

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MARCH 26, 1980

Session of 1980

164th of the General Assembly

No. 24

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.s.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

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

Let us pray:

Heavenly Father, the source of all wisdom, whose statutes are good and gracious and whose law is truth, guide us, the Representatives of the State of Pennsylvania, that by just and prudent laws we may promote the well-being of all our people. You have charged us with the task of building in our state, a home where all people may dwell in unity, liberty and justice. We pray for strength and purpose to make us faithful and accountable to all the people, fulfilling our roles of service and responsibility, that we may ever seek justice, protect the weak, and construct institutions for peace and mutual aid. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, March 25, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2420 By Representative RIEGER.

An Act regulating contracts for future personal services and prescribing penalties.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1980.

No. 2421 By Representatives RIEGER AND RAPPAPORT.

An Act regulating contracts for health spa services and membership and prescribing remedies and penalties.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1980.

No. 2422 By Representative CALTAGIRONE.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for unlawful consumption of liquor and malt and brewed beverages in certain instances.

Referred to Committee on LIQUOR CONTROL, March 25, 1980.

No. 2423 By Representatives STEWART, LIVE-NGOOD, YAHNER, CALTAGIRONE AND JONES.

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), permitting bargaining by first level supervisors.

Referred to Committee on LABOR RELATIONS, March 25, 1980.

No. 2424 By Representatives SWEET, GLADECK, BROWN, B. D. CLARK AND FREIND.

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the use of binding arbitration procedures between public employees and their public employers.

Referred to Committee on STATE GOVERNMENT, March 25, 1980.

No. 2425 By Representatives SWEET, GLADECK, B. D. CLARK, FREIND AND ALDEN.

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), providing for a five day notice of intent to strike.

Referred to Committee on LABOR RELATIONS, March 25, 1980.

No. 2426 By Representatives SWEET, GLADECK, B. D. CLARK, FREIND AND ALDEN.

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), further providing for fact-finding.

Referred to Committee on LABOR RELATIONS, March 25, 1980.

No. 2427 By Representatives PIEVSKY, SALVATORE, GREENFIELD, BERSON, RAPPAPORT, O'DONNELL, HARPER, WHITE, GIAMMARCO, LEVIN, McINTYRE, McMONAGLE, OLIVER, BORSKI, PUCCIARELLI, JONES, ROCKS, PERZEL, McKELVEY, RICHARDSON, DUMAS, MULLEN, D. M. O'BRIEN AND RIEGER.

An Act making an appropriation to the United Cerebral Palsy of Philadelphia and vicinity.

Referred to Committee on APPROPRIATIONS, March 25, 1980.

No. 2428 By Representatives YAHNER, THOMAS, WENGER, HELFRICK, MOEHLMANN, FRYER, FEE, DeMEDIO, C. GEORGE, MANDERINO, PUNT, MOWERY, CALTAGIRONE, ZELLER, IRVIS, TELEK, F. TAYLOR, M. R. CLARK, DIETZ, STUBAN, A. C. FOSTER, JR., CUNNINGHAM, BROWN, MACKOWSKI, LETTERMAN, ANDERSON, SCHEAFFER, W. W. FOSTER, MADIGAN, BURD, S. E. HAYES, JR., NOYE, COLE, GOODMAN, McCALL, O'DONNELL, HOFFEL, M. H. GEORGE, STEIGHNER, DeVERTER, COCHRAN, D. R. WRIGHT, LIVENGOOD, A. K. HUTCHINSON, GATSKI, KOLTER, DOMBROWSKI, KUKOVICH, KOWALYSHYN, WASS, GEIST, LEHR AND L. E. SMITH.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), changing the license fee for manufacturing alcohol used for fuel and changing the license fee for a distillery.

Referred to Committee on FINANCE, March 25, 1980.

No. 2429 By Representatives MACKOWSKI, HELFRICK, LEVI, PETERSON, COSLETT, WACHOB AND HASAY.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding jar tops used for home canning from the sales tax.

Referred to Committee on FINANCE, March 25, 1980.

No. 2430 By Representatives STUBAN AND HELFRICK.

An Act declaring and adopting the song "Pennsylvania," words and music by Joel Herron, as the State song of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, March 25, 1980.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 218
(Concurrent) By Representatives PYLES, S. E. HAYES, JR., SCHEAFFER, DeMEDIO, BENNETT, CALTAGIRONE, GANNON, W. W. FOSTER, McVERRY, PISTELLA, NOYE, NAHILL, HASAY, ZITTERMAN, VROON, REED, DORR, E. R. LYNCH, PUCCIARELLI, J. L. WRIGHT, JR., E. Z. TAYLOR, KLINGAMAN, ZORD, SIEMINSKI,

A. C. FOSTER, JR., WEIDNER, DOMBROWSKI, JONES, NOVAK, COLE, GRUPPO, E. G. JOHNSON, BITTLE, WARGO, CIMINI, GEIST, GLADECK, FISCHER, WENGER, CESSAR, BELOFF, PITTS, ZELLER, BOWSER, MANMILLER, LEVI, CUNNINGHAM, SPITZ, DURHAM, TELEK, DIETZ, MRKONIC, DeWEESE AND CHESS.

General Assembly pay tribute on the occasion of the 100th Anniversary of the birth of General Douglas MacArthur.

Referred to Committee on RULES, March 25, 1980.

No. 219 By Representatives KUKOVICH, STEWART, A. K. HUTCHINSON, MICHLOVIC, LETTERMAN, GRABOWSKI AND SEVENTY.

House memorialize Congress to support legislation to nullify the current Federal Energy Regulatory Commission's pricing proposal for natural gas.

Referred to Committee on FEDERAL-STATE RELATIONS, March 25, 1980.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1057, PN 2776**.

SENATE MESSAGE

HOUSE AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 290, PN 1649**.

BILL SIGNED BY SPEAKER

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

SB 290, PN 1649

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.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request a leave of absence for Mr. KNEPPER for today's session.

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

Mr. COCHRAN. Mr. Speaker, I request a leave of absence for Mr. ZWIKL for today's session.

The SPEAKER. Without objection, leaves are granted.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2290, PN 3150 (Amended)

By Rep. GEESEY

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the Barbers' License Law, further providing for one barber barber shops and manager-barber licenses.

PROFESSIONAL LICENSURE.

SB 1052, PN 1680 (Amended) (Unanimous)

By Rep. PETERSON

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," prohibiting requiring the Department of Public Welfare to develop and implement a State plan for regulating and licensing personal care boarding homes, prohibiting abusive, fraudulent and deceptive acts and practices by providers of and persons eligible for State medical assistance; providing remedies and penalties therefore; imposing certain participation requirements on providers and persons eligible; providing for third party liability; and imposing powers and duties on the Attorney General, the Department of Public Welfare and the district attorneys.

HEALTH AND WELFARE.

WELCOME

The SPEAKER. The Chair welcomes to the House the fourth grade class from Nancy Grayson Elementary School in Shippensburg, with their teachers, Mrs. Ruth Krieger and Miss Elizabeth Weiskaupt. They are here today as the guests of Mr. Bittle and Mr. Noye.

FEDERAL-STATE RELATIONS COMMITTEE MEETING

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

Mr. PICCOLA. Could I make an announcement regarding a committee meeting?

The SPEAKER. The Chair recognizes Mr. Piccola.

Mr. PICCOLA. The meeting scheduled for the Committee on Federal-State Relations at 10 o'clock will be held at the call of the recess for lunch in room 401.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—186

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

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

NAYS—0

NOT VOTING—10

Beloff	Knepper	Street	Williams
Gray	Musto	Weidner	Zwilk
Hayes, D. S.	Rhodes		

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

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 617, PN 649; SB 618, PN 1502; SB 619, PN 651; SB 624, PN 656; SB 625, PN 657; HB 2211, PN 2812; HB 1530, PN 1803; and HB 2158, PN 2745.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 86, PN 1442**, entitled:

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

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

SB 86 TABLED

The SPEAKER. The Chair recognizes the majority whip.
Mr. S. E. HAYES. I move that SB 86 be laid on the table.

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

The House proceeded to third consideration of **HB 1859, PN 2301**, entitled:

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for the award of attorneys' fees.

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—172

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

Foster, W. W. Lynch, E. R. Ryan Speaker
Foster, Jr., A. McCall

NAYS—0

NOT VOTING—24

Alden	Gray	Kowalyszyn	Richardson
Armstrong	Greenfield	Levin	Shadding
Austin	Harper	McMonagle	Street
Beloff	Hayes, D. S.	Musto	Weidner
Borski	Honaman	Reed	Williams
Cohen	Knepper	Rhodes	Zwikl

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 Delaware, Mr. Alden.

Mr. ALDEN. Mr. Speaker, I was out of my seat when the vote on HB 1859 was taken. Had I been in my seat, I would have voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, if I could have the attention of the House, I will announce what we intend to do today.

Mr. Speaker, I have a voting schedule here which I believe will make it possible for us to conduct a great deal of business today but, at the same time, make it possible for us to adjourn before nightfall.

It will be necessary, after we consider a few bills this morning, for the Democrats to caucus. I realize that many Representatives have visiting Harrisburg today those who participated in the art contest. There will be a ceremony in the rotunda which many of you want to attend, and you have constituents here, so we will break from 12 until 2 for the purpose of meeting with those students and also for the purpose of taking lunch. We will return to the floor at 2 o'clock and conclude today's voting session. Thank you, Mr. Speaker.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1954, PN 2923**, entitled:

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), further providing for approval of sewage systems and sewage treatment works.

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

Amend Title, page 1, line 16, by removing the period after "treatment" and inserting and limiting the authority of the Department of Environmental Resources and courts in requiring construction of sewerage facilities by municipalities.

Amend Bill, page 2, by inserting between lines 20 and 21

Section 2. Section 203 of the act, amended July 31, 1970 (P.L.653, No.222), is amended to read:

Section 203. Municipal Sewage.—(a) Whether or not a municipality is required by other provisions of this act to have a permit for the discharge of sewage, if the department finds that the acquisition, construction, repair, alteration, completion, extension or operation of a sewer system or treatment facility is necessary to properly provide for the prevention of pollution or prevention of a public health nuisance, the department may, subject to the limitations set forth in subsection (c), order such municipality to acquire, construct, repair, alter, complete, extend, or operate a sewer system and/or treatment facility. Such order shall specify the length of time, after receipt of the order, within which such action shall be taken.

(b) The department may from time to time order a municipality to file a report with the department pertaining to sewer systems or treatment facilities owned, operated, or maintained by such municipality or pertaining to the effect upon the waters of the Commonwealth of any sewage discharges originating from sources within the municipality. The report shall contain such plans, facts, and information which the department may require to enable it to determine whether existing sewer systems and treatment facilities are adequate to meet the present and future needs or whether the acquisition, construction, repair, alteration, completion, extension, or operation of a sewer system or treatment facility should be required to meet the objectives of this act. Whether or not such reports are required or received by the department, the department may, subject to the limitations set forth in subsection (c), issue appropriate orders to municipalities where such orders are found to be necessary to assure that there will be adequate sewer systems and treatment facilities to meet present and future needs or otherwise to meet the objectives of this act. Such orders may include, but shall not be limited to, orders requiring municipalities to undertake studies, to prepare and submit plans, to acquire, construct, repair, alter, complete, extend, or operate a sewer system or treatment facility, or to negotiate with other municipalities for combined or joint sewer systems or treatment facilities. Such orders may prohibit sewer system extensions, additional connections, or any other action that would result in an increase in the sewage that would be discharged into an existing sewer system or treatment facility.

(c) Before compelling a municipality to enter into the construction phase of a major sewerage project required under subsection (a) or (b), the department shall determine that the municipality has selected a cost-effective project for construction, that the municipality has provided public disclosure of the proposed project and the costs associated with that project, including an estimate of the total monthly charge to a typical residential user, and that the municipality has the legal, institutional, managerial, and financial capability to insure adequate construction, operation and maintenance of the facilities proposed. The department's determination shall be based on its review of a facilities plan and other documentation submitted by the municipality as required by the department.

Amend Sec. 2, page 2, line 21, by striking out "2." and inserting 3.

Amend Sec. 3, page 4, line 8, by striking out "3. This act" and inserting 4. (a) Section 2 of this act, amending section 203 of "The Clean Streams Law," shall take effect immediately. (b) Sections 1 and 3 of this act, amending sections 1 and 207 of "The Clean Streams Law,"

On the question,

Will the House agree to the amendments?

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

Mr. GEORGE. Mr. Speaker, this amendment insists that whenever DER - Department of Environmental Resources - has taken an action to force a small community to go sewerage, that they also allow and consider the economic feasibility of such a project. That is all it does. I believe the communities want it and I believe at this time DER does not object to it.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, we have passed this amendment on previous occasions when offered to other bills, and I urge support of the George amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

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

NAYS—1

Letterman

NOT VOTING—18

Beloff	Harper	Musto	Street
Cohen	Hayes, D. S.	Rhodes	Weidner
DeWeese	Knepper	Richardson	Williams
Gray	Levin	Smith, E. H.	Zwilk
Greenfield	Lynch, E. R.		

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

On the question,

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

Bill as amended was agreed to.

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	Foster, Jr., A.	McClatchy	Salvatore
Anderson	Freind	McIntyre	Scheaffer
Armstrong	Fryer	McKelvey	Schmitt
Arty	Gallagher	McMonagle	Schweder
Austin	Gallen	McVerry	Serafini
Barber	Gamble	Mackowski	Seventy
Belardi	Gannon	Madigan	Shadding
Berson	Gatski	Manderino	Shupnik
Borski	Geesey	Manmiller	Sieminski
Bowser	Geist	Michlovic	Sirianni
Brandt	George, C.	Micozzie	Smith, E. H.
Brown	George, M. H.	Milanovich	Smith, L. E.
Burd	Giammarco	Miller	Spencer
Burns	Gladeck	Moehlmann	Spitz
Caltagirone	Goebel	Mowery	Stairs
Cappabianca	Goodman	Mrkonic	Steighner
Cessar	Grabowski	Mullen	Stewart
Chess	Grieco	Murphy	Stuban
Cimini	Gruppo	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Hasay	Noye	Taddonio
Cochran	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, E. G.	Piccola	Wargo
DiCarlo	Johnson, J. J.	Pievsky	Wass
Davies	Jones	Pistella	Wenger
Dawida	Kanuck	Pitts	White
Dietz	Klingaman	Polite	Wilson
Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalshyn	Pratt	Wright, D. R.
Dorr	Lashinger	Pucciarelli	Wright, Jr., J.
Duffy	Laughlin	Punt	Yahner
Dumas	Lehr	Pyles	Yohn
Durham	Letterman	Rappaport	Zeller
Earley	Levi	Reed	Zitterman
Fee	Lewis	Rieger	Zord
Fischer	Livengood	Rocks	
Fisher	Lynch, E. R.	Rodgers	Seltzer,
Foster, W. W.	McCall	Ryan	Speaker

NAYS—0

NOT VOTING—22

Beloff	Greenfield	Kukovich	Ritter
Bennett	Harper	Levin	Street
Bittle	Hayes, D. S.	Musto	Weidner
Cohen	Hutchinson, A.	Rhodes	Williams
DeWeese	Knepper	Richardson	Zwilk
Gray	Knight		

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

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

The House proceeded to third consideration of **SB 999**, **PN 1295**, entitled:

An Act amending the act of June 30, 1970 (P. L. 442, No. 151), entitled "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission," providing per diem compensation for the public members of the commission.

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—178

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

Davies	Kanuck	Pistella	Wenger
Dawida	Klingaman	Pitts	White
Dietz	Knight	Polite	Wilson
Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalyszyn	Pratt	Wright, D. R.
Dorr	Kukovich	Pucciarelli	Yahner
Duffy	Lashingner	Punt	Yohn
Dumas	Laughlin	Pyles	Zeller
Durham	Lehr	Rappaport	Zitterman
Earley	Letterman	Reed	Zord
Fee	Levi	Rieger	
Fischer	Lewis	Ritter	Seltzer,
Fisher	Livengood	Rocks	Speaker

NAYS—1

Wright, Jr., J.

NOT VOTING—17

Beloff	Harper	Levin	Street
Cohen	Hayes, D. S.	Musto	Weidner
DeWeese	Hutchinson, A.	Rhodes	Williams
Gray	Knepper	Richardson	Zwikl
Greenfield			

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 without amendment.

The House proceeded to third consideration of **SB 985, PN 1601**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the disposition of certain unused and unnecessary lands.

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	Foster, Jr., A.	Lewis	Rodgers
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Salvatore
Arty	Gallagher	McCall	Scheaffer
Austin	Gallen	McClatchy	Schmitt
Barber	Gamble	McKelvey	Serafini
Belardi	Gannon	McVerry	Seventy
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Bowser	Geist	Manderino	Sirianni
Brandt	George, C.	Manmiller	Smith, E. H.
Brown	George, M. H.	Michlovic	Smith, L. E.
Burd	Giammarco	Micozzie	Spencer
Burns	Gladeck	Milanovich	Spitz
Caltagirone	Goebel	Miller	Stairs
Cappabianca	Goodman	Mochlmann	Steighner
Cessar	Grabowski	Mowery	Stewart
Chess	Grieco	Mrkonic	Stuban
Cimini	Grupp	Mullen	Sweet
Clark, B. D.	Halverson	Murphy	Swift
Clark, M. R.	Hasay	Nahill	Taddonio
Cochran	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cole	Helfrick	O'Brien, B. F.	Taylor, F.
Cornell	Hoeffel	O'Brien, D. M.	Telek
Coslett	Honaman	O'Donnell	Thomas

Cowell	Hutchinson, A.	Oliver	Trello
Cunningham	Hutchinson, W.	Perzel	Vroon
DeMedio	Irvis	Peterson	Wachob
DeVerter	Itkin	Petrarca	Wargo
DiCarlo	Johnson, E. G.	Piccola	Wass
Davies	Johnson, J. J.	Pievsky	Wenger
Dawida	Jones	Pistella	White
Dietz	Kanuck	Pitts	Wilson
Dininni	Klingaman	Polite	Wilt
Dombrowski	Knight	Pott	Wright, D. R.
Dorr	Kolter	Pratt	Wright, Jr., J.
Duffy	Kowalyszyn	Pucciarelli	Yahner
Dumas	Kukovich	Punt	Yohn
Durham	Lashingner	Pyles	Zeller
Earley	Laughlin	Rappaport	Zitterman
Fee	Lehr	Reed	Zord
Fischer	Letterman	Rieger	
Fisher	Levi	Ritter	Seltzer,
Foster, W. W.	Levin	Rocks	Speaker

NAYS—0

NOT VOTING—22

Beloff	Greenfield	Musto	Shadding
Bennett	Harper	Noye	Street
Borski	Hayes, D. S.	Rhodes	Weidner
Cohen	Knepper	Richardson	Williams
DeWeese	McIntyre	Schweder	Zwikl
Gray	McMonagle		

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 House proceeded to third consideration of **SB 986, PN 1602**, entitled:

An Act amending the act of June 22, 1964 (1 Sp. Sess., P. L. 84, No. 6), entitled "Eminent Domain Code," further providing for abandonment of certain projects.

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

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

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

YEAS—181

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

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

NAYS—1

Rappaport

NOT VOTING—14

Beloff	Hayes, D. S.	Rhodes	Weidner
Cohen	Helfrick	Richardson	Williams
Gray	Knepper	Street	Zwilk
Greenfield	Musto		

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 House proceeded to third consideration of **HB 1608, PN 2460**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exemptions from capital stock tax.

On the question,

Will the House agree to the bill on third consideration?

Mr. RAPPAPORT offered the following amendments:

Amend Sec. 1 (Sec. 602.2), page 1, line 17, by striking out "Farm"

Amend Sec. 1 (Sec. 602.2), page 1, line 18, by striking out "farm"

Amend Sec. 1 (Sec. 602.2), page 1, line 19, by striking out "farm"

Amend Sec. 1 (Sec. 602.2), page 2, line 3, by striking out "FARM"

Amend Sec. 1 (Sec. 602.2), page 2, line 5, by inserting after "ARE" not

Amend Sec. 1 (Sec. 602.2), page 2, lines 5 through 7, by striking out "THE BUSINESS OF AGRICULTURE," in line 5, all of line 6 and "BE DEEMED TO INCLUDE" in line 7

On the question,

Will the House agree to the amendments?

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

Mr. RAPPAPORT. Mr. Speaker, I arise with great trepidation. Mr. Speaker, I did not want to express it more bluntly. It means that I am afraid, since the Democratic chairman of the Agricultural Committee sits to my left, although not that way politically, and my good friend, the chairman, stands opposite.

Mr. Speaker, this is a bill that would benefit family farm corporations. I have no problem with the idea that family corporations should receive different treatment than large public corporations for tax purposes. However, I see no reason to limit this tax benefit to the farmers. I think the farmers, to their credit, have come up with a very good idea, and one that I have been thinking about for some time: that the capital stock tax is not a fair tax. It is a highly unfair tax as applied to small business. It is difficult to collect, expensive to collect, and oppressive in the sense that small businesses must hire accountants in order to figure it out because it is such a complex thing.

My amendment merely extends this idea, this concept, of exemption of family corporations to all family corporations in this state; not just to family farm corporations. The stipulation in the bill, that I have maintained in my amendment, provides that at least 75 percent of all the stock of a corporation must be owned by members of the same family. Now who are we trying to benefit, aside from farmers? The neighborhood grocer, even the tap room, beauty shops, barber shops, and all of the other small businessmen in this Commonwealth who are incorporated for various other reasons, like limitation of liability.

Mr. Speaker, I would hope that the members would support my amendment. Thank you, sir.

The SPEAKER. The Chair recognizes Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I have to rise in opposition to this amendment. It opens up much more than we had anticipated. Now we are only talking about, in the bill, farm family corporations. Now we are using all family corporations.

The fiscal note that I got and the fiscal impact that I got is that the impact will be substantial. The department is struggling, trying to find out exactly what the impact is, but it is rather difficult to bring out of the records all family corporations. As of the moment, all they can assure me is that the fiscal impact will be substantial.

The SPEAKER. The Chair recognizes Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Montgomery consent to an interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. Mr. Rappaport may proceed.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman please inform the House what will be lost in taxes to the Commonwealth in the original form of the bill?

Mr. McCLATCHY. I believe it is less than a million.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform the House how the department reached that conclusion?

Mr. McCLATCHY. Mr. Speaker, I do not pretend to know the whys and wherefores of how the department produces their information. They have given us their costs, and I will abide by that.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform the House how much money my amendment is going to cost the Commonwealth?

Mr. McCLATCHY. I reiterate what I said before, that the department says it is going to be substantial. They have not been able to provide us with that information beyond that wordage.

Mr. RAPPAPORT. Mr. Speaker, I have not had the benefit of seeing that fiscal note, but I wonder if the gentleman could inform the House as to how the department was able to arrive at a figure for just agricultural corporations and not all corporations that are family owned?

Mr. McCLATCHY. Again, Mr. Speaker, I am not able to determine the whys and wherefores of what the department can do or cannot do. Obviously they were able to bring out of their records the cost of family-held farm corporations, but have been struggling with the word just family.

Mr. RAPPAPORT. Mr. Speaker, I am finished with my interrogation and would ask to be recognized at a later time.

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

Mr. RAPPAPORT. With leave of the Chair, I have finished my interrogation and would like to be recognized at a later time to make a statement about the interrogation. If the Chair feels that I am not permitted under the rules, I will finish at this point.

The SPEAKER. The Chair recognizes Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I am not going to belabor this point. The chairman of the Appropriations Committee has, as usual, been very candid with the House. He, unfortunately, as he stated to the House, is laboring under the problems of the Department of Revenue, because they have no idea what this is going to cost, either the original bill or my amendment, because at the present time they have no way of knowing which corporations are family owned. There is absolutely no way of ascertaining that. We can only guess that family corporations are the small corporations and are probably the ones who are paying the 10 buck tax but have to hire an accountant and pay him \$100 to figure out the \$10.

Therefore, Mr. Speaker, I would submit that while the chairman, as usual, has been very candid with us and very truthful with us, that his source of information in the Department of Revenue, as usual, has very little idea about what they are talking. Thank you, Mr. Speaker.

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

Mr. PISTELLA. Mr. Speaker, I rise to oppose the Rappaport amendment. I sit as a member of the Finance Committee and at that time when HB 1608 was before us, representatives from the Department of Revenue indicated the estimated revenue loss was approximately \$1 million. I was not in a position at that time to quibble as to the exact amount on either side of \$1 million. One million dollars, nevertheless, is \$1 million. I do, however, have a quibble with Mr. Rappaport.

Mr. Rappaport is attempting now to use this vehicle, HB 1608, as a possible give-away to every family business in the Commonwealth of Pennsylvania. I am not doubting the fiscal responsibility of Mr. Rappaport, but I do think that he is opening a virtual Pandora's box in tax exemptions to every business, be they large or small, that is considered a family-type business. I think that we are at a time economically where we must look at such tax exemptions in a very prudent and very wise fashion, and I think that the Rappaport amendment is essentially irresponsible. I urge the defeat of this particular amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. E. G. Johnson.

