could be offered by the community mental health-mental retardation agencies at the local level, but what they failed to tell the members is that they have not included in their budget for community mental health-mental retardation services the money to cover the costs for these services, and they have no intention to do so.

If you examine the budget for community MH-MR—and we have done so in Allegheny County—we are finding that our local community MH-MR will get at the very most under the Governor's budget a 4-percent increase, actually a 3.8-percent increase, which is not enough to take care of inflation and provide for the services that they presently perform, and now at the same time the department is saying, well, sure, vote against this amendment, and let the local community, the county community MH-MR programs, pick up this added expense. It is not practical and it is not possible for these local agencies to do this. In addition, if we were to do this and if we were to provide additional money for this purpose to community MH-MR, we would have to fund it at 100 percent state dollars, or at least 90 percent state dollars, and your local county governments would have to come up with a 10-percent match. In the instance with this amendment, the state only has to come up with 45 percent of the total cost. It seems from an economic sense wise to do this, and it seems from a practical sense that this would be the best approach, and it seems from a humanitarian sense the only approach that we have. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, the Appropriations Committee has estimated the cost of this amendment to be

about \$1 million. That was based on information which it received from the Department of Welfare. I do not consider \$1 million to be insignificant.

The other issue that I am concerned with is, with the deletion of this program, there is still a funding stream or a source of availability to these services to the people of the Commonwealth. The medical assistance right now is about \$30 million in the red, and there is an effort on the part of the department to bring that program into balance. Recognizing that there is a duplication of services here, the department by regulation has deleted these from its MA program - medical assistance program. However, no one who really needs these services is going to be denied them.

Under Act 89, which applies to nonpublic schools, children would be entitled to these services while enrolled in a nonpublic school, and this is funded through a cigarette tax. Under Public Law 94-142, Federal public law, under a special education program, children and young adults through age 21 would be entitled to these services. Additionally, from age zero to 5, children would be entitled to these services under the Mental Health Act through the early intervention and infant stimulation program; and beyond age 21, for those identified with handicaps that would require this service, they could then go back into the MH program.

What we have here is simply a situation where there existed two sources for these services. One of those sources, because of the tremendous strain placed upon it because of the optional services that this General Assembly elected to provide to the citizens of the Commonwealth, was badly in debt to the amount of approximately \$30 million. This was recognized as an option, a program that could be eliminated without eliminating these necessary services. So, therefore, what we have simply done is eliminated a duplication at a cost savings to the taxpayers of the Commonwealth without elimination of service available through other sources, and, therefore, I oppose the amendment, Mr. Speaker.

Additionally, Mr. Speaker, someone who is institutionalized would, as part of their overall care program in an institution, get the types of services set forth in this amendment. I urge a negative vote on the amendment, Mr. Speaker. Thank you.

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

Mr. COWELL. First, Mr. Speaker, could you ask the members to come to order? It was almost impossible to hear most of Mr. Gannon's comments.

The SPEAKER. The Chair is on your side. Members will please take their seats.

The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. First, Mr. Speaker, would Mr. Gannon consent to interrogation, please?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon, indicates he will stand for interrogation. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, several times during your comments against this amendment yesterday and today, you spoke to the issue of eliminating duplication of services. Could you elaborate on that? Specifically what duplication of services are we eliminating by the welfare regulations?

Mr. GANNON. Mr. Speaker, for clarification, what I mean is the availability of these services, and I am speaking particularly about the services set forth in the amendment.

Mr. COWELL. I believe in your comments, Mr. Speaker, you indicated that some children would have access to some of these services through other funding sources. With respect to adults, could you indicate what other source they would have for these services?

Mr. GANNON. Yes. Through the early intervention and infant stimulation program, birth to 5 years old, and beyond that, beyond age 21, they would go back into that MH program, that mental health program. They could go there for these services.

Mr. COWELL. So, Mr. Speaker, the fact that somebody might pay for it at the local level if they happen to have the money, you are characterizing that as a potential duplication of services?

Mr. GANNON. Excuse me, Mr. Speaker? I do not understand what you are saying. Could you clarify that?

Mr. COWELL. You are suggesting that we can eliminate the availability of services for adults that would be funded by state dollars, because it might be possible for those same adults to get these services through their MH-MR catchment agencies if there are dollars available at the local level to finance these services. Is that what you are characterizing as duplication of services?

Mr. GANNON. No, Mr. Speaker. If the services are available, you are not eliminating them.

Mr. COWELL. Mr. Speaker, right now adults for the most part are able to avail themselves of these services because the services are paid for by state dollars. I would ask, in the absence of those state dollars, how will the local MH-MR agencies be able to pay for or fund those services for adults? Where will the local agencies get their dollars if we cut off the state dollars for them?

Mr. GANNON. They would get their funds from their traditional funding sources, Mr. Speaker.

Mr. COWELL. Are you suggesting, Mr. Speaker, that the traditional funding sources are of a magnitude right now that there are excess dollars available for the local MH-MR agencies and, therefore, they can pick up some additional services?

Mr. GANNON. These programs are available currently. They would not be additional services added on; they are currently available.

Mr. COWELL. Mr. Speaker, again, if these adults are having those services paid for because of the state program that will be eliminated by the state regs - the proposed regs or the regs that have been adopted, I guess, by the Department of Welfare - if that is no longer available, then the local agencies are going to have to find new dollars to provide that same service. How will that be done? What will the source of those dollars be?

Mr. GANNON. The people I have spoken to have not indicated that they would have any problem taking care of these services. You are making an assumption that there would be a tremendous influx, I would assume, to these agencies. They have not indicated to me that there would be any problem in taking care of these clients. On the other hand, I do not believe that they would have any tremendous influx.

Mr. COWELL. Which representatives of which local MH-MR agencies have you spoken with, Mr. Speaker, to make that determination?

Mr. GANNON. I cannot identify them by name, but I did speak to somebody at my intermediate unit in Delaware County.

Mr. COWELL. And that one person who is unidentified from Delaware County said that they will be able to absorb the additional cost and there would not be any problem.

Mr. GANNON. He did not express to me that there would be any problems.

Mr. COWELL. Did you talk about this issue at all?

Mr. GANNON. He is the one who told me that these services were available.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

Mr. Speaker, may I make some brief remarks, please?

The SPEAKER. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Yesterday, Mr. Speaker, the House of Representatives did the right thing when we adopted the Itkin amendment. It would override the regulations that were promulgated by the Department of Welfare and reinstate the availability of these services that are listed in the Itkin amendment. We should reassert that intention today by once again voting in the affirmative for the Itkin amendment.

I have got to drastically quarrel with the logic of Mr. Gannon as it was expressed today and as it was expressed yesterday. If we do not fund these services with state dollars, or that mix of state and Federal dollars, and if we want to believe that the service will still be offered at the local level, somebody has to pay the bill. Right now these services are offered with a mix - 45 percent state dollar, 55 percent Federal dollar - but when we eliminate that source of funding and if we still want these services to be available at the local level, the only option available to our local MH-MR agencies, if they are going to make the service available, is to use other dollars. Those dollars are in drastic short supply already.

Most of us hear from our MH-MR agencies that they have inadequate dollars. They complain every year about the nonavailability of sufficient dollars. Now, in the middle of this year, we are cutting off additional dollars and telling them, if you want to continue to provide this service, come up with the dollars from some other source. The only other source that they really have available is those dollars that come 90 percent from the state and 10 percent from the county. This makes absolutely no sense. I strongly believe that the impact of this regulation of the Department of

Welfare, if the services are going to continue to be available, will be to increase the cost to the state government as well as to our county governments. The only people whom we will be letting off the hook is the Federal Government that right now is paying 55 percent of the cost of these programs.

I have heard from many of the MH-MR people in my area, in Allegheny County, and so has Mr. Itkin. They are not comfortable with the new Department of Welfare regs. They cannot continue to pay the bill and at the same time provide these services. They need the Itkin amendment, and they have made that very clear, and I would ask today that once again we adopt the Itkin amendment.

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

Mr. GANNON. Mr. Speaker, if I understand Mr. Cowell correctly, he indicated 10 percent local funding and 90 percent Federal funding. That seems to me like a good return on your Federal tax dollar. Additionally, the Itkin amendment exasperates—

Mr. COWELL. Mr. Speaker—

Mr. GANNON. I am sorry, Mr. Speaker; it was 90 percent state money. Excuse me.

Mr. COWELL. The numbers are different and your conclusion would be different then?

Mr. GANNON. Okay; can I continue, please? It is not that significant. The point is that the Itkin amendment exasperates an already deficient budget. Additionally, several MH-MR's this past fiscal year lapsed funds, which tells me they had additional moneys left over, and considering the fact that these are existing services already provided, not additional services which they would be required to provide, it seems like a pretty good bargain.

As I have already indicated, Mr. Speaker, to make it clear to the members that we are not denying anyone in the Commonwealth a needed service, under the other programs, Act 89, Public Law 94-142, and the MH-MR, these services are currently in place and available. It is simply an elimination of duplication and giving some relief to a medical assistance program that currently is close to \$30 million in the red, and I do not see how you can say that there is an additional funding source available when that funding source has a deficit, which means that there is money being spent that simply is not there, and that is what we are trying to address ourselves to here, Mr. Speaker. Therefore, I once again urge a negative vote on the amendment.

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

Mr. ITKIN. Mr. Speaker, just in conclusion now, let us take an example that a speech therapist provides a service at \$15 a unit. Under this particular program he only gets reimbursed \$5. Under this particular program the state only pays 45 percent of that \$5, or \$2.25, to get a \$15 service for these particular individuals in need of this service.

Now you talk about being \$30 million in the red. Medical assistance is an open-ended program. Whatever we spend in behalf of medical assistance, we get reimbursed more

dollars from the Federal Government than we put up. If we try to transfer this program to some other state program, as the prior speaker has mentioned, we have to pick up the entire cost of that program. It seems to me prudent to allow medical assistance and put more money into the medical assistance category if necessary than to transfer the program to some other source. It is just a basic philosophy of getting more bang for your buck, and this is the most economical, effective way of providing these services in terms of the dollars that this state has to provide. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—90

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

NAYS—92

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

NOT VOTING—14

Barber	Hayes, D. S.	Petrarca	Weidner
Beloff	Johnson, E. G.	Pyles	Williams
Dumas	Mowery	Street	Wilt
Freind	Musto		

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

**RECONSIDERATION OF
VOTE ON AMENDMENTS TO HB 1888**

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

Mr. Cohen. Mr. Speaker, I move that the vote by which amendment No. 5207 to HB 1888 was defeated on March 18, 1980, be reconsidered.

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

Mr. PIEVSKY. I second the motion.

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

The following roll call was recorded:

YEAS—175

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

NAYS—1

Gannon

NOT VOTING—20

Armstrong	Geesey	Mowery	Street
Barber	Hayes, D. S.	Musto	Wachob
Beloff	Irvis	Piccola	Weidner
Dumas	Johnson, E. G.	Pyles	Williams
Freind	Micozzie	Sirianni	Wilt

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

On the question recurring,

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

Mr. COHEN reoffered the following amendments:

Amend Title, page 1, line 3, by inserting after "for" the establishment of temporary county assistance offices and for

Amend Sec. 1, page 1, lines 7 through 10, by striking out all of said lines and inserting Section 1. The act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," is amended by adding a section to read: Section 414. Temporary Assistance Offices.—The secretary shall, whenever possible, establish temporary county assistance offices close to any business where such number of employes have been involved in a labor dispute, furloughed or laid off, as will require at least five additional office workers.

Section 2. Section 417 of the act, suspended insofar as inconsistent with Reorganization Plan No. 3 of July 24, 1975 (P. L. 629), is amended to read:

Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.

On the question recurring,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, this amendment will merely make things a lot easier for everybody concerned whenever there is a strike. It will make it easier for the state bureaucracy; it will make it easier for affected businesses; it will make it easier for the workers. All this does is set up separate offices when it is possible to do so. The cost is nil. I really do not understand why there was a partisan vote. I would hope there would not be a partisan vote on it this time.

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

Mr. GANNON. Mr. Speaker, as I have indicated previous to this, I believe that establishing a temporary assistance office as suggested by this amendment will add significantly to the administrative burden of delivering these services to clients who need them. As I stated, local county assistance offices are centrally located in specified geographic areas to service the residents of that particular geographic area. You could have a situation where there is a plant shutdown, and by locating an assistance office, a temporary assistance office, near a plant, you would be drawing clients, potential clients, from geographic areas beyond the servicing area of the particular office within which the client would live. This would add tremendously to the administrative burden.

Additionally, I cannot conceive how you could set up one of these satellite or temporary offices without additional

expense. I am sure you would have to have clerical support there, which would be needed; office equipment would be needed; telephone service would be needed; additional travel would be involved from various points to which we would bring in the temporary employes.

The amendment does nothing to advance the purpose of the bill, and as I have stated before, we all know that there are limited resources available. I think this was brought out in prior discussion on the prior amendment. There are limited resources available, and I believe we have an obligation to make certain that those limited resources reach the needy and are not eaten up by bureaucratic or administrative costs, and, therefore, I urge a negative vote on the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—90

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

NAYS—93

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

NOT VOTING—13

Barber	Hayes, D. S.	Musto	Weidner
Beloff	Johnson, E. G.	Sirianni	Williams
Dumas	Mowery	Street	Wilt
Freind			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, this is a bill that apparently the Secretary of Welfare wants. Apparently she is not concerned about the other things that many members of this General Assembly want. Mr. Speaker, I get very disillusioned with the partisan nature of the votes in this House. It seems to me over the past couple of weeks that that is happening, depending upon who is introducing amendments or whose bill it is, the question of where the votes go. Now I think that if we introduced—

The SPEAKER. Will the gentleman, Mr. Itkin, yield?

POINT OF ORDER

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

Mr. PICCOLA. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. PICCOLA. What is the question before the House, Mr. Speaker?

The SPEAKER. The question before the House is final passage of HB 1888.

Mr. PICCOLA. I believe the gentleman's remarks are not on the question before the House.

The SPEAKER. The Chair will listen diligently to the debate of the gentleman, Mr. Itkin, and if the gentleman oversteps the propriety of the debate, the Chair will call it to his attention. Mr. Itkin will please confine his remarks to the bill, and the gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I am going to urge the members of my side of the aisle, in the same way that the Secretary of Welfare has urged the members on your side of the aisle, to vote in the negative on this particular bill. I am doing that for the special reason in the hopes that the secretary will reconsider her position on this issue and come to what I consider the proper conclusion, that these services should be provided and that it is not in the best interest of these citizens of the Commonwealth to be denied these services, and that is what she is doing.

Now I do not care about assigning boards of assistance workers from one county to another county. That is her concern. That is what she is concerned about. I am concerned on making sure that the services to needy people are provided by our Secretary of Welfare irrespective of who is in charge of the Governor's office.

It seems to me, Mr. Speaker, that if you wish to make this a partisan issue, we, too, should make this a partisan issue about final passage of this legislation. And if you are telling us that we cannot sit down and talk about these issues and reconcile our differences, and the only way we are going to deal with issues is who has the greatest number of votes to pass bills, then I suggest that the members on this side of the aisle vote "no." Mr. Speaker, since I see no attempt to reconcile the differences on this particular issue, then I am urging the members on this side of the aisle, because there is no compelling reason to pass this bill at this time, to vote in the negative on the bill.

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

Mr. GANNON. Mr. Speaker, permit me to address myself to the merits of the bill.

I believe the provisions of the bill are rather clear and rather succinct. This simply provides a method by which the Secretary of Welfare and local county assistance offices can provide services more quickly to those who are in urgent need. That was the intent of the bill when it was introduced. It was introduced by me at my suggestion, my own suggestion, its purpose set forth fairly clearly, I believe, in the language of the bill, to provide prompt processing of claims by county assistance offices and permitting them to bring in on a temporary basis additional support personnel to make sure that job gets done at a minimum administrative cost to the taxpayers of the Commonwealth.

I do not believe that this is a partisan issue. I think saving taxpayers' dollars is a responsibility of both Democratic and Republican members of this House, and, therefore, I would urge an affirmative vote by all members on this, what has been demonstrated to me, needed legislation.

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

Mr. GOODMAN. Mr. Speaker, I would like to agree with Mr. Itkin's statement on this bill and would like to urge all the Representatives from the northeastern and central Pennsylvania districts who have also run into this kind of problem with the Department of Public Welfare. As most of you witnessed here today, we had some 1,500 people down from the nine state general hospital service areas and three nursing schools that are being closed by this administration according to orders issued by Katherine McKenna, of the Deputy Secretary of Public Welfare—

The SPEAKER. Mr. Goodman, please confine your remarks to the bill. The gentleman may proceed.

Mr. GOODMAN. My remarks, Mr. Speaker, are in line with what Mr. Itkin says, that I think we should be voting against all of this kind of legislation until the Department

of Public Welfare sits down with representatives in a district that is being affected as adversely as our districts are being affected and has our input as to what decisions should be made before they are made. I think this legislation is a good example of where we can begin that fight, and we are going to use every means and every resource we have available to us to make that fight, and I think this is one issue to begin with.

We have had here today decisions made by the Department of Public Welfare in which no Representative on either side of the aisle, to the best of my knowledge, has had any input. The decision was made before any planning was made, and it appears to us that this legislation is an example of that kind of decisionmaking, and I would urge all of us on both sides of the aisle to vote against this bill and every other bill that adheres to this same kind of principle until they sit down and talk with us. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I rise to agree with my colleague who sits in the front row with me. I think that we from the northeast ought to oppose all this type of legislation. I think that somebody had better get sensitive to our problems, and when they do, it is just too bad that I have to stand up here and agree with Ivan Itkin from Pittsburgh; but, Mr. Speaker, I am going to be with you because we need your help and we are going to stay with you. I ask that everybody vote negative on this bill.

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

Mr. GANNON. If I may bring the debate back to the bill itself, Mr. Speaker, to make it clear to all the members of this House, this bill was introduced not at the request of the Department of Welfare but at the suggestion of the United Auto Workers and the AFL-CIO union representatives in my district. I think I should make clear to the Democratic members precisely where this bill is coming from, so that they will know how their vote is going to be counted. This bill serves an urgent need for those members who find themselves in unusual circumstances, and that is, being required to pay for food and lodging and mortgages with no income coming into their houses because of the necessity of a work stoppage as a result of what could possibly be adverse working conditions or substandard wages. That is precisely where this bill comes from, Mr. Speaker. It comes from the necessity of union members getting benefits that they are entitled to in a prompt fashion.

I agree with the remarks of Mr. Goodman that there should be discussion on any issue. However, in the meantime people have to eat, and they unfortunately cannot wait until issues are resolved. This bill would provide a vehicle by which prompt processing of assistance claims can be made by a county assistance office while negotiations are in process and while issues are being resolved and discussed, irrespective of what they may involve. I urge that all the

members vote an affirmative vote for this bill, Mr. Speaker.

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

Mr. GEORGE. Mr. Speaker, can this bill be held up for a short while so we can prepare an amendment?

The SPEAKER. That question is not one that is decided by the Speaker.

Mr. GEORGE. Can I make the decision on my own then, Mr. Speaker?

The SPEAKER. No more than the Speaker can make it on his own. The Chair would suggest to the gentleman that a proper motion would be either to lay the bill on the table or to place it on the final passage postponed calendar.

PARLIAMENTARY INQUIRIES

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. Is it also in order to ask that the bill be passed over so that it can be amended at a later time?

The SPEAKER. In response to the minority whip, it is the thought of the Chair that once a bill has been called up and has, in this case, been agreed to on third reading, it would not be as proper to pass the bill over as it would be to pass one of the other motions that the Chair suggested to the gentleman.

The reverse of that would be, if the bill had not been agreed to on third reading and we were coming to it in order on the calendar, it would be proper at that time to have a simple motion to pass over. But since the House has had this bill before it and it has considered several amendments several different times today, the more proper motion would be to either lay the bill on the table or to place it on the final passage postponed calendar.

The Chair recognizes the minority whip.

Mr. MANDERINO. Further point of parliamentary inquiry, Mr. Speaker. Mr. Speaker, this is an issue that is very important to many members of this caucus and many members, I think, of the other caucus, the subject of the amendment. My point of parliamentary inquiry would be, is either of the motions, to table or to put on the final passage postponed calendar, debatable?

The SPEAKER. The Chair will take the motion to lay on the table first. That is not a debatable motion. But on the question of placing the bill on final passage postponed, it is debatable to the extent of the motion, which is to place it on the final passage postponed calendar. You cannot debate the merits of the bill.

HB 1888 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. MANDERINO. Mr. Speaker, I would think that the proper motion and the motion that I would like to see made is to place on the final passage postponed calendar.

The SPEAKER. That is a proper motion.

It is moved by the minority whip that HB 1888 be placed on the final passage postponed calendar, and the question is on the motion.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, the concern that has been shown by Mr. George and Mr. Goodman as to a possible amendment to this bill admittedly comes to them at a late time. There were amendments prepared to do the same thing that they propose to ask be done in this bill to HB 2044, which was a bill dealing with another problem in the Department of Welfare. Mr. Speaker, if you can recall, debate was cut off by a motion for the previous question, and those people who had that amendment and were prepared to support that amendment and debate the amendment and bring the issue before the House were precluded, because of the previous question motion on HB 2044 and the cutoff of debate and additional amendments, from putting that amendment in that bill. This, Mr. Speaker, is a proper vehicle, in my opinion, to place that kind of amendment, and I apologize for my members who had not had, previous to their realizing that this bill was going to be considered in final form today, an opportunity to redraft those amendments. I would ask that the bill be placed on the final passage postponed calendar so that the problem that they want to address in this bill can be addressed and that we can send the Department of Welfare at least the sense of the House on the matters that they are considering that affect in a very sensitive way a number of areas of this Commonwealth.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in brief, Mr. Manderino indicates that HB 1888—it would seem to indicate that HB 1888—is the only bill available for such amendments, and he does in truth make reference to the late hour at which it has been determined that this would be a proper vehicle. I can only suggest to the House that HB 1888 is on its 13th day on the calendar. The concern shown by the gentlemen, Mr. Goodman and Mr. George, last week or 2 weeks ago when HB 2044 was before us was apparent then. If they had wanted to amend HB 1888, I think they could have done it during the past 2 weeks.

There will be plenty of bills along dealing with the Public Welfare Code, and I am going to ask that we not agree to the motion. We have got to get this calendar of ours cleared up. We have spent the bulk of the day on two bills. There are 13 bills that I wanted to reach today, and here it is, 3:30, and we are now arguing about a parliamentary matter dealing with amendments. It is terribly frustrating to not only the members but particularly to the leaders of the two caucuses who have to listen to each member come down and talk to us about, hey, roll my bill; roll my bill; call my bill up; and then 5 minutes later have five other people come over and say, hold that bill; hold that bill.

I am asking that we defeat this motion. These gentlemen know there are plenty of bills on the calendar and coming

out of committees that are susceptible to the amendments, and the only way we are ever going to get this session closed down is by moving ahead expeditiously and not waiting at every turn of the road and delaying the passage of every bill until amendments are ordered at the last minute. For that reason and for that reason only, I would oppose the motion.

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

Mr. GEORGE. Mr. Speaker, in all respect to our majority leader, whom I am very grateful it will take a moment to advise me of what would be correct and what would not be appropriate, we did offer that in HB 2044, but because of many things that came before us, something happened to HB 2044 that we could not put that bill in. I think you were here; you would know that.

I feel that this is just not an issue, Mr. Speaker, for Mr. George or Mr. Goodman, and this is not a Democratic-Republican issue. I do not even think this is a Governor's issue, but it should be because of bureaucracy going in leaps and bounds. I think Republicans as well as Democrats have signed this original amendment, and I believe that it would be misconstrued for anyone to vote against a proposal to give this amendment an opportunity, because by applying this amendment today, Mr. Speaker, we are going to save weeks of delay, and we are going to do what all of those young people and their parents and all of those—

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, I purposely stayed away from any discussion of the merits of amendments, and I would ask that the gentleman do the same thing, confine his remarks to the question of laying the bill on the table.

The SPEAKER. The majority leader is correct. Would the gentleman, Mr. George, proceed on the question—

Mr. GEORGE. Mr. Speaker, I meant no offense. I apologize. I am sure that you are in favor of what I am trying to do or you would have come at me a little bit stronger.

I ask that we, Mr. Speaker, do support the move that will allow us to place this on the table so we can run upstairs and in a few moments rectify what will be before us for months if we do not take this opportunity. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Goodman on the motion.

Mr. GOODMAN. Mr. Speaker, on the motion, I think Mr. Ryan will agree that I do not make a habit out of doing last-minute amendments, and I would not be doing it today if it was not for the fact that today, this very day, in the meeting of the people who came down and the legisla-

tors from this area, we were informed specifically by John Cuddy of the Department of Public Welfare that the decision has been made to close these nursing schools.

The SPEAKER. Will the gentleman, Mr. Goodman, yield?

PARLIAMENTARY INQUIRY

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

Mr. RYAN. I rise to parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. I am determined that this calendar is going to move, and I object strenuously to any discussion on anything dealing with the merits of any proposed amendments and insist that the debate be limited to the motion that is before the House.

The SPEAKER. The majority leader is correct, and the Chair would ask the gentleman from Schuylkill, Mr. Goodman, to please confine his debate to the motion to place HB 1888 on the final passage postponed calendar. The Chair recognizes Mr. Goodman. He may proceed.

Mr. GOODMAN. Mr. Speaker, I am trying to make a point of why I am asking the membership to lay this bill on the table if the majority party will not agree to a hold so that we can have this amendment drawn. The reason for having the bill laid on the table is so that—

The SPEAKER. May the Chair interrupt? The motion was not to lay on the table but to place the bill on the final passage postponed calendar. The gentleman may proceed.

Mr. GOODMAN. —final passage postponed calendar is so that we can have this amendment drawn to offer to the bill, and it is the urgency that was brought home to us today in the meeting that makes this kind of action necessary. I would first ask that they agree to a hold. If not, I would ask the members from both sides to agree to this postponement.

The SPEAKER. Those in favor of placing the bill on the final passage postponed calendar will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—102

Austin	Gallagher	Letterman	Richardson
Barber	Gamble	Levi	Rieger
Belardi	Gatski	Levin	Ritter
Bennett	Geist	Livengood	Rodgers
Berson	George, C.	McCall	Schmitt
Borski	George, M. H.	McIntyre	Schweder
Brown	Giammarco	McMonagle	Serafini
Caltagirone	Goodman	Manderino	Seventy
Cappabianca	Grabowski	Michlovic	Shadding
Chess	Gray	Milanovich	Shupnik
Clark, B. D.	Greenfield	Mrkonic	Smith, L. E.
Cochran	Halverson	Mullen	Steighner
Cohen	Harper	Murphy	Stewart
Cole	Hoeffel	Novak	Stuban
Coslett	Hutchinson, A.	O'Brien, B. F.	Sweet
Cowell	Hutchinson, W.	O'Donnell	Taylor, F.
Cunningham	Irvis	Oliver	Trello
DeMedio	Itkin	Petrarca	Wachob

DeWeese	Johnson, J. J.	Pievsky	Wargo
DiCarlo	Jones	Pistella	White
Dawida	Klingaman	Pratt	Wright, D. R.
Dombrowski	Knight	Pucciarelli	Yahner
Duffy	Kolter	Rappaport	Zeller
Dumas	Kowalshyn	Reed	Zitterman
Fee	Kukovich	Rhodes	Zwilk
Fryer	Laughlin		

NAYS—84

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

NOT VOTING—10

Beloff	Johnson, E. G.	Street	Williams
Freind	Mowery	Weidner	Wilt
Hayes, D. S.	Musto		

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1527, PN 2631**, entitled:

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

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

Amend Sec. 1 (Sec. 444), page 2, line 13, by striking out "six months" and inserting three years

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

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

Mr. PISTELLA. Mr. Speaker, this amendment strikes out the words "six months" and inserts "three years". The intent of the amendment is to equalize the amount of time that a manufacturer of malt liquor outside the State of Pennsylvania could be suspended from operating inside Pennsylvania, as the in-state manufacturers of malt liquor could be subject to a 3-year penalty.

The SPEAKER. Has the gentleman, Mr. Pistella, completed his explanation?

Mr. PISTELLA. Yes, sir.

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

Mr. HASAY. The amendment is agreed to, Mr. Speaker.

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

The following roll call was recorded:

YEAS—172

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

NAYS—1

Letterman

NOT VOTING—23

Barber	Dumas	Johnson, E. G.	Pyles
Beloff	Freind	Levin	Street
Bowser	Geist	Madigan	Weidner
Brown	Giammarco	Mowery	Williams
Burd	Hayes, D. S.	Musto	Wilt
Coslett	Hutchinson, W.	Pucciarelli	

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

REMARKS ON VOTE

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

Mr. BURD. Mr. Speaker, my key was inoperative on that last vote. I would like to be recorded in the affirmative on the amendment to HB 1527.

CONSIDERATION OF HB 1527 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—175

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

NAYS—1

Letterman

NOT VOTING—20

Beloff	Johnson, E. G.	Mowery	Street
Burd	Jones	Musto	Weidner
Freind	Livengood	O'Brien, B. F.	Williams
Harper	Madigan	Pucciarelli	Wilt
Hayes, D. S.	Micozzie	Pyles	Wright, D. R.

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

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

REMARKS ON VOTE

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

Mr. BURD. Once again my key was inoperative, Mr. Speaker. I would like to be recorded in the affirmative on HB 1527.

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

Will the gentleman check his switch to make sure that there is no printed material lying against it which would clear his switch?

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1528, PN 2828**, entitled:

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

On the question,

Will the House agree to the bill on third consideration:

Mr. CALTAGIRONE offered the following amendments:

Amend Title, page 1, line 16, by inserting after "laws," limiting importing distributors to wholesale sales;

Amend Bill, page 1, by inserting between lines 20 and 21

Section 1. The definition of "importing distributor" in section 102, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," amended August 17, 1965 (P.L.346, No.182), is amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Importing distributor" shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale at wholesale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately.

* * *

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

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

Mr. CALTAGIRONE. Mr. Speaker, this amendment will clear up a problem that the importing distributors and the regular distributors have wrestled with over the years. This will prohibit the importing distributors from retailing, thus rectifying a problem which has been blatantly unfair to the Mom and Pop distributors in this state. The little distributor by law has to buy his beer from the importing distributor. The importing distributor can then either wholesale or retail at will, thus sacrificing whatever advantage the little distributor that each and every one of us has in our counties and putting them at an unfair economic advantage. I would say that this amendment would establish the equality that has not been in the Liquor Code for several years.

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

Mr. HASAY. Mr. Speaker, I will have to ask the General Assembly to oppose this amendment, and the reason I am asking the General Assembly to oppose this amendment is because in certain counties the I.D. distributor is the sole distributor for the general public and retail establishments. On that basis, Mr. Speaker, I oppose it.

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

Mr. LETTERMAN. I would like to interrogate Mr. Caltagirone, please.

The SPEAKER. The gentleman, Mr. Caltagirone, indicates he will stand for interrogation. Mr. Letterman may proceed.

Mr. LETTERMAN. Mr. Speaker, what does an I.D. distributor pay for a license?

Mr. CALTAGIRONE. What does he pay for a license?

Mr. LETTERMAN. Yes.

Mr. CALTAGIRONE. Nine hundred dollars, I think.

Mr. LETTERMAN. What does a D. distributor pay?

Mr. CALTAGIRONE. Six hundred dollars.

Mr. LETTERMAN. Well, do you think that they have a difference in the license for a specific reason?

Mr. CALTAGIRONE. Yes. There is no doubt that there is a reason for that difference.

Mr. LETTERMAN. Well, that is what I am trying to point out to you. That is exactly what I am saying to you. I think we should oppose your amendment because of that. There is a definite place for an I.D. distributor and a D. distributor, and what your bill is doing is putting them both on an equal basis, but you have not done anything to change the fee.

Mr. CALTAGIRONE. No. If I can answer that, Mr. Speaker, the difference is this: With the importing distributor having the complete control over the distribution of that beer, the little distributor has to buy by law his beer from that importing distributor. That is mandated by law. He has no choice in that matter, and in order to stay in

business, he has to purchase his beer from that importing distributor. He cannot sell his beer at any less than what he can purchase it at, because he would be taking a loss and he could not remain in business. But the importing distributor can then also not only wholesale his beer, which market he presently enjoys, but he can also retail it to the general public in direct competition with the little distributor whom he is wholesaling that beer to. So if your argument followed to a logical conclusion would hold any truth in it, you would say that that fee should be two or three or four or five times that, because of the value of that importing distributor having that control over the distribution of that beer in his territory, because you, as a little distributor purchasing your beer from me, the importing distributor, pay my rate, whatever I am charging you. If you are selling that beer at \$4 a case and I want to market that beer on a retail level to compete with you, you have to go through me, first of all, for my markup, and then you have a markup that you are putting on it to make a profit in order to stay in business. I can outsell you and undersell you and still make a profit, because you are competing. Do you understand?

Mr. LETTERMAN. Yes; I understand it very well.

Do you think that an importing distributor does not sell to the D. distributor at a wholesale cost by bulk loads?

Mr. CALTAGIRONE. The importing distributor is in fact, in many areas of this state, selling at wholesale to the little distributor. From the information that I have been provided with in different areas of the state, there are many instances where importing distributors are in open competition with the little distributors and, in many cases in many counties, have in fact over the past several years forced them out of business by competing with them for that retail trade.

Mr. LETTERMAN. Do you know if a D. distributor has the right to go into another state and bring truckloads of beer back into this state?

The SPEAKER. Will the gentleman yield? The Chair is unable to hear Mr. Letterman. I would assume that Mr. Caltagirone is having difficulty.

The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, my question to you is—you know, it is very simple. The I.D. distributor has to purchase the trucks and he has to purchase the PUC - Public Utility Commission - license to go and haul his beer to get it at a cheaper rate in order to even sell it at a cheap rate to the D. distributor. There is definitely a place for the I.D. distributor and the D. distributor both. Who takes care of the home trade? I am talking about delivering to the home.

Mr. CALTAGIRONE. The home trade basically is handled by the little distributor. The corner distributor that you and I know, and most of the members are familiar with in most of our counties around this state, is handled by the little distributor, but by law he is mandated to purchase his beer from the importing distributor in his district, in his area, whatever the territory is defined as

territorial rights by the LCB - Liquor Control Board. That is mandated by law. What you are saying in one point is true, but then on the other point, Mr. Speaker, the problem that we see existing in the state—and there are any number of little D.'s that can attest to this, if you check back in your home districts—when you are in open competition with a monopoly, when you are forced to buy from one person—and that is the way it is; they are forced to buy from that importing distributor in their area—you have no choice in the matter; you have to buy your beer there. How fair is it then for that importing distributor to be in competition then with that little distributor whom he is servicing on a retail basis?

Mr. LETTERMAN. Well, what would be fair about it if he did not? Because this man has to buy that franchise to get that beer. Probably the D. distributor could not even afford to buy enough beer to keep the franchise, and then you would be without that beer in the locale.

Mr. CALTAGIRONE. Could you repeat that, Mr. Speaker?

Mr. LETTERMAN. The I.D. distributor is probably the only one capable of buying beer in quantities enough to have a franchise. If you do not have that, you would eliminate the possibility of having about 25 different kinds of beer in the locality.

Mr. CALTAGIRONE. No. With the I.D. he not only has by law the option to purchase that in quantity and to specialize in certain franchises that he has the sole right on through his I.D. franchise, but he also then by law can wholesale to the taverns and the distributors. Now, when you talk about the retail trade, you are talking about the regular consumer who goes in and purchases that beer or has it delivered at his home. There is a difference in consumers whom you are talking about. When you are talking about the regular consumers as you and I know them, that is where the little D. comes into play, where he services that consumer. You also have the barrooms that are serviced by basically the importing distributors. There are some D.'s that do service barrooms, but basically they are serviced by the I.D.'s.

Mr. LETTERMAN. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a statement, please.

The SPEAKER. The gentleman, Mr. Letterman, is in order and may proceed.

Mr. LETTERMAN. Mr. Speaker, I definitely feel that there is a place in Pennsylvania for both the I.D. and the D. distributor, and I do not think that we should vote for this type of amendment, because it would certainly hinder the person who is able to keep the kinds of beers that Pennsylvanians are used to drinking coming into this state. Without them, I do not believe that it would be possible at all for the little distributor to furnish this kind of service. Thank you.

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

Mr. RITTER. Mr. Speaker, I originally had an amendment for the bill, because I was concerned also about the

D. distributor. But what I am concerned about with this proposal is really two things. You know, the situation is this, that the importing distributor invests a lot of money in terms of advertisement for the particular product that he has been given exclusive rights to. Now, my understanding of the Liquor Code is that retail means if I sell as an importing distributor to home trade - somebody who comes into my place and I sell him a case of beer - that is retail. My understanding is that if I sell that same case of beer to a tavern or a hotel, I am selling retail. Now, the problem is that this importing distributor invests a great deal of money in that franchise in order to promote the particular beer that he is the importing distributor for, and to say to that distributor that you cannot sell to the taverns and you cannot sell to the hotels and you cannot, in other words, protect your investment, you cannot go out and make sure that the product you are spending the money on is in fact being sold, then I do not think that that is fair. I do not have any objection whatsoever to saying to the importing distributor, you will not sell to home trade; you will not sell individual cases to some guy who comes in off the street; and you are not going to deliver it to Johnny Smith's house around the corner. But I think we need to allow importing distributors to sell to taverns, because that is where they make sure that the money that they have invested—first, to get that franchise, and second, to advertise that product—is in fact being protected.

Now, there is a further problem with the amendment, and that is that if I am an importing distributor for Budweiser beer, under Mr. Caltagirone's amendment I am precluded from selling at retail not only Budweiser beer but any brand of beer. If I would buy Pabst Blue Ribbon, for instance, from beer distributor Fryer, I could not sell that at retail, because I happen to be an importing distributor, even though I am only importing exclusively Budweiser beer. And if I bought Miller beer from Mr. Salvatore's distributorship, under Mr. Caltagirone's amendment I likewise could not sell that at retail, because I have an importing distributor's license. I think we are really being unfair. If you say that the importing distributor ought to get out of the business of selling to the little guy and leave that to the domain of the small D. distributor, I have no qualms with that, but that D. distributor does not have the investment in either time or money in the product that the importing distributor has, and you are saying in effect to that I.D., you go out and sell the product in terms of advertising, but when it comes time to protect that investment, you will have to depend on that guy around the corner who may or may not want to put gasoline in his truck this week or may or may not want to go out and sell to the local tavern this week and may just decide he is going to stay home. I do not think that that is fair.

If we can hold the bill and get a more definitive amendment, I do not have any problem with that, but I think we are penalizing the I.D. in two areas: one, we are hurting him in the pocketbook by the advertising he does; and second, because he happens to be an importing distributor

and he can only be an I.D. for one brand and there are 50 brands on the market, that means the other 49 brands he could not sell at retail either, and I do not think we really want to do that. So I think that either we hold the bill and get a better amendment or we vote against the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I rise to oppose this amendment also and for all the reasons that the previous speaker has enumerated here today. But I have one other reason to oppose this amendment. I think that this legislature would be walking into a very narrow path of restraint of trade, and I do not think this legislature wants to do that. For that reason and that reason alone, in my own feeling, we should oppose this amendment. Thank you.

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

Mr. SPITZ. Mr. Speaker, I would rise also to oppose this amendment. I think that Mr. Ritter pointed out two excellent reasons for opposition. I do not agree with him, however, that the third area, if you will, the evil to be addressed of the importer competing with the D. distributor, is much of an evil. Some of these importing distributors are not giants in the business. They may import a narrowly selling and marginally selling brand, and they do compete with the D.'s. They do have home trade, and I think that it would be improper for us to restrain them from selling their own brand in their shops.

More than that, I do not think that there is much of a problem of that importing distributor actually competing dollarwise with his D. distributors. If any importing distributor wants to be the exclusive seller of his brand by discounting, he can do that. It would happen automatically, because the other distributors would not highlight his product even if they would buy it. They would not advertise it, they would not put it out front, and that importing distributor would find that his shop is the only one selling the brand, rather than having 30 or 40 outlets for the brand. That importing distributor wants all of the distributors to sell the product. In our area he sells it at the same price that they do. I think that good business dictates that happens in most of the state, and I think that the evil that is perceived is minimal and the danger of this corrective amendment is substantial, and I would oppose the amendment.

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

Mr. CALTAGIRONE. Mr. Speaker, there were several points that were raised that I think have to be clarified, because evidently they have left the wrong impression, I feel, in many members' minds.

When you are talking about franchises, number one, anybody who has purchased beer at a distributor or especially an importing distributor would realize that he holds not only one franchise for one brand of beer but that he holds several franchises for several brands of beer. Number

two, all you have to do if you ever go into an importing distributor's warehouse, I defy anybody in here to tell me that they only stock one brand of beer in that warehouse. He could not exist. They stock many different varieties and brands of beer.