Mr. E. G. JOHNSON. Mr. Speaker, I would rise in support of the Rappaport amendment. Anyone who is familiar with corporate taxation in the Commonwealth knows that the capital stock tax is the most arbitrary, capricious computed tax we have. There is no way that a taxpayer can successfully contest an assessment, an additional assessment, in this area. I certainly feel that it is time that we help encourage corporations of small businesses, and this capital stock tax is one of the primary disadvantages to incorporating a business in the Commonwealth of Pennsylvania. I would urge affirmative support on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I would urge the House to vote against this amendment. Although the discussion that has taken place so far has been in terms of barber shops and whatnot, as if this were directed towards small businesses, there is no requirement in the bill or in the amendment that the businesses affected would be a small business; only that it be family owned. Some businesses and some families that spring immediately to mind as the Rockefellers, the DuPonts and the Mellons, who are hardly in the business of running barber shops. I do not think necessarily that exemptions for a family-owned business will benefit small businesses and I think we ought to vote against it.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Would the gentleman, Mr. Rappaport, stand for a very brief interrogation?

The SPEAKER. Will the gentleman, Mr. Rappaport, stand for interrogation? The gentleman indicates that he will, and Mr. Hayes may proceed.

Mr. S. E. HAYES. I believe the gentleman, Mr. Rappaport, can sense that there are mixed feelings. There is

a concern being expressed with regard to those whom I believe the gentleman really wants to help and benefit, but there is also a concern that this amendment should probably go through the same process as the legislation itself, HB 1608, and I wonder if the gentleman would be of the mind to withdraw his amendment and ask the Finance Committee to review his thoughts just as they have done with HB 1608?

Mr. RAPPAPORT. Mr. Speaker, I appreciate the remarks made by the majority whip. The parliamentary move that I would make, if this were an ordinary bill, would be then to refer both the bill and the amendment back to the committee, make that motion, or to move to lay both the bill and my amendment on the table. However, both the gentleman, Mr. Thomas, and the gentleman, Mr. Yahner, have expressed their concerns to me about this bill, and out of respect for them, I will not do that because I do not want to delay this bill. I understand how important it is to agriculture and therefore I would ask that my amendment be considered at this time, unless the majority whip is asking me to make that motion to lay everything on the table, which I do not want to do.

Mr. S. E. HAYES. No; I am not suggesting that. What I am suggesting is that a lot of study and forethought have gone into the development of HB 1608. There are mixed reviews on both sides of the aisle with regard to whether or not your idea has gone through the same scrutiny.

HB 1608 is now on its 16th legislative day actually. It has been on the calendar for 15 days and it is now on the calendar for yet another day, making it the 16th legislative day. I believe you will find that there will be widespread support for what you are trying to accomplish, but, at the same time, I believe that there is concern on both sides of the aisle as to whether or not this amendment has been properly studied; whether this amendment has gone through the same study and review as HB 1608. On the basis of the gentleman's most recent observations and his unwillingness to withdraw his amendment and have it go through the same study process, I would urge opposition to the amendment.

Mr. RAPPAPORT. Mr. Speaker, I can appreciate the gentleman's position. However, this issue has been studied by innumerable tax commissions. There have been studies written about the capital stock tax. It is an inequitable tax. It is expensive and difficult to collect; it is expensive and difficult to comply with, and therefore I would like to have the amendment run today, and I will insist upon it because I think it is something that should be voted on, and I do not wish to delay this bill out of respect to my friends from the rural areas.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman may very well be right that commission after commission after commission have made some study of Pennsylvania tax laws, and I do not think there is anybody who would disagree about that. But this is not government by commission. There have been people on both sides of the aisle raising concerns as to

whether the gentleman's amendment in fact accomplishes what a majority of this House of Representatives want to accomplish.

Now the speaker, immediately before I began this interrogation, raised the question as to whether or not you are not only helping barbers but you may also be helping those persons who are something other than barbers, and I respectfully suggest that we not go in great haste in a way that lacks forethought and adopt an amendment that obviously has not gone through the legislative process. I urge opposition. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, it is not my doing that this bill is on its 15th day. My amendment has been in print for over 2 weeks and it was circulated within a couple of days after the bill came out of committee. Therefore, there has been a long time to study it. There was enough time for Revenue to develop a note on it when the bill was called up. I would suggest for the majority whip's remedy, if he wants more time, to move to place this bill on the table or recommit it to the committee. I shall oppose either one of those motions. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I am prepared to vote HB 1608. It is a piece of legislation that has been properly reviewed. It is not a shortstop effort to achieve an end that lacks forethought. The gentleman may have drafted his amendment a couple days ago, but the gentleman does not bring with that amendment any information other than that some commission on some day talked in some way about this particular tax. The gentleman has been here long enough to realize that that is not the way you write tax law. I oppose the amendment.

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

Mr. ZELLER. Mr. Speaker, a few observations that I would like to make, and one is, I was going to bring the point out but Mr. O'Donnell brought it out quite well, that Mr. Rappaport's amendment goes far afield and it could have a very serious effect on the entire state as far as income. He is absolutely right, I do not share the fears that Mr. Hayes shares in regard to what the membership is going to do on this Rappaport amendment. I feel that they realize that we fought long and hard for the "clean and green" bill to save our family farms, the farms in Pennsylvania, and we see the realty grabs and developments arising all over the state, and because of the loss of the family farms through—and one of the big reasons is—this tax, because of the fact it has wiped out, completely wiped out, the family farms.

So with that need of food to feed our nation, I really believe I have more faith in this House of Representatives and I believe they are going to soundly defeat the Rappaport amendment, because a lot of work has gone into HB 1608, and I mean, seriously, a lot of work. And if we are going to save the farms in Pennsylvania and not allow

them to continue to fall into the hands of developers, then we really need this bill, clean as it is. We need it as it is. We do not need the Rappaport amendment, with all respect, and I think this is the only route we can go. I do not share the feelings of Mr. Rappaport. I really do not, Mr. Speaker. I believe the House is going to soundly defeat the Rappaport amendment, which I hope they will.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman, Mr. Zeller, misinterprets a little bit of what I was saying. I have no fears. The gentleman is in complete agreement with what I have enunciated before. There has been a great deal of work put into HB 1608, and I do not believe that we should support a rump move to take a good idea that has been properly studied and pass something through this House of Representatives that obviously precious few people are prepared to debate in a finite way. The amendment before this House right now has come to us with only two or three words of expression on a piece of paper. There are no definitions. There is no study being offered by the proponent of this amendment. All he has said is, let us expand it in some other way.

Now, HB 1608 has gone through the arduous process of legislative study. We do want to provide a way for persons to stay on family farms and continue to operate, to provide food and substance for our citizens in this Commonwealth and this nation and, yes, to many parts of the world. Let us not take a good idea that has been properly studied and have it submarined with something that may be a good idea on another day, but only when this House of Representatives has before it all the information necessary to make a proper decision. You do not write tax law by bringing a piece of paper on the floor of this House and say, let us roll the bill. I urge opposition to the amendment. I have no fear whatsoever that the House will make the right decision on this matter, and I have no doubt that the House will support HB 1608. No fears whatsoever. Let us just not lose our good sense on this moment and do something wrong with regard to the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—26

Bennett	Fischer	Letterman	Rappaport
Borski	Fryer	McVerry	Reed
Burns	Gallagher	Miller	Stairs
Caltagirone	Gatski	Mullen	Trello
Clark, B. D.	Hutchinson, A.	Perzel	Wilson
DiCarlo	Johnson, E. G.	Pott	Wright, Jr., J.
Duffy	Knight		

NAYS—158

Alden	Foster, Jr., A.	Lynch, E. R.	Rodgers
Anderson	Freind	McCall	Ryan
Armstrong	Gallen	McClatchy	Salvatore
Arty	Gamble	McIntyre	Scheaffer
Austin	Gannon	McKelvey	Schmitt
Barber	Geesey	McMonagle	Schweder
Belardi	Geist	Mackowski	Serafini
Berson	George, C.	Madigan	Seventy
Bittle	George, M. H.	Manderino	Shadding
Bowser	Giammarco	Manmiller	Shupnik

Brandt	Gladeck	Michlovic	Sieminski
Brown	Goebel	Micozzie	Sirianni
Burd	Goodman	Milanovich	Smith, E. H.
Cappabianca	Grabowski	Moehlmann	Smith, L. E.
Cessar	Grieco	Mowery	Spencer
Chess	Gruppo	Mrkonic	Spitz
Cimini	Halverson	Murphy	Steighner
Clark, M. R.	Harper	Nahill	Stewart
Cochran	Hasay	Novak	Stuban
Cohen	Hayes, Jr., S.	Noye	Sweet
Cole	Helfrick	O'Brien, B. F.	Swift
Cornell	Hoeffel	O'Brien, D. M.	Taddonio
Coslett	Honaman	O'Donnell	Taylor, E. Z.
Cowell	Hutchinson, W.	Oliver	Taylor, F.
Cunningham	Irvic	Peterson	Telek
DeMedio	Itkin	Petrarca	Thomas
DeVerter	Johnson, J. J.	Piccola	Vroon
DeWeese	Jones	Pievsky	Wachob
Davies	Kanuck	Pistella	Wargo
Dawida	Klingaman	Pitts	Wass
Dietz	Kolter	Polite	Wenger
Dininni	Kowalshyn	Pratt	White
Dombrowski	Kukovich	Pucciarelli	Wilt
Dorr	Lashingier	Punt	Wright, D. R.
Dumas	Laughlin	Pyles	Yahner
Durham	Lehr	Richardson	Yohn
Earley	Levi	Rieger	Zeller
Fee	Levin	Ritter	Zitterman
Fisher	Lewis	Rocks	Zord
Foster, W. W.	Livengood		

NOT VOTING—12

Beloff	Knepper	Weidner	Seltzer,
Gray	Musto	Williams	Speaker
Greenfield	Rhodes	Zwikl	
Hayes, D. S.	Street		

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?
Mr. PRATT offered the following amendments:

Amend Title, page 1, line 10, by inserting after "penalties," further providing for the sales tax exclusion for periodicals and publications and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Clause (30) of section 204, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(30) The sale at retail or use of periodicals and publications which are published at regular intervals not exceeding three months, circulated among the general public and containing matters of general interest [and], reports of current events or advertising or any combination thereof.

Section 2. The act is amended by adding a section to read:
Amend Sec. 2, page 2, line 24 by striking out "2" and inserting 3

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

AMENDMENT WITHDRAWN

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

Mr. PRATT. I apologize for the delay. I am going to withdraw this amendment at this time. Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman, Mr. Pratt, is withdrawing his amendments.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. HOEFFEL. Will Mr. Thomas consent to interrogation?

The SPEAKER. The gentleman, Mr. Thomas, indicates he will stand for interrogation. Mr. Hoeffel may proceed.

Mr. HOEFFEL. Mr. Speaker, the purpose of this bill as I understand it, is to exempt the family farm corporation from the capital stock and franchise tax. And I also understand that very few farms are family corporations. Is that correct?

Mr. THOMAS. That is correct.

Mr. HOEFFEL. Mr. Speaker, why would a family farm incorporate? Why would the members and the owners of a family farm choose to incorporate?

Mr. THOMAS. Well, that is really easy to answer and a very simple answer. It requires such an excessive amount of capital today to stay in the business of farming, and about 50 percent of all the capital used on farms is finance money. People just do not have the amounts of hundreds of thousands of dollars as individuals to stay in the business of food production, so they pool their efforts, and a family farm is no longer something like we knew it one day when dad owned the whole thing and every member of the family worked for dad. Now dad still owns the majority of the assets on the farm, but every child or other member of the family who is interested in farming participates in some way and uses his financing power to add to the capital that is necessary to keep the food-producing unit in operation.

Mr. HOEFFEL. Mr. Speaker, if the only advantage is to pool your financial resources, could that not be done through a partnership, for example, rather than a corporation?

Mr. THOMAS. I beg you pardon, would you repeat the question?

Mr. HOEFFEL. If the only benefit to incorporating a family farm is to pool your resources, that could also be accomplished, could it not, by forming a partnership?

Mr. THOMAS. I expect it could.

Mr. HOEFFEL. I guess I am trying to find out why a family would choose to incorporate, and what advantage, if any, there is to them by incorporating. Do they get any tax advantages, Mr. Speaker, by incorporating?

Mr. THOMAS. Mr. Speaker, I will yield to my colleague, Mr. Mowery.

The SPEAKER. The gentleman, Mr. Hoeffel, will repeat his question, and the gentleman, Mr. Mowery, will attempt to respond.

Mr. HOEFFEL. Mr. Speaker, are there any tax advantages to a family-owned farm when they incorporate?

Mr. MOWERY. Mr. Speaker, in response to your question, today one of the major problems—and particularly in Pennsylvania, since farming makes a substantial contribution to the tax revenue here in this state and is one of our key industries as far as farming is concerned, one of the major problems is that when the farmer today dies, it is very difficult for his heirs to be able to pay the high cost today of that farmland evaluated and appraised to continue as a farm. Why a farmer today would incorporate is because it makes it easier for the family farm to be passed on without the high tax consequences and appraisals that a farm without that option would have. The stock can be gradually passed over the years to the son or daughter or wife, and therefore reduce the substantial estate tax cost on a Federal level. That is the reason most families are considering farm incorporations today.

Mr. HOEFFEL. In other words, Mr. Speaker, a family farm would incorporate to escape the inheritance tax?

Mr. MOWERY. Not as much the inheritance tax, which is a very small tax in regards to the Federal estate tax that is placed on farmland today.

Mr. HOEFFEL. Well, then, they are avoiding the state inheritance tax and the Federal estate tax? Is that correct?

Mr. MOWERY. The Federal estate tax and a very small part would be your state inheritance tax.

Mr. HOEFFEL. I appreciate your answer, Mr. Speaker.

Mr. Speaker, if I could make a comment on the bill.

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

Mr. HOEFFEL. It seems to me that the reason the family would choose to incorporate their farm, aside from the pooling of resources which can be done other ways, the main reason that they incorporate a farm is to escape certain taxes. And now we are being asked to allow the incorporated farm to escape other taxes. It does not seem to make a lot of sense to me. If all the family farms that were incorporated were struggling and small, maybe there would be a need for some kind of tax advantage or tax break for them. As Mr. O'Donnell pointed out earlier, simply because a corporation is family owned does not mean it is struggling; it does not mean that it is poor. It does not make much sense to me for us to allow family farms to be incorporated, which they do apparently to escape certain taxes, and then for the General Assembly to turn around and to forgive the taxes that they now have to pay because they are incorporated. I think it is bad public policy and I think it is a tax break that just is not needed. There has been no demonstration of need for this at all. I recommend a negative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Mowery.

Mr. MOWERY. I would just like to make a statement, Mr. Speaker, in regard to the tremendous amount of time

and effort that has been put in on this bill. I think Pennsylvania is very fortunate to have the amount of agricultural land that we currently have. I think all of us know the amount of land that today is being put under blacktop and being dug up and put into family developments—that, hopefully, will continue in the future, but at the moment is slowed down—and the problem is that there has to be some way that we in Pennsylvania can protect the farmer. I think he has made a real contribution to this economy and will continue to do so, but he cannot afford to continue to lose the ground and not to have it passed on to his heirs, because unfortunately in many estate-planning programs today, where a large farm is part of it, you will find that, unfortunately, in order to pay taxes, the farmer will have to sell the farm. And that is usually sold to a developer, and the developer defeats and will ruin the ability for this state to be as highly agricultural as it has been in the past. I cannot ask you enough to consider not so much the tax dollars involved, but the long-range return to the economy of this state that we receive from the products sold by the farmer and the very importance of allowing this family corporation to continue to produce the food for not only Pennsylvanians but for this whole nation.

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

Mr. BRANDT. Mr. Mowery is absolutely right on this issue of HB 1608. This is one small way that we as a legislature can address the problem that we have been talking about for many years, and that is, the issue of land development or the land policy of farm preservation.

To answer Mr. Hoeffel in one other way is to say that they would incorporate for the same reason anybody else in this Commonwealth would incorporate. But we have been talking about preserving farmland, and this is one way that we can address that issue to keep the family on the farm. We have been skirting around it. We have tried it in different ways. But with this type of legislation, we can tell that farmer, this is one better way that we can help you.

Now they say the price tag is only a million dollars, and it probably is, but as Mr. Mowery had said, many farms do not incorporate and do not get that longevity in farming because of the capital stock tax. In this way we can help them to alleviate that problem. I certainly urge the House to pass this legislation. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—155

Alden	Foster, W. W.	Livengood	Schmitt
Anderson	Foster, Jr., A.	Lynch, E. R.	Schweder
Armstrong	Freind	McClatchy	Serafini
Arty	Fryer	McKelvey	Shupnik
Belardi	Gallen	McVerry	Sieminski
Bennett	Gamble	Mackowski	Sirianni
Bittle	Gannon	Madigan	Smith, E. H.
Bowser	Gatski	Manmiller	Smith, L. E.
Brandt	Geesey	Micozzie	Spencer
Brown	Geist	Milanovich	Spitz
Burd	George, C.	Miller	Stairs

Burns	George, M. H.	Moehlmann	Steighner
Caltagirone	Gladeck	Mowery	Stewart
Cappabianca	Goebel	Mrkonic	Stuban
Cessar	Goodman	Nahill	Sweet
Chess	Grabowski	Novak	Swift
Cimini	Greenfield	Noye	Taddonio
Clark, B. D.	Grieco	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Gruppo	O'Brien, D. M.	Taylor, F.
Cochran	Halverson	Oliver	Telek
Cole	Hasay	Perzel	Thomas
Cornell	Hayes, Jr., S.	Peterson	Trello
Coslett	Helfrick	Petrarca	Vroon
Cowell	Honaman	Piccola	Wachob
Cunningham	Hutchinson, A.	Pitts	Wargo
DeMedio	Hutchinson, W.	Polite	Wass
DeVerter	Itkin	Pott	Wenger
DeWeese	Johnson, E. G.	Pratt	Wilson
DiCarlo	Kanuck	Pucciarelli	Wilt
Davies	Klingaman	Punt	Wright, D. R.
Dawida	Knight	Pyles	Wright, Jr., J.
Dietz	Kolter	Rappaport	Yahner
Dininni	Kowalyszyn	Reed	Yohn
Dombrowski	Lashingier	Ritter	Zeller
Dorr	Laughlin	Rocks	Zitterman
Durham	Lehr	Rodgers	Zord
Earley	Letterman	Ryan	
Fee	Levi	Salvatore	Seltzer,
Fischer	Lewis	Scheaffer	Speaker
Fisher			

NAYS—31

Austin	Giammarco	McCall	Pievsky
Barber	Harper	McIntyre	Pistella
Berson	Hoeffel	McMonagle	Richardson
Borski	Irvis	Manderino	Rieger
Cohen	Johnson, J. J.	Michlovic	Seventy
Duffy	Jones	Mullen	Shadding
Dumas	Kukovich	Murphy	White
Gallagher	Levin	O'Donnell	

NOT VOTING—10

Beloff	Knepper	Street	Williams
Gray	Musto	Weidner	Zwilk
Hayes, D. S.	Rhodes		

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

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

RESOLUTIONS ADOPTED

Mr. LEVIN called up HR 178, PN 3127, entitled:

House requests that the Government of the Soviet Union allow Dr. Solomon Alber, his family and Dr. Naum Meiman emigrate to Israel.

On the question,
Will the House adopt the resolution?

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

Mr. LEVIN. Mr. McClatchy and I have offered this resolution, basically at a request from Temple University in Philadelphia and particularly from the law students of Temple University. Temple University has offered a position on their staff to both Dr. Albert and Dr. Neiman who are prominent Soviet scientists. Both of them have committed, in the Soviet Union, the unthinkable crime of

asking for the right to emigrate and teach elsewhere. As a result, they have been denied the opportunity to work, to teach, to write and to live even a normal life. They have been harassed, and in some small way this resolution may help by getting the State Department to write to the Soviet Union and voice our concern and, hopefully, effectuating their release from the Soviet Union. Thank you.

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

The following roll call was recorded:

YEAS—182

Alden	Fisher	Lewis	Ritter
Anderson	Foster, W. W.	Livengood	Rocks
Armstrong	Foster, Jr., A.	Lynch, E. R.	Rodgers
Arty	Freind	McCall	Ryan
Austin	Fryer	McClatchy	Salvatore
Barber	Gallagher	McIntyre	Scheaffer
Belardi	Gallen	McKelvey	Schmitt
Bennett	Gamble	McMonagle	Schweder
Berson	Gannon	McVerry	Serafini
Bittle	Gatski	Mackowski	Seventy
Borski	Geesey	Madigan	Shadding
Bowser	Geist	Manderino	Shupnik
Brandt	George, M. H.	Manmiller	Sieminski
Brown	Giammarco	Michlovic	Sirianni
Burd	Gladeck	Micozzie	Smith, E. H.
Burns	Goebel	Milanovich	Smith, L. E.
Caltagirone	Goodman	Miller	Spencer
Cappabianca	Grabowski	Moehlmann	Spitz
Cessar	Greenfield	Mowery	Stairs
Chess	Grieco	Mrkonic	Steighner
Cimini	Gruppo	Mullen	Stewart
Clark, B. D.	Halverson	Murphy	Stuban
Clark, M. R.	Harper	Nahill	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	Trello
Cunningham	Irvis	Perzel	Vroon
DeMedio	Itkin	Peterson	Wargo
DeVertter	Johnson, E. G.	Petrarca	Wass
DeWeese	Johnson, J. J.	Piccola	Wenger
DiCarlo	Jones	Pievsky	White
Davies	Kanuck	Pistella	Wilson
Dawida	Klingaman	Pitts	Wilt
Dietz	Knight	Polite	Wright, D. R.
Dininni	Kolter	Pott	Wright, Jr., J.
Dombrowski	Kowalyszyn	Pratt	Yahner
Dorr	Kukovich	Pucciarelli	Yohn
Duffy	Lashinger	Punt	Zeller
Dumas	Laughlin	Pyles	Zitterman
Durham	Lehr	Rappaport	Zord
Earley	Letterman	Reed	
Fee	Levi	Richardson	Seltzer,
Fischer	Levin	Rieger	Speaker

NAYS—0

NOT VOTING—14

Beloff	Hutchinson, A.	Street	Weidner
George, C.	Knepper	Thomas	Williams
Gray	Musto	Wachob	Zwilk
Hayes, D. S.	Rhodes		

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

Mr. GREENFIELD called up HR 217, PN 3131, entitled: House designate April 28, 1980 as "Holocaust Memorial Day".

On the question,
Will the House adopt the resolution?

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

Mr. GREENFIELD. Mr. Speaker, I have introduced this important resolution in cooperation with the Pennsylvanians for a Civic Commemoration of the Holocaust, who will be holding a commemorative service in the Capitol rotunda on Monday, April 28. The intention of the committee is to memorialize the 6 million Jewish victims of the Nazi genocide, and other millions who were also murdered, and to emphasize the importance of maintaining democratic government institutions which are moral and humane. Similar services will be held in more than 20 states across the nation this year, and they reflect the memorial service held last April in Washington by the National Commission on the Holocaust.

It is vital that the people of the United States recognize that tyranny creates a political atmosphere in which bigotry and cruelty flourish. In these difficult times we should remain vigilant to detect and be ready to resist that tyrannical lust for power, and we must continue to dedicate ourselves to the principles of human dignity and equality. Mr. Speaker, I urge adoption.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, this resolution came to my attention just a few minutes ago, and I had an opportunity to read it, and if I may be given the privilege of sharing with you very briefly some memories of mine which are connected directly with the event which is being observed.

I noted, Mr. Speaker, the date April 28, 1945. That is 35 years ago, and I know many members of this House were either too young or were not yet born on that date. On that date, the United States Seventh Army liberated the Dachau concentration camp, which was the first concentration camp established by the Nazi regime, and it was the last one that was liberated. Attached to the United States Seventh Army was a small United States military government unit, composed of one first lieutenant, one second lieutenant, and eight enlisted men. I was that second lieutenant on that military government unit that went into the Dachau concentration camp, and we operated this concentration camp for a whole week.

I am mentioning this to you because I feel that I should bring to your attention, particularly the younger members, the utter human tragedy that occurred under the Nazi regime. Six million Jews were killed. Millions of others whom the Nazis labeled as "untermenschen" were also killed in a deliberate extermination program. These things did happen, this great tragedy, which will not be permitted to happen again.

There was everything there in the extermination camp which was just beyond belief. The gas chamber had above the door the word "brausakammer," shower room, and the crematoriums were still operating, and the unfortunate victims there were still dying, some 50 to 70, each day during the week that our unit was there to operate the camp. And one thing among these others that sticks in my mind is, when we went through the barracks and they had the layers of places where the victims were housed, as we went through, these living skeletons raised their arms and cried out, "America, America." I am sure they did it not because they were now being liberated by the United States Armed Forces, but they acknowledged that the United States stands for freedom; it stands for human rights.