The little distributors are slowly but surely being put out of business, and what you are going to eventually see in this state is a monopoly by the importing distributors, and the importing distributors are growing larger and larger. This state legislature, by passing the territorial rights bill several years ago, did in fact restrict the little distributor from purchasing beer outside the territory that they were confined to, and it was very beneficial then for the importing distributors. You talk about a restraint of trade, the restraint of trade is hurting the little distributor more so than it is the importing distributor, because they are confined and restrained from purchasing their beer from that importing distributor.

There are some different philosophies that are being discussed here, pro and con. I favor the little distributor who is being hurt tremendously across this state, and I say that they are a vanishing breed and will eventually be phased out of the business. I urge you to support this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—30

Bennett	Gatski	McIntyre	Rocks
Brown	Gray	Manderino	Salvatore
Caltagirone	Irvis	Milanovich	Schmitt
Cappabianca	Klingaman	O'Brien, D. M.	Steighner
Cohen	Knight	Pratt	Stewart
DeWeese	Lashinger	Punt	White
Diez	Lewis	Rieger	Zeller
Fryer	McCall		

NAYS—148

Alden	Foster, Jr., A.	McClatchy	Schweder
Anderson	Gallagher	McKelvey	Serafini
Armstrong	Gallen	McMonagle	Seventy
Arty	Gamble	McVerry	Shadding
Austin	Gannon	Mackowski	Shupnik
Barber	Geesey	Madigan	Sieminski
Belardi	Geist	Manmiller	Sirianni
Berson	George, C.	Michlovic	Smith, E. H.
Bittle	George, M. H.	Micozzie	Smith, L. E.
Borski	Giammarco	Miller	Spencer
Bowser	Goebel	Moehlmann	Spitz
Brandt	Goodman	Mrkonic	Stairs
Burd	Grabowski	Mullen	Stuban
Burns	Greenfield	Murphy	Sweet
Cessar	Grieco	Nahill	Swift
Chess	Gruppo	Novak	Taddonio
Cimini	Halverson	Noye	Taylor, E. Z.
Clark, B. D.	Harper	O'Brien, B. F.	Taylor, F.
Clark, M. R.	Hasay	O'Donnell	Telek
Cornell	Hayes, Jr., S.	Oliver	Thomas
Coslett	Helfrick	Perzel	Trello
Cowell	Hoeffel	Peterson	Vroon
Cunningham	Honaman	Piccola	Wachob
DeMedio	Hutchinson, A.	Pievsky	Wargo
DeVerter	Hutchinson, W.	Pistella	Wass
DiCarlo	Itkin	Pitts	Wenger
Davies	Kanuck	Polite	Wilson
Dawida	Knepper	Pott	Wright, D. R.
Dombrowski	Kolter	Pucciarelli	Wright, Jr., J.

Dorr	Kowalyszyn	Pyles	Yahner
Duffy	Kukovich	Rappaport	Yohn
Dumas	Laughlin	Reed	Zitterman
Durham	Lehr	Rhodes	Zord
Earley	Letterman	Ritter	Zwikl
Fee	Levi	Rodgers	
Fischer	Levin	Ryan	Seltzer,
Fisher	Livengood	Scheaffer	Speaker
Foster, W. W.	Lynch, E. R.		

NOT VOTING—18

Beloff	Gladeck	Mowery	Street
Cochran	Hayes, D. S.	Musto	Weidner
Cole	Johnson, E. G.	Petrarca	Williams
Dininni	Johnson, J. J.	Richardson	Wilt
Freind	Jones		

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

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

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

The question is, shall the bill pass finally?

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

YEAS—179

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

Fisher	Lewis	Rocks	Speaker
Foster, W. W.			

NAYS—4

Berson	Brandt	Fryer	Pott
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NOT VOTING—13

Beloff	Johnson, E. G.	Petrarca	Weidner
Freind	Mowery	Street	Williams
Hayes, D. S.	Musto	Trello	Wilt
Hutchinson, A.			

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.

WELCOME

The SPEAKER. The Chair welcomes to the front of the House from Montgomery County Miss Alice Asko, Rose Pignola, and Rene Sacks, who are here today as the guests of the Montgomery County delegation.

ANNOUNCEMENT

The SPEAKER. The Chair would also like to make an announcement. The Women's Legislative Exchange of Pennsylvania, who are holding their 12th Annual Legislative Conference today, are having a reception at the Penn Harris Motor Inn from 4:30 until 6 p.m., and the legislators are invited to attend.

REMARKS ON VOTE

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

Mr. CUNNINGHAM. Mr. Speaker, I have examined the printout on the motion to place HB 1888 on the final passage postponed calendar. I am incorrectly recorded in the affirmative, and I should be recorded in the negative. Thank you, Mr. Speaker.

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

WELCOME

The SPEAKER. The Chair would also like to introduce the daughter of one of our members, Miss Victoria McMonagle, who is the daughter of our member from Philadelphia, Gerry McMonagle.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would not want the ladies who extended the invitation to the members of the legislature to join them for cocktails from 4:30 to 6 to feel that you have misrepresented our schedule for today. I think that the Speaker should thank them for their gracious invitation and, if they are unable to postpone the cocktail hour for several hours, decline to accept the kind invitation,

because I think we will be here for some 2 or 3 additional hours, Mr. Speaker.

REMARKS ON VOTE

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

Mr. BRANDT. On HB 1528 I was recorded in the negative. I would like to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1549, PN 1826**, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default, *** and providing for the reinstatement of the liens of such claims and judgments.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—180

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

Dombrowski	Kolter	Punt	Yohn
Dorr	Kowalshyn	Pyles	Zeller
Duffy	Kukovich	Rappaport	Zitterman
Dumas	Lashingier	Reed	Zord
Durham	Laughlin	Rhodes	Zwinkl
Earley	Lehr	Richardson	
Fee	Levi	Rieger	Seltzer,
Fischer	Levin	Ritter	Speaker
Fisher	Lewis		

NAYS—0

NOT VOTING—16

Beloff	Hayes, D. S.	Musto	Telek
Dietz	Johnson, E. G.	O'Brien, B. F.	Weidner
Freind	Letterman	Street	Williams
Greenfield	Mowery	Swift	Wilt

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 **HB 1788, PN 2650**, entitled:

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for the decrease in the number of councilmen based on increased minimum borough population.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—174

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

DeWeese	Itkin	Piccola	White
DiCarlo	Johnson, J. J.	Pievsky	Wilson
Davies	Jones	Pistella	Wright, D. R.
Dawida	Kanuck	Pitts	Wright, Jr., J.
Dininni	Klingaman	Polite	Yahner
Dombrowski	Knepper	Pott	Yohn
Dorr	Knight	Pratt	Zeller
Duffy	Kolter	Pucciarelli	Zitterman
Dumas	Kowalshyn	Punt	Zord
Durham	Kukovich	Pyles	Zwikl
Earley	Lashinger	Reed	
Fee	Laughlin	Rhodes	Seltzer,
Fischer	Lehr	Richardson	Speaker

NAYS—0

NOT VOTING—22

Beloff	Johnson, E. G.	Rappaport	Telek
Borski	Micozzie	Shadding	Weidner
Dietz	Mochlmann	Street	Wenger
Freind	Mowery	Sweet	Williams
Gallagher	Mullen	Swift	Wilt
Hayes, D. S.	Musto		

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.

WELCOME

The SPEAKER. The Chair welcomes to the front of the House Miss Diane Wargo of Mount Carmel, Northumberland County, who is here today as the guest of Mr. Helfrick.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 290, PN 293**, entitled:

An Act authorizing the Department of Transportation with the approval of the Governor and the Department of Justice to acquire title to a certain parcel of land in Millstone Township, Elk County.

On the question,

Will the House agree to the bill on third consideration?

Mr. RAPPAPORT offered the following amendment:

Amend Sec. 2, page 2, lines 12 and 13, by striking out "appraisal conducted in a manner" and inserting appraiser

On the question,

Will the House agree to the amendment?

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

Mr. RAPPAPORT. Mr. Speaker, I really have little knowledge of the substance of the bill which merely provides that PennDOT can acquire some ground from one of its employes. Section 2 of the bill provides that "The consideration," the amount of money the Commonwealth shall pay, "...shall be determined by an independent appraisal conducted in a manner agreeable to both parties." Since the seller is an employe of the Commonwealth, my

amendment strikes out the words "appraisal conducted in a manner" agreeable to both parties and says that the consideration shall be determined by an independent appraiser. I do not think that the seller, since he is an employe of the Commonwealth, should be in any way involved in how this appraisal is done or how the appraiser is selected. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I think that is a good amendment. I would support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—175

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

NAYS—1

Bennett

NOT VOTING—20

Beloff	Hayes, D. S.	Miller	Stairs
Brandt	Johnson, E. G.	Mowery	Street
Fischer	Johnson, J. J.	Musto	Weidner
Freind	Levin	O'Brien, B. F.	Williams
Giammarco	McMonagle	Shadding	Wilt

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—183

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

NAYS—0

NOT VOTING—13

Beloff	Johnson, E. G.	O'Brien, B. F.	Weidner
Freind	Mowery	Sirianni	Williams
Gallen	Musto	Street	Wilt
Hayes, D. S.			

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

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

REMARKS ON VOTES

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

Mr. DIETZ. Mr. Speaker, I was temporarily out of my seat when the vote was taken on HB 1549, PN 1826. Had I been in my seat, I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Crawford, Mr. Swift.

Mr. SWIFT. On HB 1549 I would also like to be recorded in the affirmative.

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

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the gentleman from York, Mr. Anderson, to preside temporarily.

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 508, PN 1604, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the inspection of vehicles and mass transit vehicles and legislative approval of regulations relating to inspections.

On the question,

Will the House agree to the bill on third consideration?

Mr. PITTS offered the following amendments:

Amend Sec. 2 (Sec. 6103), page 9, line 4, by inserting after "OF" mass transit

Amend Sec. 2 (Sec. 6103), page 9, lines 6 and 7, by striking out "CHAPTER 47 (RELATING TO INSPECTION OF VEHICLES)" and inserting the inspection of mass transit vehicles

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, SB 508 is the bill that establishes state standards in the Motor Vehicle Code for mass transit vehicles and inspectors for mass transit vehicles, a statewide system of regulations, safety standards, and inspection procedures.

This amendment is a technical amendment to the legislative oversight provision that was added in the Transportation Committee which specifies that this oversight is

for the regulations concerning the mass transit vehicles that will be promulgated by the department. I urge acceptance of the amendment.

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

Mr. WHITE. Mr. Pitts is correct that the amendment that he is offering is a technical amendment, and I believe that that amendment would be agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

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

NAYS—0

NOT VOTING—16

Beloff	Hutchinson, A.	Mowery	Street
Burd	Johnson, E. G.	Musto	Weidner
Freind	Madigan	Pistella	Williams
Hayes, D. S.	Manderino	Richardson	Wilt

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

REMARKS ON VOTES

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

Mr. BURD. My key was once again inoperative. I would like to be recorded in the affirmative on amendment 5921 to SB 508.

The SPEAKER pro tempore. The gentleman's vote will be so recorded.

The Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. My switch was inoperative, and I would like to be recorded in the affirmative on amendment 5921 to SB 508.

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

CONSIDERATION OF SB 508 CONTINUED

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

Mr. STEWART. I had an amendment to this bill for once-a-year vehicle inspections but I am withdrawing it, not because I am withdrawing from my position, but in deference to my colleagues who have asked me to. Thank you.

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

Mr. IRVIS. Mr. Speaker, I was advised before the recess by Mr. Ritter that he has an amendment prepared for SB 508. He may be off the floor attending to it at this moment.

I am advised the amendment is being circulated, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson, for an amendment.

Mr. A. K. HUTCHINSON. I have an amendment but it has not been passed out yet, Mr. Speaker.

SB 508 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, we will pass over SB 508 until the amendments are ready and we will proceed to SB 881.

The House proceeded to third consideration of SB 881, PN 1605, 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 trans-

portation 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?

Mr. ROCKS offered the following amendments:

Amend Sec. 3 (Sec. 203), page 24, line 20, by removing the period after "PROGRAM" and inserting
, except for transit systems that currently receive a program reimbursement based upon a percentage of average fare greater than seventy-five percent. These transit systems shall receive their current amount of senior citizen program reimbursement until such time as the amount of reimbursement for these systems equals seventy-five percent of the average fare times the number of senior citizen trips.

Amend Sec. 3 (Sec. 303), page 38, lines 19 through 25, by striking out "THE AUTHORITY SHALL DETERMINE BY ITSELF" in line 19, all of lines 20 through 24, and "PUBLIC, AND THE RATES TO BE CHARGED THEREOF." in line 25, and inserting

The authority shall determine by itself, exclusively, the facilities to be operated by it, the services to be available and the rates to be charged therefor. Public hearings shall be held prior to such determinations when changes are proposed which would increase or decrease fares, establish new routes, eliminate routes, change routing or make substantial changes in the level of service scheduled. However, in the case of temporary changes not exceeding ninety days caused by emergencies, public hearings need not be held for changes in routing or level of scheduled service. Notice of public hearings shall be published in two newspapers of general circulation and a publication specifically designed to reach minorities not fewer than thirty calendar days prior to such hearing.

Amend Sec. 3 (Sec. 305), page 46, line 19, by striking out "THE" where it appears the first time Regardless of whether public hearings are required on the following matters, the

Amend Sec. 3 (Sec. 305), page 46, line 22, by striking out "ANY CHANGES IN THE LEVEL OR SERVICE OR FARES" and inserting the facilities to be operated, the services to be available and the rates to be charged therefor

On the question,

Will the House agree to the amendments?

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

Mr. ROCKS. Mr. Speaker, this, too, is a technical amendment. What it does in the first part of the amendment is it grandfathers in a question that we had concerning a couple of the transit authorities and the senior citizens' payment so that they would not be penalized under the entire package. It is really a grandfather clause.

The second part of the amendment gives explanation further to a couple portions of the public hearing process. I would ask for an affirmative vote.

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

Mr. RAPPAPORT. I likewise ask for an affirmative vote on this amendment.

PARLIAMENTARY INQUIRY

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

Mr. MANDERINO. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, on page 24 of the bill, the Rocks amendment proposes to amend line 20. It is my understanding from talking with the majority leader that he intends to lay the bill on the table after these amendments are accepted. If I have an amendment or will have an amendment, Mr. Speaker, to that same section of the bill, will I be able to propose that amendment without the bill being reprinted?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in response to the gentleman, I spoke to the parliamentarian and suggested that at the conclusion of the treatment of this bill today, the bill be reprinted and placed on the final passage postponed calendar, and when we bring it up again with your amendments, we will take it off that calendar and put it on the third reading calendar where you could amend.

Mr. MANDERINO. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

DeMedio	Itkin	Petrarca	Wachob
DeVerter	Johnson, J. J.	Piccola	Wargo
DeWeese	Jones	Pistella	Wass
DiCarlo	Kanuck	Pitts	Wenger
Davies	Klingaman	Polite	White
Dawida	Knepper	Pott	Wilson
Dietz	Knight	Pratt	Wright, D. R.
Dininni	Kolter	Pucciarelli	Wright, Jr., J.
Dombrowski	Kowalshyn	Punt	Yahner
Dorr	Kukovich	Pyles	Yohn
Duffy	Lashingner	Rappaport	Zeller
Dumas	Laughlin	Reed	Zitterman
Durham	Lehr	Rhodes	Zord
Earley	Letterman	Richardson	Zwinkl
Fee	Levi	Rieger	
Fischer	Levin	Ritter	Seltzer,
Fisher	Lewis	Rocks	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—13

Beloff	Hutchinson, A.	Musto	Weidner
Cappabianca	Johnson, E. G.	Pievsky	Williams
Freind	Mowery	Street	Wilt
Hayes, D. S.			

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

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. My switch was inoperative on the last vote. I would like to be recorded in the affirmative on A5943 to SB 881.

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

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

Mr. BURD. My switch was also inoperative, Mr. Speaker. I would like to be recorded in the affirmative on A5943 to SB 881.

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

CONSIDERATION OF SB 881 CONTINUED

On the question,

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

Mr. WACHOB offered the following amendments:

Amend Sec. 3 (Sec. 405), page 87, by inserting between lines 25 and 26 (c) The sum of \$353,000 is hereby appropriated to the Area Transportation Authority of North Central Pennsylvania for the purchase of equipment.

Amend Sec. 3 (Sec. 405), page 87, line 26, by striking out "(c)" and inserting (d)

On the question,

Will the House agree to the amendments?

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

Mr. WACHOB. What this amendment will do, Mr. Speaker, is provide, in addition to the appropriation going

to the Southeastern Transportation Authority, an additional \$353,000 to the Area Transportation Authority of North Central Pennsylvania, which is a transportation authority that covers six counties in the north central tier of Pennsylvania. The problem that this transportation facility has experienced is much the same as the transportation facility in the southeast region of Pennsylvania has experienced. We have, too, problems with repairs of our bus systems and our minibus systems and van systems. We, too, need capital equipment.

Approximately 2 years ago, Mr. Speaker, the Area Transportation Authority, which is a very unique transportation authority throughout the country, had submitted a grant through the Pennsylvania Department of Transportation and the Federal Highway Administration for the purchase of approximately 40 vehicles. The bureaucrats in Harrisburg and in Washington delayed the implementation of the grant to approximately 2 months ago, when the final appropriation was received with the Area Transportation Authority. In the meantime there was a significant loss of purchasing power, which we are trying to make up with this amendment. We are trying to get the 12 minibus systems repaired and expended for capital equipment that the loss of purchasing power over the last 2 years has taken away from that transportation authority. The total dollar figure is \$353,000, which I think is very insignificant for a six-county area to be asking, when a one-county area or six-county suburban or urban area is asking for almost \$5.5 million. I would urge the members to support the amendment. Thank you.

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

Mr. PITTS. Mr. Speaker, I would like to yield to Mr. Rappaport.

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

Mr. RAPPAPORT. It is with great reluctance that I must oppose this amendment put in by my colleague. It would appear that the money being requested here is to be used for the purchase of equipment. This is a capital expenditure. I would assure the gentleman that there are two bills presently in committee dealing with the capital needs of transit authorities throughout the state, which will solve the gentleman's problem, hopefully. This bill deals only with operating problems and operating funds, and, therefore, I would ask that this amendment be defeated at this time. When the proper bill comes out, I am sure that we will give the problems of his area very sympathetic consideration. I, for one, will be in the lead of doing that. Thank you, Mr. Speaker.

I yield to the gentleman from Chester County, with the Speaker's permission.

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

Mr. PITTS. I concur with the comments of the gentleman from Philadelphia, Mr. Rappaport. I urge defeat of the amendment.

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

Mr. HOEFFEL. Mr. Speaker, I also rise to oppose Mr. Wachob's amendment.

I am sure that the problems that he has shared with the House are very real, but I agree with the comments of Mr. Rappaport that the funding that is called for in this amendment is more appropriate to a capital funding bill and not an operating bill such as SB 881 currently is. The money that is contained in SB 881 is for emergency maintenance funds. The money will be spent not just in Philadelphia and not just in Pittsburgh but across the Commonwealth. The various mass transportation authorities were requested to present to PennDOT their emergency maintenance needs for their bus fleets, and that appropriation was included in SB 881. It is in there now, and the money asked for by Mr. Wachob is over and above that for a capital expense, and I do think that it is inappropriate for this bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. Wachob.

Mr. WACHOB. I very reluctantly would rise again to ask support of this amendment. It is stated by my fine colleague, Mr. Hoeffel, that there is approximately \$5.3 million which is going to be spread out among all of the transportation authorities. That may be true; however, the bulk of the money goes to the Southeastern Transportation Authority and also the PAT - Pittsburgh Area Transportation Authority - and a measly \$600,000 goes to the rest of the transportation authorities, which are some 10 or 12 in the state, and I think that is a very minimal expense - \$600,000 versus \$5.5 million of the two suburban areas that are going to be receiving the bulk of this money.

What we are talking about is state tax dollars that are paid by everyone. The transportation problems for all citizens and senior citizens are just as real of a problem in the rural areas, and maybe more so, than they are in the suburban and urban areas. The problems that we are experiencing are just as great. The buses are breaking down. I would take difference with the gentleman, Mr. Rappaport, who says this is not an appropriate expenditure. Although our buses may not be falling apart, it is an operating expense, because we cannot operate a transportation system if we do not have the vehicles by which to operate. So I would very strongly urge the colleagues to support this amendment. Thank you.

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

Mr. RITTER. Mr. Speaker, I rise to support the amendment. I recall in the committee when we had the discussion, there was a great deal smaller amount of money that this bill was going to cost, that was going to be available, between the time of the induction of the bill and the time we got to discussing it in the committee.

When I raised the question as to where the money was coming from, frankly what I was told was that they really did not know, but that the Governor's office somehow found the money.

I submit to you, Mr. Speaker, that we can more than double what this bill was to cost us between the time of introduction of the bill and time we get to a Transportation Committee, it seems to me that we can add \$353,000 from the time it came out of committee until we decide to pass it here in the House. If they found about \$3 million dollars—and I think that is about how much they say they found, and frankly, Mr. Speaker, I think the reason they found the \$2.6 million was, if I may use the proper word, to pacify Allegheny County and the western part of the state for their transportation authority, while the rest of us got a crumb in terms of \$665,000 to be divided among all the rest of us outside of Philadelphia and Allegheny County. And I say to you, again, if the Governor and this administration can find \$2 million or \$3 million—and double what this thing was going to cost, then he ought to be able to find very easily another \$350,000, and I ask support for the amendment.

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

Mr. RAPPAPORT. Mr. Speaker, it seems rather odd to me. These figures were given to us by the Pennsylvania Association of Municipal Transit Authorities. They are the ones who told us where the emergencies were. I do not pretend to be an expert on the problems in other counties, and I have never said that I am. We, therefore, relied upon PAMTA, which represents all of these authorities, to give us the figures. The figures that they gave us are in this bill. It seems odd to me that all of a sudden the authorities woke up and said to their legislators, oh, no, we do have an emergency for real, when they did not tell it to their own association. We did not cut anybody down. We said to everybody, what are your legitimate emergency needs? And PAMTA looked at the entire state and said this is what can be obtained, and this is a fair split—that is f-a-i-r—and that is how these figures got into the bill.

I appreciate that members want to help their own areas, and that is what we are here for. However, this is one large package. The rural areas are taken care of. In fact, we just passed a grandfather clause so that the smaller transit authorities in this state can continue to get a 90-percent reimbursement while the rest of us get a 75-percent reimbursement. That was the amendment we just passed, if I can remind the House. Subsequently, there are more amendments coming next week, which I understand will, again, aid the rural areas. There is lottery money in here for the rural areas. You are not being neglected. The formula in this bill will provide for everybody in this state on the same basis. Now we can Christmas-tree this bill as well as any other bill. It is very easy to do it. I have been here long enough to see it happen to the other side's appropriation bills. I have been on the receiving end and I have been on the giving end, I would suggest, however, that this is not the appropriate place to do it. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, in reference to the gentleman's last remarks, will he stand for a few questions of interrogation relative to the bill?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. RAPPAPORT. Yes, Mr. Speaker.

Mr. DAVIES. In that exchange, sir, you say that is—I do not know whether you used the term—a "fair split." Did you have privilege to this discussion that took place in the Transportation Committee relative to the consideration of the bill?

Mr. RAPPAPORT. If the gentleman is going to be asking me questions about the exact figures, I would be grateful if my colleague from Chester County could hear because he is the expert on these figures. And I did not hear the gentleman's question, Mr. Speaker, and I apologize to him, because of the noise level.

Mr. DAVIES. The question, Mr. Speaker, was the gentleman privileged to the discussion that took place in the committee on the consideration of the bill, when we are talking about a fair split and the consideration of all the inputs into the bill?

Mr. RAPPAPORT. Mr. Speaker, I was present for part of the meeting of the Transportation Committee to which, I believe, the gentleman refers.

Mr. DAVIES. Well, sir, in that consideration, when you say that an association spoke for the state, were there other legislators who were not from areas served by SEPTA or PAT, who expressed their concerns about certain provisions of this bill and what you call the fairness in those provisions of this bill, including the current speaker to the bill?

Mr. RAPPAPORT. I believe, sir, they did, and if the gentleman has specific questions, I will be happy to go into them or ask my colleague from Chester County to help me with the answers.

Mr. DAVIES. Mr. Speaker, I would address myself to the provisions as far as the refurbishing portion of the way in which it is established to the bill and ask you whether you consider it both fair to the taxpayer of this Commonwealth, the fare payer in the city of Philadelphia, as well, relative to the refurbishing and the method by which it is now stated in the bill that these funds shall be expended?

Mr. RAPPAPORT. Mr. Speaker, I yield to my friend from Chester County and I would ask that the gentleman from Berks might listen.

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

Mr. PITTS. Mr. Speaker, the way we arrived at the figures for the emergency maintenance and rehabilitation money of existing rolling stock—and again, this is not for capital projects, not for new equipment; this is emergency maintenance rehab money—was to query not only SEPTA for their emergency needs, but PAT in Allegheny County and the association PAMTA, representing all of the urban mass transit authorities. The figures in this bill are the figures which they gave us; and the amount of money for the small transit authorities is the amount of money given

to us by the association for all of the small urban mass transit authorities, that they arrived at considering their emergency needs to put dead buses back on the streets. And I might say that PennDOT has already acted apart from this legislation, freeing up money also for those small transit authorities for the same purpose. So they are presently getting funds, which are available through PennDOT, and this would provide them at another \$665,000 for the same purpose.

Mr. DAVIES. Mr. Speaker, under the provisions of this bill, is there any guarantee, as I stated before, to either the fare rider who pays part of the bill under SEPTA or PAT or to the people of the Commonwealth, because these are expenditures from those funds or the other funding that goes into it, that there is a guarantee that in the refurbishing of that equipment in either one of those authorities, that it will be done at the lowest possible cost to all of those people involved, or put this bill in and it is only granted to in-house? Does that guarantee that same lowest-cost-possible figure?

Mr. PITTS. Mr. Speaker, as far as SEPTA is concerned, the amount of money for emergency maintenance and rehab in this bill of buses provides for both in-house for 10 buses, and 10 buses by competitive bid, in a pilot project which will be utilized to set up for the procedures for the total program of rehabing 200 buses, the amounts of money in this bill for SEPTA going for new engines, new transmissions, will be utilized by SEPTA in rehabing 109 buses on a schedule of approximately one per 15 days to be completed by November of this year.

Mr. DAVIES. In other words, you are saying, Mr. Speaker, that on the first 10 buses, there would be no guarantee that it would be at the lowest possible bid, that it would be just automatically granted in-House. In other words, there would be other authorities in the state that would have the capacity and the ability to be able to competitively bid to that and address themselves to that refurbishing that would be denied that attempted contract in that first pilot plan.

Mr. PITTS. You have misunderstood what I said.

The pilot project for the first 20 buses is presently under way. It is being done by R and R - renewal and replacement - funds and will be setting the procedures by which the 109 buses, for which this money will be used, will be processed through November.

Mr. DAVIES. Mr. Speaker, you are still not answering the question. If you establish it by that finding now and by that method now, then you are denying that method of competitive bidding where the possible lowest competitive bid could be established lower than those costs established by in-House refurbishing either by SEPTA or PAT; in other words—I will be specific—by, let us say, the other two that have the facilities, BARTA - Berks Area Reading Transit Authority - and CAT - Capital Area Transit - which means this particular area's transportation authority as well. So if that is established, then, of course, that is a denial. The reason I say that is that that is a matter of fact

in the way in which it is spelled out, and it is, of course, something that I protested at the particular time of the adoption of it. And, again, I say that it is well and good to see that we address ourselves to the needs of mass transit. But I want to have it done in the most efficient and the best way and a way in which it is going to serve most of the people of this Commonwealth, and particularly how we are going to expend those tax dollars as well as those fare dollars. Thank you, Mr. Speaker.

Mr. SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. FRYER. Mr. Speaker, I had not planned to speak on this issue, but in looking over this bill, which in some cases has been described by a former speaker as a Christmas-tree, I can see that the bright star is on top of that tree. And I was feeling rather sorry for some of our rural districts who do not have any public transportation at all. And I was sitting there, saddened, not knowing what to do until I heard my great friend from Philadelphia, Mr. Sam Rappaport, Sam the Rural Man. He was at that microphone and he assured us of what was coming for the rural districts. And, you know, somehow or another I just had a shudder go through me. I wonder what he means. What is coming—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROCKS. Mr. Speaker, I would never want to interrupt the gentleman, Mr. Fryer. However, I would feel it was my responsibility to remind the Chair that we have an amendment in front of us and I would ask, if, in fact, he is interrogating, he might interrogate the maker of the amendment; or if, in fact, he is speaking, he might confine his remarks to the Wachob amendment that this House is attempting to address. Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I am discussing the problems that we face in the rural districts and I would hope that the gentleman would grant a little time in view of what he is taking back home for the people that he represents.

Mr. ROCKS. And sending across rural Pennsylvania, I might add.

Mr. FRYER. Mr. Speaker, he denies us funds and now he would deny us words. Shame! Practically the only thing we can do is have words. The money is not there, but Mr. Rappaport says it is coming, it is coming. O Lord, how long must we wait? It is a shame though. They are saying what is coming out of the lottery fund, what is coming here, there and everywhere, and you are talking basically to groups of people who have no public transportation what-

soever. I have even heard the suburban counties described to me in our party caucus as a rural district. Now how far afield does this go? And I say that this day is not ours, but, in the name of fairness, in the name of all people of this great Commonwealth who are contributing into this general fund, to deny one is to deny all. And I would appeal with that sense of fairness that when this Christmas-tree is decorated—not this one, because this one is going down the pike, but in the future—try to remember your country cousins. Have a little compassion. Try to think of all. That is all we ask. Until then, my rural cousins, I say to you, as Mr. Sam Rappaport has so aptly described, it is coming, it is coming. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Mr. Speaker, during this session, I have had the tremendous privilege of sitting next to my good friend and colleague from Berks county, the minority chairman of the Local Government Committee, and I must say that I have learned a great many things from my good friend, not only from what he has said, but by watching how he protects his constituency. We shall only talk about rural transportation; they are called highways. And how many times have I sat here, Mr. Speaker, and watched a local rural road go from being a township road to a state highway until the bridge was fixed, and then after \$5 million of the taxpayers' money is spent in fixing that bridge on that turkey-trot township road, all of a sudden it goes back to the township and into the liquid fuels money. And I have voted for those bills because of my high esteem for my colleague from Berks County. My friend says it is a mere pittance. That is all we are asking for here, a mere pittance.

Now, Mr. Speaker, if we can be serious for a moment, yes, mass transit is primarily an urban problem. There is a severe problem in the rural areas providing transportation for senior citizens, who especially in this time cannot afford to own cars and run them. We recognize that fact. This bill attempts, and the other bills in this package attempt, to deal with this problem, perhaps not completely, but we attempt to deal with it, and the problems should be recognized and more money provided. One of the problems is that the authorities are just not in place yet. The problem is starting to be developed. The Feds pay 80 percent of the capital money; I suggest the local governments apply for it, and then they, too, will become part of this formula for operating funds for mass transit authorities.

Mr. Speaker, I urge the defeat of this amendment and all other such amendments. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, as I said earlier, I rise to support the amendment. I am amazed, frankly, when I hear the gentleman from Philadelphia stand up and say that it is inappropriate in this bill to offer this amendment. I think

we are losing sight of why we have this bill in front of us in this first place, and that is, because we had mismanagement in SEPTA; that is, because we had people who did not care about maintenance in Philadelphia; that is, because they did not take care of what they had; and now they are coming here to us and asking for \$5.6 million to bail them out, Mr. Speaker. And you say that that is appropriate, but it is inappropriate for some guy in the rural area to ask for \$350,000 to buy some equipment, in the first place.

Mr. Pitts said that this is what the authority said they need, they only need \$665,000. Well, maybe because in the rural areas, Mr. Speaker, we have learned how to take care of what we have and we do not let our equipment run down as badly as you do in Philadelphia or in Pittsburgh. Maybe that is why you are asking for this kind of money. And I am telling you, I resent the fact that when this bill came before us, there was only money in there for Philadelphia. This was a SEPTA bill and only a SEPTA bill. And then to sweeten up the pot to get some votes, they added \$1.3 million for Pittsburgh, not \$2.6 million. Then all of a sudden, they found another \$1.3 million for Pittsburgh; then they decided, hey, hold it now, we had better give a little bit to the rural area or they are going to really go mad. So they found another \$600,000 for the rest of us. And I say to you that that is great.

Well, if it is appropriate for Philadelphia and Pittsburgh to come in here and say, help us, help ourselves, when we have not given a damn for 20 years; if it is appropriate to do that with SB 881, then it is very appropriate for Mr. Wachob and anybody else from any other area who has a transportation system to say, give us the same consideration. Just give us our fair share. We do not need it for maintenance because we have taken care of our equipment, but we might want to buy a couple new pieces of equipment. And maybe instead of our people having to ride in some old buses that Philadelphia would not even buy third-hand, maybe we would like to have a few new buses for some of our people. That is all we are asking. And I am saying, Mr. Speaker, that Mr. Wachob's amendment makes sense. It is very appropriate, more appropriate, frankly, than SB 881 is in the first instance. I ask support for the amendment.

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

Mr. WACHOB. I would like to just clear up a couple of points that were made. First, it was at least suggested that we wait for future bills that were somewhere coming down the line. I have only been here a year and a half, but I have heard for the last 4 years that we are still waiting for a capital highway bill and we have never seen that in the last 4 or 5 years. So I am very reluctant to hold up on this proposal.

Also, in reference to some comments that were made about PAMTA and that this was their idea and they came up with the figure for the other transportation authorities, my transportation authority was never contacted by PAMTA, so I do not know where they got their figures. I

talked to my transportation authority today and they were never contacted. So I am very curious to see how they came up with their figures.

I would also like to make just a general point, that this need not, this need not, be a rural versus an urban issue. What I am asking for, and any other legislator, is just our fair share of some of the tax dollars that everyone in this Commonwealth pays. It need not be an issue that comes down between the rural and the urban areas. But I, for one, do not see why we are trying to bail out one transportation authority for doing a lousy job and not trying to help a transportation authority that is trying to do a good job. I urge the support of this amendment, Mr. Speaker.

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

Mr. PITTS. On a couple of points for the information of the gentleman, the area transportation authority of North Central Pennsylvania is a member of PAMTA. Under the mandate given to us by HR 118, the committee was not authorized to look into the other transit authorities of the state. Therefore, when we came into the committee, we made our recommendation based on the testimony received from the SEPTA region concerning the needs of SEPTA. I might say that we found very deteriorated and deplorable conditions in SEPTA in three different transit modes, which you would not have, in the subway, in the elevated Market-Frankford El, a system operating at 98 percent below the figures in 1967, if you compared the mean distance between failure. One hundred percent below would mean total shut down of those modes of transportation. As far as buses were concerned, it was 91 percent below. We made our recommendations based on the testimony and the investigation we made in SEPTA. When we came before the Transportation Committee, it was members of the Transportation Committee which offered amendments to increase for the PAMTA and for the Allegheny Port Authority. And the information which was put into the bill was based on the request made by those organizations.

Therefore, Mr. Speaker, again, we are talking about rehabilitation, emergency maintenance money, and not funding new equipment and capital projects. We will address those in the bills, one of which is presently in the Appropriations Committee and another being drafted. So, I would oppose the amendment on those bases.

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

The following roll call was recorded:

YEAS—64

Bennett	Fryer	Letterman	Schmitt
Bowser	Gallen	Levi	Schweder
Brown	Gatski	Livengood	Smith, L. E.
Caltagirone	Geesey	McCall	Spencer
Cappabianca	George, C.	Mackowski	Steighner
Clark, B. D.	Goodman	Manderino	Stewart
Cochran	Hasay	Michlovic	Stuban
Cohen	Hutchinson, A.	Milanovich	Sweet
Cole	Hutchinson, W.	O'Brien, B. F.	Taylor, F.
DeMedio	Kanuck	O'Donnell	Wachob
DeWeese	Klingaman	Peterson	Wargo
Davies	Kolter	Petrarca	Wass

Dombrowski	Kowalyszyn	Pratt	Wright, D. R.
Dorr	Kukovich	Punt	Yahner
Fee	Lashinger	Reed	Zeller
Foster, Jr., A.	Laughlin	Ritter	Zwinkl

NAYS—120

Alden	Fisher	McIntyre	Rocks
Anderson	Foster, W. W.	McKelvey	Rodgers
Armstrong	Gallagher	McMonagle	Ryan
Arty	Gamble	McVerry	Salvatore
Austin	Gannon	Madigan	Scheaffer
Barber	George, M. H.	Manmiller	Serafini
Belardi	Giammarco	Micozzie	Seventy
Berson	Gladeck	Miller	Shupnik
Bittle	Goebel	Moehlmann	Sieminski
Borski	Grabowski	Mrkonic	Sirianni
Brandt	Gray	Mullen	Smith, E. H.
Burd	Greenfield	Murphy	Spitz
Burns	Grieco	Nahill	Stairs
Cessar	Gruppo	Novak	Swift
Chess	Halverson	Noye	Taddonio
Cimini	Harper	O'Brien, D. M.	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Oliver	Telek
Cornell	Helfrick	Perzel	Thomas
Coslett	Hoefel	Piccola	Trello
Cowell	Honaman	Pievsky	Vroon
Cunningham	Irviss	Pistella	Wenger
DeVerter	Itkin	Pitts	White
DiCarlo	Johnson, J. J.	Polite	Wilson
Dawida	Jones	Pott	Wright, Jr., J.
Dietz	Knepper	Pucciarelli	Yohn
Dininni	Knight	Pyles	Zitterman
Duffy	Lehr	Rappaport	Zord
Dumas	Levin	Rhodes	
Durham	Lewis	Richardson	Seltzer,
Earley	Lynch, E. R.	Rieger	Speaker
Fischer	McClatchy		

NOT VOTING—12

Beloff	Hayes, D. S.	Musto	Weidner
Freind	Johnson, E. G.	Shadding	Williams
Geist	Mowery	Street	Wilt

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

On the question recurring,

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

Mr. KUKOVICH offered the following amendments:

Amend Sec. 3 (Sec. 405), page 87, by inserting between lines 25 and 26 (c) The sum of \$22,500 is hereby appropriated to the West-All Rail Transportation Authority in Westmoreland County to provide preliminary funding relating to the development of a light rail commuter service.

Amend Sec. 3 (Sec. 405), page 87, line 26, by striking out "(C)" and inserting (d)

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. I originally had two amendments, one dealing with an appropriation for a 16-percent share for the purchase of buses, which I am going to withdraw because of the result of the last vote.

The amendment I am going to offer, A5962, is distinctive for a couple of reasons. First of all, it is not for an outright appropriation for equipment; and, secondly, it is for a very

modest sum. The sum is \$22,500 and it is not for equipment per se; it is for a rail transit authority start-up money, the bulk of which is for Federal applications for the refurbishing of existing and nonused train stations, to set up a commuter rail system from Pittsburgh out into the heart of Westmoreland County.

Now, Mr. Speaker, I have never before taken to the floor to ask for a specific funding for Westmoreland County or for my legislative district. And the reason I do today is because that this is probably the top priority issue facing many people who live along the Route 30 corridor that comes from Allegheny County and Pittsburgh out into the suburbs and into some rural areas in Westmoreland County. It has become a vital issue because 2 years ago an existing private bus system went out of business. As a result, roughly 15,000 riders a day who had relied on that system for work, for school, for medical purposes, were cut off from that service. As a result, a great hardship has been worked on the people of that area. I cannot even stress upon you how difficult that has been, particularly for the people and elderly people who live out in outlying areas who for all intents and purposes are in prison, who cannot even get out for basic medical care.

Now, Mr. Speaker, I think what is being done in this package is good and I would applaud the select committee's efforts and what they have done in HB 2244 and HB 2225, which I think generally will help rural people. The problem still is in areas such as the one I just mentioned, where there is no existing service, where there will be no direct help. There is the potential for help. But here is a program which needs a nominal amount for start-up money which then can go to PAMTA at the Federal Government and receive money for a \$10-million to \$14-million project and solve this problem themselves without coming back to the state again. It is a good workable project. It is going to aid many areas from Pittsburgh out through Westmoreland County. I think the sum we are asking for is very nominal and I would appreciate your support for this amendment.

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

Mr. A. K. HUTCHINSON. Mr. Speaker, I rise also to ask support for this bill. We have no transportation at this time. We have one school bus which makes one trip a day to Pittsburgh. We have a couple hundred people chartering buses, which the PUC is saying is illegal. We need this help now to use some money to get a rail transportation from Derry, Pennsylvania, to Pittsburgh. I thank you very much. I appreciate your vote before you vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. I am again pained to arise to oppose an amendment. The prior sponsor is a good friend of mine, and so is the sponsor of this one not to mention some of the other sponsors of this amendment.