So it is very appropriate that this great tragedy be recognized so that the imprint will carry on in the future, and so that we remember that when we speak of freedom, it is a very real thing that we have, and we must protect it in every way possible. Thank you.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—182

Alden	Foster, W. W.	Lewis	Rocks
Anderson	Foster, Jr., A.	Livengood	Rodgers
Armstrong	Freind	McCall	Ryan
Arty	Fryer	McClatchy	Salvatore
Austin	Gallagher	McIntyre	Scheaffer
Barber	Gallen	McKelvey	Schmitt
Belardi	Gamble	McMonagle	Schweder
Bennett	Gannon	McVerry	Serafini
Berson	Gatski	Mackowski	Seventy
Bittle	Geesey	Madigan	Shadding
Borski	Geist	Manderino	Shupnik
Bowser	George, C.	Manmiller	Sieminski
Brandt	George, M. H.	Michlovic	Sirianni
Brown	Giammarco	Micozzie	Smith, E. H.
Burd	Gladeck	Milanovich	Spencer
Burns	Goebel	Miller	Spitz
Caltagirone	Goodman	Moehlmann	Stairs
Cappabianca	Grabowski	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Stuban
Cimini	Gruppo	Murphy	Sweet
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, E. G.	Pievsky	Wenger
DiCarlo	Johnson, J. J.	Pistella	White
Davies	Jones	Pitts	Wilson
Dawida	Kanuck	Polite	Wilt
Dietz	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalyszyn	Pucciarelli	Yahner
Duffy	Kukovich	Punt	Yohn
Dumas	Lashinger	Pyles	Zeller
Durham	Laughlin	Rappaport	Zitterman
Earley	Lehr	Reed	Zord
Fee	Letterman	Richardson	
Fischer	Levi	Rieger	Seltzer,

Fisher Levin Ritter Speaker

NAYS—0

NOT VOTING—14

Beloff	Klingaman	Rhodes	Weidner
Dininni	Knepper	Smith, L. E.	Williams
Gray	Lynch, E. R.	Street	Zwikl
Hayes, D. S.	Musto		

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

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. There are a number of bills yet to be voted this afternoon and many of those bills the Democrats have not caucused on. I would like the House to be declared in recess until 2 p.m. if that is agreeable to the majority whip. I would like to call for an immediate Democratic caucus and urge the Democrats to report promptly. Hopefully, we shall be out of there in less than an hour's time, and that will give you plenty of time for lunch and be ready to return for the voting at 2 o'clock. Thank you, Mr. Speaker.

The SPEAKER. The Chair wishes to remind the members of the Federal-State Relations Committee that the chairman, Mr. Piccola, has called a meeting immediately upon the recess in room 401.

NO REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The Republicans have caucused on those bills which will be voted this afternoon. There is no need for a Republican caucus at this time. Please be prepared to begin voting at 2 o'clock. Thank you, Mr. Speaker.

RECESS

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

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I move that SB 86, PN 1442, be taken from the table.

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

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I move that SB 841 be taken from the table.

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

BASIC EDUCATION SUBCOMMITTEE MEETING

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

Mr. BURNS. Mr. Speaker, I would like permission to make an announcement about a committee meeting that will be held tomorrow.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns, for the purpose of an announcement. The gentleman may proceed.

Mr. BURNS. Mr. Speaker, I would like to take this opportunity to call a committee meeting of the Basic Education Subcommittee tomorrow at 9:30 in room 315. The purpose will be so that we can go down to attend the budget hearings that will be in the main caucus room. But we will meet first at 9:30 in room 315.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1702, PN 3152 (Amended) (Unanimous)

By Rep. GALLEN

An Act amending the "Disposition of Abandoned and Unclaimed Property Act," approved August 9, 1971 (P. L. 286, No. 74), permitting municipalities to dispose of bicycles unclaimed for ninety days.

STATE GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

HR 154, PN 3154 (Amended) (Unanimous)

By Rep. PICCOLA

House urge Pennsylvania Congressional delegation request the Federal Reserve to lower interest rates.

FEDERAL-STATE RELATIONS.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1668, PN 2025**, entitled:

An Act authorizing the Department of General Services with the approval of the Governor to grant an easement to Joseph Trostle in Tyrone Township, Perry County, Pennsylvania.

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

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

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

YEAS—174

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

NAYS—0

NOT VOTING—22

Barber	Hayes, D. S.	Musto	Richardson
Beloff	Knepper	Pievsky	Street
DeWeese	Letterman	Pott	Weidner
Dumas	McIntyre	Pucciarelli	Williams
Gray	McVerry	Rhodes	Zwilk
Harper	Mullen		

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 1662, PN 2865**, entitled:

An Act establishing a State corporation to foster industrial and commercial and technological development to develop employment opportunities and making an appropriation.

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

Amend Sec. 9, page 9, line 8, by inserting after "corporation." Such application may also be referred to by any local industrial development authority, community development corporation or other similar organization willing to accept the responsibility, for an investigation and report.

Amend Sec. 9, page 9, line 8, by striking out "investigation and report" and inserting investigations and reports

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

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

Mr. MURPHY. Mr. Speaker, this amendment simply intends to involve the many industrial development authorities and community development corporations across the state with the new venture capital program that we plan to begin in this legislation. My feeling is that those structures already exist and it would be a good idea to involve them with this new program very much as sales people for the program so that they can also help the Commonwealth to identify new products and inventors to take advantage of this program. I urge your concurrence in this amendment. Thank you.

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

Mr. DORR. Mr. Speaker, I concur with the gentleman's comments on the amendment, and I would urge support for the amendment.

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

The following roll call was recorded:

YEAS—181

Alden	Foster, Jr., A.	Lynch, E. R.	Ryan
Anderson	Freind	McCall	Salvatore
Armstrong	Fryer	McClatchy	Scheaffer
Arty	Gallagher	McIntyre	Schmitt
Austin	Gallen	McKelvey	Schweder
Barber	Gamble	McMonagle	Serafini
Belardi	Gannon	McVerry	Seventy
Bennett	Gatski	Mackowski	Shadding
Berson	Geesey	Madigan	Shupnik
Bittle	Geist	Manderino	Sieminski
Bowser	George, C.	Manmiller	Sirianni
Brandt	George, M. H.	Michlovic	Smith, E. H.
Brown	Giammarco	Micozzie	Smith, L. E.
Burd	Gladeck	Milanovich	Spencer
Burns	Goebel	Miller	Spitz
Caltagirone	Goodman	Moehlmann	Stairs
Cappabianca	Grabowski	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Stuban
Cimini	Gruppo	Murphy	Sweet
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	Heifrick	O'Brien, D. M.	Telek
Cornell	Hoefel	O'Donnell	Thomas
Coslett	Honaman	Oliver	Trello
Cowell	Hutchinson, A.	Petzel	Vroon
Cunningham	Irvis	Peterson	Wachob
DeMedio	Itkin	Petrarca	Wargo
DeVerter	Johnson, E. G.	Piccola	Wass

DeWeese	Johnson, J. J.	Pievsky	Wenger
DiCarlo	Jones	Pistella	White
Davies	Kanuck	Pitts	Wilson
Dawida	Klingaman	Polite	Wilt
Dietz	Knight	Pott	Wright, D. R.
Dininni	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalshyn	Pucciarelli	Yahner
Duffy	Kukovich	Punt	Yohn
Dumas	Lashingier	Pyles	Zeller
Durham	Laughlin	Rappaport	Zitterman
Earley	Lehr	Reed	Zord
Fee	Levi	Rieger	
Fischer	Levin	Ritter	Seltzer,
Fisher	Lewis	Rocks	Speaker
Foster, W. W.	Livengood	Rodgers	

NAYS—1

Dombrowski

NOT VOTING—14

Beloff	Hutchinson, W.	Rhodes	Weidner
Borski	Knepper	Richardson	Williams
Gray	Letterman	Street	Zwikl
Hayes, D. S.	Musto		

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

REMARKS ON VOTE

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

Mr. DOMBROWSKI. On the Murphy amendment to HB 1662, I inadvertently voted in the negative. I wish my vote to be recorded in the affirmative.

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

CONSIDERAION OF HB 1662 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—181

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

Chess	Gruppo	Murphy	Sweet
Cimini	Halverson	Nahill	Swift
Clark, B. D.	Harper	Novak	Taddonio
Clark, M. R.	Hasay	Noye	Taylor, E. Z.
Cochran	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	Irvic	Petrarca	Wargo
DeVerter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	Wenger
DiCarlo	Johnson, J. J.	Pistella	White
Davies	Jones	Pitts	Wilson
Dawida	Kanuck	Polite	Wilt
Dietz	Klingaman	Pott	Wright, D. R.
Dininni	Knight	Pratt	Wright, Jr., J.
Dombrowski	Kolter	Pucciarelli	Yahner
Dorr	Kowalshyn	Punt	Yohn
Duffy	Kukovich	Pyles	Zeller
Dumas	Lashinger	Rappaport	Zitterman
Durham	Laughlin	Reed	Zord
Earley	Lehr	Rieger	
Fee	Levi	Ritter	Seltzer,
Fischer	Levin	Rocks	Speaker
Fisher	Lewis	Rodgers	

NAYS—0

NOT VOTING—15

Beloff	Hayes, D. S.	Musto	Weidner
Cohen	Knepper	Rhodes	Williams
Gatski	Letterman	Richardson	Zwilk
Gray	Mrkonic	Street	

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.

BILLS TABLED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I now move that the following bills be placed on the table:

- HB 1899, PN 2356;
- HB 1993, PN 2790; and
- HB 2101, PN 2829.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2183, PN 2866**, entitled:

An Act amending the "Business Development Credit Corporation Law," approved December 1, 1959 (P. L. 1647, No. 606), empowering business development credit corporations to loan money for venture capital.

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

Amend Sec. 4 (Sec. 7.1), page 4, by inserting between lines 26 and 27 (7) A statement or report of any local industrial development authority or community development corporation which has expressed an interest in the project together with an indication of the extent to which such local agency is willing to participate in financing the project.

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

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

Mr. MURPHY. Mr. Speaker, this amendment is exactly the same as the one we just put in HB 1662. This HB 2183 is the companion bill and it only, again, clarifies the involvement of area industrial development authorities and community development corporations with the venture capital fund. Thank you.

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

Mr. DORR. Mr. Speaker, may I ask the gentleman a question?

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

Mr. DORR. Mr. Speaker, would the gentleman indicate whether the intent of the amendment is to limit business development corporation funding in all respects, or whether his intention is to limit it only in the kinds of funding that we are adding to the powers of the business development corporation in this bill?

Mr. MURPHY. Mr. Speaker, I think you are looking at the next amendment and not this one. The amendment we are now dealing with is the exact one we just put in HB 1662, dealing with local industrial development authorities and community development corporations.

Mr. DORR. Mr. Speaker, I agree with the amendment No. A6125.

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

The following roll call was recorded:

YEAS—183

Alden	Foster, W. W.	Livengood	Rodgers
Anderson	Foster, Jr., A.	Lynch, E. R.	Ryan
Armstrong	Freind	McCall	Salvatore
Arty	Fryer	McClatchy	Scheaffer
Austin	Gallagher	McIntyre	Schmitt
Barber	Gallen	McKelvey	Schweder
Belardi	Gamble	McMonagle	Serafini
Bennett	Gannon	McVerry	Seventy
Berson	Gatski	Mackowski	Shadding
Bittle	Geesey	Madigan	Shupnik
Borski	Geist	Manderino	Sieminski
Bowser	George, C.	Manmiller	Sirianni
Brandt	George, M. H.	Michlovic	Smith, E. H.
Brown	Giammarco	Micozzie	Smith, L. E.
Burd	Gladeck	Milanovich	Spencer
Burns	Goebel	Miller	Spitz
Caltagirone	Goodman	Moehlmann	Stairs
Cappabianca	Grabowski	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Stuban
Cimini	Gruppo	Murphy	Sweet
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	Hoefel	O'Donnell	Thomas
Coslett	Honaman	Oliver	Trello
Cowell	Hutchinson, A.	Perzel	Vroon
Cunningham	Hutchinson, W.	Peterson	Wachob
DeMedio	Irvis	Petrarca	Wargo
DeVertter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	Wenger
DiCarlo	Johnson, J. J.	Pistella	White
Davies	Jones	Pitts	Wilson
Dawida	Kanuck	Polite	Wilt
Dietz	Klingaman	Pott	Wright, D. R.
Dininni	Knight	Pratt	Wright, Jr., J.
Dombrowski	Kolter	Pucciarelli	Yahner
Dorr	Kowalyshyn	Punt	Yohn
Duffy	Kukovich	Pyles	Zeller
Dumas	Lashinger	Rappaport	Zitterman
Durham	Laughlin	Reed	Zord
Earley	Lehr	Rieger	
Fee	Levi	Ritter	Seltzer,
Fischer	Levin	Rocks	Speaker
Fisher			

NAYS—0

NOT VOTING—13

Beloff	Letterman	Rhodes	Weidner
Gray	Lewis	Richardson	Williams
Hayes, D. S.	Musto	Street	Zwikl
Knepper			

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—176

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

Cowell	Honaman	Peterson	Vroon
Cunningham	Hutchinson, A.	Petrarca	Wachob
DeMedio	Hutchinson, W.	Piccola	Wargo
DeVertter	Irvis	Pievsky	Wass
DeWeese	Itkin	Pistella	Wenger
DiCarlo	Johnson, E. G.	Pitts	Wilson
Davies	Johnson, J. J.	Polite	Wilt
Dawida	Jones	Pott	Wright, D. R.
Dietz	Kanuck	Pratt	Wright, Jr., J.
Dininni	Klingaman	Pucciarelli	Yahner
Dombrowski	Knight	Punt	Yohn
Dorr	Kolter	Pyles	Zeller
Duffy	Kowalyshyn	Rappaport	Zitterman
Dumas	Kukovich	Reed	Zord
Durham	Laughlin	Richardson	
Earley	Lehr	Rieger	Seltzer,
Fee	Levi	Ritter	Speaker
Fischer	Levin		

NAYS—5

Alden	Lashinger	Lewis	Spitz
Gladeck			

NOT VOTING—15

Beloff	Letterman	Rhodes	White
Gray	Mullen	Rodgers	Williams
Hayes, D. S.	Musto	Street	Zwikl
Knepper	Oliver	Weidner	

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 County Commissioner Robert Pettinato, newly appointed to the Governor's State Employment and Training Council, who is here today as the guest of Messrs. Belardi, Serafini, Wargo, and Zitterman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2012, PN 2544**, entitled:

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), requiring the issuance of certified birth certificates.

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—179

Alden	Foster, W. W.	Lewis	Ritter
Anderson	Foster, Jr., A.	Livengood	Rodgers
Armstrong	Freind	Lynch, E. R.	Ryan
Austin	Fryer	McCall	Scheaffer
Barber	Gallagher	McClatchy	Schweder
Belardi	Gallen	McIntyre	Serafini

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

NAYS—0

NOT VOTING—17

Arty	Knepper	Richardson	Street
Beloff	Letterman	Rocks	Weidner
Gannon	Musto	Salvatore	Williams
Gray	Rhodes	Schmitt	Zwinkl
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 present the same to the Senate for concurrence.

The House proceeded to third consideration of **HB 2204, PN 2804**, entitled:

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), further providing for use of moneys in the contingency fund.

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

Amend Sec. 1 (Sec. 701), page 1, line 20, by inserting after "provider" entitled to participate in the fund

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

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this amendment which I offer is simply a technical amendment. We wanted to make sure in this bill that the only persons who were provided coverage under the plan were those who participated in the fund. So all this amendment does is make that perfectly clear, and I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—181

Alden	Freind	Lynch, E. R.	Ryan
Anderson	Fryer	McCall	Salvatore
Armstrong	Gallagher	McClatchy	Scheaffer
Arty	Gallen	McIntyre	Schmitt
Austin	Gamble	McKelvey	Schweder
Barber	Gannon	McMonagle	Serafini
Belardi	Gatski	McVerry	Seventy
Bennett	Geesey	Mackowski	Shadding
Berson	Geist	Madigan	Shupnik
Bittle	George, C.	Manderino	Sieminski
Borski	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	Grieco	Mowery	Steighner
Cessar	Gruppo	Mrkonic	Stewart
Chess	Halverson	Mullen	Stuban
Cimini	Harper	Murphy	Sweet
Clark, B. D.	Hasay	Nahill	Swift
Clark, M. R.	Hayes, Jr., S.	Novak	Taddonio
Cole	Helfrick	Noye	Taylor, E. Z.
Cornell	Hoeffel	O'Brien, B. F.	Taylor, F.
Coslett	Honaman	O'Brien, D. M.	Telek
Cowell	Hutchinson, A.	O'Donnell	Thomas
Cunningham	Hutchinson, W.	Oliver	Trello
DeMedio	Irvis	Perzel	Vroon
DeVerter	Itkin	Peterson	Wachob
DeWeese	Johnson, E. G.	Petrarca	Wargo
DiCarlo	Johnson, J. J.	Piccola	Wass
Davies	Jones	Pievsky	Wenger
Dawida	Kanuck	Pistella	White
Dietz	Klingaman	Pitts	Wilson
Dininni	Knight	Polite	Wilt
Dombrowski	Kolter	Pott	Wright, D. R.
Dorr	Kowalshyn	Pratt	Wright, Jr., J.
Duffy	Kukovich	Pucciarelli	Yahner
Dumas	Lashingner	Punt	Yohn
Durham	Laughlin	Pyles	Zeller
Earley	Lehr	Rappaport	Zitterman
Fee	Letterman	Reed	Zord
Fischer	Levi	Rieger	
Fisher	Levin	Ritter	Seltzer,
Foster, W. W.	Lewis	Rocks	Speaker
Foster, Jr., A.	Livengood	Rodgers	

NAYS—0

NOT VOTING—15

Beloff	Gray	Musto	Weidner
Bowser	Greenfield	Rhodes	Williams
Cochran	Hayes, D. S.	Richardson	Zwinkl
Cohen	Knepper	Street	

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—185

Alden	Foster, Jr., A.	Livengood	Rodgers
Anderson	Freind	Lynch, E. R.	Ryan
Armstrong	Fryer	McCall	Salvatore
Arty	Gallagher	McClatchy	Scheaffer
Austin	Gallen	McIntyre	Schmitt
Barber	Gamble	McKelvey	Schweder
Belardi	Gannon	McMonagle	Serafini
Bennett	Gatski	McVerry	Seventy
Berson	Geesey	Mackowski	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	Greenfield	Mowery	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, B. F.	Taylor, F.
Cornell	Hoeffel	O'Brien, D. M.	Telek
Coslett	Honaman	O'Donnell	Thomas
Cowell	Hutchinson, A.	Oliver	Trello
Cunningham	Hutchinson, W.	Perzel	Vroon
DeMedio	Irvs	Peterson	Wachob
DeVerter	Itkin	Petrarca	Wargo
DeWeese	Johnson, E. G.	Piccola	Wass
DiCarlo	Johnson, J. J.	Pievsky	Wenger
Davies	Jones	Pistella	White
Dawida	Kanuck	Pitts	Wilson
Dietz	Klingaman	Polite	Wilt
Dininni	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalyshtyn	Pucciarelli	Yahner
Duffy	Kukovich	Punt	Yohn
Dumas	Lashingier	Pyles	Zeller
Durham	Laughlin	Rappaport	Zitterman
Earley	Lehr	Reed	Zord
Fee	Letterman	Richardson	
Fischer	Levi	Rieger	Seltzer,
Fisher	Levin	Ritter	Speaker
Foster, W. W.	Lewis	Rocks	

NAYS—0

NOT VOTING—11

Beloff	Hayes, D. S.	Rhodes	Williams
Cole	Knepper	Street	Zwinkl
Gray	Musto	Weidner	

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 348, PN 370**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for pay of officers and enlisted personnel.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—0

NOT VOTING—12

Beloff	Hutchinson, A.	Musto	Weidner
Gray	Knepper	Rhodes	Williams
Hayes, D. S.	Mullen	Street	Zwinkl

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

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

REMARKS ON VOTES

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

Mr. COHEN. I would like to be recorded in the affirmative on the Halverson amendment to HB 2204.

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

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

Mr. ALDEN. Mr. Speaker, on HB 2183 I was incorrectly 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 2231, PN 2853**, entitled:

An Act adopting the interstate high speed intercity rail passenger network compact and for related purposes.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendments:

Amend Bill, page 4, by inserting between lines 9 and 10 Section 3. No moneys shall be committed without approval of the General Assembly.

Amend Sec. 3, page 4, line 10, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. MICHLOVIC. This amendment simply amends Article V of HB 2231, which is the House bill setting up the Pennsylvania representation on the Interstate High-Speed Intercity Rail Passenger network, and my amendment simply says that no money shall be committed without the approval of the General Assembly. I urge support.

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

Mr. GEIST. Mr. Speaker, the amendment is agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

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

NAYS—0

NOT VOTING—19

Beloff	Greenfield	Rhodes	Weidner
Chess	Hayes, D. S.	Richardson	Williams
Cole	Hoefel	Serafini	Zord
Goodman	Knepper	Street	Zwilk
Gray	Musto	Wachob	

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

On the question,

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

Bill as amended was agreed to.

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

NAYS—0

NOT VOTING—22

Austin	Greenfield	Richardson	Weidner
Beloff	Hayes, D. S.	Scheaffer	Williams
Borski	Knepper	Shadding	Wilt
Cessar	Mrkonic	Stairs	Zord
Cole	Musto	Street	Zwilk
Gray	Rhodes		

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

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

REMARKS ON VOTE

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

Mrs. LEWIS. Mr. Speaker, I was recorded in the affirmative on HB 1662. I would like to be recorded in the negative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 1104, PN 1330, entitled:

An Act designating a highway between Kingston and Luzerne as the "Veterans Memorial Expressway."

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

NAYS—0

NOT VOTING—16

Beloff	Greenfield	Laughlin	Street
Cohen	Hayes, D. S.	Musto	Weidner
Dininni	Hutchinson, A.	Rhodes	Williams
Gray	Knepper	Richardson	Zwilk

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 without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 11, PN 3065**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for intermediate unit board of directors, adoption of the intermediate unit budget, annual conventions, and powers and duties of intermediate unit boards of directors, making editorial changes and authorizing intermediate units to contract with private residential rehabilitative institutions.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I move that the House do concur in the amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. Mr. Speaker, I am wondering if someone would explain the amendments to us, please, that the Senate inserted.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman from Montgomery, Mr. Lashinger, has worked a great deal on this legislation, and I would yield to the gentleman who, I believe, does want to speak to the amendments.

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

Mr. LASHINGER. Mr. Speaker, the Senate added amendments that would allow for intermediate units to contract with the institutions that are mentioned in the bill, 1,306 institutions. There are six specifically that are dealing with delinquent juveniles, mainly in the southeastern part of the Commonwealth.

The Department of Public Welfare was of the opinion that Act 148 prevented the Department of Welfare from providing for the educational costs of these 1,306 children. What that meant to us was that the Department of Education was going to pick up the educational programs for these children. Hence, the IU of the department decided that the intermediate unit was the proper vehicle for providing education for these children. This meant that the programs that were 365-day year programs would then be coming under the Department of Education 180-day programs, because the Department of Education had taken over the programs, they became less cost-effective programs.

The amendment only applies to delinquent minors at the five institutions that are outlined in the definition of institutions and will prevent the intermediate units from operating the programs and will really more or less maintain the status quo, not a status quo position, but allow the institution to contract for services with the IU.

Does that answer the lady's question?

The SPEAKER. Does Mrs. George wish to be recognized any further?

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

Mr. A. K. HUTCHINSON. I agree with the amendment and I would like to concur in the bill. Thank you very much.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—181

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

NAYS—1

Schweder

NOT VOTING—14

Beloff	Knepper	Smith, E. H.	Weidner
Gray	Musto	Street	Williams
Greenfield	O'Brien, D. M.	Sweet	Zwikl
Hayes, D. S.	Rhodes		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON CONCURRENCE
AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 1623, PN 3068**, and has appointed Messrs. SMITH, EARLY and HAGER a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE
AND APPOINTMENT OF A CONFERENCE
COMMITTEE

Mr. S. E. HAYES moved that the House insist upon nonconcurrence in Senate amendments to **HB 1623, PN 3068**, and that a committee of conference be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 1623, PN 3068**: Messrs. McCLATCHY, DeVERTER and PIEVSKY.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON NONCONCURRENCE
AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that the Senate insists on nonconcurrence in House amendments to **SB 508, PN 1652**, and has appointed Messrs. KURY, EARLY and MANBECK a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON CONCURRENCE
AND APPOINTMENT OF A CONFERENCE
COMMITTEE

Mr. S. E. HAYES moved that the House insist upon Senate concurrence in House amendments to **SB 508, PN 1652**, and that a committee of conference be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House on **SB 508, PN 1652**: Messrs. DININNI, PITTS and WHITE.
Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

HB 11, PN 3065

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for intermediate unit board of directors, adoption of the intermediate unit budget, annual conventions, and powers and duties of intermediate unit boards of directors, making editorial changes and authorizing intermediate units to contract with private residential rehabilitative institutions.