However, Mr. Speaker, I think these amendments illustrate the tremendous needs of mass transit throughout the state which PennDOT and PAMTA and going to have to address. We have agreed, however, that we will oppose all amendments of this nature. I therefore must ask for a negative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. TADDONIO. Mr. Speaker, I can appreciate Mr. Rappaport's concern about just the maintenance aspect of this bill, SB 881. However, I would like to point out that this particular allocation of money is a very small amount for a very critical need, and time is of the essence to get this thing started. SB 881 serves as an appropriate vehicle, I think, to get the few amount of dollars here that we can to put some seed money, which will be money well invested, to get this transportation system established in Westmoreland County. I would appreciate your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PITTS. Mr. Speaker, we are not denying the need for money in rural areas. We have a bill on the calendar to address that issue and we will be addressing it. But, again, in this bill, which provides for the small urban mass transit authorities, we have just denied a request for capital funding for the gentleman, Mr. Wachob, and it is inappropriate to put in an emergency maintenance appropriation, money for a study for new programs, and I would urge defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. I rise to support this amendment. I think we have a natural here on the railroad tracks going through the heart of Westmoreland County to the Pittsburgh area. At present we have several highways that are quite crowded. The gas taxes we are very familiar with being raised 10 cents more and the high cost of gasoline. I think the rail lines going to ask for a survey is a natural here, so I think this appropriation for this area would be money well spent for our Commonwealth. So I urge my colleagues on both sides of the aisle to support this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. We are not asking for money for construction. In Westmoreland all we are asking for is some seed money so we can go ahead and get some Federal funds to put in this needed rail transportation. Now we have never come here before and asked for anything like this, and I would say to Westmoreland, if we cannot get a mere pittance, we ought to vote "no" on the whole bill.

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

Mr. MANDERINO. Mr. Speaker, I rise to support the amendment. The amount of money being sought, as everyone has said, is a small amount of money. What this bill does is appropriate general fund moneys of this Commonwealth for specific emergency maintenance projects. But it is general fund money.

The purpose of Mr. Kukovich's amendment is related to the subject area of this bill and it just proposes that we spend, again, general fund moneys for that which we have a right to spend general fund moneys. It is not inappropriate in this bill. It is appropriate in this bill. It is something that ought to be supported.

Mr. Speaker, in addition, I do not know who it was that agreed to oppose all amendments to this bill or all amendments of this nature to this bill, but any bill that comes before this General Assembly, for which any member has an amendment that is germane, an amendment that is appropriate, an amendment that is related to the subject matter of the bill and can legally offer that amendment, ought not to be denied acceptance of his amendment, if his amendment has merit, simply because somebody has agreed to oppose all of these type amendments.

Mr. Speaker, I would urge those people advocating that position to rethink their position and to consider this amendment favorably. It does do something that is needed in a section of this Commonwealth whose citizens pay the same taxes as the citizens from those areas that are going to be benefited by this bill and certainly the \$22,000 figure is a modest sum to file with the Federal applications, the seed money to begin the project. And, Mr. Speaker, it does not commit this Commonwealth to anything in the future. I ask for an affirmative vote on the amendment.

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

Mr. NAHILL. I have to hark back to some comments that were made a little earlier on the appropriateness of this money at this time. We have spent an awful lot of time, an awful lot of effort, an awful lot of months on this study, and what we are attempting to do is to work on the emergencies, the emergencies only in the State of Pennsylvania. I do not think at this particular moment we ought to be undertaking studies or anything else. I really do not think that this is the place. I would echo Mr. Rappaport's statement and say that I would support an awful lot of this at a later time. I think we have now begun to look at transportation in its proper place.

I think we have now begun to emphasize it and I would be more than happy to sit down and work on all these projects as we approach the 1980-81 budget. But I do not think at this present time this would be appropriate in this bill. I would, therefore, urge a "no" vote on this amendment. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. I wholeheartedly agree with what Mr. Nahill said when he said that this is for an emergency. I cannot think of a greater emergency than what is happening

in that area in Westmoreland County. I have literally had elderly people come to my district office and I have had to have volunteers take them to a hospital to have tests and to have shots. They simply cannot get to places they need to go, not for a luxury, not for even a shopping trip, but for basic necessities of life, and they have been cut off.

Mr. Speaker, there is some validity to the arguments of those who are opposing this and opposing Mr. Wachob; their arguments did have some validity. However, I tried to explain the distinction. I think it is a valid distinction. I have never before come in front of this chamber and requested anything. I am doing it now because it is an emergency, because we have a bill here that is doling out millions of dollars, and I cannot, in good conscience, return to my district and tell them, I am sorry, but we have to wait for a more proper vehicle. That is absurd.

Mr. Speaker, I think this amendment is an eminently reasonable one. We are asking for such a small amount of money, such a fraction of a percentage of this whole package and it is money that is going to be used to eventually build a \$10-million to \$14-million project based on Federal funds, not having to come back here again. Mr. Speaker, I would urge your support of this amendment.

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

Mr. LASHINGER. I also rise to strongly urge the House to support the Kukovich amendment. Mr. Speaker, the monetary request on the part of Mr. Kukovich and a lot of other sponsors is a mere pittance when compared to that which comprises the entire package. The \$22,500 amounts to roughly somewhere in the area of a quarter of 1 percent. That is a minor commitment to mass transportation in the rural areas in this Commonwealth. I think a "yes" vote on this amendment is a true indication of this House's support of mass transportation throughout the Commonwealth. I also think it is an indicator that we are also willing to cooperate with the Federal Government and carry our share of this project in the rural areas, specifically in Westmoreland County. Therefore, I urge the support of the amendment. Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Mr. Speaker, we cannot solve all the transportation problems in Pennsylvania in this bill. It is very clear from the debate here today and the interest in this and in the Democratic caucus yesterday, and, I am sure, in the Republican caucus, that mass transportation is an enormous problem in Pennsylvania; that we are not providing adequately in many areas of the state for the transportation of our citizens. I wish we could stand here today and resolve all these problems in SB 881, but we cannot do it. There is no limit to the number of amendments of this kind, of the Kukovich amendment, that we might be asked to vote on if we start accepting these because they are just small amounts of money and they are going to generate more Federal money in the future.

I certainly realize that the problem Mr. Kukovich has is very real, but there is a certain process that we need to follow, I believe, and I do not think we are following it if we start accepting amendments like this. I can only repeat what Mr. Pitts and Mr. Rappaport said, that the money that is contained in this bill is for emergency maintenance, and the money that Mr. Kukovich would have us spend is not for that. It is just not the appropriate place to put it in.

I sense a very real frustration on the part of many rural legislators that they are not getting their fair share of mass transportation. And I might only draw chuckles from everybody, but I think that Charlie Nahill, Nick Micozzie, I and Joe Pitts can say that as the four suburban legislators of the seven-member SEPTA Committee, we felt that the suburbs of Philadelphia are not getting our share of mass transportation. I understand the feeling that the rural legislators have and I can say that there is no way to get from my end of Montgomery County to our county seat by mass transportation, and the problems being talked about here by Mr. Wachob and Mr. Kukovich have the same kind of truth in my county back home. So, I am simply saying that we have to follow some kind of rational procedure when we are trying to solve problems and I just do not think the Kukovich amendment is appropriate for this bill, and I ask for a negative vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I just cannot believe what I am hearing today. I cannot return to Westmoreland County and say to them, before I take care of our emergencies, we have got to take care of Philadelphia and Pittsburgh again. It does not make sense; it is an emergency, and I ask for your support of this amendment. Thank you.

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

Mr. IRVIS. Mr. Speaker, some of the members may very well remember that I have, for the last several sessions, introduced mass transportation legislation designed to set up a mass transit system in the western counties of this Commonwealth. I have introduced a similar bill in this session and I hope to see it come to fruition. The Kukovich amendment ties directly into the type of study which I know is necessary for the western counties. I urge that this miniscule amount of money be added to the bill. It would not harm anyone fiscally. I urge the members from the western counties, at least, to vote in favor of the Kukovich amendment. I shall, and I ask that the rest do the same. Thank you, Mr. Speaker.

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

Mr. STEWART. I rise to support the Kukovich amendment. I just wanted to add one thing. I keep hearing this fair share concept, fair share of the dollar for mass transit. We are talking about an area that has no mass transit system. So I cannot understand how a fair share can be allocated to an area that has nothing. It is a small amount of money, and I urge your support.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I confess I have not been paying as much attention to the debate as I would have liked to have been. However, the philosophy generally remains the same and I know that it has been criticized by Mr. Manderino. The mass transit package is something that was looked at, studied, worked on on a very bipartisan basis, designed to take care of what I would call, generally, emergency situations in the mass transit area statewide. The amendment proposed in this case, I am told, has been worked on very diligently by our staff people with Mr. Taddonio, by way of example, because it affects his district. There is no reason that the Committee on Transportation, if a bill is introduced to do what is intended to do by this amendment, cannot consider it.

The comment was made to me a moment ago that, with the bipartisan support that has been evidenced by the comments of the two sides of this aisle in connection with amendments such as this, it should sail through the House. I predict that if a tough stand is not taken with attractive amendments such as this, that SB 881 and perhaps the other bills that make up the mass transit package will leave this chamber looking like a Christmas tree, and we all know that there is a real chance that that can happen. If it does in fact happen, then I believe we will have defeated the very thing that as a group—and probably in my time up here the most effective group that has worked in a special area over, at least the 17 years spanning my existence in the Harrisburg legislative scene—they have worked together in a very bipartisan manner; they have PR'd it, if you will, in a bipartisan manner, with neither side trying to take advantage of the other for public-press purposes. And I think that it is unwise to Christmas-tree up bills like this. It is not the \$22,000. My inclination would be to say, put a bill in—I would be happy to cosponsor it—that would do the same thing—and do everything I could to work this bill out of a committee and onto the floor—but do not Christmas-tree up with attractive amendments—and they are attractive—this series of bills. It will, in my judgment, have an adverse effect on the package as a whole. I intend to vote against the amendment. I would hope that my vote will not be construed as a vote against a project which may be very worthwhile, but rather would be a supplement to my earlier remarks, that it is not the proper place to insert such an amendment, but rather to put a bill in—I would be happy to cosponsor it; I know a lot of others would—and let us give it a run that way, without cluttering up this package. Thank you, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, there is no attempt to Christmas-tree the SEPTA package. I think it bears mentioning that the SEPTA package was developed by a SEPTA committee that this House appointed—maybe it was a joint committee with the Senate—but the only people who worked on that committee were the people from that

area, from the SEPTA area, to the best of my knowledge. They, of course, knew the problems of SEPTA.

What we are talking about is spending general fund money. We are spending some—what is it—\$8.3 million for emergency maintenance of cars, et cetera, in the SEPTA system, and it is coming out of the general fund. The taxpayers in Westmoreland County and in Pittsburgh and all over this Commonwealth are going to pay for the moneys that are being spent in this bill. It also spends additional moneys—we are arguing about how much, whether it is \$7 million or \$10 million—out of the senior citizens' fund. This is part of a package that spends money out of the lottery fund, and it spends it in a manner that will perpetuate an inequity that already exists in the law, and I think that the agreements made to oppose all amendments, to just solve the problems in one area of the state or in two areas of the state, are ill-conceived. Those kinds of arguments are going to get the fellows from the other areas of this Commonwealth, who do not have direct benefit from the so-called SEPTA package, in a position of deciding whether or not they can support such a package, and I do not want to get into that, because there are definite needs in the mass transit systems that do exist. But I do not think we ought to, in solving those problems, deny the problems that exist in the rest of the state. We are spending moneys that belong to all the taxpayers in this state, and I would urge members not to, as Mr. Hayes put it, follow their leader blindly. I think they ought to consider that they may be in the same position some day for something that is needed just as badly as the needs exist in the SEPTA system and in the PAT system in Pittsburgh that we are trying to solve by this bill.

I urge support of the amendment. Rather than a Christmas-treeing of the bill by this \$22,000 amendment in a bill combined with the rest of the package that will spend over \$10 million—in fact, over \$15 million—of the taxpayers' money from the general fund, and from the lottery fund, we certainly ought to seriously consider the request made by Mr. Kukovich and the gentlemen supporting the amendment that this amendment be adopted. I cannot help but think that Mr. Petrarca's words are right, that we cannot continue to go home in the areas outside of the large urban areas and tell our people that we solved another problem, a major problem, a problem that we should have solved, a problem that it was necessary for us to solve, in the two major urban areas, but we just did not have time and we did not have a bill, and we could not solve the smaller problems that we have in our areas.

I urge members to support this amendment. I think that the amendment has merit and that all members of the assembly ought to support it, even those of you who may have the inclination to follow the leader.

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

Mr. A. K. HUTCHINSON. Mr. Speaker, I have been here for about 12 years and I have voted for everybody's taxes. I voted for SEPTA's money. All we are asking for is

\$22,000. If they cannot give it to Westmoreland County now, I think it is a sad day in hell. Thank you very much.

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

The following roll call was recorded:

YEAS—95

Austin	Fryer	Livengood	Schmitt
Belardi	Gallen	McCall	Schweder
Bennett	Gamble	McVerry	Serafini
Bowser	Gatski	Mackowski	Seventy
Brown	George, C.	Manderino	Shupnik
Caltagirone	Goebel	Manmiller	Smith, L. E.
Cappabianca	Goodman	Michlovic	Stairs
Chess	Grabowski	Milanovich	Steighner
Clark, B. D.	Halverson	Mrkonic	Stewart
Cochran	Hasay	Mullen	Stuban
Cohen	Hutchinson, A.	Murphy	Sweet
Cole	Hutchinson, W.	Novak	Taddonio
Coslett	Irvis	O'Brien, B. F.	Taylor, F.
Cowell	Itkin	O'Donnell	Telek
DeMedio	Johnson, J. J.	Oliver	Trello
DeWeese	Jones	Petrarca	Wachob
Davies	Kanuck	Pistella	Wargo
Dawida	Knepper	Pott	Wass
Dombrowski	Knight	Pratt	Wright, D. R.
Dorr	Kolter	Reed	Yahner
Duffy	Kukovich	Rhodes	Zeller
Fee	Lashinger	Richardson	Zitterman
Fischer	Laughlin	Rieger	Zwikl
Fisher	Letterman	Ritter	

NAYS—91

Alden	Foster, Jr., A.	Lynch, E. R.	Rodgers
Anderson	Gallagher	McClatchy	Ryan
Armstrong	Gannon	McIntyre	Salvatore
Arty	Geesey	McKelvey	Scheaffer
Barber	Geist	McMonagle	Shadding
Berson	George, M. H.	Madigan	Sieminski
Bittle	Giammarco	Micozzie	Sirianni
Borski	Gladeck	Miller	Smith, E. H.
Brandt	Gray	Moehlmann	Spencer
Burd	Greenfield	Nahill	Spitz
Burns	Grieco	Noye	Swift
Cessar	Gruppo	O'Brien, D. M.	Taylor, E. Z.
Cimini	Harper	Perzel	Thomas
Clark, M. R.	Hayes, Jr., S.	Peterson	Vroon
Cornell	Helfrick	Piccola	Wenger
Cunningham	Hoefel	Pievsky	White
DeVerter	Honaman	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wright, Jr., J.
Dietz	Kowalshyn	Pucciarelli	Yohn
Dininni	Lehr	Punt	Zord
Dumas	Levi	Pyles	
Durham	Levin	Rappaport	Seltzer,
Earley	Lewis	Rocks	Speaker
Foster, W. W.			

NOT VOTING—10

Beloff	Johnson, E. G.	Street	Williams
Freind	Mowery	Weidner	Wilt
Hayes, D. S.	Musto		

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

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

Mr. LASHINGER offered the following amendment:

Amend Sec. 3 (Sec. 405), page 87, by inserting between lines 29 and 30 (d) The sum of \$25,000 or as much thereof as may be necessary, is hereby appropriated to the Southeastern Pennsylvania Transportation Authority for the exclusive purpose of maintenance of the Norristown Terminal, Norristown Hi-Speed Line.

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

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

Mr. LASHINGER. Mr. Speaker, this amendment is a request for a sum of \$25,000 for what, in my estimation, is an emergency project. It falls somewhere in that gray area between a capital project and a maintenance project. It is an emergency in the sense that the Norristown High Speed Line in Montgomery County, which happens to be one of the oldest continually operating fixed rail lines, fixed rail high-speed lines, in the country today, is dilapidated and a serious safety hazard for those who ride the high-speed line and those who frequent the terminal in Norristown in Montgomery County. The \$25,000, as I indicated on Mr. Kukovich's amendment, is a mere pittance when compared to that which is being spent in the urban areas. Mr. Manderino had indicated that possibly the large share, the major share, of these funds were available to all the southeast. I even questioned that, Mr. Speaker, as to what is available to the surrounding counties in an emergency appropriation for rolling stock. It seems the major benefactor of the existing appropriation bill before us is the Broad Street Subway, which is directly in the city of Philadelphia, and those suburban counties benefit very little from the lump-sum appropriation that is before us today.

Mr. Speaker, I respectfully request that the House approve the \$25,000; it is an emergency measure. The \$25,000 figure is computed by SEPTA and the Montgomery County Planning Commission. The design work is done; the engineering work is completed. The only problem is, as SEPTA has indicated, that they do not have the funds currently in the operating budget. If we delay this, Mr. Speaker, until we have a capital project—and like Mr. Fryer indicated much earlier in the debate, it will come, it will come—we cannot wait that long, Mr. Speaker. Even if we get it in this year's capital budget, we could not expect construction until some time next year; not in this construction year. It is because of this emergency situation, Mr. Speaker, that I would ask the House to agree on this amendment. Thank you.

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

Mr. PITTS. Mr. Speaker, again I rise to oppose this amendment. The issue, really, here is whether we are going to start accepting these amendments and Christmas-treeing it with all kinds of money for various projects in various parts of the state. Here is another project, really a capital project, in the SEPTA area. We have designated \$5.36 million for specific purposes in the SEPTA region for emergency maintenance of rolling stock, not overhead electrical

wires or terminals, and this is a very critical condition, and we urge defeat of this amendment.

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

Mr. NAHILL. I must request and urge a "no" vote on this. We have been talking about emergency measures here and emergency appropriations, and I do think that this money is not appropriate, as I had mentioned earlier. In addition, we did ask each transit authority to give us a list of those things that were emergencies. This money is to be appropriated to SEPTA, and yet SEPTA has not requested it, and I think that has to say something for this amendment. I must, therefore, request a "no" vote on this amendment. Thank you very much, Mr. Speaker.

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

Mr. WHITE. I think that the Lashinger amendment speaks to a different question. As I understand the amendment, we will be making a direct appropriation to SEPTA solely for the purposes of making improvements in maintenance on one of SEPTA's own properties, which would have been the Norristown terminal. In essence, the bottom line is that SEPTA can presently from its existing funds, should the board so desire and management so urge, make those necessary repairs without the additional appropriation that Mr. Lashinger is requesting today, and on that basis, Mr. Speaker, I would urge a "no" vote on the Lashinger amendment.

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

Mr. MURPHY. I would like to interrogate Mr. Lashinger, please.

The SPEAKER pro tempore. Mr. Lashinger indicates that he will.

Mr. MURPHY. Mr. Speaker, why did you not draft your amendment to require the \$25,000 to come out of the \$5.3 million we are already appropriating to SEPTA, the \$25,000 to come out of the \$5.3 million we are already appropriating to SEPTA in the bill?

Mr. LASHINGER. Mr. Speaker, it is my understanding that the committee that put the current measure together has specific line items available as to where each dollar is being allocated of that lump sum appropriation, and that that total sum is already committed in specific areas for rolling stock. Subtraction from that amount would have hindered the attempt to allocate emergency funds for the rolling stock.

Mr. MURPHY. I am reluctant to support an additional \$25,000 allocation. If you could negotiate with them that \$25,000, I would certainly support an amendment to the bill requiring them to spend the \$25,000 on your line here.

Mr. LASHINGER. Mr. Speaker, on that point, I can only reiterate what Mr. Manderino hinted at earlier, that there has been a blanket opposition and unfairly so, and I think unfairly so especially to those rural members who are attempting to secure funds for rural mass transportation. There has been a blanket opposition to any type of negotia-

tion or compromise on appropriations in specific areas other than those committed by the committee.

Mr. MURPHY. Thank you, Mr. Lashinger.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, for the second time.

Mr. LASHINGER. Mr. Speaker, in response to Mr. White's comments, we had notified SEPTA about the deficiencies in the structure of the Norristown High-Speed Line. They informed us, after completing engineering studies in plans and design work on what they intend to do to upgrade the safety features on the safety that is built into this structure, that it is not available in the current operating budget; it will not become available in the near future in this year's operating budget, and therefore the funds are not just, very fundamentally, available for the project.