HB 1057, PN 2037

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), prohibiting fee sharing among borough officers, employes and consultants or persons contracting for personal services with the borough.

SB 308, PN 312

An Act providing for the continuation, operation and administration of the school for indigent orphans known as the Thaddeus Stevens State School of Technology in Lancaster, Pennsylvania in which school instruction shall be given in all basic educational subjects and additional training given in elementary manual skills, elements of farming and other programs of similar nature.

REMARKS ON VOTES

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

Mr. CESSAR. Yes, Mr. Speaker, I would like to be recorded in the affirmative on **HB 2231, PN 2853**.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. D. M. O'BRIEN. Mr. Speaker, I would like to be recorded in the affirmative on concurrence in the Senate amendments to **HB 11**. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. E. H. SMITH. Mr. Speaker, this morning while meeting with the Governor, I missed voting on George amendment, 4797. I would like to be recorded in the affirmative, and also on HR 217, I, likewise, would be in the affirmative.

The SPEAKER. The remarks of the gentlemen will be spread upon the record. The Chair thanks the gentlemen.

The Chair recognizes the gentleman from Perry, Mr. Noye. For what purpose does the gentleman rise?

Mr. NOYE. Mr. Speaker, earlier today I was called from the floor of the House when SB 985 was voted. I would like the record to reflect that I would like to have been recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread upon the record.

CALENDAR CONTINUED BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PRATT, the House resumed third consideration of **SB 449, PN 1430**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for residency of school employes.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DAWIDA offered the following amendments:

Amend Sec. 1 (Sec. 1106), page 1, line 12, by inserting after "Employ.—" (a)

Amend Sec. 1, (Sec. 1106), page 1, line 16, by striking out "No" and inserting Except as provided in subsection (b) no

Amend Sec. 1 (Sec. 1106), page 2, by inserting between lines 1 and 2 (b) Any residency requirement adopted by a school district of the first class or first class A prior to the effective date of this act shall remain in effect, except as to employes residing outside the district on the effective date of this act, if reaffirmed once every five (5) years by the board of school directors and if not modified or dissolved through the local collective bargaining process. The first reaffirmation must be made within eighteen (18) months of the effective date of this act.

On the question,

Will the House agree to the amendments?

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

Mr. DAWIDA. This amendment is A6034 and it is basically a compromise amendment, which I hope many of the members who would not vote for the exemption of Pittsburgh and Philadelphia yesterday might consider. It says that any residency requirement adopted by a school district of the first class or first class A prior to the effective date of this act shall remain in effect, but it will not deal with teachers who are already living out of the district

and will not force them to come back in. Then once every 5 years the school board can modify or dissolve the agreement or bargain it away through collective bargaining.

There are two basic reasons I hope you would support this: One is the basic need and the basic difference of the cities of Philadelphia and Pittsburgh, and their needs in this area from the rest of the state. We have a crisis of confidence in our major cities, and this will accelerate that crisis of confidence.

Secondly, I do not think it is our job to interfere with the contractual negotiations between two equal bodies, and that is what we are doing. So I would ask you, on behalf of the cities of Philadelphia and Pittsburgh and on behalf of the sanctity of contractual negotiations, to consider this compromise amendment.

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

Mr. BURNS. Mr. Speaker, I oppose the amendment. First of all, as I understand the amendment as I read through it, this would not affect Philadelphia. This would only affect the city of Pittsburgh.

In the Philadelphia situation—and I am glad to have anybody correct me if I am wrong—the bargaining unit there does not have an agreement with the city of Philadelphia to provide a residency. That was a rule imposed on the bargaining units by the school district. There is no bargaining agreement. I understand that is different in the city of Pittsburgh. So I think this particular amendment does not really meet the needs of both of those areas, if that is the gentleman's reason for offering it.

I also feel that to have the board reaffirm this once every 5 years, and if modified or resolved through the collective bargaining process, and so forth, would put people in an untenable position where they would not know for a period of time—in this case 5 years—where they could not or would not live. So I just see this as an abominable amendment really to try to impose on the teachers of the Commonwealth. Thank you, Mr. Speaker.

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

Mr. DAWIDA. I would like to point out the basic difference as to why a large city should be exempt and perhaps some other area should not be: One, the large city can offer to any teacher a variety of housing at nearly any cost and any type. Secondly—I can speak primarily from the Pittsburgh experience—we are experiencing a drain of our tax dollars. While we in the city are providing the essential services for the metropolitan area, our tax base is eroding.

By interfering with the contractual negotiations between the two equal bodies, the teachers and the school board, we will accelerate the movement of the middle class outside the city, and that is something I would not like to see happen, and I do not think that we, as a state legislature, should condone it. So I would appreciate your support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Berson	Irvis	O'Brien, D. M.	Ritter
Borski	Itkin	O'Donnell	Salvatore
Caltagirone	Johnson, J. J.	Oliver	Schmitt
Chess	Jones	Perzel	Seventy
Cohen	Knight	Pievsky	Shadding
DeWeese	McIntyre	Pistella	Taddonio
Dawida	McMonagle	Pucciarelli	Trello
Gamble	Manderino	Rappaport	White
Giammarco	Michlovic	Richardson	Wilt
Grabowski	Micozzie	Rieger	Zeller
Harper	Murphy		

NAYS—139

Alden	Fee	Laughlin	Scheaffer
Anderson	Fischer	Lehr	Schweder
Armstrong	Fisher	Levi	Serafini
Arty	Foster, W. W.	Levin	Shupnik
Austin	Foster, Jr., A.	Lewis	Sieminski
Barber	Freind	Livengood	Sirianni
Belardi	Fryer	Lynch, E. R.	Smith, E. H.
Bennett	Gallagher	McCall	Smith, L. E.
Bittle	Gallen	McClatchy	Spencer
Bowser	Gannon	McKelvey	Spitz
Brandt	Gatski	McVerry	Stairs
Brown	Geesey	Mackowski	Steighner
Burd	Geist	Madigan	Stewart
Burns	George, C.	Manmiller	Stuban
Cappabianca	George, M. H.	Milanovich	Sweet
Cessar	Gladeck	Miller	Swift
Cimini	Goebel	Moehlmann	Taylor, E. Z.
Clark, B. D.	Goodman	Mowery	Taylor, F.
Clark, M. R.	Grieco	Nahill	Telek
Cochran	Gruppo	Novak	Thomas
Cole	Halverson	Noye	Vroon
Cornell	Hasay	O'Brien, B. F.	Wachob
Coslett	Hayes, Jr., S.	Peterson	Wargo
Cowell	Helfrick	Petrarca	Wass
Cunningham	Hoeffel	Piccola	Wenger
DeMedio	Honaman	Pitts	Wilson
DeVertter	Hutchinson, A.	Polite	Wright, D. R.
DiCarlo	Hutchinson, W.	Pott	Wright, Jr., J.
Davies	Johnson, E. G.	Prait	Yahner
Dietz	Kanuck	Punt	Yohn
Dininni	Klingaman	Pyles	Zitterman
Dombrowski	Kolter	Reed	Zord
Dorr	Kowalyshyn	Rocks	
Duffy	Kukovich	Rodgers	Seltzer,
Durham	Lashingier	Ryan	Speaker
Earley			

NOT VOTING—15

Beloff	Hayes, D. S.	Mullen	Weidner
Dumas	Knepper	Musto	Williams
Gray	Letterman	Rhodes	Zwikl
Greenfield	Mrkonic	Street	

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?

Mr. DAWIDA offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and providing vouchers for partial payment of expenses of elementary and secondary pupils.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. The act is amended by adding a section to read: Section 2526. Vouchers.—Each child entitled to enroll in the elementary or secondary schools of the Commonwealth

shall be given a voucher for the sum of two hundred dollars (\$200). Upon enrollment in a school, the voucher shall be presented to the person designated by the school to receive the vouchers. The voucher shall be forwarded to the Department of Education which shall credit the basic subsidy account of the pupil's public school district or authorize payment of the voucher from the State Treasury to the appropriate school in the case of nonpublic schools. A voucher may only be used in a school in the school district or the county in which the pupil resides.

Amend Sec. 2, page 2, line 2, 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 Allegheny, Mr. Dawida.

Mr. DAWIDA. First to make everyone happy, I had a series of amendments, but this is the only one I am going to offer.

This is a very important thing that I speak of in amendment 5668. It deals with vouchers. Every child entitled to enroll in the elementary or secondary schools of the Commonwealth shall be given a voucher in the sum of \$200.

The voucher system has caused a great deal of debate in educational circles in the past decade. I think it is the wave of the future for the 1980's, and I would like Pennsylvania to be in the forefront of that wave.

I would say that the education of our children is too important to be left to the administrators who now have a monopoly on our tax dollars. I would say that the conditions of personal choice should be established in every human affair wherever possible.

I am asking that the members of the General Assembly take a great step in remedying the unequal conditions which children in our nonpublic schools face, and I would ask for a "yes" vote on this amendment.

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

Mr. BURNS. Mr. Speaker, I oppose this amendment for several reasons: First reason being the cost of the amendment; it is very important. The cost of this amendment is estimated at \$80 million. First of all, where are we going to get the money?

The second and more important reason is that the voucher system at one time was considered to be an answer to quality in the public schools. Since that time, people all over the United States have taken a second look at this, and especially the people in California—where there was an effort in Los Angeles County to get it on the ballot in the State of California. That effort was defeated soundly by the voters of the County of Los Angeles and the State of California. They could not even get enough signatures to get it on the ballot in that state.

This is a very serious question, since now anyone, anyone, could open up a school purporting to give an elementary education, and anyone, then, could get their voucher and go to that particular group and have that

particular group be responsible for educating youngsters in the particular state; in this case, our state. This is a very, very dangerous concept. It is something that people are beginning to understand the danger of, and we are not anywhere, we do not want to be, in the forefront; Pennsylvania does not want to be in the forefront in this particular battle.

I think that I could go on and talk about this at length, but I think it suffices to say for those two reasons - the \$80 million and the fact that this would open up education to all kinds of groups, some reputable and some not so reputable, I think it is a very bad plan and I oppose the amendment.

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

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Bucks consent to an interrogation?

The SPEAKER. The gentleman, Mr. Burns, indicates he will stand for interrogation. Mr. Rappaport may proceed.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform the House how he arrived at the figure of \$80 million?

Mr. BURNS. Yes, Mr. Speaker. It was given to me by the chairman of the Appropriations Committee.

Mr. RAPPAPORT. Does the gentleman know if the chairman of the Appropriations Committee took into account the fact that most of these vouchers will be handed in to public schools and thus putting the money right back into the public school subsidy?

Mr. BURNS. I do not know that, Mr. Speaker, but I could ask him. He was here just a moment ago.

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

Mr. McCLATCHY. Mr. Speaker, it is my understanding that this money would go to both the public and nonpublic school students, but there is nothing in the amendment, there is nothing in the legislation before us that says this will not be in substitute of present subsidy money. It would be over and above what we are now presently giving our school districts.

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

Mr. RAPPAPORT. Mr. Speaker, it is obvious from the very candid answer of the chairman of the Appropriations Committee that the \$80-million figure is in fact totally inaccurate, because if a child takes his voucher to a public school, the money goes back into the public school system. I would, therefore, suggest, Mr. Speaker, that the figure is not accurate, and therefore we look at the equities of the situation. This permits a child to go to any school he wants to, and this freedom of choice is what we are trying to give to the children in Pennsylvania and permit them to seek quality education wherever they may want to go, and I urge the adoption of this amendment. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. A further note on how we arrived at the \$80-million figure: If you take 400,000 nonpublic school students times \$200, it comes out to \$80 million. So all we have included in this fiscal note are the nonpublic school students. We are assuming again that it would be included in the school subsidy, those of the students would be in our regular public schools.

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

Mr. DAWIDA. I would like to point out to the members of the House that the \$80 million we are talking about is not just money that is coming from nowhere going to nowhere. It is money that has been paid by the taxpayers of this Commonwealth and will go to people who are paying taxes, who are paying the freight for the public schools and sending their children to nonpublic schools. The essential thing that we are talking about is a libertarian notion that basically talks that the public school system is essentially elitist, an exclusive, undemocratic structure of privilege paid for by taxation in which the rich get choice and the poor get sent. It is not something that is dangerous as some people like to think; it is a system where merit wins everything. And if the public schools deliver, then they will be the schools of the future, but if they do not deliver—and I am becoming increasingly aware of their failure to deliver basic education to our children—then we ought to do something to change that basic system of funding which gives them all the money. I would appreciate your consideration quite seriously on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—62

Arty	Giammarco	McMonagle	Rieger
Austin	Gladeck	Mackowski	Rocks
Borski	Grabowski	Michlovic	Salvatore
Brown	Gruppo	Micozzie	Schweder
Caltagirone	Halverson	Miller	Seventy
Cappabianca	Helfrick	Mrkonic	Shadding
Cessar	Johnson, J. J.	Murphy	Stewart
Chess	Jones	Novak	Stuban
Clark, M. R.	Kanuck	O'Brien, D. M.	Taddonio
Cohen	Knight	O'Donnell	Telek
DiCarlo	Lashinger	Perzel	Trello
Dawida	Laughlin	Pievsky	Vroon
Duffy	Lewis	Pistella	Yahner
Durham	McCall	Pucciarelli	Zeller
Freind	McIntyre	Rappaport	Zord
Gannon	McKelvey		

NAYS—120

Alden	Fischer	Levi	Schmitt
Anderson	Foster, W. W.	Levin	Serafini
Armstrong	Foster, Jr., A.	Livengood	Shupnik
Barber	Fryer	Lynch, E. R.	Sieminski
Belardi	Gallagher	McClatchy	Sirianni
Bennett	Gallen	McVerry	Smith, E. H.
Berson	Gamble	Madigan	Smith, L. E.
Bittle	Gatski	Manderino	Spencer
Bowser	Geesey	Manmiller	Spitz
Brandt	Geist	Milanovich	Stairs
Burd	George, C.	Moehlmann	Steighner
Burns	George, M. H.	Mowery	Sweet
Cimini	Goebel	Nahill	Swift
Clark, B. D.	Goodman	Noye	Taylor, E. Z.

Cochran	Grieco	O'Brien, B. F.	Taylor, F.
Cole	Harper	Oliver	Thomas
Cornell	Hasay	Petrarca	Wachob
Coslett	Hayes, Jr., S.	Piccola	Wargo
Cowell	Hoeffel	Pitts	Wass
Cunningham	Honaman	Polite	Wenger
DeMedio	Hutchinson, A.	Pott	White
DeVerter	Hutchinson, W.	Pratt	Wilson
DeWeese	Irvis	Punt	Wilt
Davies	Itkin	Pyles	Wright, D. R.
Dietz	Johnson, E. G.	Reed	Wright, Jr., J.
Dininni	Klingaman	Richardson	Yohn
Dombrowski	Kolter	Ritter	Zitterman
Dorr	Kowalshyn	Rodgers	
Dumas	Kukovich	Ryan	Seltzer,
Earley	Lehr	Scheaffer	Speaker
Fee	Letterman		

NOT VOTING—14

Beloff	Hayes, D. S.	Peterson	Weidner
Fisher	Knepper	Rhodes	Williams
Gray	Mullen	Street	Zwikl
Greenfield	Musto		

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?

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 5, by inserting after "thereto," providing for utility expense reimbursements to nonpublic schools and

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a section to read:

Section 923.2-A. Definitions.—(a) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

(1) "Nonpublic school," shall mean any school, other than a public school, within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of law and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

(2) "Utility expenses," shall mean costs attributable to heating or cooling buildings, including transportation costs; and costs attributable to water, sewage and garbage disposal (including sewer rental), electricity, gas, oil, coal and telephone.

(b) The department shall calculate the total utility expenses for all the school districts in the Commonwealth based on data gathered as to the 1978-1979 school year. The total utility expense figure thereby obtained shall be divided by the average daily membership of all the district pupils, kindergarten through twelfth grade, in the Commonwealth to obtain the average utility expense per student. The average utility expense per student thereby obtained shall remain constant until changed by statute.

(c) (1) Every nonpublic school in this Commonwealth shall be eligible to receive reimbursement for utility expenses as herein provided. The maximum amount of reimbursement for each nonpublic school shall be determined by multiplying the average utility expense per student as determined under subsection (b) by the average daily membership of students, grades one through twelve, in the nonpublic school, as certified by the department.

(2) Each nonpublic school shall calculate its reimbursement for utility expenses for its school buildings by totaling

utility expenses for the entire school year and prorating such expenses based on the following factors:

(i) Proportion of building actually used for educational related purposes versus other purposes.

(ii) Proportion of time building used for secular education purposes versus religious, education and other noneducational religious purposes.

(3) In no event shall a nonpublic school's reimbursement for utility expenses exceed the maximum established in clause (1).

(d) Requests for reimbursement for utility expenses shall be made on such forms and under such conditions as the department shall prescribe. Any nonpublic school seeking such reimbursement shall maintain such accounting procedures, including maintenance of separate funds and accounts pertaining to public utility expenses to establish that it actually expended an amount of money equal to the amount of money sought in reimbursement. Such accounts shall be subject to audit by the Auditor General. Reimbursement payments shall be made by the department on or before August 15 of each year following the school year for which the reimbursement is requested.

(e) In the event that the reimbursements provided by this section are suspended or terminated by any court of competent jurisdiction, the funds that would otherwise have been paid out to nonpublic schools shall be held in a special fund which shall not be used for any other purpose until such time as the General Assembly by statute directs otherwise.

(f) The department shall prescribe necessary rules and regulations to ensure the equitable and efficient operation of the program of reimbursements established by this section.

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 9 and 10, by striking out "act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949,"" and inserting of the act

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

Amend Sec. 2, page 2, line 2, by inserting after "immediately." The first reimbursements for utility expenses under section 923.2-A shall be made for the 1979-1980 school year and shall be made on or before August 15, 1980.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. This is amendment A5432. It is a technical amendment. All it does is provide between \$28 million and \$30 million a year in aid to nonpublic schools. I think the issue of aid to nonpublic schools is not a religious one; I think it is an economic one. Very briefly stated, the nonpublic schools in Pennsylvania are in severe trouble. All you have to do is pick up the newspaper to see the continuing escalation of tuition, and it is not an overstatement to say that if something is not done to assist these schools in the near future, they are going to fold; and if they fold, we are going to funnel 400,000 nonpublic school students into the public school system. The added tax burden on all of our citizens, regardless of their religion and regardless of whether or not they have children in school, will be devastating. It is therefore, in my opinion, absolutely necessary that we do something to assist these nonpublic schools and keep them open. Keep in mind that this legislature,

time and again, has passed laws providing aid to nonpublic schools. These were never repealed by a vote of the legislature, but in fact have been struck down by nine nonelected public officials, the Supreme Court of the United States. I think if we favor aid to nonpublic schools, it is not enough for us to sit and wait until the Supreme Court changes its mind. What we have to do is be aggressive and creative in coming up with proposals which may pass constitutional muster. If God Himself appeared to the nine Justices of the Supreme Court and said, you have been wrong on your position on aid to nonpublic schools, there is nothing those Justices could do about it until they had a present case or controversy before them. So the bottom line is, that decision will never be changed unless we continue to come up with proposals which will come before the Court. There is no question that any provision to directly aid nonpublic schools will be challenged and will end up in court, and I think that is one of the things that we have to do.

This proposal was inspired by something that happened 3 years ago. If you remember, 3 years ago, during a severe winter, the Governor of Pennsylvania, at that time Governor Shapp, because of the shortage of fuel and utilities, ordered all of the schools in Pennsylvania closed, public and nonpublic, and he closed them for 3 days. He was questioned on this, and the question was raised whether or not the Governor of Pennsylvania has the authority to close nonpublic schools. The Secretary of Health responded and said, even if the Governor does not, I do, because when you are talking about a lack of fuel and utilities, you are talking about the health and safety of the students. You are not getting inside the classroom to the subject matter; you are talking about their well-being, and that is legal the same way that it is legal to provide transportation services for nonpublic school students because the courts have ruled that is constitutional because, once again, it involves the safety of the students.

Now I happen to agree with what the Secretary of Health said, and since I am not aware of any distinction between Catholic, Protestant, Jewish, or atheistic gas or electricity, I happen to think this amendment has a very good chance of being declared constitutional. What we have done is taken the cost of all fuel and utilities in all public schools for the school year 1978-79, public schools. We have divided that by the number of public school students who were in Pennsylvania public schools that year, and we have come up with the average cost per public school student for fuel and utilities, per public school student. The estimate is approximately \$73 or \$74. This proposal then says that that figure, \$73 or \$74, is the maximum amount per student that each nonpublic school can receive for fuel and utility assistance. There is a specific formula where each nonpublic school that applies for this money must prorate the amount of time which these buildings are used for educational purposes which are strictly religious, religious courses. They must in fact deduct that percentage. They also must deduct the percentage of time that these buildings are used for noneducational and strictly religious purposes. For example,

in my opinion, for the legislative intent, it would be educational purposes for a meeting of the home and school association. It would not be an educational purpose for a meeting of the Holy Name Society. Therefore, the fiscal note on this, which says approximately \$30 million, is liberal. It cannot exceed the \$73 or \$74 figure for the public schools; it will always be lower because of the prorating. There is no escalator in this bill. The base year of 1978-79 for utility cost for public school student would remain. It would not escalate each year; that would continue to be the base year, unless and until that base year were changed by an act of the legislature. This keeps the cost from escalating greatly; it also provides an incentive to the nonpublic schools to conserve their fuel and conserve their electricity. The cost is approximately \$28 million a year. Now the question is going to be asked, how are we going to get this money? I will be very honest with you, I am not sure. I would support an increase in the cigarette tax for this purpose because I feel so strongly about it. I would support an increase in the tax on liquor. There will never be a good time to do this. Money will always be tight, but I think we have to bite the bullet and take action.

I think it is important to remember that this proposal is less expensive than a number of other proposals which we have passed in the past. Act 109 of 1968 was about the same price, \$25 million to \$26 million a year. Act 92 of 1971, the parent reimbursement bill, was a good deal more expensive, over \$50 million a year. Now, keep in mind that when we passed that parent reimbursement bill the money each year went into a parent trust fund, and while that bill was being challenged in court, that money continued to accrue in the parent trust fund. So in 1975, I believe, there was \$193 million in that trust fund accruing interest. And if you will remember during that year when the Governor needed to balance his budget, he came out with a proposal to take that \$193 million and transfer it point-blank into the general fund. That money was not even earmarked for education; it disappeared never to be seen or heard from again. Had that money remained in the trust fund accruing interest, we could fund this proposal for the next 10 years without raising one additional dime.

The issue is kind of basic. If you believe it is necessary to keep our nonpublic schools open, we have to do something to provide the funds, something that will pass the courts or will have a chance of passing. I think this is a creative way to do it. The price tag is large, it is not nearly as large as the voucher proposal, and I think now is the time to do it. I would ask for the support of the membership of the House on this. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Freind's amendment. I was amazed that Mr. Freind, an attorney well versed in the law, does not realize that his proposal is unconstitutional in our state constitution, subsection B. Education; and D. under Other Legislation Specifically Authorized; E. under Restrictions on Legislative

Power. First of all, basically we are not allowed, under section 30: "No appropriation shall be made to any charitable or educational institution not under the complete control of the Commonwealth." So right there is the prohibition in our state constitution.

Now, over the years that I have been here, 22 years, we have been trying to aid nonpublic schools. We have tried the Parental Assistance Agency, we have tried direct aid to the nonpublic schools, and each time it was before our own Supreme Court and the United States Supreme Court, and every time they pointed to our state constitution, saying basically in a layman's language, fellows, if you want to help them, change your own state constitution; your own state constitution prohibits you to do these things. And that is why we do not have a Parental Assistance Agency anymore in Pennsylvania. That is why we do not direct aid to the nonpublic schools, which we tried once before. The other items that we are able to give to the nonpublic schools that have been found constitutional are the busing, the textbooks, and the diagnostic and auxiliary services; and they had been found to be constitutional.

Now, I would suggest to Mr. Freind that we have HB 1671 on our calendar, which handles the entire School Code and that is properly the best way to try to address it in another manner. What we are doing is giving aid to nonpublic schools for electricity, fuel, utilities, and we do not do that for our own public schools, and that means that the taxpayers in those districts have to raise the local money to pay for the fuel overcharge like we do on our electric bill in my area and in many other areas.

I think that Mr. Freind is well intentioned when he is trying to help the nonpublic schools, but is also, at the same time, trying to make sure that this bill either winds up voted down completely in the House or winds up in a conference committee so that the question that is the real meat of this bill is the residency. And then you will notice the rest of the day as time goes by that there will be many and many amendments being offered with good intentions, but basically underlining all of that is the intent to kill this SB 449. That is all it is about, and I am making it very clear to everybody.

Certainly I am in favor of helping the nonpublic schools, but let us do it the right way. Let us change our state constitution. That is our first prohibition to do what he is attempting to do and what I would love to do myself and have tried with Messrs. Mullen and Burns and many other of the Representatives over the last 22 years here.

So let us not play games with legislation. Let us look at the meat of this bill, SB 449. It is the residency of school districts, whether they have the authority or do not have the authority to require that this teacher has lived in their district. On this basis, Mr. Speaker, and many bases I have presented before you, I am opposed to this amendment.

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

Mr. BURNS. Mr. Speaker, just briefly, I oppose the amendment. I oppose it because, to be very honest, we do

not have \$31.8 million as Mr. McClatchy tells me that this amendment will cost. We do not do it for our own public schools. All we do is provide basic instructional subsidy money. The local communities do this for the local public schools.

I just say to you I think it is a cruel hoax to hold out amendments and to put people on the spot on these types of amendments when we are facing a subsidy shortfall this year of \$8.5 million and we are only going—in fact, we are going backwards in the percentage of the 50-50 ratio in the Governor's budget next year where we are only going—to fund our local school districts at 43 percent. Where in the name of all that is good and holy are we going to get an additional \$31 million? Thank you.

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

Mr. COHEN. Mr. Speaker, we have just heard two different versions from Mr. Gallagher as to why we ought to vote against it. On one hand we are told that this bill is completely unconstitutional. On the other hand we are told that HB 1671, the revision of the School Code, is the proper vehicle. The revision of the School Code has been around since 1975, at least since I first got here. It never got out of the House, I do not think, in 1975 and 1976. It did not get out the House last session. I am very suspicious as to whether it got out of the House this session. Now SB 449 happens to be a very good vehicle. It will pass the House; it will go right before the Senate. Nobody can bottle it up in committee. The Senators will get a chance to vote directly on this issue, and I think that anybody who is interested in doing any worthwhile purpose would have a real reason to choose this as a good vehicle to do that.

Now, on the merits of the Freind amendment, I think this is a very meritorious amendment. The Catholic schools really need the money; other schools which are nonpublic schools, which are not Catholic, which are Jewish and Protestant, also need money. I have a large Jewish parochial school in my district and I have the largest fundamentalist Protestant school in my district in the Delaware Valley area. We are not merely talking about Catholic in this amendment. What we are talking about are our schools that are set up because parents who pay taxes are dissatisfied with the options offered in the public schools. Are those schools going to be able to get a subsidy that fits the constitutional test?

I think the Freind amendment is very, very carefully worded. Mr. Freind is an outstanding attorney. It specifically takes away that money for utilities which is used for religious purposes. It draws a separate classification between utilities used for religious purposes and utilities used for nonreligious purposes. I think this is a very innovative proposal.

I think there have been many new judges added since the Supreme Court last ruled on it. Bruce Kauffman has never ruled on this issue; John Flaherty has not ruled on this issue. I think there are one or two other judges who have not ruled on this issue, so we do not really know what the

Supreme Court is going to say, and what the words of the constitution mean are arguable.

Under a literal reading of the section of the constitution, Mr. Gallagher said we would be prohibited from aiding state-related colleges, and state-related colleges are not totally under control of the Commonwealth. But, nevertheless, the Supreme Court has allowed us to do this. They have allowed us to give aid to many other institutions that are not under control of the Commonwealth. So I would think that we ought to take a risk, we have got nothing to lose. I would support the Freind amendment.

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

Mr. GOEBEL. Mr. Speaker, may I interrogate the gentleman, Mr. Freind?

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

Mr. GOEBEL. Mr. Speaker, under this amendment, who all could actually benefit under this? We heard that the Jewish, maybe Catholic, and so forth, but what about the Unification Church and what about Scientology and The Way and all the other ones? Who all can benefit? Anybody that has a private school? Adults? Is there an age limitation on the students? What all kind of private schools could benefit under this particular amendment? Would you please explain that in depth?

Mr. FREIND. Mr. Speaker, as you are aware, nonpublic schools must meet certain standards promulgated by the Department of Education if in fact the education they provide will be accepted by the state. Any such nonpublic school will benefit by this amendment. Clearly, as Mr. Gallagher said, being a lawyer and alert in the law—and, incidentally, some people would say that those two terms are mutually exclusive—if we try to say it is only for certain nonpublic schools, certain religions, certain denominations, that would be unconstitutional. Any elementary or secondary school student in a nonpublic school in Pennsylvania would be computed in this formula.

Mr. GOEBEL. Do you say though they would have to be certified or recognized by the Department of Education?

Mr. FREIND. No. I said the exact opposite.

Mr. GOEBEL. Pardon me, I did not understand that, Mr. Speaker.

Mr. FREIND. Any nonpublic school - Catholic, Jewish, Protestant, you name it - if in fact the education which they provide will meet the state mandate of education in Pennsylvania from the age of 8 to 17, and that is a state mandate. They must meet certain standards promulgated by the state. Only those nonpublic schools that meet those standards would qualify for this bill.

Mr. GOEBEL. And does the state at this time go around inspecting schools and so forth and certifying schools to meet certain standards? Do they do this now, Mr. Speaker?

Mr. FREIND. Sure.

Mr. GOEBEL. Thank you very much, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I have heard of the team of Gallagher and Shean, and apparently now we are to be instructed in the constitutional and statutory law of this Commonwealth by the firm of Gallagher and Burns. It really amazes me, however, Mr. Speaker, to hear the firm of Gallagher and Burns arguing against aid for nonpublic schools. Somehow I do not quite understand that and will not speculate as to how that came about. However, I have had the privilege to argue some of these cases, including one in front of the U.S. Supreme Court, and I would suggest to the House that the law is changing almost every day in this field. As legislators facing the problem of the funding of education and the tremendous crisis that would face public education if the nonpublic schools would close down, which could happen as the legislators look for ways of providing money to help these schools, I must compliment Mr. Freind on finding such a way, and I would suggest that we leave it to the courts in their infinite wisdom to determine whether it is constitutional or not. Therefore, Mr. Speaker, I applaud this amendment by the gentleman, Mr. Freind, and would urge support for it.

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

Mr. BURNS. Mr. Speaker, as the junior law partner of the firm of Gallagher and Burns, I am glad we were not accused of practicing law without a license. But in all honesty, I think the firm is simply trying to keep the state from going bankrupt, number one, and really telling it like it is, that the money is not there, and I do not see any tax votes to put it there. And, also, getting this wonderful support for nonpublic school aid out of the city of Philadelphia I think has to tell you something. I think it is really an effort to defeat the bill, and that is all we are trying to tell you right up front.

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

Mr. RAPPAPORT. Mr. Speaker, I would remind the gentleman from Bucks that I have always been in favor of state aid to nonpublic schools and have indeed represented them in the United States Supreme Court when a bill was passed by this legislature. I would further inform the gentleman that most of the delegation from Philadelphia has always supported further aid for nonpublic schools, as has the gentleman from Bucks. I hear his argument about all this money and how we cannot spend more money on education. I wonder if that is going to be his approach when some of the associations representing some school employes are coming back here for even more and more money for teaching fewer and fewer students. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, I would like to just interrogate the maker of the amendment on a question or two relative to it. I do not share the surprise of Mr. Gallagher about Mr. Freind's application to his legal expertise in this direction, nor do I quite share the concern of the courts or

the respect for the courts that the attorney from the city of Philadelphia, the former speaker, shares either. I of course would respect their decision, but I am not too sure about the way in which they derive it.

The question of how they would come about the subject matter and how they would establish these proportions is a very interesting aspect of it. Mr. Speaker, if there is a bingo game in the basement of the school, would that be considered to be religious or nonreligious if the funds of that were to support, let us say, at one time the school or the other time the functions of the church next door?

Mr. FREIND. Mr. Speaker, a question before I answer: Are you asking me this question as an attorney or a legislator?

Mr. DAVIES. No. Since we are in this body, sir, I would be addressing it, I assume, as a legislator.

Mr. FREIND. Then the meter is not running at \$75 an hour. Okay.

Mr. Speaker, at the present time in the state of our law, clearly a bingo game would have to be considered noneducational since it is an illegal activity, and it would be against public policy to be reimbursed for an illegal activity. Gambling under the law is illegal. However, my answer might change if at some time in the future one of the bills pending to legalize bingo—depending on what it was for, that might change, and that would be, of course, open to an interpretation—

Mr. DAVIES. No. I am asking you, sir, the proceeds of the game are not always going for either the school or, let us say, some other function of a church that is affiliated with the school. How do I establish those proportions of which part of the electricity, which part of the oil, how much of the gas and the time of day that we go with the temperature factors outside are going to be the proportions that are applicable out of the \$74 per year? That is essentially what I am saying.

Mr. FREIND. How do you do it?

Mr. DAVIES. That is what I am asking. How am I going to establish that as an equal facility, that I am guaranteed that none is going in support of a religious concept or how much is going for the educational portion of it? I am confused as to how I am going to make that determination, you are going to make that determination, or the Department of Education is going to make that determination.

Mr. FREIND. Well, of course, you do it with common sense, and that is why I specifically put in that in fact this would have to be prorated. It is not that difficult. You take the amount of time involved in a particular quarterly period and then you prorate the amount of time involved for noneducational and/or religious purposes. You prorate that amount and apply for it. Naturally with any bill there will be regulations promulgated by the department, and, of course, the courts will be careful to scrutinize this, too. I do not think it is a difficult thing, and I think that it can be easily prorated.

Mr. DAVIES. All right. Now, in the course of, let us say, the academic procedures or something like that, let us

suppose that a demonstration for a prolife amendment around the local square or something is organized in the functions within the normal class times of the function of that educational institution. How would I then rate that? Again as a proportion, would that necessarily be educational? Would that be religious? Just how would I make that determination or the amount of discussion beforehand that went into that particular organization of such a demonstration?

Mr. FREIND. You are asking my opinion on a prolife class discussion? Is that what you are talking about?

Mr. DAVIES. No; demonstration following, let us say, a discussion and then a demonstration to follow. I can give you some exact concrete examples that have occurred and then have you make a determination of those, but rather than do that, let us stick with a hypothetical.

Mr. FREIND. Well, you know, each particular circumstance will have to be judged on its own particular merits. Now, if it were clearly a rally on school property and the school allowed that property to be used for a rally which had nothing to do with the school but in fact was to pass a prolife amendment, it would be my opinion—worth, incidentally, no more than that—that that would not qualify and they would have to deduct that in the proration. But once again you have got to take each individual circumstance.

You are looking for guarantees? There are no guarantees. You have got one guarantee in life, Mr. Speaker, and that is that you are going to die, that and that only. There are no guarantees. All you do is take your best shot and do the best job you can with a reasonable piece of legislation, which, in my humble opinion, is what this is.

Mr. DAVIES. I would like to make a brief comment, Mr. Speaker, if I am in keeping with the rules of the House.

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

Mr. DAVIES. Again I would fail to be able to establish the differences in time for either one, and I do not think that anyone else could and say that there would be a clear doctrine of law that could be established, such as in the transportation of pupils or book allowances or those of guidance programs or our programs which are currently under the law. So, therefore, I would have to say that in my humble nonlegal judgment, I would of course think that this would be a definite erosion of the constitutional prohibitions and protections of the Pennsylvania Constitution as well as that of the United States and definitely the cleavage between church and state. Thank you, Mr. Speaker.

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

Mr. COHEN. I would like to call the attention of the Chair and the attention of Mr. Burns and Mr. Gallagher to rule 10 of the rules of the House, which reads in part as follows—the relevant part reads—“When a member desires to address the House, he shall rise and respectfully address himself to ‘Mr. Speaker.’ Upon being recognized, he may

speak, confining himself to the question under consideration and avoiding personal reflections."

Section 124 of Mason's Manual reads on page 110: "1. In debate a member must confine his remarks to the question before the house, and avoid personalities." No. 3 on the same page reads: "It is not the man but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms."

Both Mr. Burns and Mr. Gallagher have made remarks in the last few minutes impugning the motives of Mr. Freind, Mr. Rappaport, and other members who are supporting Mr. Freind's amendments. I think those statements are completely out of order, and I would like those statements to be ceased, and I would like the Chair to so rule.

The SPEAKER. The Chair understands very well rule 10, and the Chair was unaware or did not hear, inadvertently or otherwise, any what he thought were derogatory remarks, and the Chair is unable to rule on any question at this time.

The Chair would further advise the gentleman that at the time the remarks were made, the gentleman, Mr. Cohen, was in order to stand at his place and be recognized and object to the words that he felt were of a derogatory nature to him or to any other member.

Mr. COHEN. Mr. Speaker, the words I was referring to were the questions of the motives of people supporting this legislation. It was my feeling that I really do not like to be interrupted when speaking and I do not like to interrupt others, and that is why I did not do it at that time, but we are going to be considering this amendment and we are going to be considering future amendments, and I would hope that that line of debate would not be used again, and I would hope that both Mr. Burns and Mr. Gallagher would restrain themselves from that line.

The SPEAKER. The gentleman, Mr. Cohen, is correct. The motives of a member in why they are supportive of or opposed to an amendment is not proper debate, and the Chair would certainly support the gentleman on that.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Burns, rise?

Mr. BURNS. Mr. Speaker, if I could, I would just like to sincerely apologize. I personally—and I am sure Mr. Gallagher, if I could speak for him—did not realize that we were offending anybody, and we did not have that in mind when we said what we did.

I must say that I agree with my friend, Mr. Rappaport, that the Philadelphia delegation has been a true-blue friend to aid to parochial schools in the past and I am sure they will be in the future. We did not mean to say that there was any behind-the-scenes movement or whatever the thought was. We apologize if it came across that way, at least I do, and I am sure Mr. Gallagher joins me in that. That was not at any time our intention. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I did not mean to imply anything, if someone took it that way. Mr. Burns is a good friend of mine, and perhaps we both got caught up in the heat of debate. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—106

Alden	Freind	McCall	Rieger
Arty	Gamble	McIntyre	Ritter
Austin	Gannon	McKelvey	Rocks
Barber	Gatski	McMonagle	Rodgers
Bennett	George, C.	McVerry	Salvatore
Borski	Giammarco	Mackowski	Schmitt
Brown	Gladeck	Manmiller	Schweder
Caltagirone	Goebel	Michlovic	Seventy
Cappabianca	Goodman	Micozzie	Shadding
Cessar	Grabowski	Mrkonic	Shupnik
Chess	Gruppo	Mullen	Spitz
Clark, B. D.	Halverson	Murphy	Steighner
Clark, M. R.	Harper	Nahill	Stewart
Cochran	Hasay	Novak	Stuban
Cohen	Helfrick	O'Brien, D. M.	Sweet
Cole	Hoeffel	O'Donnell	Taylor, E. Z.
Coslett	Hutchinson, W.	Oliver	Taylor, F.
DeMedio	Irvis	Perzel	Telek
DiCarlo	Jones	Petrarca	Trello
Dawida	Kanuck	Pievsky	Vroon
Dombrowski	Knight	Pistella	Wargo
Duffy	Kolter	Pratt	White
Dumas	Lashingier	Pucciarelli	Yahner
Durham	Laughlin	Rappaport	Zeller
Earley	Levin	Reed	Zitterman
Fee	Livengood	Richardson	Zord
Fisher	Lynch, E. R.		

NAYS—74

Anderson	Foster, W. W.	Levi	Sirianni
Armstrong	Foster, Jr., A.	Lewis	Smith, E. H.
Berson	Fryer	McClatchy	Smith, L. E.
Bittle	Gallagher	Madigan	Spencer
Bowser	Gallen	Manderino	Stairs
Brandt	Geesey	Milanovich	Swift
Burd	Geist	Miller	Taddonio
Burns	George, M. H.	Moehlmann	Thomas
Cimini	Grieco	Mowery	Wachob
Cornell	Hayes, Jr., S.	Noye	Wass
Cowell	Honaman	O'Brien, B. F.	Wenger
Cunningham	Hutchinson, A.	Peterson	Wilson
DeVerter	Itkin	Piccola	Wilt
DeWeese	Johnson, E. G.	Pitts	Wright, D. R.
Davies	Klingaman	Pott	Wright, Jr., J.
Dietz	Kowalyshyn	Punt	Yohn
Dininni	Kukovich	Pyles	
Dorr	Lehr	Scheaffer	Seltzer,
Fischer	Letterman	Sieminski	Speaker

NOT VOTING—16

Belardi	Hayes, D. S.	Polite	Street
Beloff	Johnson, J. J.	Rhodes	Weidner
Gray	Knepper	Ryan	Williams
Greenfield	Musto	Serafini	Zwilk

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

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

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and for quarterly payments to school districts.

Amend Bill, page 2, by inserting between lines 1 and 2

Section 2. Section 2517 of the act, amended June 26, 1974 (P.L.370, No.125), is amended to read:

Section 2517. [Tertiary] Quarterly Payments.—The amount apportioned and allotted to each school district shall be divided into [three] four payments and the Secretary of Education shall draw his requisition [three] four times annually upon the State Treasurer in favor of each district for the amount to which it is entitled. The first [two payments] payment which shall be made on September 1 shall be [estimates] an estimate based on but not to exceed thirty percent (30%) each of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The second payment which shall be made on December 1 shall be twenty percent (20%) and the third payment which shall be made on April 20 shall be thirty percent (30%) of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The final payment which shall be made on June 1 shall be the balance of the apportionment due for the applicable school year. [Payment thereof shall be made to all school districts on the first day of October, February and June, except any school district whose fiscal year and calendar year are identical at the effective date of this amendatory act shall continue to receive payments as heretofor].

This section shall apply to payments which a school district is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4.

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

Amend Sec. 2, page 2, line 2, by inserting after "immediately." The amendments to section 2517 shall be applicable to payments made for the 1979-1980 school year and thereafter.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. After that last vote I was seriously tempted to forget the rest and get the heck out of here.

This amendment, were it not run as an amendment to SB 449, would have the support of PSEA - Pennsylvania State Education Association - PSBA - Pennsylvania School Boards Association - all of the local school districts, and all of the superintendents of all of our school districts. This amendment is also part of the new proposed school code, HB 1671. I am introducing it here because I do not know if we are going to get movement on the new code.

Right now the basic instructional subsidy which is paid out by the state to the school districts is made in tertiary payments, three times a year. Now, keep in mind that that money that they are paying to the school districts was not manufactured up here in Harrisburg and it did not come from God. It in fact came from the taxpayers of those school districts who sent it to Harrisburg. Then it is being returned. They are in tertiary payments. They used to be in quarterly payments; now they come three times a year. The problem is, because the school districts do not get the money as quickly, very frequently what they have to do is

borrow against their subsidy receipts and they have to pay interest.

What this amendment would do would be return to the quarterly payments so you would get it four times a year. It would allow the school districts to refrain very frequently from borrowing the money, sometimes from investing the money and earning interest on it. It is particularly critical for this coming year since, as you know, the Governor's budget does not have much of an increase in the basic instructional subsidy. The same amount of money is involved; all we are saying is that the school districts get it quicker. It will for the first year create a cash-flow problem for the administration. The fiscal note says that for the first year it will be \$8.5 million.

When I first introduced this amendment to the School Code, there was different timing. I talked to the budget department and they suggested the schedule that is in this amendment, which I agreed to. At that time when I spoke to the budget department—I do not know if they have changed their minds—they agreed to this amendment. For example, rather than having the payments received April 15, we switched it to April 20, a 5-day difference which allows Harrisburg to receive the money at tax time on April 15.

It is a compromise. I think it is needed. I think since we have passed bills to increase the pension benefits of retired teachers, which are going to have an adverse economic impact on the local school districts, we ought to do this. This bill has been unanimously approved by the House Basic Education Subcommittee. I think it is good, and I think it is needed by the school districts. I would urge your support for it.

WELCOME

The SPEAKER. The Chair would like to welcome to the balcony Mrs. Bessie Alexander and Mr. Elisha McGuigan and their group of senior citizens from the Parkesburg area, Chester County, who are here as the guests of Mr. E. H. Smith.

CONSIDERATION OF SB 449 CONTINUED

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose this amendment. As Mr. Freind said, this will cause a cash-flow problem. It will cost the state \$8.5 million.

In addition, Mr. Speaker, the change to tertiary payments to afford the state the increase in interest they gain from these moneys was arranged some years ago when we worked out an increase in the school subsidy with the local school districts. Now that they have gotten the increased school subsidy, instead of a tertiary payment they want to go back to quarterly. I think that is asking for it both ways, and considering the cash-flow problem of \$8.5 million, I would request a "no" vote on this amendment.

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

The following roll call was recorded:

YEAS—80

Alden	Gannon	Lewis	Rappaport
Arty	George, C.	McCall	Reed
Austin	Gladeck	McIntyre	Richardson
Berson	Goebel	McMonagle	Rieger
Borski	Goodman	McVerry	Salvatore
Brown	Grabowski	Michlovic	Schmitt
Caltagirone	Halverson	Micozzie	Seventy
Cessar	Harper	Mrkonic	Shadding
Clark, B. D.	Helfrick	Mullen	Spitz
Cochran	Hoeffel	Murphy	Stairs
Cohen	Irviss	Novak	Steighner
Cole	Itkin	O'Brien, D. M.	Stewart
Dawida	Jones	O'Donnell	Stuban
Duffy	Kanuck	Oliver	Taddonio
Durham	Klingaman	Petrarca	Taylor, F.
Earley	Knight	Pievsky	Trello
Fischer	Kolter	Pistella	White
Fisher	Lashingier	Pott	Yahner
Freind	Laughlin	Pratt	Zeller
Gamble	Levin	Pucciarelli	Zord

NAYS—98

Anderson	Dorr	Lynch, E. R.	Serafini
Armstrong	Fee	McClatchy	Shupnik
Belardi	Foster, W. W.	McKelvey	Sieminski
Bennett	Foster, Jr., A.	Mackowski	Smith, E. H.
Bittle	Fryer	Madigan	Smith, L. E.
Bowser	Gallagher	Manderino	Spencer
Brandt	Gallen	Manmiller	Sweet
Burd	Gatski	Milanovich	Swift
Burns	Geesey	Miller	Taylor, E. Z.
Cappabianca	Geist	Moehlmann	Telek
Chess	George, M. H.	Mowery	Thomas
Cimini	Grieco	Nahill	Vroon
Clark, M. R.	Gruppo	Noye	Wachob
Cornell	Hasay	O'Brien, B. F.	Wargo
Coslett	Hayes, Jr., S.	Perzel	Wass
Cowell	Honaman	Piccola	Wenger
Cunningham	Hutchinson, A.	Pitts	Wilson
DeMedio	Hutchinson, W.	Polite	Wilt
DeVerter	Johnson, E. G.	Punt	Wright, D. R.
DeWeese	Kowalshyn	Pyles	Wright, Jr., J.
DiCarlo	Kukovich	Ritter	Yohn
Davies	Lehr	Rocks	Zitterman
Dietz	Letterman	Ryan	
Dininni	Levi	Scheaffer	Seltzer,
Dombrowski	Livengood	Schweder	Speaker

NOT VOTING—18

Barber	Greenfield	Peterson	Street
Beloff	Hayes, D. S.	Rhodes	Weidner
Dumas	Johnson, J. J.	Rodgers	Williams
Giammarco	Knepper	Sirianni	Zwikl
Gray	Musto		

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Polite, rise?

Mr. POLITE. Mr. Speaker, on Mr. Freind's first amendment—I think it is A5432—I was not in my seat, and I would like to be recorded in the affirmative.

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

WELCOME

The SPEAKER. The Chair welcomes to the balcony Mr. Artis Ray, Jr., deputy executive director of the Area Manpower Planning Council of Philadelphia, who is visiting today as the guest of the Philadelphia delegation.

CONSIDERATION OF SB 449 CONTINUED

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

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 6 by removing the period after "employees" and inserting and further providing for school nurses.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. Clause (8) of section 1401 of the act, amended August 9, 1963 (P.L.641, No.339), is amended to read:

Section 1401. Definitions.—As used in this article—

(8) "School nurse" means a licensed registered nurse properly certificated by the [Superintendent of Public Instruction] Secretary of Education as a school nurse who is employed by a school district or joint school board as a school nurse, or is employed in providing school nurse services to children of school age by a county health unit or a department or board of health of any municipality with which a school district or joint school board has contracted for school health services pursuant to the provisions of section 1411 of this act. In order to be certificated as a school nurse, a person must be a registered nurse licensed to practice in this Commonwealth who either holds a baccalaureate degree in nursing or who meets other professional requirements as established by the Secretary of Education. The employment of any nurse employed by a school district or joint school board as a school nurse prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

Amend Sec. 2, page 2, line 2 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 Delaware, Mr. Freind.

Mr. FREIND. This one is fun, Mr. Speaker. This is the nursing amendment. This amendment deals with school nurses.