I am not sure, the comments were made as to what constitutes an emergency in hearing the debate today. Does the loss of lives, the potential loss of lives, constitute an emergency? The deficiencies that exist in this structure might ultimately lead to the loss of lives. We are talking about a fixed overhead to those who live in the city of Philadelphia, somewhat like the Frankford El, the elevated train in the city of Philadelphia. The structure is old, aged, and in obvious need of repair. The \$25,000 to \$30,000 might not even be the total sum. We are somewhere near the figure of \$27,500, but we went with the \$25,000 figure conservatively, Mr. Speaker.

I would again ask the House to support the measure. Thank you.

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

The following roll call was recorded:

YEAS—39

Brown	Gamble	Livengood	Sweet
Clark, B. D.	George, C.	Manderino	Taddonio
Cornell	Giammarco	O'Brien, B. F.	Taylor, F.
DeMedio	Gladeck	Petrarca	Wachob
DeWeese	Halverson	Piccola	Wass
Davies	Hutchinson, A.	Ritter	Wright, D. R.
Dawida	Kolter	Schmitt	Yahner
Fee	Kukovich	Shadding	Zeller
Fryer	Lashinger	Sirianni	Zwikl
Gallen	Laughlin	Stewart	

NAYS—144

Alden	Fischer	Lynch, E. R.	Rhodes
Anderson	Fisher	McCall	Richardson
Armstrong	Foster, W. W.	McClatchy	Rieger
Arty	Foster, Jr., A.	McIntyre	Rocks
Austin	Gallagher	McKelvey	Rodgers
Barber	Gannon	McMonagle	Ryan
Belardi	Gatski	McVerry	Salvatore
Bennett	Geesey	Mackowski	Scheaffer
Berson	Geist	Madigan	Serafini
Bittle	George, M. H.	Manmiller	Seventy
Borski	Goebel	Michlovic	Shupnik
Bowser	Goodman	Micozzie	Sieminski
Brandt	Grabowski	Milanovich	Smith, E. H.
Burd	Gray	Miller	Smith, L. E.
Burns	Grieco	Moehlmann	Spencer
Caltagirone	Gruppo	Mrkonic	Spitz
Cappabianca	Harper	Mullen	Stairs
Cessar	Hasay	Murphy	Steighner
Chess	Hayes, Jr., S.	Nahill	Stuban

Cimini	Helfrick	Novak	Swift
Clark, M. R.	Hoeffel	Noye	Taylor, E. Z.
Cochran	Honaman	O'Brien, D. M.	Telek
Cohen	Hutchinson, W.	O'Donnell	Thomas
Cole	Irvis	Oliver	Trello
Coslett	Itkin	Perzel	Vroon
Cowell	Johnson, J. J.	Peterson	Wargo
Cunningham	Jones	Pievsky	Wenger
DeVerter	Kanuck	Pistella	White
DiCarlo	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wright, Jr., J.
Dininni	Knight	Pott	Yohn
Dombrowski	Kowalyszyn	Pucciarelli	Zitterman
Dorr	Lehr	Punt	Zord
Duffy	Letterman	Pyles	
Dumas	Levi	Rappaport	Seltzer,
Durham	Levin	Reed	Speaker
Earley	Lewis		

NOT VOTING—13

Beloff	Johnson, E. G.	Pratt	Weidner
Freind	Mowery	Schweder	Williams
Greenfield	Musto	Street	Wilt
Hayes, D. S.			

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

On the question recurring,

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

Mr. DAVIES offered the following amendment:

Amend Sec. 3 (Sec. 303), page 41, line 21, by removing the period after "AGENCIES" and inserting ; and provided further, that in the event a transportation authority cannot perform the refurbishing work on its buses at a cost which is equal to or lower than another transportation authority could perform the refurbishing work then such refurbishing work shall be done by another transportation authority in this Commonwealth, unless such other transportation authority cannot perform the refurbishing with nine months or the transportation authority cannot perform the refurbishing work at a price which is equal to or lower than an outside contractor.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. DAVIES. Mr. Speaker, I will withdraw that amendment for the preference of A5992. I think that there is a greater clarity to that amendment. If my majority whip is listening, I want him to be assured that there is greater clarity to that amendment than the other amendment.

The SPEAKER pro tempore. And the Chair understands that the gentleman is withdrawing A5991?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER pro tempore. Does he have further amendments?

Mr. DAVIES. In deferring to A5992, sir.

On the question recurring,

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

Mr. DAVIES offered the following amendment:

Amend Sec. 3 (Sec. 303), page 41, line 21 by removing the period after "AGENCIES" and inserting : And provided further, That in the event SEPTA and/or PAT cannot complete the refurbishing of their buses at a lower cost than BARTA and CAT, or complete the refurbishing within nine months of the effective date of this act, then the necessary number of the buses to be refurbished be granted by proper contract to BARTA and CAT to assure the lower costs factor or time limitation stated herein; unless SEPTA and/or PAT have lower competitive bidders under those provisions of this act.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Yes, Mr. Speaker. These, as far as the amendments are concerned, speak directly to the matter of the refurbishing of the buses by both the Southeast Transportation Authority and, of course, the Allegheny Transportation Authority.

It simply states that if they cannot completely refurbish their buses at a lower cost than can BART, which is the Berks Area Transportation Authority, or CAT, which is the Capitol Area Transportation Authority, or complete the refurbishing within a 9-month period of the effective date, then the necessary number of buses to be refurbished be granted by a proper contract of those two authorities to assure that the lower cost factor or time limitation is in abidance with the provisions of the act. Now, that is unless they can find other lower competitive bidders.

Essentially what we are saying as far as the provision is, that all of the taxpayers of this Commonwealth, since this money is coming from those general funds, will guarantee that the taxpayers are going to get the lowest possible cost on the refurbishing of these particular units.

In addition to that, those units that are already established, rather than remain idle or anything like that, will also be given an opportunity to properly bid for the work in a competitive and open bidding rather than a closed bidding that may be established by a formula already set forth in this piece of legislation.

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

Mr. ROCKS. Would the maker of the amendment, Mr. Speaker, please consent to a brief interrogation?

The SPEAKER pro tempore. Mr. Davies indicates that he will. The gentleman may proceed.

Mr. ROCKS. Mr. Speaker, I will attempt to follow what I read at least is the logic of this amendment, and ask you, how would a bus that is broken down, say, in Philadelphia or Pittsburgh, be taken to, say, Reading?

Mr. DAVIES. By the same method by which we just moved 16 Tidewater buses from the port of Philadelphia to the city of Reading for refurbishing, by the same method. You put them on a truck and move them to the city and you return them to whatever city it is where they are, and it is all part of the costs, and yet the bids on those costs are lower than anyone else bid for. That is the very simple

answer to that of how you get the bus from one place to another.

Mr. ROCKS. Are you aware, Mr. Speaker, that there is some cost in fact involved in that process of moving dead buses around the Commonwealth?

Mr. DAVIES. I am well aware of it. We are in a competitive market and we are doing it and we are competing and we are putting it there, and we are doing it on a competitive cost. That is all we are asking for. We are not asking for anything more. Just give us the opportunity to bid with those costs.

Mr. ROCKS. Mr. Speaker, are you aware that both SEPTA and PAT fully have the capability and facility to refurbish their buses that are in need desperately of the emergency maintenance moneys that are contained in the bill before us?

Mr. DAVIES. I was not aware of that until late today, although I asked for it when this Transportation Committee—

Mr. ROCKS. But you are aware of it now, Mr. Speaker?

Mr. DAVIES. I am aware of it as of late today, yes. I am well aware of it, and I am still asking for the same consideration.

Mr. ROCKS. Thank you, Mr. Speaker. I have no further questions.

May I make a few comments on the amendment?

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

Mr. ROCKS. Mr. Speaker, I would ask for a negative vote on this amendment. The issue that is in front of this House and has been for most of this afternoon is the need for emergency and rehabilitation maintenance work to be done specifically in the southeastern part of the state for SEPTA; additionally to the western part of the state in PAT, and then also included in this bill are some \$600,000 for that type of emergency work for the other rural authorities. I would submit to Mr. Davies that, in fact, in his own authority, the money would be spent there to rehabilitate and better maintain his buses but that in Philadelphia and its four suburban counties and in the Allegheny County region serviced by PAT that PAT, in fact, would best provide that kind of maintenance and that kind of rehabilitation work. I think it is important that we vote "no" on this amendment and I would ask everyone to join with me in a negative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time.

Mr. DAVIES. Mr. Speaker, I would almost have to quote the same words of Mr. Hutchinson, and I may miss the words but, you know, the rest of this state be damned or the rest of the state to hell. It does not matter how they do it no matter what the costs are. It just so happens that our transit authority has the capability of being able to produce two units every two-week period. All we are asking for is the chance to competitively bid at it, not deny you the opportunity to do it in your shops if it is cheaper. That is all there is to it. That is all we asked for from the very

onset. So we are to be ignored and we are being told no, we cannot have any piece of the action whatsoever. It is either ignorance or you want to ignore the existing facilities that have been established by fare and tax money already in this Commonwealth, in this city of Reading and here with the Capitol Area Transit Authority. They have people that they want to put to work, too, and they have those same concerns. So all I am asking for is that we get the same consideration as far as this refurbishing and this work and that we be able to do that, be able to bid on it and be given an opportunity to those shops that we have in our areas and those same considerations that could be given on a competitive basis with the shops in either Philadelphia or in Pittsburgh. And if they can do it for less money, well and good. If they can do it within the framework of time, well and good. Just give us a shot at it. That is all we ask for. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rocks, for the second time.

Mr. ROCKS. And also for the second time, Mr. Speaker, if I may, may I interrogate Mr. Davies?

The SPEAKER pro tempore. Will Mr. Davies consent to be interrogated? He indicates that he will.

Mr. DAVIES. Yes, Mr. Speaker.

Mr. ROCKS. Mr. Speaker, would you be equally supportive of possibly SEPTA looking at Reading's buses and having SEPTA come up and bid on the work for those buses to be brought into Philadelphia so that maybe the work force in the city of Philadelphia would have some increased jobs and increased work product in front of it?

Mr. DAVIES. I certainly would, sir. If you can do it cheaper than we can in the city of Reading, you are welcome to it. We are willing to go competition head to head with you any day of the week.

Mr. ROCKS. Thank you. Mr. Speaker, one brief comment. On this amendment I am still somewhat confused by the logic, because, if I can give it analogy, what I would see is the maker of Campbell's soup and the maker of Delmonico soups bidding one against the other to make each other's product, and it really logically quite breaks down for me, and I would once again emphatically ask for a "no" vote on this amendment. Thank you, Mr. Speaker.

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

Mr. PITTS. Mr. Speaker, I think we have debated the amendment long enough. This amendment is really not necessary. If the transit authority in Reading wishes to bid, they can presently bid on the pilot project for the 10 buses in SEPTA, and if they come in at the low bid, they can do the refurbishing work. There will be a number of buses in the "rehab" program done not only in-house but on a competitive basis. If they can come in at the low bid, they can get the work. It is unnecessary, and I oppose the amendment.

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

For what reason does the gentleman, Mr. Davies, rise? He has already spoken twice on the subject.

Mr. DAVIES. I beg to differ, Mr. Speaker. I was interrogated twice, so I still retain a right to speak to the bill.

The SPEAKER pro tempore. My scorekeeper here has it the other way, sir.

Mr. DAVIES. I was interrogated, sir; I am not speaking to the bill. I was interrogated. So I ask to exercise my right to address the Campbell and Delmonico soup bit, everything from soup to buses.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DAVIES. Yes. It is not a matter of consideration of soup labels or anything like that. We are talking about rolling equipment; we are talking about something that is capital equipment, and we are not addressing ourselves to that. We would welcome, with our frugality and our ability in the city of Reading and Berks County, we would not only be proud to welcome that competition, we would welcome it from anybody in this state, and that is exactly where it is, because it is going to get the job done for the lowest cost. We not only want to be able to bid on the pilot project, the other 10; we want to be in it competitively from the very onset on every one of those particular projects. That is all we are asking for. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—50

Armstrong	Gatski	Mackowski	Sieminski
Belardi	Geesey	Manmiller	Sirianni
Brandt	George, C.	Milanovich	Smith, L. E.
Brown	Goodman	Moehlmann	Spencer
Caltagirone	Halverson	O'Brien, B. F.	Spitz
Cimini	Hasay	Petrarca	Stuban
Clark, B. D.	Hutchinson, W.	Punt	Wass
Cole	Klingaman	Reed	Wenger
Cornell	Kukovich	Ritter	Wright, D. R.
Davies	Lehr	Scheaffer	Yahner
Dombrowski	Letterman	Schweder	Zeller
Fryer	Livengood	Serafini	Zwinkl
Gallen	McCall		

NAYS—131

Alden	Fisher	Lewis	Richardson
Anderson	Foster, W. W.	Lynch, E. R.	Rieger
Arty	Foster, Jr., A.	McClatchy	Rocks
Austin	Gallagher	McKelvey	Rodgers
Barber	Gamble	McMonagle	Ryan
Bennett	Gannon	McVerry	Salvatore
Berson	Geist	Madigan	Schmitt
Bittle	George, M. H.	Manderino	Seventy
Bowser	Giammarco	Michlovic	Shupnik
Burd	Gladeck	Micozzie	Smith, E. H.
Burns	Goebel	Miller	Stairs
Cappabianca	Grabowski	Mrkonic	Steighner
Cessar	Gray	Mullen	Stewart
Chess	Grieco	Murphy	Sweet
Clark, M. R.	Gruppo	Nahill	Swift
Cochran	Harper	Novak	Taddonio
Cohen	Hayes, Jr., S.	Noye	Taylor, E. Z.
Coslett	Helfrick	O'Brien, D. M.	Taylor, F.
Cowell	Hoeffel	O'Donnell	Telek
Cunningham	Honaman	Oliver	Thomas
DeMedio	Irvis	Perzel	Trello
DeVerter	Itkin	Peterson	Vroon

DeWeese	Johnson, J. J.	Piccola	Wachob
DiCarlo	Jones	Pievsky	Wargo
Dawida	Kanuck	Pistella	White
Dietz	Knepper	Pitts	Wilson
Dininni	Knight	Polite	Wright, Jr., J.
Dorr	Kolter	Pott	Yohn
Duffy	Kowalyszyn	Pratt	Zitterman
Dumas	Lashingner	Pucciarelli	Zord
Durham	Laughlin	Pyles	
Earley	Levi	Rappaport	Seltzer,
Fee	Levin	Rhodes	Speaker
Fischer			

NOT VOTING—15

Beloff	Hayes, D. S.	Mowery	Weidner
Borski	Hutchinson, A.	Musto	Williams
Freind	Johnson, E. G.	Shadding	Wilt
Greenfield	McIntyre	Street	

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

On the question recurring,

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

Mr. DAVIES offered the following amendment:

Amend Sec. 3 (Sec. 405), page 87, by inserting between lines 29 and 30 (d) Before any expenditure of funds appropriated by this section be made for any rehabilitation of equipment, a certificate of safety shall be issued by the Department of Transportation as to all existing contracts between the Southeastern Pennsylvania Transportation Authority and any and all carriers.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Mr. Speaker, this merely states that before any of the expenditures of those millions of dollars that will be used for that refurbishing and rehabilitation of equipment be used that a safety certification be made on all other existing contracts that SEPTA has. I would address myself to the specific problems that my district and other districts in the area have with some SEPTA contracts. SEPTA has fielded out contracts, for example, to Conrail. Conrail has a stretch of track in the southern end of Berks County that now this county has 20 commuters who will no longer ride the line because—

That must be an early celebration of the refurbishing money in Allegheny County, sir.

The SPEAKER pro tempore. A carryover from yesterday, I think.

Mr. DAVIES. Thank you, sir. I stand corrected.

These people, some of them who live in my district, one lady yesterday expressed concern by telephone again, now has to seek another method, because she does fear for her very life. All we are asking for is that the Department of Transportation in that stretch of track on which SEPTA trains run and is, I guess, leased under contract from Conrail, be given a certification of safety. I think the other problem could well be demonstrated by the station in Philadelphia and on that line just adjacent to that station in Philadelphia, the Reading station, I think it was about five

times within a 2-week period that certain electric failures in those systems and things like that have actually prohibited the commuters from Schuylkill and Berks Counties from even being able to use the facilities that are, of course, used by SEPTA. so what we are essentially saying is that because of the question about the safety in the service and actually the lack of service because of a breakdown in what we would call the safety and safeguards, we are asking for consideration that PennDOT look at it and at least tell our people, no, you are not going to be killed; that will hold together until we get Mr. Rappaport's promise of manna from heaven, the next bill that we are going to get for the rural legislators that we will be able to be guaranteed that we are safe on the rail lines.

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

Mr. ROCKS. Mr. Speaker, I for one would like very much to support this amendment. However, the safety of trains and the safety regulations regarding track in this Commonwealth are, in fact, Federal ICC standards. We in the state have no jurisdiction over the safety of what might be a commuter line or a railroad or any of the regulations regarding the track for those vehicles. So, as much as I sympathize with what the gentleman's concern is and would want to support his amendment because especially in the southeastern part of the state we have some very serious questions regarding safety in our own commuter lines, however, I do not see that it is a proper function of the state and would have to, regrettably, oppose this amendment.

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

Mr. DAVIES. Mr. Speaker, would the last speaker stand for interrogation?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time.

Mr. DAVIES. No, sir. This is a matter of interrogation.

The SPEAKER pro tempore. The Chair recognizes the gentleman for the second time. Do you wish to interrogate the gentleman, Mr. Rocks?

Mr. DAVIES. No, sir. I will pass. I will just make a statement to the gentleman's remarks.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, for your information, the Department of Transportation of this great Commonwealth has an agency which is supposed to deal with rail safety, as well as the PUC has that same established capability. Now I do not care which one it would be, but I think that maybe even your people, Mr. Speaker, as well as my people from Berks County could go to sleep at night, feeling just a little bit better and a little bit safer, if they had some sort of certification from that great Department of Transportation, or even in keeping with, maybe, a cooperative thing with the Public Utility Commission as well, if you would want to include that in it, because they have the capability to be able to tell the people that they are riding on something,

that they are riding on a rail bed that can hold up until we are going to get our relief that our good friend from Philadelphia promised us and that these other gentlemen say they are going to address in the near future. All I am asking is that there be some sort of certification. I would like those people, those 28 people, who were injured in the Philadelphia area not too many months ago, to have some sort of guarantee when they ride in the morning that they are not going to run into the back end of two other trains, that there is going to be the proper and functioning safety equipment that is running, and that is all I am asking for in this. Excuse me, Mr. Speaker.

I am afraid that the majority whip was not listening when I addressed myself to the original thing. I did say that I would address it with clarity, and I hope that if I have confused anybody with the issue, I apologize. I have tried to get to the meat of it as rapidly as possible and express myself just as clearly as I could. Thank you, Mr. Speaker.

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

Mr. PITTS. Again, Mr. Speaker, not to belabor the issue, the state has nothing to do at all with commuter rail and the safety regulations and inspection procedures on the commuter rail cars. This bill does not address that. They are regulated by the ICC. We cannot supersede them, and the money that we are appropriating here is not for commuter rail cars; it is not for commuter rail lines; it is for the buses, the subway, and the trolleys in the city of Philadelphia. I oppose the amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Pitts, care to interrogate the gentleman from Berks, Mr. Davies?