Let me begin by saying one thing which I kind of chuckled about. About 2 weeks ago when we were discussing the housing authority bill, my motives were questioned for introducing that. My motives are questioned for introducing this amendment also. Certain school nurses have stated that the reason why I want this amendment is because my wife is a nurse who wants a job as a school nurse. If that were the case, I would be happy to admit it, Mr. Speaker. My wife is in fact a nurse. She does not want

a job as a school nurse. If this amendment passed, she would still not be eligible for a job as a school nurse since it requires a degree which she does not have, plus the fact that she has four children and is quite busy at home. So that is what it does not do.

Right now a nurse who goes to a nursing school or a college and becomes an RN - registered nurse - must receive her license from the state after passing a state test. Once she or he receives his or her RN, they are then a nurse duly qualified to do doggone near everything in the Commonwealth of Pennsylvania. She can walk into an intensive care unit of a hospital and in fact take care of the critically ill and make life-or-death decisions. It is a little bit different though with respect to school nurses, because in addition to getting their RN and passing the test and getting licensed, they have to be certified. It is one more example of what we continue to do in government. Everybody has to be certified; everybody has to be licensed. And what is the bottom line? Forget anything you hear otherwise; forget any of the letters received. The bottom line is money. The more certification you can acquire, the narrower the field of expertise is, the less the competition, and the more money you can demand.

Now, my initial reaction when I realized that school nurses had to be certified was this is ridiculous. The fact that they are RN's and passed the test ought to be sufficient. But I checked with the Secretary of Education, and unless he has changed his mind in the last week or two, which he has been known to do, he agreed and said they should not be certified. I checked with the director of the Bureau of Certification in the Department of Education, Dr. Corrigan, and he agreed. He said they should not be certified. The state board did not want to certify them, but the pressure that was put on by the lobbying group representing the school nurses forced the certification.

There is no need whatsoever to have these school nurses certified. So I went to my legislative council, the Delaware County intermediate unit. I talked to school board members and I talked to principals, and they all agreed. They said they should not be certified; they do not need it. What they said—not me—is that basically these nurses are handling first aid, and that is their primary job, no matter what you may hear. They said certification is not necessary. And I said, forget the argument that school nurses right now—and under the certification requirement right now, you have to have a degree—not necessarily in nursing; you can have a degree in English or fine arts—but then you have to pass a number of other qualifications which by and large always require your going back to school to get extra credits, more credits, certification, more money and more money for the colleges. And some of the courses are really important to nursing - school law, the history of Pennsylvania. I fail to see where that is necessary. They are not teachers; they are nurses. And I am not demeaning nurses; I am supporting them. The fact that they are a nurse ought to be enough. So my initial gut reaction was, do away with certification completely. Then I was inundated with mail and realized

that that would not have a chance. So I compromised—not that this amendment has a chance—and what this amendment says is this: A school nurse who has a baccalaureate degree in nursing, ipso facto with nothing else, is certified. If a school nurse does not have a baccalaureate degree in nursing, then he or she must meet the other existing standards which are presently in place by the Department of Education, which, incidentally, even the department does not want.

That is a compromise that I think is a fair one. PSEA still opposes it. They represent the school nurses—I should tell you that. The school nurses still oppose it, although they do admit that it is somewhat of an improvement. I checked with PNA, the Pennsylvania Nurses Association, who are not represented by PSEA, and the last time I checked they supported the amendment. It is not an anti-nurse amendment whatsoever, but just so you do not think that this is my opinion only, the State Board of Education a couple of months ago sent out questionnaires to the superintendents of all the school districts and the head of all the intermediate units. They sent out the 50 mandates from the state on education, and they said, we want you to respond and tell us the ones that you think are the least necessary and the most expensive. There were 275 superintendents who responded and all the heads of all the intermediate units responded, and the two mandates that they said were the least necessary and the most expensive were the mandate for special education for the gifted and the mandate of certification for school nurses. Now, that is not Steve Freind talking; that is the people who responded to the questionnaire.

In the report—and I want to quote briefly from this report—it says this:

The dissatisfaction with the requirement that school nurses be certificated as educational specialists goes beyond the specific classification of certification and reflects the general dissatisfaction with the notion of school nurses having to be certified at all....Since the statutory requirement of certification and the State Board regulation specifying type of certification are closely related, this item is worthy of further analysis.

The basic contention of those administrators contacted was that school nurses should not be considered professional personnel and, therefore, not be placed on the same salary schedule with teachers. Prior to 1970, the duties of school nurses were more instructional in nature. With the passage of subsequent legislation, the duties of school nurses have been greatly restricted so that now the major role of a school nurse is one of record keeping.

That is not me; that is the individuals in the education field who replied to this questionnaire.

I did not go that far. I am not taking away certification. This amendment will do nothing to the financial status of school nurses. All it will do is give a little more latitude to the local hiring school district. They will be able to look at a graduate nurse who has a baccalaureate degree in nursing

and determine if her experience and her background is sufficient to hire him or her as a school nurse. If they do not have the degree, that individual will have to meet the standards already in existence.

One other final note. You hear how critical it is that they have this certification, and yet, as critical as they say it is, school nurses are allowed to be school nurses for 1 year without certification. In fact, when a certified school nurse goes out on a leave, noncertified school nurses are allowed to take their place. It does not seem logical and it does not seem consistent if in fact it is really true that this is a life-and-death situation.

I do not want to hear the argument that certain individuals have had to go for additional credits. That does not matter, Mr. Speaker. If the requirements are wrong, it does not matter how many people have had to do it in the past; it ought to be stopped in the future. I do not expect it to pass, but I ask your consideration. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, this Freind amendment deals with a very fundamental issue in our society, and that is the gradual erosion of individual opportunity due to excessive degree requirements. There are many, many jobs in this society in which degree requirements upon degree requirements have been added, not because the degree requirements were necessary for the proper performance of the job but because the extra degree requirements were needed to stop people from getting those jobs.

This is a very real problem. Many of the members of the legislature have been very concerned about this, the issue of certifications for all professions, in the nursing profession and other professions. It is much, much harder to get a job now than it was before, and this is a tremendous cost factor. When we require people to take endless amounts of courses at colleges to get masters' degrees and extra certification requirements, what we are doing is we are requiring people to attend the courses; we are requiring the Commonwealth to hire teachers; we are requiring the taxpayers to subsidize this; we are setting forth an artificial value for these degrees that they do not have in the real world. The purpose of education ought to be to give people skills. If the skills are valuable in themselves, they ought to be recognized as valuable. The purpose of education ought not to be to keep people out by endlessly requiring more and more educational degrees, more and more courses to be taken to keep fewer and fewer people out of occupations to earn a livelihood, and to charge the taxpayers and others more and more dollars for the services rendered in these occupations.

I think this is a bill which will hopefully set a valuable precedent in allowing the Commonwealth to reverse this trend of overspecialization and overcredentials and to give the taxpayers a real break and to give the individuals who want decent jobs a real break. I very much urge your support of this amendment.

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

Mr. GEESSEY. Mr. Speaker, I would like to advise all the members of the House that within the next month or, at the very most, month and a half, a complete rewrite of the Nurses Code will be introduced. One of the issues of contention in the rewrite of the code are those issues addressed today by Mr. Freind. However, we will be dealing not only with that issue but all of the issues pertaining to nurses' certification.

I would ask that the members of this body vote "no" on the amendment, give the committee a chance to view the problem in its totality instead of piecemeal, and put everything in one bill where it belongs. I can assure all the members of the House that any amendment they wish to offer will be offered, any testimony they wish to submit will be allowed to be submitted, but please, let us do it all in the committee and let us do it all at once in one bill. Thank you, Mr. Speaker.

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

Mrs. ARTY. Mr. Speaker, I would like to agree with the gentleman from Delaware County, my friend, Mr. Freind, when he says that this amendment probably does not have a chance. I can also agree with my friend, Mr. Freind, when he says that this amendment is an improvement over the first amendment that he circulated dealing with certification of school nurses. Indeed it is an improvement, Mr. Speaker, but it does not solve the problem; it creates the problem.

I regret, Mr. Speaker, that my colleagues in professional nursing sometimes are not able to demonstrate to the world at large what their many merits are. It has never been the role of nursing to expostulate on how great they are and how great the work they do is. So, therefore, perhaps the administrators and the school board persons who were queried in the questionnaire that Mr. Freind speaks of really did not know what the school nurse is doing, or perhaps my friends in school nursing should make it their business that their administrators would know in the future.

Let me clarify for you one thing, that the school nurse presently in the school health program does many things other than provide first-aid services and record keeping. The certification requirements as stated in the law are designed to enable the school nurse to assess the health status of pupils; to have an understanding of child development and educational psychology; to have knowledge of sociological and behavioral sciences, mental health, human sexuality, parenting, and human life cycles; to have knowledge of nutrition; to assist any child with a handicap or any child with a disability and help them to remain in the school setting, recognizing his individual health and his educational needs; to give leadership to the implementation of health plans and to conduct a continual evaluation of the health program within the school from an environmental standpoint; to offer counseling, provide health education, be involved in community health needs and planning, have

a total understanding of cultures, socioeconomics, ethnic and racial group problems; to understand the importance of immunizations and communicable disease control; to know school organization and school law.

I present to you, Mr. Speaker, the argument that school nurses entering the field at a baccalaureate level and known as education specialists are given 3 years in which to achieve 24 further degree requirements for their permanent certification as an education specialist II. The school nurses choose for this to be their way, and I agree with them, and I would ask for a negative vote on Mr. Freind's amendment.

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

The following roll call was recorded:

YEAS—34

Alden	Durham	Irvis	Pistella
Austin	Earley	Kanuck	Pitts
Belardi	Freind	Lashingner	Spitz
Berson	Gladeck	Lewis	Sweet
Cochran	Grabowski	Mrkonic	Taddonio
Cohen	Hasay	Mullen	Taylor, E. Z.
Coslett	Helfrick	O'Donnell	Wachob
Dorr	Hoeffel	Pievsky	Zeller
Duffy	Hutchinson, W.		

NAYS—147

Anderson	Fryer	McIntyre	Salvatore
Armstrong	Gallagher	McKelvey	Scheaffer
Arty	Gallen	McMonagle	Schmitt
Barber	Gamble	McVerry	Schweder
Bennett	Gannon	Mackowski	Serafini
Bittle	Gatski	Madigan	Seventy
Borski	Geesey	Manderino	Shadding
Bowser	Geist	Manmiller	Shupnik
Brandt	George, C.	Michlovic	Sieminski
Brown	George, M. H.	Micozzie	Smith, E. H.
Burd	Giammarco	Milanovich	Smith, L. E.
Burns	Goebel	Miller	Spencer
Caltagirone	Goodman	Moehlmann	Stairs
Cappabianca	Grieco	Mowery	Steighner
Cessar	Gruppo	Murphy	Stewart
Chess	Halverson	Nahill	Stuban
Cimini	Harper	Novak	Swift
Clark, B. D.	Hayes, Jr., S.	Noye	Taylor, F.
Clark, M. R.	Honaman	O'Brien, B. F.	Telek
Cole	Hutchinson, A.	O'Brien, D. M.	Thomas
Cornell	Itkin	Oliver	Trello
Cowell	Johnson, E. G.	Perzel	Vroon
Cunningham	Jones	Peterson	Wargo
DeMedio	Klingaman	Petrarca	Wass
DeVerter	Knight	Piccola	Wenger
DeWeese	Kolter	Polite	White
DiCarlo	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wilt
Dawida	Laughlin	Pucciarelli	Wright, D. R.
Dietz	Lehr	Punt	Wright, Jr., J.
Dininni	Letterman	Pyles	Yahner
Dombrowski	Levi	Reed	Yohn
Dumas	Levin	Richardson	Zitterman
Fee	Livengood	Rieger	Zord
Fischer	Lynch, E. R.	Ritter	
Fisher	McCall	Rocks	
Foster, W. W.	McClatchy	Rodgers	Seltzer,
Foster, Jr., A.			Speaker

NOT VOTING—15

Beloff	Johnson, J. J.	Rhodes	Weidner
Gray	Knepper	Ryan	Williams
Greenfield	Musto	Sirianni	Zwikel
Hayes, D. S.	Rappaport	Street	

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

WELCOME

The SPEAKER. The Chair welcomes to the balcony Miss Peggy Zimmerman and Mr. Leslie Macalush, who are with the American Cancer Society and here today as the guests of Mr. McCall of Carbon County.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Schuylkill, Mr. Hutchinson, rise?

Mr. W. D. HUTCHINSON. On the vote on the last Freind amendment, A5137, I was recorded in the affirmative. That was incorrect. I would like to be recorded in the negative. Thank you, Mr. Speaker.

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

MR. ANDERSON REQUESTED TO PRESIDE

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

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

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICHLOVIC. I would like to know whether it is possible, when you are recording the vote, if you could leave the vote up on the board for 5 or 10 seconds so that those of us who wish to record it in our records could see it. Sometimes we do not hear the Speaker announce what the final vote was. By the time we look up, we cannot see it; it is gone.

The SPEAKER pro tempore. I can sympathize with the gentleman. I have had the same problem myself, but they inform me that as soon as the vote is taken, the computer takes over and it is wiped off the board. I wish, too, there were a way that we could do something about it.

Mr. MICHLOVIC. Might I suggest that they reorder the computer so that it can stay up there for 5 or 10 seconds so that we can see it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you for the suggestion, but I am afraid we cannot do it.

CONSIDERATION OF SB 449 CONTINUED

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and further providing for minimum salaries of substitute teachers.

Amend Sec. 1, page 1, line 9, by striking out "Section 1106," and inserting Sections 1106 and 1148,

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting are

Amend Bill, page 2, by inserting between lines 1 and 2

[Section 1148. Substitute Teachers.—Substitutes shall be paid not less than the minimum salary provided for by this subdivision, or in the event they are employed for less than a full school year, the proportionate part of such minimum salary equal to the proportionate part of the school year during which they were employed, arrived at by dividing the number of days during which a substitute was employed by the total number of days the schools of the district were in session during the school year.]

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. This amendment and the two that follow are being introduced at the request of the Delaware County Legislative Council by me and a number of my colleagues from Delaware County. I will be very brief.

All that this amendment right here does is remove the existing provision in the School Code setting forth minimum salaries for substitute teachers. The rationale is somewhat simple: this ought to be a local issue; it ought to be up to the local school district to decide as to what should be the minimum salaries. By and large all the salaries exceed the minimum salary anyway, but at any rate it should be a local issue. We should not be voting on it on the state level. That is all it does, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I would like to speak to this eliminating the minimum starting salaries for a minute. There is no doubt that the minimum starting salaries are really not needed in the State of Pennsylvania anymore, and I must agree with Mr. Freind on that. They are contracted; they are negotiated into contracts.

The problem that we have is that in many rural districts of the state, these school districts use that state minimum starting salary, which in most cases is well below the minimum contracted negotiated salary that they are already paying, and they use this low state figure as a basis for paying substitutes. Now, if we eliminate that minimum starting salary that the state has, which is well below any starting salary, I think, anywhere in the Commonwealth today—I think the figure is \$6,000—it then prevents rural school districts especially from setting the rate of substitute per diem pay at that particular level; namely, the \$6,000.

They would then have to set it in most likelihood at the higher rate, which might be around \$8,000 or \$9,000. So even though one or two school districts may see this as a problem, the majority of our school districts use this to their advantage, and they use it to save money. Thank you, Mr. Speaker.

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

Mr. STEWART. May I interrogate Mr. Gallagher?

Mr. GALLAGHER. Yes, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gallagher indicates that he will. Mr. Stewart may proceed.

Mr. STEWART. In some of the rural districts, there is a problem, I am led to understand, with substitute teachers, a great many of them being required, but there is some point in time that—they are retired schoolteachers—when their pay for acting as a substitute reaches a certain point, it starts eating into their retirement somehow, so they just do not accept substitute work. Would this affect that if we set a minimum salary where the school district could not spread it out so that the substitute could work the whole year? Would this affect that in some way?

Mr. GALLAGHER. Mr. Speaker, if it is a retired teacher who is, let us say, 65 or 62 and on social security, they are only allowed to earn a certain amount of dollars or it would reduce their amount of social security benefits. It would not interfere with their teacher retirement amount. So that would not interfere, whether it is a minimum wage or no minimum wage. It is a matter that if they are retired and they are on social security, they are only allowed to earn \$3,000 or \$4,000—I do not know the exact figure. If they earn more than that, then it would reduce their social security benefits.

But that is not what this amendment is addressing itself to. It is primarily saying that Mr. Freind feels that the minimum wage should be taken from the School Code and that the local districts should set the minimum wage. Well, that is fine to say things like that, but there is a minimum wage in the United States; there is a minimum wage in Pennsylvania on everybody who is employed, and even that would apply without the School Code if they wanted to go down to I think it is \$3.20 an hour or something like that. I do not know what the minimum wage is for a substitute teacher per hour, but what Mr. Freind is trying to do is to—I guess it is like putting up a balloon to see how it will fly primarily. I am not saying he is not interested in taking away from the School Code the authority that he believes the school districts should have. I think besides that he is interested in seeing that as many amendments as possible are put into this bill so that it winds up in conference committee in the Senate, pure and simple. That is what it basically is about.

If Mr. Cohen wishes to interrogate me, I will be glad—

POINT OF ORDER

Mr. COHEN. Mr. Speaker, I wish to raise—

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, wish to interrogate?

Mr. COHEN. No. Mr. Speaker, the last time the Speaker said that the proper procedure was to interrupt, so that is what I am doing. It is not Mr. Gallagher's business. It violates rule 10 of the House; it violates section 124 of Mason's Manual, which guides the House, to cast aspersions on the motivations of Mr. Freind or anybody else, and that is what Mr. Gallagher is doing.

This is a bill amending the School Code. Any amendment to the School Code is germane under the rules of this House, and the fact that Mr. Freind is choosing to amend a bill that Mr. Gallagher does not want amended does not give Mr. Gallagher the right to impugn Mr. Freind's motives or impugn the motives of anybody else.

The SPEAKER pro tempore. Does Mr. Gallagher wish to make a statement?

Mr. GALLAGHER. Yes, Mr. Speaker. I would like to make the record straight.

The SPEAKER pro tempore. You may go ahead.

Mr. GALLAGHER. I am not trying to abridge the rules of the House or Mason's rules. I am just telling the truth, Mr. Speaker, and I think that is what this General Assembly is all about. I am just trying to say, "And ye shall know the truth and the truth shall make you free," and I am only trying to let you know that; that is all. Nothing more, nothing less.

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

Mr. STEWART. Mr. Speaker, I had the floor interrogating the gentleman, Mr. Gallagher, when this all started. Now may I have it back?

The SPEAKER pro tempore. You may continue.

Mr. STEWART. Once again, Mr. Speaker, I am concerned about a situation—if you would listen, maybe you can respond and answer my question; I will leave you alone about telling the truth or telling lies—where a school district has a situation where a large number of substitutes are required for one reason or another and they have a pool of retired teachers that they draw upon to fill these substitute days, positions, whatever, and those retired schoolteachers are under a retirement system that they can make only so much money before they reach a point of diminishing returns, where they start losing retirement dollars because they are making too much at actual substitute work. Now, the situation I am concerned about is, if that retired schoolteacher is willing to accept that reduced pay to get around that problem and if there are no other substitutes available, which is many times the case, will this amendment create a shortage of substitute teachers in some of these districts? That is my question.

Mr. GALLAGHER. Mr. Speaker, I will try to answer your question. First of all, when they are on retirement, they cannot take below the minimum wage—that is a fact; they cannot take below the minimum wage—to circumvent the retirement requirements. In other words, if they wanted to get around social security regulations, they are not

basically allowed to accept the minimum wage to circumvent that.

Secondly, in the School Code there are a certain number of days that they can be employed only. In other words, they cannot work a full, solid year as a substitute employe. There are a certain number of days that they are allowed to be used, although in the city of Philadelphia they have daily substitute teachers who are used throughout the whole school year because of their unique situation there, but a large number of them are not in the retirement area; they are just young teachers who are jumping into the system. But in your area this amendment would not apply to your situation and the proposal that you presented to me. I am trying to reply to you that they have to take the minimum wage. They cannot take a method of trying to circumvent the requirements that they have themselves in because of their retirement situation.

Mr. STEWART. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—35

Alden	Durham	Knight	Pievsy
Arty	Earley	Levin	Pucciarelli
Austin	Freind	McClatchy	Richardson
Barber	Fryer	McIntyre	Rieger
Berson	Gamble	McMonagle	Shadding
Borski	Gannon	Mrkonic	Spitz
Chess	Giammarco	Murphy	White
Cohen	Irvis	Oliver	Zeller
Dumas	Jones	Petrarca	

NAYS—147

Anderson	Gallagher	McKelvey	Schweder
Armstrong	Gallen	McVerry	Serafini
Belardi	Gatski	Mackowski	Seventy
Bennett	Geesey	Madigan	Shupnik
Bittle	Geist	Manderino	Sieminski
Bowser	George, C.	Manmiller	Sirianni
Brandt	George, M. H.	Michlovic	Smith, E. H.
Brown	Gladeck	Micozzie	Smith, L. E.
Burd	Goebel	Milanovich	Spencer
Burns	Goodman	Miller	Stairs
Caltagirone	Grabowski	Mochlmann	Steighner
Cappabianca	Grieco	Mowery	Stewart
Cessar	Gruppo	Mullen	Stuban
Cimini	Halverson	Nahill	Sweet
Clark, B. D.	Hasay	Novak	Swift
Clark, M. R.	Hayes, Jr., S.	Noye	Taddonio
Cochran	Helfrick	O'Brien, B. F.	Taylor, E. Z.
Cole	Hoefel	O'Brien, D. M.	Taylor, F.
Cornell	Honaman	O'Donnell	Telek
Coslett	Hutchinson, A.	Perzel	Thomas
Cowell	Hutchinson, W.	Peterson	Trello
Cunningham	Itkin	Piccola	Vroon
DeMedio	Johnson, E. G.	Pistella	Wachob
DeVerter	Kanuck	Pitts	Wargo
DeWeese	Klingaman	Polite	Wass
DiCarlo	Kolter	Pott	Wenger
Davies	Kowalshyn	Pratt	Wilson
Dawida	Kukovich	Punt	Wilt
Dietz	Lashinger	Pyles	Wright, D. R.
Dininni	Laughlin	Rappaport	Wright, Jr., J.
Dombrowski	Lehr	Reed	Yahner
Dorr	Letterman	Ritter	Yohn
Duffy	Levi	Rocks	Zitterman
Fee	Lewis	Rodgers	Zord
Fischer	Livengood	Salvatore	
Fisher	Lynch, E. R.	Scheaffer	Seltzer,

Foster, W. W. McCall Schmitt Speaker
Foster, Jr., A.

NOT VOTING—14

Beloff	Hayes, D. S.	Rhodes	Weidner
Gray	Johnson, J. J.	Ryan	Williams
Greenfield	Knepper	Street	Zwikel
Harper	Musto		

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

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. I rise to a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIES. Yes, sir. I do not know which is the lesser of two evils in this, Mr. Cohen's interruption of Mr. Gallagher while Mr. Gallagher was addressing himself to an amendment. Was it the Chair's intent for Mr. Cohen to interrupt Mr. Gallagher while Mr. Gallagher was speaking, or was it the Chair's intent for Mr. Cohen to interrupt after Mr. Gallagher was finished and then ask the question of the matter of his reflection upon another member's conduct or another member's stature, or just what?

I assume I may have misinterpreted the Speaker's ruling at the time, but I thought it was after Mr. Gallagher was finished that then Mr. Cohen could interject his questions about Mr. Gallagher's comments. Is that true or is it in the course of his addressing the House that he is supposed to be interrupted?

The SPEAKER pro tempore. Mr. Gallagher and Mr. Cohen were having a discussion that came up rather suddenly, and we just let them finish it and went on with the interrogation.

Mr. DAVIES. Thank you, Mr. Speaker. I will address the question at a later time to the original maker of that rule. Thank you, sir.

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and repealing certain provisions relating to salaries.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. Sections 1141, 1142, 1144, 1144.1, 1145, 1147, 1149, 1150 and 1152 of the act are repealed.

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

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Mr. Speaker, this one is very simple, and there is no issue here such as the issue that was brought up about the rural school districts on the last amendment.