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

The following roll call was recorded:

YEAS—37

Armstrong	Davies	Kowalyszyn	Schweder
Belardi	Fryer	Kukovich	Serafini
Bennett	Gallen	Laughlin	Smith, L. E.
Bittle	Geesey	Livengood	Stewart
Brandt	Halverson	Moehlmann	Wachob
Brown	Hasay	O'Brien, B. F.	Wenger
Caltagirone	Hutchinson, A.	Petrarca	Wright, D. R.
Clark, B. D.	Hutchinson, W.	Reed	Zeller
Cochran	Klingaman	Ritter	Zwilk
Coslett			

NAYS—143

Alden	Gamble	McMonagle	Ryan
Anderson	Gannon	McVerry	Salvatore
Arty	Gatski	Mackowski	Scheaffer
Austin	Geist	Madigan	Schmitt
Barber	George, C.	Manderino	Seventy
Berson	George, M. H.	Manmiller	Shadding
Borski	Giammarco	Michlovic	Shupnik
Bowser	Gladeck	Micozzie	Sieminski
Burns	Goebel	Milanovich	Sirianni
Cappabianca	Goodman	Miller	Smith, E. H.
Cessar	Grabowski	Mrkonic	Spencer
Chess	Gray	Mullen	Spitz
Cimini	Grieco	Murphy	Stairs
Clark, M. R.	Gruppo	Nahill	Steighner
Cohen	Harper	Novak	Stuban
Cole	Hayes, Jr., S.	Noye	Sweet

Cornell	Helfrick	O'Brien, D. M.	Swift
Cowell	Hoeffel	O'Donnell	Taddonio
Cunningham	Honaman	Oliver	Taylor, E. Z.
DeMedio	Irvis	Perzel	Taylor, F.
DeVertter	Itkin	Peterson	Telek
DeWeese	Kanuck	Piccola	Thomas
DiCarlo	Knepper	Pievsky	Trello
Dawida	Knight	Pistella	Vroon
Dietz	Kolter	Pitts	Wargo
Dininni	Lashinger	Polite	Wass
Dombrowski	Lehr	Pott	White
Dorr	Letterman	Pratt	Wilson
Duffy	Levi	Punt	Wright, Jr., J.
Durham	Levin	Pyles	Yahner
Earley	Lewis	Rappaport	Yohn
Fee	Lynch, E. R.	Rhodes	Zitterman
Fischer	McCall	Richardson	Zord
Fisher	McClatchy	Rieger	
Foster, W. W.	McIntyre	Rocks	Seltzer,
Foster, Jr., A.	McKelvey	Rodgers	Speaker
Gallagher			

NOT VOTING—16

Beloff	Greenfield	Jones	Street
Burd	Hayes, D. S.	Mowery	Weidner
Dumas	Johnson, E. G.	Musto	Williams
Freind	Johnson, J. J.	Pucciarelli	Wilt

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

On the question recurring,

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

Mr. MURPHY offered the following amendment:

Amend Sec. 3 (Sec. 203), page 24, line 23, by inserting after "GREATER." State Lottery Fund payments shall be made only from actual revenues received and not from anticipated revenues. If the actual revenues in the State Lottery Fund are not adequate to fully fund the estimated transit losses authorized to be reimbursed herein, pro rata payments shall be made to the agencies providing the transportation.

On the question,

Will the House agree to the amendment?

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

Mr. MURPHY. Mr. Speaker, this amendment attempts to avoid a deficit-spending situation. SB 881 entails an additional \$10 million to \$12 million of expenditures out of the lottery fund for additional senior citizen transportation. My concern is we are reaching the limit of the ability of the lottery fund to continue to fund senior citizen programs. This amendment would require state lottery payments to be made from actual revenues and not from anticipated revenues. If I may use an analogy, if you remember last year in the budget discussion, there was grave concern over the medical assistance program in the private nursing home program in that we were using revenues into August and September and October to pay for those programs from this year. My concern is that we are going to do that on the lottery program. Also, we are going to end up in a deficit situation, and in doing that we are ultimately going to have to look to the general fund to subsidize the lottery, and I do not think any of us want to do that. I ask your support for this amendment.

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

Mr. COWELL. Mr. Speaker, I would like to question the chairman of the Appropriations Committee, if I might, if he is available.

The SPEAKER pro tempore. The gentleman is available and indicates that he will consent to interrogation.

Mr. COWELL. Mr. Speaker, do you have a copy of Mr. Murphy's amendment before you?

Mr. McCLATCHY. No, I do not.

Could you yield to Mr. Murphy for a moment?

Mr. COWELL. Yes. Perhaps you have spotted what I was concerned about?

AMENDMENT WITHDRAWN TEMPORARILY

Mr. McCLATCHY. Mr. Murphy, could we hold this amendment over until Monday until I study it a little bit more. Then I can be a little bit more definitive?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. McCLATCHY. Thank you.

The SPEAKER pro tempore. Do I understand the gentleman is willing to withdraw the amendment at this time?

Mr. MURPHY. Temporarily, Mr. Speaker, as long as the bill is going to be held until Monday also.

The SPEAKER pro tempore. If the gentleman will withdraw the amendment, he will have an opportunity to offer it at a later date.

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

Mr. WHITE. I think there is a reconsideration motion before you with respect to SB 881.

The SPEAKER pro tempore. It has not reached the Chair as yet.

Are there any other amendments to be offered to this bill at this time? The Chair hears none.

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

CONSIDERATION OF SB 508 RESUMED

On the question recurring,

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

Mr. A. K. HUTCHINSON offered the following amendments:

Amend Title, page 1, line 3, by striking out "AND" where it appears the last time and inserting a comma

Amend Title, page 1, line 4, by removing the period after "INSPECTIONS" and inserting , and providing an additional exemption from registration fees.

Amend Bill, page 2, by inserting between lines 4 and 5 Section 2. Section 1901(b) of Title 75 is amended to read: § 1901. Exemption of entities and vehicles from fees.

* * *

(b) Title and registration fees.—

(1) No fee shall be charged for titling or registration of any of the following:

[(1)] (i) Buses registered by urban mass transportation systems except that this [paragraph] subparagraph shall cover only the number of buses which the department determines are required to provide scheduled service within the county in which they have their principal place of business or contiguous counties.

[(2)] (ii) Vehicles registered by volunteer fire, rescue and ambulance associations.

[(3)] (iii) Vehicles registered by foreign nationals with the rank of vice consul or higher assigned to a consulate in this Commonwealth provided that citizens of the United States are granted reciprocal exemptions.

[(4)] (iv) Vehicles of totally disabled veterans whose disability is certified by the United States Veterans' Administration as service-connected.

(2) No fee shall be charged for registration of buses operated by a common carrier of passengers which is subject to the jurisdiction of the Pennsylvania Public Utility Commission.

* * *

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

Amend Sec. 3, page 10, line 1, by striking out "3" and inserting 4

Amend Sec. 4, page 10, line 21, by striking out "4" and inserting 5

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair at this time returns to SB 508.

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

Mr. A. K. HUTCHINSON. Mr. Speaker, what this amendment does is allow all the mass transportation buses that deal with the PUC to have free registration or free licenses to operate in the State of Pennsylvania. The reason I put this amendment in is that we have a lot of bus companies in Pennsylvania that have tight going on account of the high rise in the cost of gas. And at least we could do this or we are going to have a lot of SEPTA's and more PAT's in Pennsylvania if we do not help the private bus lines. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I do not have any mass transit in my legislative district, and this is a subject that I am not well-versed on, but I would like to know from the gentleman who is offering the amendment, who presently pays for those licenses?

Mr. A. K. HUTCHINSON. All the bus lines that operate through the PUC?

Mr. L. E. SMITH. Who presently pays for the license that you are exempting now?

Mr. A. K. HUTCHINSON. The bus companies pay for them. I am not talking about public transportation; I am talking about mass transportation, the people with the private bus lines who deal with the PUC to give them their routes. Is that what you want to know?

Mr. L. E. SMITH. You are exempting only privately owned buses or publicly owned?

Mr. A. K. HUTCHINSON. The privately owned buses. Right now the mass transportation gives free licenses to the public lines that deal with authorities, PAT, SEPTA, any other authorities.

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

Mr. WHITE. Mr. Speaker, could I interrogate Mr. Hutchinson on the amendment?

The SPEAKER pro tempore. The gentleman indicates that you may.

Mr. WHITE. Mr. Speaker, the buses that would be exempted from these fees, they would include Greyhound?

Mr. A. K. HUTCHINSON. No. They are in the ICC.

Mr. WHITE. Then you are talking specifically about buses controlled under the PUC?

Mr. A. K. HUTCHINSON. Let me read the amendment. Everybody has one. "No fee shall be charged for registration of buses operated by a common carrier of passengers which is subject to the jurisdiction of the Pennsylvania Public Utility Commission."

Mr. WHITE. Are you aware, Mr. Speaker, of the fiscal impact that this amendment would have?

Mr. A. K. HUTCHINSON. Well, I know what the fiscal impact of SEPTA and PAT is, too. Mr. Speaker, if we do not do something about it, we are going to have a lot more SEPTA's and more \$10 million or \$15 million or \$20 million or \$100 million.

Mr. WHITE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WHITE. Mr. Speaker, the concern that I would have with this amendment is that in inquiries to the PUC and to the Department of Transportation, they are estimating that the revenues lost by the passage of this exemption would total in excess of \$1 million. In addition, the information that we have received indicates that the money would come from the counties and would represent about half a cent of the liquid fuels tax. I am just not certain further that the amendment only deals with the buses that Mr. Hutchinson has alluded to, because our understanding is that those buses, including Merg, Greyhound, Trailways, have to have a dual certification, including one from the Public Utility Commission, and on that basis, Mr. Speaker, I would oppose the amendment.

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

Mr. PITTS. Mr. Speaker, I rise to oppose this amendment. There is a fiscal impact to the amendment. We do not have a fiscal note. The information that we have received from the department is that this would cost \$1 million. The \$1 million would be taken from the fund which the counties receive from the one-half cent for their liquid fuels tax, and it would be costing the counties the money, and I think that this is highly inappropriate. I oppose the amendment.

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

Mr. COWELL. Mr. Speaker, I would just like to further elaborate on the comments that Mr. White made. We should not be mistaken. Greyhound Corporation and Trailways Corporation, the major firms that sometimes we think of as national enterprises, would, in fact, benefit from this because they are required to have dual certification. Those of you who follow what is happening with the bus lines will recognize that only last week Greyhound got approval for, I think it was, an 8-percent increase for certain routes within Pennsylvania. That approval came from the Public Utility Commission. I agree; I fear that the greatest beneficiary of this amendment or the language of this amendment would be some of the largest national corporations rather than some of the smaller bus concerns that perhaps would be a more legitimate concern of Mr. Hutchinson and all of us. For that reason, I would urge that we not support this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—21

Caltagirone	Gatski	Letterman	Stairs
Clark, B. D.	Hutchinson, A.	Livengood	Stewart
Cohen	Kolter	Manderino	Sweet
DeMedio	Kukovich	Petrarca	Taddonio
Fee	Laughlin	Schmitt	Wachob
Fryer			

NAYS—156

Alden	Foster, W. W.	McKelvey	Rodgers
Anderson	Foster, Jr., A.	McVerry	Ryan
Armstrong	Gallagher	Mackowski	Salvatore
Arty	Gallen	Madigan	Scheaffer
Austin	Gamble	Manmiller	Schweder
Barber	Gannon	Michlovic	Serafini
Belardi	Geesey	Micozzie	Seventy
Bennett	Geist	Milanovich	Shupnik
Berson	George, C.	Miller	Sieminski
Bittle	George, M. H.	Moehlmann	Sirianni
Bowser	Giammarco	Mrkonic	Smith, E. H.
Brandt	Gladeck	Mullen	Smith, L. E.
Brown	Goebel	Murphy	Spencer
Burd	Goodman	Nahill	Spitz
Burns	Grabowski	Novak	Steighner
Cappabianca	Grieco	Noye	Stuban
Cessar	Gruppo	O'Brien, B. F.	Swift
Chess	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hasay	O'Donnell	Taylor, F.
Clark, M. R.	Hayes, Jr., S.	Oliver	Telek
Cochran	Helfrick	Perzel	Thomas
Cole	Hoeffel	Peterson	Trello
Cornell	Honaman	Piccola	Vroon
Coslett	Hutchinson, W.	Pievsky	Wargo
Cowell	Iris	Pistella	Wass
Cunningham	Itkin	Pitts	Wenger
DeVerter	Johnson, J. J.	Polite	White
DiCarlo	Jones	Pott	Wilson
Davies	Kanuck	Pratt	Wright, D. R.
Dawida	Klingaman	Pucciarelli	Wright, Jr., J.
Dietz	Knepper	Punt	Yahner
Dininni	Knight	Pyles	Yohn
Dombrowski	Kowalshyn	Rappaport	Zeller
Dorr	Lashinger	Reed	Zitterman
Duffy	Lehr	Rhodes	Zord
Dumas	Levi	Richardson	Zwinkl
Durham	Lewis	Rieger	

Earley	Lynch, E. R.	Ritter	Seltzer,
Fischer	McCall	Rocks	Speaker
Fisher	McClatchy		

NOT VOTING—19

Beloff	Greenfield	McIntyre	Street
Borski	Harper	McMonagle	Weidner
DeWeese	Hayes, D. S.	Mowery	Williams
Freind	Johnson, E. G.	Musto	Wilt
Gray	Levin	Shadding	

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

The SPEAKER pro tempore. How does the gentleman, Mr. Madigan, wish to be voted? In the negative.

The Chair at this time recognizes the gentleman from Lehigh, Mr. Ritter, for an amendment.

Mr. RITTER. Mr. Speaker, I would like to yield to the gentleman, Mr. Stewart, because if his amendment goes in, then I will not be offering my amendment; however, if his fails, then I will offer mine.

On the question recurring,

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

Mr. STEWART offered the following amendment:

Amend Sec. 2 (Sec. 4702), page 2, line 14 by inserting brackets before and after "SEMIANNUAL" and inserting immediately thereafter annual

On the question,

Will the House agree to the amendment?

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

Mr. STEWART. This amendment amends section 2 and provides for an annual vehicle inspection in lieu of the current semiannual vehicle inspection.

I offered this same amendment last year to SB 10 and it passed the House. SB 10 did not go anywhere in the Senate, however. It was important in that I felt because the twice-a-year inspection has no basis in safety statistics that Pennsylvania vehicles have fewer accidents due to mechanical failures because of it.

Furthering the argument, we recently failed to override the veto on the vehicle emissions inspection, and because of that some counties' motorists are going to be subjected not only to the two safety inspections, but to a third vehicle emission inspection. I think the semiannual is unnecessary. We should return to the annual. I urge your support of the amendment.

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

Mr. WHITE. Mr. Speaker, I think that my colleague is making a very noble attempt with respect to going to annual inspections as opposed to semiannual. The problem that I have with this particular amendment at this particular time is that during the investigation of SEPTA, and this is interrelated, Mr. Stewart, we were very much disturbed about the lack of enforcement, the lack of inspection that was being provided to mass transit vehicles particularly in SEPTA. Our investigation pointed out, for example, that

agencies that had more than 15 vehicles do their own inspections. The state police oversight of those inspections is minimal. They now visit the depots at SEPTA, for example, only once or possibly twice a year. We heard over and over again during the testimony by bus drivers that they had to take unsafe vehicles out to transport passengers. This was repeated by the testimony complaining about the fact that they had to ride these unsafe vehicles. There was a large discrepancy between the state police and SEPTA records as to how many buses actually were inspected even over the last year.

Further, the reason that we oppose this amendment at this time is because what we were seeking was to establish between PennDOT, between the state police and between the Southeastern Pennsylvania Transportation Authority some viable guidelines with respect to vehicle inspection for mass transit vehicles. This amendment would basically negate that entire effort because it not only speaks to private passenger vehicles such as automobiles, but as the amendment is drafted, it would also cover all mass transit vehicles in the state.

I would suggest, Mr. Speaker, that if we have an interest, a sincere interest, in moving from semiannual to annual inspections, that we would severely limit that to automobiles. However, when you are talking about the lives of thousands of people, particularly in the southeastern region of this state, who rely upon SEPTA for mass transit, I do not think that we should be in a position of at all watering down the necessary kinds of safety measures that the state Transportation Department, the state police and the officials at SEPTA are presently trying to work out to meet minimal inspection standards at the rate of twice a year. On that basis and on that basis alone, Mr. Speaker, I would have to oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I agree with Mr. White. There is one other aspect to this amendment that I think should be called to your attention, and that is, that this very same amendment, according to my recollection, was inserted into SB 10, that now languishes in some committee or the desk drawer of the Senate President Pro Tempore. I believe that we run a certain risk inserting it in this bill that SB 508 will go to the Senate of Pennsylvania and perhaps suffer the same fate that SB 10 suffered, assigning to it the reason that the inspections have been reduced to annual rather than semiannual. For that reason plus the reasons enumerated by John White, I would oppose the amendment.

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

The following roll call was recorded:

YEAS—47

Alden	Gallen	Livengood	Steighner
Austin	Gatski	McCall	Stewart
Berson	Geesey	Manderino	Swift
Burns	George, M. H.	Moehlmann	Taddonio
Chess	Goodman	Mrkonic	Trello
Clark, B. D.	Grabowski	Novak	Wilson
Cohen	Grieco	O'Brien, B. F.	Wright, D. R.

Cowell	Irvis	O'Donnell	Wright, Jr., J.
DeWeese	Knight	Pievsy	Zeller
Durham	Kukovich	Pratt	Zitterman
Fischer	Laughlin	Ritter	Zwikl
Fryer	Letterman	Schweder	

NAYS—134

Anderson	Foster, W. W.	Lynch, E. R.	Rocks
Armstrong	Foster, Jr., A.	McClatchy	Rodgers
Barber	Gallagher	McIntyre	Ryan
Belardi	Gamble	McKelvey	Salvatore
Bennett	Gannon	McMonagle	Scheaffer
Bittle	Geist	McVerry	Schmitt
Bowser	George, C.	Mackowski	Serafini
Brandt	Giammarco	Madigan	Seventy
Brown	Gladeck	Manmiller	Shupnik
Burd	Goebel	Michlovic	Sieminski
Caltagirone	Gray	Milanovich	Sirianni
Cappabianca	Gruppo	Miller	Smith, E. H.
Cessar	Halverson	Mullen	Smith, L. E.
Cimini	Harper	Murphy	Spencer
Clark, M. R.	Hasay	Nahill	Spitz
Cochran	Hayes, Jr., S.	Noye	Stairs
Cole	Helfrick	O'Brien, D. M.	Stuban
Cornell	Hoeffel	Oliver	Sweet
Coslett	Honaman	Perzel	Taylor, E. Z.
Cunningham	Hutchinson, A.	Peterson	Taylor, F.
DeMedio	Hutchinson, W.	Petrarca	Telek
DeVerter	Itkin	Piccola	Thomas
DiCarlo	Johnson, J. J.	Pistella	Vroon
Davies	Jones	Pitts	Wachob
Dawida	Kanuck	Polite	Wargo
Dietz	Klingaman	Pott	Wass
Diminni	Knepper	Pucciarelli	Wenger
Dombrowski	Kolter	Punt	White
Dorr	Kowalshyn	Pyles	Yahner
Duffy	Lashingner	Rappaport	Yohn
Dumas	Lehr	Reed	Zord
Earley	Levi	Rhodes	
Fee	Levin	Richardson	Seltzer,
Fisher	Lewis	Rieger	Speaker

NOT VOTING—15

Arty	Greenfield	Mowery	Weidner
Beloff	Hayes, D. S.	Musto	Williams
Borski	Johnson, E. G.	Shadding	Wilt
Freind	Micozzie	Street	

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

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

Mr. RITTER offered the following amendment:

Amend Sec. 2 (Sec. 4701), page 2, line 16, by inserting after "COMMONWEALTH." When any vehicle, subject to an emission control system inspection, has said inspection, it shall constitute one of the semiannual inspections required under this act.

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

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

Mr. RITTER. Mr. Speaker, I have an amendment that both Mr. White and the majority leader should be able to support.

I do not remove the semiannual inspections on the Motor Vehicle Code, but what I am saying is that when any

vehicle—and I want to point out that buses and trucks are not included in the emissions control system inspections; only automobiles. My amendment says that when any vehicle—subject to an emission control system inspection has that inspection, it shall constitute one of the semiannual inspections required under this Act. What I am saying to the members is that everyone in this state that owns an automobile has to have two inspections. Those of us who happen to live in those 14 counties that are going to have to have the emissions inspections are going to have to have three inspections each year. What I am simply saying is that we do not want to be any different than the rest of you, and if you only need two, then we only want to have two. And we are saying, let one of those two be the inspection for the emissions control system and let the other one be the regular inspection. As I said, it does exempt, the Federal law exempts, buses and trucks or does not affect the safety of the passengers, as Mr. White pointed out. It really says to the rest of the people in those 14 counties, we recognize a financial burden that may be imposed on you by this inspection of your emission system, and we are going to say that that can be one of the two semiannual automobile inspections, and I ask support for the amendment.

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

Mr. WHITE. As Mr. Ritter has so aptly described the exemptions with respect to trucks and buses, it is an amendment that is extremely difficult to oppose, and I will not do so.

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

Mr. McCLATCHY. Mr. Speaker, we had attempted sometime ago to go to a one annual inspection, and what Mr. Ritter is doing is what we attempted to do one time before. You will now end up, if his bill passes, with two. One would be emission-control and one would be a regular inspection. That was what we tried to do before, and I would just caution the members that we heard from, I think, almost every garage in our area opposing that kind of loss of their work. I know we have trouble with the emission control inspection. I think that is a separate problem. What you are doing is taking away from our garages that work for the second inspection. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for a question of interrogation?

Mr. RITTER. I shall, Mr. Speaker.

Mr. DAVIES. Mr. Speaker, if I would live right over the line from let us say Lehigh County, and let us say I have relatively a fairly new car that I think is going to very readily come under the standards as far as that matter of the pollutant test or whatever, then that means that I can have a regular inspection at my regular garage and then have a pollutant inspection in Lehigh County by a garage

there and then I qualify for inspection for the entire year? Would that be correct, sir?