What this amendment does is totally eliminate in the School Code any salary schedule for teachers. We passed Act 195 where teachers have collective bargaining. There is absolutely no need whatsoever to have any minimum salary language at all in the School Code. I think it is a fair amendment. I do not think it is asking too much, and I think it should be passed.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, this is the same issue again, and I hope everybody understands it, because it is an issue whereby rural districts use that \$6,000 state-mandated figure to set the substitute daily rate. If they were to use the average salary across the state, it would probably be about \$9,000. The daily rate in that case would be just about \$55 a day. By having the \$6,000 minimum figure, school districts can then set the daily substitute rate at about \$33 a day. This saves them something like \$21 a day per substitute. They have requested that we keep this. It may not be philosophically correct in certain people's minds, but it serves a very useful purpose, and for that reason I would ask for the defeat of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—34

Alden	Gamble	McIntyre	Rieger
Berson	Giammarco	McMonagle	Ritter
Borski	Gladeck	Murphy	Shadding
Chess	Harper	Nahill	Spitz
Cohen	Irvis	Oliver	Taylor, E. Z.
Dawida	Jones	Pievsky	Telek
Durham	Levin	Pucciarelli	White
Earley	Lewis	Rappaport	Zeller
Freind	McClatchy		

NAYS—148

Anderson	Fisher	Lynch, E. R.	Scheaffer
Armstrong	Foster, W. W.	McCall	Schmitt
Arty	Foster, Jr., A.	McKelvey	Schweder
Austin	Fryer	McVerry	Serafini
Barber	Gallagher	Mackowski	Seventy
Belardi	Gallen	Madigan	Shupnik
Bennett	Gatski	Manderino	Sieminski
Bittle	Geesey	Manmiller	Sirianni
Bowser	Geist	Michlovic	Smith, E. H.
Brandt	George, C.	Micozzie	Smith, L. E.
Brown	George, M. H.	Milanovich	Spencer
Burd	Goebel	Miller	Stairs
Burns	Goodman	Moehlmann	Steighner
Caltagirone	Grabowski	Mowery	Stewart
Cappabianca	Grieco	Mrkonic	Stuban
Cessar	Gruppo	Mullen	Sweet
Cimini	Halverson	Novak	Swift
Clark, B. D.	Hasay	Noye	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cochran	Helfrick	O'Brien, D. M.	Thomas
Cole	Hoefel	O'Donnell	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Hutchinson, W.	Petrarca	Wargo
Cunningham	Itkin	Piccola	Wass
DeMedio	Johnson, E. G.	Pistella	Wenger
DeVerter	Kanuck	Pitts	Wilson
DeWeese	Klingaman	Polite	Wilt
DiCarlo	Knight	Pott	Wright, D. R.
Davies	Kolter	Pratt	Wright, Jr., J.

Dietz	Kowalyszyn	Punt	Yahner
Dininni	Kukovich	Pyles	Yohn
Dombrowski	Lashingier	Reed	Zitterman
Dorr	Laughlin	Richardson	Zord
Duffy	Lehr	Rocks	
Dumas	Letterman	Rodgers	Seltzer,
Fee	Levi	Salvatore	Speaker
Fischer	Livengood		

NOT VOTING—14

Beloff	Hayes, D. S.	Rhodes	Weidner
Gannon	Johnson, J. J.	Ryan	Williams
Gray	Knepper	Street	Zwikl
Greenfield	Musto		

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. FREIND offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and further providing for causes for suspension.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. Section 1124 of the act, clause 4 added August 8, 1963 (P.L.564, No.299), is amended to read:

Section 1124. Causes for Suspension.—Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

(1) Substantial decrease in pupil enrollment in the school district;

(2) Curtailment or alteration of the educational program on recommendation of the superintendent, concurred in by the board of school directors, [approved by the Department of Public Instruction,] as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of [Public Instruction] Education;

(3) Consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employes.

(4) When new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employes.

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

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Good news, Mr. Speaker - this is the last amendment.

Present law says when there is a substantial decrease in pupil enrollment, educational programs in the school district can be curtailed, only, however, with the approval of the Department of Education. What this amendment does is take out that restriction. It is a local-control issue. You leave it up to a school district, in the case of a decreasing enrollment, whether or not it has the power to curtail some educational programs. Local school districts, local elected officials ought to have that power.

I do not expect this to pass. I am looking forward to some of the creative arguments that have been made against the other amendments, which I respect very much, particularly the fact that they were made with a straight face. So I would appreciate your support of this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. If you can give me just a second, Mr. Speaker, I have not seen this amendment before and was just trying to look at it.

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

Mr. GALLAGHER. Mr. Speaker, I have an advantage of having a copy of the amendment, so Mr. Gallagher will pick up for Mr. Burns, and Mr. Burns can pick up for Mr. Gallagher.

Mr. Speaker, the amendment is basically now before the local board and the department. The local board has to show to the Department of Education that they have a decrease in enrollment and that there is a need for a change in their operation at the school district level. The department then sends out into the field to see that this is correct and, with those facts in hand, makes a determination with the local school board.

What Mr. Freind's amendment does basically is leave it completely up to the local school district, and they might decide in one area that they want to do away with music or art or a course in Pennsylvania history or American history because they find it is not necessary anymore or for whatever local reason they might decide.

In the present code this is a method of insuring quality education, which the General Assembly is charged with by our state Constitution, to provide a thorough and efficient system of education in this state. It has been the decision of this General Assembly over the years to make sure that we have that type of quality education throughout the state so that all the students in Pennsylvania have the same opportunity and the same type of basic curriculum. Every school district can add to that curriculum; they can add to it and reduce from it as long as they do not stray from the basic curriculum that is mandated by law. This would leave it wide open for the local district to decide that they want to do away with any type of curriculum they deem fit within their own purview, which could cause us to not have quality education throughout Pennsylvania. For that reason, Mr. Speaker, I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, Mr. Gallagher spoke right to the point, right on issue, and I oppose the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—47

Alden	Giammarco	McClatchy	Pyles
Berson	Gladeck	McIntyre	Richardson
Borski	Grabowski	McMonagle	Rieger
Chess	Harper	Micozzie	Seventy
Cohen	Irvs	Mullen	Shadding
Dawida	Jones	Murphy	Spitz
Durham	Kanuck	Novak	Stewart
Earley	Knight	Oliver	Taddonio
Freind	Lashingner	Pievsy	Trello
Fryer	Laughlin	Pistella	White
Gamble	Levin	Pratt	Zeller
Geesey	Lewis	Pucciarelli	

NAYS—131

Anderson	Fischer	McCall	Schweder
Armstrong	Fisher	McKelvey	Serafini
Arty	Foster, W. W.	McVerry	Shupnik
Austin	Foster, Jr., A.	Mackowski	Sieminski
Belardi	Gallagher	Madigan	Sirianni
Bennett	Gallen	Manderino	Smith, E. H.
Bittle	Gannon	Manmiller	Smith, L. E.
Brandt	Gatski	Michlovic	Spencer
Brown	Geist	Milanovich	Stairs
Burd	George, C.	Miller	Steighner
Burns	George, M. H.	Moehlmann	Stuban
Caltagirone	Goebel	Mowery	Sweet
Cappabianca	Goodman	Mrkonic	Swift
Cessar	Grieco	Nahill	Taylor, E. Z.
Cimini	Gruppo	Noye	Taylor, F.
Clark, B. D.	Halverson	O'Brien, B. F.	Telek
Clark, M. R.	Hasay	O'Brien, D. M.	Thomas
Cochran	Hayes, Jr., S.	O'Donnell	Vroon
Cole	Helfrick	Perzel	Wachob
Cornell	Hoeffel	Peterson	Wargo
Coslett	Honaman	Petrarca	Wass
Cowell	Hutchinson, A.	Piccola	Wenger
Cunningham	Hutchinson, W.	Pitts	Wilson
DeMedio	Johnson, E. G.	Polite	Wilt
DeVerter	Klingaman	Pott	Wright, D. R.
DeWeese	Kolter	Punt	Wright, Jr., J.
DiCarlo	Kowalyshyn	Reed	Yahner
Davies	Kukovich	Ritter	Yohn
Dietz	Lehr	Rocks	Zitterman
Dininni	Letterman	Rodgers	Zord
Dombrowski	Levi	Salvatore	
Dorr	Livengood	Scheaffer	Seltzer,
Duffy	Lynch, E. R.	Schmitt	Speaker
Fee			

NOT VOTING—18

Barber	Greenfield	Musto	Street
Beloff	Hayes, D. S.	Rappaport	Weidner
Bowser	Itkin	Rhodes	Williams
Dumas	Johnson, J. J.	Ryan	Zwikl
Gray	Knepper		

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

REMARKS ON VOTE

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

Mrs. ARTY. Mr. Speaker, on amendment 4845 to SB 449, I was recorded as voting in the affirmative. May I please be recorded as being in the negative?

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

CONSIDERATION OF SB 449 CONTINUED

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

Mrs. HARPER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and inspection and repair of rooves in school districts of the first class.

Amend Sec. 1, page 1, line 10, by inserting after "amended" and a section added

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2111.1. Roof Inspections Required.—The superintendent of buildings shall arrange the annual inspection of the roof of each school building, and, if required, shall have the necessary repairs made by the regular maintenance employes, and the provisions of section 751 shall not be applicable.

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

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

Mrs. HARPER. Mr. Speaker, it seems to me that a number of people are concerned about the teachers and the residents, but they are not concerned about the students and the schools. I know of a number of schools in Philadelphia where the roofs are leaking, and I would like to have those roofs inspected at least once a year and repaired. This is a simple amendment for the benefit of the students. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. The cost of this is \$7 million to the local school district and the state's proportionate share to the Commonwealth. Thank you, Mr. Speaker.

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

Mrs. HARPER. Mr. Speaker, we are concerned about the teachers living outside the city of Philadelphia and the economics that this will cause, yet we are concerned about the schools not being safe. We are not asking for any special amount of money. We are asking for the people who are employed by the school system to inspect those roofs and to see that they are repaired, and certainly the repairs will not cost the taxpayers as much as having the teachers live outside the city.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose this amendment, and I would just like to give you an example. In Bristol Township School District, which is where I live—it is my legislative district—the Armstrong Middle School had a leaky roof, but we do not have that kind of problem that Mrs. Harper is speaking about. We have a school building authority that built the school; we have a school board. The people in that area went right to the school board meeting and pointed out the fact that the roof leaked, and the school board and the authority took care of

that matter and corrected the leaky roof. I think that that is a local matter that the regular school board takes care of.

Unfortunately, Mr. Speaker, you live in the city of Philadelphia, and you do not have the advantage of having elected school boards so that you can go to your elected school board and say, please fix that roof; if you do not, we are going to vote you out. That is the way it works in 504 other school districts, so I do not think you need the state to order that school district to take care of its leaky roofs; I just think you need the people in the district who reside in that area to remind the school board of their responsibilities. Under those circumstances, Mr. Speaker, I oppose the amendment.

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

Mr. COHEN. Mr. Speaker, this amendment does not cost \$7 million. It might well even save the Commonwealth of Pennsylvania and local school districts money. What we need is some sense of preventive medicine in the public schools and their administration. In Philadelphia, where we have a tremendous problem with leaky roofs, we also have a tremendous problem with teacher illness. We also have a very tremendous problem with student absenteeism. One reason there are so many ill teachers in Philadelphia is because the roofs leak. Each time there is a leaky roof or a windowpane that is not fixed or a wall that has a hole in it—and you walk through the schools of Philadelphia and you see plenty of examples of schools which are in a state of tremendous physical disrepair—that leads to colds and that leads to serious illness. And the number of sick days taken by Philadelphia schoolteachers is an absolute disgrace. It is over 20 days a year.

There are two possible explanations that we could use as to why there is so much absenteeism and why so many sick days are taken by Philadelphia schoolteachers. One is that they are a bunch of lazy, good-for-nothing people who really are not sick. There may be some truth in that explanation. However, I think the more charitable explanation and the more accurate explanation is that they take so many sick days because they are sick a lot, and I think we have got to look and see what we can do to prevent the sickness. Having a school system in which the working conditions are good and in which people do not have to wear heavy overcoats to teach, like they often do now, and in which they do not have to wear two or three sweaters is something which is going to improve the health of this school system. It is going to improve the health of the teachers, and there is going to be less money spent on substitute teachers as a result of this amendment, and there is going to be less money spent on administering the operation of substitute teachers. If anything, this is going to save the city money. If there are any other school districts which have a problem of teacher absenteeism and teacher illness as great as the problem in Philadelphia, it will also save those districts money. I urge support of this amendment.

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

Mrs. HARPER. I do not see how anyone can deny the students of having a safe, dry building. I have visited some of the schools when it was raining, and the rain was coming down in the building. I feel that the state should take some action in seeing that these schools are repaired and safe for the students. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, again I would just remind Mrs. Harper that all you need is a good elected school board and they will take care of your problem, like we do in suburbia and other places in the state.

Mr. Cohen gave a very good reason why all the teachers in Philadelphia want to live outside the city - because they know they will go home to a roof that does not leak. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. I rise to support the Harper amendment, and I do so, Mr. Speaker, because I think that a number of the members of this House do not realize the importance of maintenance and being able to maintain and take care of those buildings physically where children do have to learn. I think that if there is anything that has been said that is profound, it is that if we are not concerned about the students' environment where they learn, then who is concerned about the environment where they learn?

In the city of Philadelphia time and time again, and in my own district, I can speak to the number of schools that have that problem. One is Germantown High School, where they have not taken care of that leaky roof yet. The same situation prevails at King's School, where there have been some problems with their roof. Only in the city of Philadelphia where these problems exist—and we could go on to Gratz High School, Edison High School, and others where this problem prevails—it seems that no one wants to look at that problem.

Now, I have heard the gentleman, Mr. Gallagher, speak about that we should make sure that our own school district takes care of that. Being in the city of Philadelphia, we do not have an elected school board, and even though we have attempted on the floor of this House to try and get members to understand that problem, it has fallen on deaf ears. At least this will help alleviate that problem.

The other thing is that I think that the fiscal note in which Mr. McClatchy has indicated it is going to cost us \$7 million is erroneous, and there are no figures to base the \$7 million on. It would seem to me that we should be about the business of trying to make sure that the schools are maintained in a proper and decent manner for children to learn and so teachers can learn, and if we are concerned about where they go to school and where they live, then maybe we need to be concerned about the students getting an education conducive to fine buildings like everyone else has. Mr. Speaker, I would ask that the members of this House support the amendment.

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

The following roll call was recorded:

YEAS—35

Barber	Earley	McIntyre	Pucciarelli
Bennett	Harper	McMonagle	Rappaport
Berson	Irvis	Mullen	Reed
Borski	Jones	Novak	Richardson
Cochran	Knight	O'Donnell	Rieger
Cohen	Kolter	Oliver	Shadding
DeWeese	Levin	Petrarca	White
DiCarlo	Livengood	Pievsky	Zeller
Dumas	McCall	Pratt	

NAYS—146

Alden	Foster, W. W.	Levi	Schweder
Anderson	Foster, Jr., A.	Lewis	Serafini
Armstrong	Freind	Lynch, E. R.	Seventy
Arty	Fryer	McClatchy	Shupnik
Austin	Gallagher	McKelvey	Sieminski
Belardi	Gallen	McVerry	Sirianni
Bittle	Gamble	Mackowski	Smith, E. H.
Bowser	Gannon	Madigan	Smith, L. E.
Brandt	Gatski	Manderino	Spencer
Brown	Geesey	Manmiller	Spitz
Burd	Geist	Michlovic	Stairs
Burns	George, C.	Micozzie	Steighner
Caltagirone	George, M. H.	Milanovich	Stewart
Cappabianca	Gladeck	Miller	Stuban
Cessar	Goebel	Moehlmann	Sweet
Chess	Goodman	Mowery	Swift
Cimini	Grabowski	Mrkonic	Taddonio
Clark, B. D.	Grieco	Murphy	Taylor, E. Z.
Clark, M. R.	Gruppo	Nahill	Taylor, F.
Cole	Halverson	Noye	Telek
Cornell	Hasay	O'Brien, B. F.	Thomas
Coslett	Hayes, Jr., S.	O'Brien, D. M.	Trello
Cowell	Helfrick	Perzel	Vroon
Cunningham	Hoeffel	Peterson	Wachob
DeMedio	Honaman	Piccola	Wargo
DeVerter	Hutchinson, A.	Pistella	Wass
Davies	Hutchinson, W.	Pitts	Wenger
Dawida	Itkin	Polite	Wilt
Dietz	Johnson, E. G.	Pott	Wright, D. R.
Dininni	Kanuck	Punt	Wright, Jr., J.
Dombrowski	Klingaman	Pyles	Yahner
Dorr	Kowalshyn	Ritter	Yohn
Duffy	Kukovich	Rocks	Zitterman
Durham	Lashingier	Rodgers	Zord
Fee	Laughlin	Salvatore	
Fischer	Lehr	Scheaffer	Seltzer,
Fisher	Letterman	Schmitt	Speaker

NOT VOTING—15

Beloff	Hayes, D. S.	Rhodes	Williams
Giammarco	Johnson, J. J.	Ryan	Wilson
Gray	Knepper	Street	Zwinkl
Greenfield	Musto	Weidner	

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?

Mrs. HARPER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and transfer of teachers.

Amend Sec. 1, page 1, line 10, by inserting after "amended" and a section is added

Amend Sec. 1, page 2, by inserting between lines 1 and 2 Section 1113. Transfer of Teachers.—The superintendent shall consult with the principal of the particular school and receive his recommendations prior to transferring a teacher from one school to another.

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

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

Mrs. HARPER. Mr. Speaker, this amendment concerns the transfer of teachers, and it states: "The superintendent shall consult with the principal of the particular school and receive his recommendations prior to transferring a teacher from one school to another." I know that a number of superintendents are transferring teachers without consulting the principals of the schools, and I do think that the principals should have some input in the transfer of teachers. This should be worked out, and the principals should be given some consideration concerning the running of their schools. I ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I would agree with the lady totally. The problem is that there are contractual agreements, especially in the city of Philadelphia. The contractual agreements spell out very clearly the methods that will be used in transfer, and they are agreed to between the bargaining unit and the school board, and to interfere with that I think would be wrong. For that reason I recommend that the amendment be defeated.

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

The following roll call was recorded:

YEAS—31

Barber	Fisher	Livengood	Pucciarelli
Berson	Gatski	McIntyre	Rappaport
Borski	Harper	McMonagle	Richardson
Brown	Irvis	Mullen	Rieger
Caltagirone	Jones	O'Donnell	Shadding
Cohen	Kanuck	Oliver	White
Dawida	Levin	Pievsky	Zeller
Dumas	Lewis	Pratt	

NAYS—152

Alden	Foster, Jr., A.	McCall	Schweder
Anderson	Freind	McClatchy	Serafini
Armstrong	Fryer	McKelvey	Seventy
Arty	Gallagher	McVerry	Shupnik
Austin	Gallen	Mackowski	Sieminski
Belardi	Gamble	Madigan	Sirianni
Bennett	Gannon	Manderino	Smith, E. H.
Bittle	Geesey	Manmiller	Smith, L. E.
Bowser	Geist	Michlovic	Spencer
Brandt	George, C.	Micozzie	Spitz
Burd	George, M. H.	Milanovich	Stairs
Burns	Giammarco	Miller	Steighner
Cappabianca	Gladeck	Moehlmann	Stewart
Cessar	Goebel	Mowery	Stuban
Chess	Goodman	Mrkonic	Sweet
Cimini	Grabowski	Murphy	Swift
Clark, B. D.	Grieco	Nahill	Taddonio
Clark, M. R.	Gruppo	Novak	Taylor, E. Z.
Cochran	Halverson	Noye	Taylor, F.
Cole	Hasay	O'Brien, B. F.	Telek
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas

Coslett	Helfrick	Perzel	Trello
Cowell	Hoeffel	Peterson	Vroon
Cunningham	Honaman	Petrarca	Wachob
DeMedio	Hutchinson, A.	Piccola	Wargo
DeVerter	Hutchinson, W.	Pistella	Wass
DeWeese	Itkin	Pitts	Wenger
DiCarlo	Johnson, E. G.	Polite	Wilson
Davies	Klingaman	Pott	Wilt
Dietz	Knight	Punt	Wright, D. R.
Dininni	Kolter	Pyles	Wright, Jr., J.
Dombrowski	Kowalyshyn	Reed	Yahner
Dorr	Kukovich	Ritter	Yohn
Duffy	Lashingier	Rocks	Zitterman
Durham	Laughlin	Rodgers	Zord
Earley	Lehr	Salvatore	
Fee	Letterman	Scheaffer	Seltzer,
Fischer	Levi	Schmitt	Speaker
Foster, W. W.	Lynch, E. R.		

NOT VOTING—13

Beloff	Johnson, J. J.	Rhodes	Weidner
Gray	Knepper	Ryan	Williams
Greenfield	Musto	Street	Zwikl
Hayes, D. S.			

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?

Mrs. HARPER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting , and requiring certain school buildings to be cleaned monthly.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. The act is amended by adding a section to read: Section 1106.1. Cleaning of Certain School Buildings.—All school buildings in school districts of the first class shall be cleaned at least once a month.

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

On the question,

Will the House agree to the amendments?

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

Mrs. HARPER. Mr. Speaker, this amendment concerns the maintenance of schools in cities of the first class, Philadelphia. I am concerned about the health and welfare of the students, and I have had the opportunity to visit some of the schools and they are not clean. I think that we as legislators should demand those schools be inspected and cleaned at least once a month. This is for the benefit of the students. I just cannot understand people not being concerned about the roofs leaking and unclean schools. This is a simple matter that all of us should be concerned about. Thank you very much.

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

Mr. McCLATCHY. Mr. Speaker, this amendment, as I understand it, will require that in the district of the first class, which is Philadelphia, all school buildings should be cleaned at least once a month, and I have no quarrel with that, assuming that the maintenance is being paid for in the district. We could then conclude that there would be no

cost. However, if it is an attempt to increase the quantity or quality of the cleaning, it might add an additional at least \$1 million.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—37

Barber	Giammarco	McIntyre	Reed
Bennett	Harper	McMonagle	Richardson
Berson	Irvis	Manderino	Rieger
Borski	Jones	Mullen	Shadding
Brown	Knight	O'Donnell	Sweet
Clark, B. D.	Kolter	Oliver	Wachob
Cohen	Kukovich	Petrarca	Wargo
DeWeese	Levin	Pievsky	White
DiCarlo	Livengood	Pistella	Zeller
Dumas			

NAYS—144

Alden	Foster, W. W.	Lewis	Schmitt
Anderson	Foster, Jr., A.	Lynch, E. R.	Schweder
Armstrong	Freind	McCall	Serafini
Arty	Fryer	McClatchy	Seventy
Austin	Gallagher	McKelvey	Shupnik
Belardi	Gallen	McVerry	Sieminski
Bittle	Gamble	Mackowski	Sirianni
Bowser	Gannon	Madigan	Smith, E. H.
Brandt	Gatski	Manmiller	Smith, L. E.
Burd	Geesey	Michlovic	Spencer
Burns	Geist	Micozzie	Spitz
Caltagirone	George, C.	Milanovich	Stairs
Cappabianca	George, M. H.	Miller	Steighner
Cessar	Gladeck	Moehlmann	Stewart
Chess	Goebel	Mowery	Stuban
Cimini	Goodman	Mrkonc	Swift
Clark, M. R.	Grabowski	Murphy	Taddonio
Cochran	Grieco	Nahill	Taylor, E. Z.
Cole	Gruppo	Novak	Taylor, F.
Cornell	Halverson	Noye	Telek
Coslett	Hasay	O'Brien, B. F.	Thomas
Cowell	Hayes, Jr., S.	O'Brien, D. M.	Trello
Cunningham	Helfrick	Perzel	Vroon
DeMedio	Hoeffel	Peterson	Wass
DeVerter	Honaman	Piccola	Wenger
Davies	Hutchinson, A.	Pitts	Wilson
Dawida	Hutchinson, W.	Polite	Wilt
Dietz	Itkin	Pott	Wright, D. R.
Dininni	Johnson, E. G.	Pratt	Wright, Jr., J.
Dombrowski	Kanuck	Punt	Yahner
Dorr	Klingaman	Pyles	Yohn
Duffy	Kowalyshyn	Ritter	Zitterman
Durham	Lashingier	Rocks	Zord
Earley	Laughlin	Rodgers	
Fee	Lehr	Salvatore	Seltzer,
Fischer	Letterman	Scheaffer	Speaker
Fisher	Levi		

NOT VOTING—15

Beloff	Johnson, J. J.	Rappaport	Weidner
Gray	Knepper	Rhodes	Williams
Greenfield	Musto	Ryan	Zwikl
Hayes, D. S.	Pucciarelli	Street	

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. REED offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and requiring proficiency testing.

Amend Sec. 1, page 1, line 10, by inserting after "amended" and a section is added

Amend Sec. 1, page 2, by inserting between lines 1 and 2

Section 1531.1. Proficiency Testing.—(a) To insure the relevance of elementary and secondary education to contemporary needs of students in public and private schools in Pennsylvania, and to determine the extent to which basic and practical skills are being taught and learned by those students, as well as to foster such instruction, there is hereby required in all elementary and secondary public and private schools various proficiency tests to be administered in at least the fifth, seventh, ninth, eleventh and twelfth grades.

(b) Proficiency tests shall determine the student's basic skills which shall include the ability to (1) read, (2) write and (3) understand mathematics on a level equivalent to the grade level which the test is administered as provided in subsection (a).

(c) Further, such proficiency tests shall determine the student's knowledge of various practical skills important to everyday life. Such practical skills shall include, at grade levels five and seven, basic first aid and physical fitness and may include any other areas as determined by the local school district, and at grade levels nine, eleven and twelve, shall, in addition to first aid and physical fitness, shall include personal finances and budgeting, food preparation, basic mechanics and may include any other areas as determined by the local school district.