Mr. RITTER. No; it would not, Mr. Speaker. What I am saying is when any vehicle subject to, and right now there are 14 counties where the residents and the automobile owners in those counties are subject to that inspection. And I am saying that in those 14 counties those people will only have to have two inspections. I have seen cost figures that it is going to cost the people in those 14 counties anywhere from \$15 to \$20 just to stick a rod up their exhaust pipe, and I probably can find people to do it cheaper than that, but that is about what that is going to be plus the cost of the inspection. You are going to put two inspections on top of those people to start with. No, I am saying, Mr. Speaker, only those people that are required to have that inspection can substitute that for one of their regular inspections.

Mr. DAVIES. One other question, Mr. Speaker. Would it be possible also, since EPA does have the device out on the street now and they will probably continue to have the device out on the street now, does that mean that if you pull into one of those and you get a certification there, that is going to be satisfactory for those living in the 14-county area?

Mr. RITTER. Mr. Speaker, if you live there and if you are required to have the inspection, and you get the inspection then that substitutes for one of the two semiannuals. I do not know how I can make it any different than that, Mr. Davies. If that is what you said, then the answer is yes.

Mr. DAVIES. Thank you.

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

Mr. MANDERINO. Mr. Speaker, I had a very difficult time hearing that colloque between the two speakers and I hope I do not repeat anything that was brought out between them. But very, very briefly, we are not going to damage, as Mr. McClatchy seems to think, the opportunity for the inspection station owners to get at us once again. We are simply saying, in that 14-county area that have to go into the inspection stations for emission control inspections, that will count for one of the two inspections that are made now each year. It will not affect all of the other counties. There are 67 in this state. Only 14 are affected by the emission controls inspection at this time. It will not affect the twice-a-year inspections in those counties. It will simply prevent the Department of Transportation from making, in the 14 county areas, the consumer go into the inspection station three times a year. Thank you, Mr. Speaker.

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

Mr. S. E. HAYES. Mr. Manderino may be right and Mr. Ritter may be right about the technical aspects of whether this is going to require only certain persons to be inspected in certain ways and all of that, but I do not think that this House of Representatives should yet surrender to the Federal inspection program. Now I am not suggesting that

Mr. Ritter is in fact trying to surrender to the program. We all know what a difficult time we are having trying to extricate our Commonwealth from that horrendous program coming to us from Washington, D.C. But that program is not yet with us. That program may never be with us. It is at least delayed until May of 1981 as far as voluntary inspections are concerned, and it does not become mandatory until much later in the year 1981, that is, if we lose our battle, we and the other states lose our battle with the Federal Government. I suggest that there will be plenty of time for us to write those laws about things like the procedures to be followed if, in fact, we have to have a Federal emissions inspection program, but let us not today—and I do not disagree with what Mr. Ritter is trying to do, trying to save the motorists of 14 counties and possibly 67 counties at some point from an unnecessary inspection program. I would join him at some time, but let us not—even breathe a word into our Motor Vehicle Code or any other body of law that could be interpreted as a surrender to the Federal program. I think you will find in the next couple of legislative days, there will be efforts to further direct our Department of Transportation to take pause and not to promulgate rules and regulations that are not necessary to promulgate with regard to the Federal emissions program. Let us not put any of this language in that would give anybody the slightest idea that we want to go ahead and surrender with that Federal inspection program. If that program comes to pass, I will join Mr. Ritter; I will join my colleague, Mr. Manderino, in drafting an amendment that will spare the motorists of this Commonwealth unnecessary inspections. But let us not even give a whisper to the Federal Government that we are ready to go pellmell into an inspection program. Let us reject this amendment, not because Mr. Ritter is wrong in trying to do what he wants to do or that Mr. Manderino is wrong in what he said as far as who is going to be inspected when, but let us wait until it is absolutely necessary. Then we can write that law. In the meantime, let us keep fighting with our brothers in the Congress about telling EPA to get off our backs. Thank you, Mr. Speaker. I urge opposition to the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, for the second time.

Mr. RITTER. Mr. Speaker, I want to make it clear that I was not one of those who surrendered to the Federal Government. The majority of the members of this House said that they do not want EPA to tell us what to do, but unfortunately we did not have a two-thirds, Mr. Speaker.

And, second, we are going to find the same situation that we found with the photographs, that somebody is going to have to go out and buy equipment. Somebody is going to have to go out and buy the wand, that magic wand, that you stick up the exhaust pipe. Somebody is going to have to go out and buy a lot of other things, and you are going to wait until the last minute and come here and say, like we did on the photographs, My God, you cannot change that now. These people have all this investment. And I did not

surrender to the Federal Government, but I am saying if the majority of this legislative body does not want to tell EPA where to go and they say you want the emissions inspection, then I am saying to those people in those 14 counties, at least you are only going to have to have one automobile inspection and one emissions inspection. That is not so difficult to understand. That is not a surrender. I am trying to be practical. I do not want to stand here again next session—and I hope I am here and I hope Mr. Hayes is—and have somebody get up and say, My God, all these garage guys bought all this equipment. They have this investment because they went on our good faith. We did not do anything. We never told them we were not going to do this or were not going to do that. You cannot change the rules of the game now. We have got to go through with the program. Who are you kidding? You know you are not going to change it next year. I am saying, do it now. Put it in there and say to those people in 14 counties, you get one automobile inspection and one emissions, and that is all you are going to pay for. I urge the acceptance of the amendment.

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

Mr. S. E. HAYES. Mr. Ritter did not pay close attention to what I said. I did not suggest that the gentleman himself was surrendering. I suggested that we should not put anything into our laws at this time that could be interpreted by people down along the Potomac that we have the least bit of affection for their Federal Emissions Inspection Program.

Now, let us look at the calendar. This is the early part of 1980; it is March 1980. We have a delay of at least until May of 1981 as far as the voluntary aspects are concerned, and it becomes mandatory much later in the year. Now the gentleman, Mr. Ritter, knows that there is more than enough time to give particular guidance to our PennDOT as to how they must, if in fact they must, inspect vehicles in Pennsylvania for this purpose. I am just suggesting that we do not need this language right now, not in any way whatsoever, not in any way whatsoever, and let us keep our books clean of any language that could be interpreted by the bureaucrats in Washington that Pennsylvania is ready to pack their suitcases and have their emissions program. I said before—maybe the gentleman did not hear—I am not ready to give up the battle. The other evening when I was on the floor of this House, I will tell you, I did not disagree with you, Mr. Ritter. I think we ought to fight the people in Washington. I do not think we ought to clutter our books at this time with laws that give the slightest indication to the Federal bureaucrats, who have always, in a very torturous way, misinterpreted what we are trying to do, and that is, to fight their emissions program. We do not have to do this right now. This is March 1980. The program does not become mandatory until the very latest part of 1981. I think we have more than enough time, Mr. Speaker, and I suggest that we oppose this amendment.

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

The following roll call was recorded:

YEAS—117

Alden	Gallen	Lehr	Richardson
Arty	Gamble	Letterman	Rieger
Austin	Gannon	Levin	Ritter
Barber	Gatski	Lewis	Rodgers
Belardi	Geesey	Lynch, E. R.	Schmitt
Bennett	George, M. H.	McCall	Schweder
Berson	Giammarco	McIntyre	Serafini
Borski	Gladeck	McMonagle	Seventy
Brown	Goodman	McVerry	Shadding
Burns	Grabowski	Mackowski	Shupnik
Caltagirone	Gray	Manderino	Sieminski
Cappabianca	Gruppo	Michlovic	Spitz
Chess	Harper	Milanovich	Stairs
Clark, B. D.	Hasay	Mrkonic	Steighner
Cochran	Hoefel	Mullen	Stewart
Cohen	Hutchinson, A.	Murphy	Stuban
Cole	Hutchinson, W.	Nahill	Sweet
Coslett	Irvis	Novak	Taylor, F.
Cowell	Itkin	O'Brien, B. F.	Trello
DeMedio	Johnson, J. J.	O'Donnell	Wachob
DeWeese	Jones	Oliver	Wargo
Davies	Kanuck	Petrarca	White
Dawida	Klingaman	Pievsky	Wilson
Dombrowski	Knight	Pistella	Wright, D. R.
Dumas	Kolter	Pratt	Wright, Jr., J.
Durham	Kowalshyn	Pucciarelli	Yahner
Fee	Kukovich	Pyles	Zeller
Fischer	Lashingner	Reed	Zitterman
Fryer	Laughlin	Rhodes	Zwikl
Gallagher			

NAYS—68

Anderson	Fisher	Micozzie	Sirianni
Armstrong	Foster, W. W.	Miller	Smith, E. H.
Bittle	Foster, Jr., A.	Moehlmann	Smith, L. E.
Bowser	Geist	Noye	Spencer
Brandt	George, C.	O'Brien, D. M.	Swift
Burd	Goebel	Perzel	Taddonio
Cessar	Grieco	Peterson	Taylor, E. Z.
Cimini	Halverson	Piccola	Telek
Clark, M. R.	Hayes, Jr., S.	Pitts	Thomas
Cornell	Helfrick	Polite	Vroon
Cunningham	Honaman	Pott	Wass
DeVerter	Knepper	Punt	Wenger
DiCarlo	Levi	Rappaport	Yohn
Dietz	Livengood	Rocks	Zord
Dininni	McClatchy	Ryan	
Dorr	McKelvey	Salvatore	Seltzer,
Duffy	Madigan	Scheaffer	Speaker
Earley	Manmiller		

NOT VOTING—11

Beloff	Hayes, D. S.	Musto	Williams
Freind	Johnson, E. G.	Street	Wilt
Greenfield	Mowery	Weidner	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

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

NAYS—3

Davies	Mackowski	Piccola
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NOT VOTING—11

Beloff	Hayes, D. S.	Musto	Williams
Freind	Johnson, E. G.	Street	Wilt
Greenfield	Mowery	Weidner	

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

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

SPEAKER THANKS MR. ANDERSON

The SPEAKER. The Chair thanks the gentleman from York for presiding. The Chair hopes the gentleman has an opportunity to ride on the new SEPTA cars.

REMARKS ON VOTES

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

Mrs. TAYLOR. I inadvertently voted in the negative on Mr. Ritter's amendment to SB 508 and I would like to be recorded in the affirmative.

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

The Chair recognizes the lady from Delaware, Mrs. Arty. Mrs. ARTY. Mr. Speaker, on amendment A5926 to SB 508, my negative vote was not recorded.

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

Mrs. ARTY. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. GEORGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GEORGE. Mr. Speaker, HB 1888, PN 3053, what position is that bill in at this moment?

The SPEAKER. HB 1888 is on the final passage postponed calendar for the next session.

Mr. GEORGE. Mr. Speaker, what motion would have to be made to place that in a position to offer an amendment to it at this time?

The SPEAKER. The gentleman from Clearfield, Mr. George, asked of the Chair what motion would have to be made in order that this House could consider HB 1888. In reviewing the rules of the House, it is the belief of the Chair that the gentleman would have to suspend rule 17, which is on the order of business, to accomplish what the gentleman anticipates doing.

MOTION TO SUSPEND RULES

Mr. GEORGE. I so move.

The SPEAKER. It has been moved by the gentleman from Clearfield, Mr. George, that rule 17 be suspended temporarily in order that HB 1888 can be taken out of the order of business of the day.

The question is on the motion. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the motion. To begin with, as a matter of simple courtesy, I think Mr. George should have asked me about this when we were in the middle of the mass transit package and when his leadership, as well as most of the members of this House, knew we were attempting to get through the mass transit package. So

that disturbs me, to begin with. Mr. George earlier today wanted—

The SPEAKER. Would the majority leader yield? The Chair would like to remind the majority leader, as well as the other members of the House, this is not a debatable motion, and the Chair has recognized the majority and minority leader, if he wishes to be recognized, for a brief statement. The Chair would hope that neither leader would go beyond the bound—

Mr. RYAN. Mr. Speaker, I would oppose it. We have an order which is provided for in our rules. We even have a logical order of business before us at the moment, and for those reasons I would oppose any suspension of the rules to permit the consideration of anything other than what is before us.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I support the motion of the gentleman, Mr. George. There is an extremely serious matter current before certain members of this House of Representatives, and that matter ought to be attended to as rapidly as possible, and that is the intention of Mr. George's motion to suspend. I ask support for the motion.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I know that a vote is being taken, but you referred to rule 17, which sets up the order of the day. Mr. Speaker, at the end of that rule it says, "Any question may by a majority vote of the House, be made a special order of business."

I think we have a majority of the House up there. I do not think that rule has to be suspended. The rule itself speaks to a majority rule.

VOTE STRICKEN

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

Mr. RYAN. Mr. Speaker, you know and I know that there are people being voted who are not present. I am going to ask to strike so that I do not have to name names.

The SPEAKER. The clerk will strike the roll.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip to pose his parliamentary inquiry at this time.

Mr. MANDERINO. Mr. Speaker, rather than suspend rule 17, I would ask the Chair to invoke rule 17, and it simply says that any matter may be made a special order of business by a majority vote of the House.

The SPEAKER. The Chair disagrees in part with the observation of the minority whip.

Mr. MANDERINO. In what part, Mr. Speaker?

The SPEAKER. It is the opinion of the Chair that once a bill has been acted upon during that day, to go back to that

bill it takes a suspension of the rules. The Chair would agree with the minority whip that to call the bill up for the first time as a special order of business takes a simple majority, and since this bill had already been acted on one time today, it is then the opinion of the Chair that it would take the suspension of the rule to go back to act on it a second time. If it were being acted on for the first time today, the gentleman is correct, a simple majority would prevail.

Mr. MANDERINO. Obviously, Mr. Speaker, there are not 102 votes to upset that very impartial ruling you just made. Is there precedent for that ruling?

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. MANDERINO. Mr. Speaker, is there precedent for the ruling? It says, "Any question"; "Any question may, by a majority vote..., be made a special order of business." Now does not the bill on the final passage postponed calendar fit the description of any question?

The SPEAKER. The gentleman, Mr. Manderino, asked the Chair whether the Chair could find any precedents for its opinion on the question before the House. The Chair did not have any readily at his disposal, but, in the few moments it has taken the Chair, we would like to cite under Order of Business in the precedents of this House, under a parliamentary inquiry; the question was asked whether it was in the province of a member to call any bill at any time. The Speaker pro tempore replied, it was not. Only by unanimous consent or action taken by the House, can we divert from the regular order of the calendar - the Legislative Journal No. 11, 1959, pages 4568 and 4569.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, in all due deference to the Chair, I would suggest that the Chair's quoting of that precedent is not really a quoting of a precedent at all. The question that is being raised is whether or not the House has any rule which would preclude a member from calling up a special order of business, which would be decided by a majority vote of the House. I cannot find and I have asked our attorneys if they can find, and they cannot find, any specific rule of the House which forbids a member from calling up, under special order of business, a bill which has already been acted upon in the regular order.

I agree, if I had been in the Chair, I might very well have reasoned the way the Chair did, and being suddenly hit with the question, I might very well have given the same answer. But in the minutes that we have had to research the question, and the lawyers on our staff have had to research it, I have become convinced that there is no specific prohibition against the use of rule 17, the last paragraph concerning special order of business. And I would ask the Chair to rereview his position so that we do not set a false precedent. I am looking now, Mr. Speaker, beyond the immediacy of the question.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have some trouble with what Mr. Irvis said. I do not know if he said that any member at anytime, or a simple majority of the members of this House at anytime, can skip all over this calendar at will. My recollection of how we have operated this House is that we start on page 1 and we go to the last page, and if anybody wants something up in between, it requires a suspension of the rules.

I see Mr. Irvis shaking his head in the negative. But my recollection is, when you wanted something to come forward, it was done with unanimous consent. The Speaker would normally say, without objection, the Chair turns to page whatever it is, and takes up as a special order of business, a given bill. If there was objection, then it was a suspension of the rules.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, Mr. Ryan's recollection is accurate; generally the Chair has said, without objection. But the fact of the matter is the rule reads differently. The rule says very clearly at the end of rule 17, "Any question may, by a majority vote of the House, be made a special order of business." Reading that rule, as I do here, it does appear that any member, if he can succeed in getting a majority of the members of the House to agree with him or her, make any question a special order of business at any time. And I would submit to the Chair that there is no specific rule which I have located which would preclude that. Perhaps there should be, but I have not found it nor have our attorneys.

The SPEAKER. It is apparent to the Chair that there are going to be several roll calls taken in the next few moments, and the Chair would insist that the members please take their seats and remain in their seats so accurate counts can be made of those members present and those who are not present.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would you put the House at ease for about 3 minutes.

The SPEAKER. The House will stand at ease.

MOTION WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, I ask for an opportunity to make a brief presentation.

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

Mr. GEORGE. Mr. Speaker, I feel that the matter before us is quite important, not only to many of those whom you saw here today but to many of us as individuals; not only because as legislators we feel we should have some input in the matters, but because I felt that because of the signatures that I had gained on my amendment that there were many of you who just felt as strongly as I did that we had to do something in order to hold the bureaucracy from just taking off and making decisions that we thought were improper and are illconceived.

I do not want the Speaker of the House to have to make a decision that would bring chaos to this body each and everytime, as the majority leader said, someone wanted to bring a bill up. I do not want to embarrass the majority leader, because he brought up the question of ill-propriety and of ill-concern and of lack of concern, and I take issue with him, because I did ask him just yesterday about an amendment, which he did not have time for. I asked him this morning for an amendment, and he explained to me morning meant from 9 o'clock to 9 o'clock, and, for that I apologize, Mr. Ryan; I was not aware of that.

I am just trying to bring a little levity because I know some of you feel that this is a very emotional situation. I have discussed it with both leaders, and I ask at this time that my motion be rescinded. I will withdraw it under a stipulation, an agreement, between the integrity possessed by both sides, that when we come back and convene on Monday, that my amendment be allowed to be the first amendment on the subject matter on HB 1888. Thank you very much.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2150**, **PN 2737**, entitled:

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, add a definition, further providing for the definitions of "public employee" and "public official" and further providing for filing of financial interest statements by certain officials.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I was advised by the gentleman, Mr. Schweder, earlier in the day that he had an amendment to HB 2150. I do not know the context of the amendment.

The SPEAKER. The gentleman is correct. The parliamentarian just handed me an amendment.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, if Mr. Irvis would listen for a second. We have no copy of Mr. Schweder's amendment. I asked the amendment clerk, and I do not believe they said that they have one that has been distributed. Oh, there has been one. I apologize.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, Mr. Schweder is off the floor right now, and unfortunately he did not think there was going to be another bill called up. I am unfamiliar with the amendment that he is offering. Is there an urgency with HB 2150, so that it cannot wait with HB 881?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there is no urgency, any more urgency in this than there is in the other 20 or 30 pages of the calendar. It may very well be that the proper thing for us to do would be to adjourn until July. I would guess there have only been about 10 or 15 bills today that were to be called up, that were held for one reason or another.

If I may, I could make both sides of the Schweder argument. The Schweder amendment deals with excluding from the ethics commission law, the requirement to file financing statements, everyone other than members of the commissions and counties of the first and second class. By doing that, all these other authority members need not make financial statements available to the public.

However, what Mr. Schweder neglects to do in his amendment is include all of Delaware County, all of Bucks County, all of Chester County, all of Montgomery County, the very ones that were intended to be included within the act. I thought that everyone knew that this, at least, was part of the package that was going to be run today.

I will be glad to take a motion from the minority whip to put this bill aside for the day, along with all the others and then we will get out of here and go to that cocktail party, I suppose.

The SPEAKER. The one that was over at 6.

Mr. RYAN. There is one being held in Mr. Manderino's office maybe.

HB 2150 PASSED OVER

Mr. MANDERINO. Mr. Speaker, I ask, as a courtesy of a member who has left the floor, who has an amendment to offer, that this bill be passed over.

The SPEAKER. Without objection, HB 2150 will be passed over.

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.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 235, PN 1653 (Amended)

By Rep. ZORD

An Act establishing the Pennsylvania Review System for Children in Placement to promote plans for children in placement and providing a penalty.

HEALTH AND WELFARE.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. A. C. FOSTER presented the Report of the Committee of Conference on **SB 188, PN 1644**.

The SPEAKER. The report will be laid over for printing under the rules.

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit for the record the following list of additions of sponsors:

HR 190, Cimini; HB 2095, Cimini; HB 2363, Salvatore; HB 401, Alden.

ADJOURNMENT

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

Mr. KNIGHT. Mr. Speaker, I move that this House do now adjourn until Monday, March 24, 1980, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:50 p.m., e.s.t., the House adjourned.