(d) A school district may provide for proficiency testing for any other grade level it deems appropriate in addition to those required in subsection (a).

(e) The level of skill deemed appropriate for the grade levels in which proficiency tests are administered shall be based on minimum standards of proficiency set forth in standards and regulations issued by the State Board of Education.

(f) Proficiency tests may be administered at any time during the school year as determined by the local school district, provided that such tests administered in the twelfth grade shall be administered not later than one month before the scheduled date of graduation.

(g) Effective July 1, 1981, no student shall be advanced to the next grade level who does not meet minimum standards determined by proficiency testing and no student in the twelfth grade level, failing to meet minimum competency levels in the proficiency test administered in the twelfth grade, shall be awarded a diploma of graduation until such time as the student does meet minimum standards of competency. Exceptions shall be special educational students and any student granted a special exception from this section by the local school district on the basis of unusual circumstances under standards approved by the State Board of Education for such exceptions.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, I have only one amendment. We have previously passed an identical amendment as what I am offering today. It has already been circulated. It passed overwhelmingly in this House of Representatives during the last legislative session. I specifically think that it was 1978 that we did so. It was subsequently not acted upon in the Senate because of the type of bill that it was inserted into, dealing with the education code.

Very simply stated, this deals with the problem of functional illiteracy on the part of high school graduates who are coming out of urban, suburban and rural high schools in Pennsylvania today. We are spending more money in 1980 and in the preceding several years for basic and secondary education beyond what we have ever spent in our history. That is on a state level. On a local level the real estate tax rate for schools is a higher rate than any other type of real estate tax that we pay.

This legislation, this amendment, simply provides for the teaching of practical skills to high school students, provides for a minimum level of competency in reading and in writing and in understanding math, which are the very basic substances. They should be the substance of our instruction. I think many times that our educational system has gone far afield from what our initial purpose has been both in funding and in purpose, and believe you me, the parents of children in schools today and our total communities that are financing these schools are wondering with good reason why we are not, as a legislature, taking appropriate steps to at least establish a minimum level of competency.

I know that one of the arguments against this is going to be that the U.S. Circuit Court of Appeals in the State of Florida has ruled that the competency provision in their law in Florida was ruled unconstitutional. Mr. Speaker, this proposal now before you is dissimilar to the one in Florida and is therefore not covered by that unconstitutionality order issued in Florida. What is before you is exactly what we have passed before in this House overwhelmingly. I think it is long overdue, and most educators know it, just about every parent knows it, and we know it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I oppose this amendment for two reasons. First of all, the minimum cost would be \$5 million. We just do not have the \$5 million, as I was trying to tell you earlier in the day.

But above and beyond that, Mr. Reed speaks to the point that this would not be unconstitutional based on the Florida case. I contend—and I am not an attorney, but I contend—that it would be unconstitutional based on the Florida case. And if I could just take a moment of your time and read to you the ruling of the court in the Florida case: "In the first major legal test of competency testing programs, a federal district court on July 12, 1979 in Debra P. v. Turlington held that Florida's functional literacy examination did not give students timely notice of the new diploma requirements and that the program carried forward the effects of past discrimination against Florida's black students in violation of the due process and equal protection clauses of the Fourteenth Amendment...."

What we are saying here, Mr. Speaker, is simply that in the Florida case the Federal court ruled that indeed a minimum of 4 years' notice was necessary in order to be fair to the students who were presently in the ninth grade. They could not be held accountable for something that they did not know about when they really entered into the

contract in grade 1. In Mr. Freind's amendment, at least as far as I can see, there is absolutely no notice given, and just on those grounds I think the Federal courts here in Pennsylvania, the Federal courts in this region, would again rule that this is strictly unconstitutional.

For those two reasons, the reasons of the \$5-million minimum startup and cost and the reasons that I have mentioned based on the Federal decision in the State of Florida, I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Very quickly in rebuttal to those two points of Mr. Burns, I would say first of all that I discount to some extent whether this particular amendment would cost any additional money simply because it would be easily integrated into the money and the programs and the system we are already financing to the tune of several hundred million dollars just from the state level, not counting local. But if his remarks are absolutely correct, that the implementation of minimum competency levels to guarantee that our students know how to read and to write and to understand mathematics is only an additional \$5 million. I cannot think of a more appropriate expenditure to improve our educational system with some degree of accountability and credibility, and I think that our taxpayers would want to see that nominal expenditure added onto that which they are already paying. At least they will begin to see some product from that for which they have spent some money.

The second business is that inside this amendment there is a stipulation. It is very clear that there is option on the part of both the local school board as well as the regulatory authority, the right to establish standards and the right to establish various other regulations to implement this language on the part of the State Board of Education. And if the constitutionality question in Florida suggests that there must be a 4-year notice, I see no difficulty in both the State Board of Education and the local school districts delaying the implementation of this, using the discretionary authority they have in this amendment, to meet that minimum 4-year requirement. I do not see that as a problem, but the step has got to be taken here. We know only too well that it has not been taken in a decisive and definitive manner by the State Department of Education or the Board of Education or other groups. We are the funding mechanism. We are the taxing body, and we have a right to assign certain stipulations on those funds that we are expending. We have every right as a legislature to set forth this as a stipulation that we at least see that the money is going for the intended purpose. This will cause the resources of our educational system, mammoth as it is, to begin dwelling on the basic skills first and not so many other secondary things.

With regard to the other remarks of the previous speaker, I have found in my district, Mr. Speaker—which has a 70-percent black student population in its public school system—a widespread acceptance of not only this particular amendment but specific endorsements of this amendment

by minority group parents who want their educational system to be relevant to the needs of their students, who need the skills, the basic and the practical skills, spelled out in this amendment so that they can in fact be contributing and competitive members of the community and the job market. There is nothing more basic today to meeting the needs of minority youth and all youth. If you take a look at the unemployment figures affecting minority and other youth, there is nothing more basic than making our educational system do this. We have resoundingly passed this amendment 2 years ago with young and old, black and white, Republican and Democratic, conservative and liberal support of this amendment. I suggest that we repeat it again. That sends a message, if nothing else, to the Department of Education and others to get down to the business of basic skills first.

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

The following roll call was recorded:

YEAS—66

Austin	Gamble	McMonagle	Rappaport
Barber	Giammarco	Madigan	Reed
Bennett	Goodman	Manmiller	Richardson
Berson	Grabowski	Michlovic	Rieger
Borski	Harper	Mrkonic	Ritter
Brown	Irvis	Mullen	Schmitt
Burd	Itkin	Murphy	Seventy
Chess	Johnson, J. J.	Novak	Shadding
Clark, M. R.	Jones	Oliver	Steighner
Cohen	Klingaman	Perzel	Stewart
Cowell	Knight	Pievsky	Taddonio
DiCarlo	Kolter	Pistella	Telek
Dawida	Kowalyshyn	Pott	Trello
Duffy	Laughlin	Pratt	Wargo
Dumas	McCall	Pucciarelli	White
Earley	McIntyre	Pyles	Zeller
Fischer	McKelvey		

NAYS—115

Alden	Foster, W. W.	Letterman	Serafini
Anderson	Foster, Jr., A.	Levi	Sieminski
Armstrong	Freind	Levin	Sirianni
Arty	Fryer	Lewis	Smith, E. H.
Belardi	Gallagher	Livengood	Smith, L. E.
Bittle	Gallen	Lynch, E. R.	Spencer
Bowser	Gannon	McClatchy	Spitz
Brandt	Gatski	McVerry	Stairs
Burns	Geesey	Mackowski	Stuban
Caltagirone	Geist	Manderino	Sweet
Cappabianca	George, C.	Micozzie	Swift
Cessar	George, M. H.	Milanovich	Taylor, E. Z.
Cimini	Gladeck	Miller	Taylor, F.
Clark, B. D.	Goebel	Moehlmann	Thomas
Cochran	Grieco	Mowery	Vroon
Cole	Gruppo	Nahill	Wachob
Cornell	Halverson	Noye	Wass
Coslett	Hasay	O'Brien, B. F.	Wenger
Cunningham	Hayes, Jr., S.	O'Brien, D. M.	Wilson
DeMedio	Helfrick	Peterson	Wilt
DeVerter	Hoeffel	Petrarca	Wright, D. R.
DeWeese	Honaman	Piccola	Wright, Jr., J.
Davies	Hutchinson, A.	Pitts	Yahner
Dietz	Hutchinson, W.	Polite	Yohn
Dininni	Johnson, E. G.	Punt	Zitterman
Dombrowski	Kanuck	Rocks	Zord
Dorr	Kukovich	Rodgers	
Durham	Lashinger	Salvatore	Seltzer,
Fee	Lehr	Scheaffer	Speaker
Fisher			

NOT VOTING—15

Beloff	Knepper	Ryan	Weidner
Gray	Musto	Schweder	Williams
Greenfield	O'Donnell	Shupnik	Zwilk
Hayes, D. S.	Rhodes	Street	

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. COHEN offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting , and imposing certain spending limitations.

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended to read:

Section 613. Spending Limitations.—Total spending by any school district shall not exceed the spending limit in any fiscal year. The spending limit for any fiscal year shall be equal to the spending during the immediately prior year, adjusted by eighty per centum (80%) of the compound rate of change for the two (2) preceding years of the personal income for that school district multiplied by the compound percentage increase, if any, in the student population for that school district for the past two (2) years. The personal income shall be defined and officially reported by the United States Department of Commerce, or as officially compiled by the Pennsylvania Department of Revenue if the United States Department of Commerce does not compile such figures. A majority vote of the electorate of any school district may change such spending limit.

Amend Sec. 1, page 1, line 9, by striking out "1" and inserting 2

Amend Sec. 1, page 1, lines 9 and 10, by striking out "act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949,"" and inserting of the act

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

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, this could be summarized very briefly as the HB 1 amendment. This takes the basic provisions of HB 1 in reference to the School Code that there is going to be a cap on spending for educational purposes equal to 80 percent of the interest in the cost of living and puts it on the local school districts in the state.

In the course of voting on the other amendments, there were questions about how we can continue to afford increased spending. The House has recently voted for HB 1, the constitutional amendment. The Senate has not acted on HB 1. It is bottled up in committee. This will be a very difficult way for anybody to try to bottle it up. If this is placed on concurrence, the Senate will have to vote "yes" or "no" as to whether they believe in spending limitations. The constitutional amendment could not take place until 1983 at the absolute earliest. This could take place immediately this year. This could be a way to test the value of spending limitations.

I think that many people in this state are very much aware and very disturbed about the increases in spending for all purposes. Passing this amendment will give the people some way that we can have a mechanism for doing so without an elaborate constitutional amendment and without a method so it can be bottled up in the Senate. I would, therefore, urge the 170-odd members of this House who voted for HB 1 to vote for this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I am really amused at this amendment, in a sense, because if we adopt it, it would cut out the \$40 million or \$50 million of spending that we have already put into this bill. It would, in effect, eliminate all the other amendments dealing with the parochial schools that went into it. I think that we have, as members of the House, voted on this already. It is in the Senate. Local governments are now beginning to come to us and say, hey, take another look at it. I think that is what the Senate is doing. Local governments have told us since that vote that we had better look at what we are doing. They have sent proclamations and whereases to us by the dozens, saying that HB 1 is not the savior that we may think it is, and, for that reason, it is my understanding that the Senate now is going to hold hearings throughout the state to see how, in effect, they would affect local government. What I am saying to you is, if we adopt this amendment, the other amendments that you adopted to spend money for parochial schools are dead. Thank you, Mr. Speaker.

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

Mr. COHEN. This would not affect the amendments for parochial schools. This deals with spending by local school districts; it does not deal with state spending. This is an attempt to place a ceiling to stop extravagant spending. I think that this amendment is in line with the thinking of the vast majority of the House. It does not oppose any other amendments. I urge its support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—44

Alden	Durham	McMonagle	Pratt
Austin	Fischer	Michlovic	Pyles
Barber	Gruppo	Mrkonic	Reed
Berson	Harper	Mullen	Richardson
Borski	Hoeffel	Murphy	Ritter
Brown	Irvis	Novak	Salvatore
Cohen	Jones	O'Brien, D. M.	Scheaffer
DiCarlo	Knight	Oliver	Shadding
Dawida	Kowalshyn	Pievsky	Taddonio
Duffy	McClatchy	Pistella	White
Dumas	McKelvey	Pott	Zeller

NAYS—130

Anderson	Fisher	Lehr	Serafini
Armstrong	Foster, W. W.	Letterman	Shupnik
Arty	Foster, Jr., A.	Levi	Sieminski
Belardi	Freind	Lewis	Sirianni
Bennett	Fryer	Livengood	Smith, E. H.
Bittle	Gallagher	Lynch, E. R.	Smith, L. E.
Bowser	Gallen	McCall	Spencer

Brandt	Gamble	McIntyre	Spitz
Burd	Gannon	McVerry	Stairs
Burns	Gatski	Mackowski	Steighner
Caltagirone	Geesey	Madigan	Stewart
Cappabianca	Geist	Manderino	Stuban
Cessar	George, M. H.	Manmiller	Swift
Chess	Gladeck	Micozzie	Taylor, E. Z.
Cimini	Goebel	Milanovich	Taylor, F.
Clark, B. D.	Goodman	Miller	Telek
Clark, M. R.	Grabowski	Moehlmann	Thomas
Cochran	Grieco	Mowery	Trello
Cole	Halverson	Nahill	Vroon
Cornell	Hasay	Noye	Wargo
Coslett	Hayes, Jr., S.	O'Brien, B. F.	Wass
Cowell	Helfrick	O'Donnell	Wenger
Cunningham	Honaman	Perzel	Wilson
DeMedio	Hutchinson, A.	Peterson	Wilt
DeVerter	Hutchinson, W.	Petrarca	Wright, D. R.
DeWeese	Itkin	Piccola	Wright, Jr., J.
Davies	Johnson, E. G.	Pitts	Yahner
Dietz	Kanuck	Polite	Yohn
Dininni	Klingaman	Punt	Zitterman
Dombrowski	Kolter	Rieger	Zord
Dorr	Kukovich	Rocks	
Earley	Lashinger	Rodgers	Seltzer,
Fee	Laughlin	Schmitt	Speaker

NOT VOTING—22

Beloff	Johnson, J. J.	Rhodes	Sweet
George, C.	Knepper	Ryan	Wachob
Giammarco	Levin	Schweder	Weidner
Gray	Musto	Seventy	Williams
Greenfield	Pucciarelli	Street	Zwilk
Hayes, D. S.	Rappaport		

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. COHEN offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting , and imposing certain spending limitations.

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended to read:

Section 613. Spending Limitations.—Total spending by any school district shall not exceed the spending limit in any fiscal year. The spending limit for any fiscal year shall be equal to the spending during the immediately prior year, adjusted by one hundred per centum (100%) of the compound rate of change for the two (2) preceding years of the personal income for that school district multiplied by the compound percentage increase, if any, in the student population for that school district for the past two (2) years. The personal income shall be defined and officially reported by the United States Department of Commerce, or as officially compiled by the Pennsylvania Department of Revenue if the United States Department of Commerce does not compile such figures. A majority vote of the electorate of any school district may change such spending limit.

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 9 and 10, by striking out "act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949,"" and inserting of the act

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

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, this is the same amendment as the last amendment except that it allows a 100-percent increase in the CPI - Consumer Price Index - instead of an 80-percent increase in the CPI. I would think this places a ceiling on it. It does not place as low a ceiling as the other amendment does, so I would hope that there would be feeling that some ceiling is better than no ceiling, and I urge your support of this.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, for the same reasons that I opposed the other amendment, I oppose this amendment.

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

Mr. TADDONIO. Mr. Speaker, I believe this amendment has some merit and I think the House ought to look at it. I think that what we are talking about here is a spending limitation on school districts. I do not have the exact figures, but 100 percent of personal income certainly should be a reasonable limit to put on school districts, and since the original legislation that we passed here, on placing a limit, has been slowed down in the Senate, we hope that they will take it up very quickly. I think this would go a long way in trying to hold down the pressure on property taxes that we have right now. So I would urge the support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—64

Alden	Gamble	Michlovic	Richardson
Barber	Giammarco	Mowery	Ritter
Berson	Grabowski	Mrkonic	Rocks
Borski	Gruppo	Mullen	Salvatore
Brandt	Harper	Murphy	Scheaffer
Brown	Hoeffel	Novak	Seventy
Cessar	Irvis	O'Brien, D. M.	Shadding
Chess	Jones	Oliver	Sieminski
Clark, B. D.	Klingaman	Perzel	Spitz
Clark, M. R.	Knight	Pievsky	Stairs
Cohen	Kowalshyn	Pistella	Swift
Dawida	Levin	Pott	Taddonio
Dumas	Lewis	Pratt	Telek
Durham	McKelvey	Pucciarelli	Trello
Fischer	McMonagle	Rappaport	White
Fisher	McVerry	Reed	Zeller

NAYS—115

Anderson	Foster, Jr., A.	Letterman	Serafini
Armstrong	Freind	Levi	Shupnik
Arty	Fryer	Livengood	Sirianni
Belardi	Gallagher	Lynch, E. R.	Smith, E. H.
Bennett	Gallen	McCall	Smith, L. E.
Bittle	Gannon	McClatchy	Spencer
Bowser	Gatski	McIntyre	Steighner
Burd	Geesey	Mackowski	Stewart
Burns	Geist	Madigan	Stuban
Caltagirone	George, C.	Manderino	Sweet
Cappabianca	George, M. H.	Manmiller	Taylor, E. Z.
Cochran	Gladeck	Micozzie	Taylor, F.

Cole	Goebel	Milanovich	Thomas
Cornell	Goodman	Miller	Vroon
Coslett	Halverson	Moehlmann	Wachob
Cowell	Hasay	Nahill	Wargo
Cunningham	Hayes, Jr., S.	Noye	Wass
DeMedio	Helfrick	O'Brien, B. F.	Wenger
DeVerter	Honaman	O'Donnell	Wilson
DeWeese	Hutchinson, A.	Peterson	Wilt
DiCarlo	Hutchinson, W.	Petrarca	Wright, D. R.
Davies	Itkin	Piccola	Wright, Jr., J.
Dietz	Johnson, E. G.	Pitts	Yahner
Dininni	Kanuck	Polite	Yohn
Dombrowski	Kolter	Punt	Zitterman
Dorr	Kukovich	Pyles	Zord
Duffy	Lashingier	Rieger	
Earley	Laughlin	Rodgers	Seltzer,
Fee	Lehr	Schmitt	Speaker
Foster, W. W.			

NOT VOTING—17

Austin	Grieco	Musto	Street
Beloff	Hayes, D. S.	Rhodes	Weidner
Cimini	Johnson, J. J.	Ryan	Williams
Gray	Knepper	Schweder	Zwikl
Greenfield			

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. COHEN offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and providing for legislative appointments to Board of Trustees of State Colleges and University.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. The act is amended by adding a section to read: Section 2008.1. Legislative Appointments.—In addition to the nine (9) trustees appointed by the Governor, one (1) trustee each shall be appointed to the board of each State college or university by the Majority and Minority Leaders of the Pennsylvania House and the Pennsylvania Senate. Such directors shall serve until the end of the session for which they were elected upon appointment.

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

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, this amendment places legislative representation on all the boards of state colleges in the Commonwealth. Right now the legislature has no representation on state college boards in this Commonwealth. There are nine trustees on the board of each state college. None of them are members of the legislature; none are appointed by the legislature. The legislature has no input into the operation of state colleges. This amendment gives the legislature input into the operation of the state colleges. It provides that the majority leader and the minority leader of both the House and the Senate will each appoint one member to the board of each state college. This would give most of the members of the legislature—probably all the members of the legislature would be interested in serving—an opportunity to be on one state college board.

I think it would give the state colleges a greater understanding of legislative concerns. It would give the legislature a greater understanding of the day-to-day operations of the state colleges. I think it would be very, very worthwhile for the state to have legislative input on the state college boards. Other states have legislative input; other boards in Pennsylvania have legislators on them. For the state colleges, which use up a great amount of money from the state, we have no representation on their boards. I think we ought to have representation on the boards of the state colleges. I think we ought to have a say in the operations of the state colleges. I think we ought to be able to get firsthand information as to how the state colleges operate. I therefore urge support of this amendment.

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

Mr. ZELLER. Mr. Speaker, I do not like to do this. I have been going along with all the amendments to this point in time, but I have to oppose this amendment. The reason for it is quite simple. I think that while we are in the three separate checks and balances of our government in regard to the legislative process, we must leave the administration function—and I believe that we can stand back here and do a better job of being critical, rather than being on the boards and stand the chance of there, again, having another number on their side. Because it does not necessarily say if a legislator is going to be on their board, the legislature is going to take a hard look at it, because when you are rubbing elbows with the same group, as a rule, they are going to be easier to go along with it. That is one of your problems. We can do a much better job of sitting back here, getting the information and taking a more critical look at their budgets, rather than being part of that budget, and that is where I think you are going to have a problem. I think most legislators ought to be off most of these boards. That has been one of our problems in the past. We can take a much harder look and be much more critical than we can by being a member of that board.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I oppose the amendment. Simply, the legislature has enough input. We control the dollars in the state colleges, and he who controls the purse strings controls the operation.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—46

Austin	Giammarco	Mrkonic	Reed
Barber	Grabowski	Murphy	Richardson
Berson	Harper	Novak	Rieger
Borski	Irvic	Oliver	Schmitt
Brown	Itkin	Petrarca	Seventy
Cappabianca	Jones	Pievsky	Shadding
Chess	Knight	Pistella	Telek
Cunningham	Kukovich	Pott	Trello
Dawida	Levin	Pratt	Wachob
Duffy	McMonagle	Pucciarelli	Wargo
Dumas	Michlovic	Rappaport	White
Gamble	Milanovich		

NAYS—135

Alden	Foster, W. W.	Levi	Scheaffer
Anderson	Foster, Jr., A.	Lewis	Serafini
Armstrong	Freind	Livengood	Shupnik
Arty	Fryer	Lynch, E. R.	Sieminski
Belardi	Gallagher	McCall	Sirianni
Bennett	Gallen	McClatchy	Smith, E. H.
Bittle	Gannon	McIntyre	Smith, L. E.
Bowser	Gatski	McKelvey	Spencer
Brandt	Geesey	McVerry	Spitz
Burd	Geist	Mackowski	Stairs
Burns	George, C.	Madigan	Steighner
Caltagirone	George, M. H.	Manderino	Stewart
Cessar	Gladeck	Manmiller	Suban
Cimini	Goebel	Micozzie	Sweet
Clark, B. D.	Goodman	Miller	Swift
Clark, M. R.	Grieco	Moehlmann	Taddonio
Cochran	Gruppo	Mowery	Taylor, E. Z.
Cole	Halverson	Mullen	Taylor, F.
Cornell	Hasay	Nahill	Thomas
Coslett	Hayes, Jr., S.	Noye	Vroon
Cowell	Helfrick	O'Brien, B. F.	Wass
DeMedio	Hoefel	O'Brien, D. M.	Wenger
DeVerter	Honaman	O'Donnell	Wilson
DeWeese	Hutchinson, A.	Perzel	Wilt
DiCarlo	Hutchinson, W.	Peterson	Wright, D. R.
Davies	Johnson, E. G.	Piccola	Wright, Jr., J.
Dietz	Kanuck	Pitts	Yahner
Dininni	Klingaman	Polite	Yohn
Dombrowski	Kolter	Punt	Zeller
Dorr	Kowalyshyn	Pyles	Zitterman
Durham	Lashinger	Ritter	Zord
Earley	Laughlin	Rocks	
Fee	Lehr	Rodgers	Seltzer,
Fischer	Letterman	Salvatore	Speaker
Fisher			

NOT VOTING—15

Beloff	Hayes, D. S.	Rhodes	Weidner
Cohen	Johnson, J. J.	Ryan	Williams
Gray	Knepper	Schweder	Zwinkl
Greenfield	Musto	Street	

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. COHEN offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "employees" and inserting and providing for legislative appointments to the Board of State Colleges and University Directors.

Amend Bill, page 2, by inserting between lines 1 and 2 Section 2. The act is amended by adding a section to read: Section 2003.1. Legislative Appointments.—In addition to the fifteen (15) directors of the Board of State College and University Directors, one (1) director each shall be appointed by the Majority and Minority Leaders of the Pennsylvania House and the Pennsylvania Senate. Such directors shall serve until the end of the legislative session for which they were elected upon appointment to the board.

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

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, in line with the last amendment, there is also a board of state college and university directors which sets general policies for this Commonwealth in terms of the state colleges. There is no legislative representation on the state board of colleges and university directors. This amendment would place legislative representation on it and give the legislature influence in the overall policy operations of the state colleges. I think that anybody who felt that we should not have day-to-day influence in the operation of individual colleges might nevertheless think we ought to have influence in overall state college policy. I urge support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. I oppose this for the same reasons, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Austin	Cunningham	Kukovich	Reed
Barber	Dawida	Levin	Richardson
Bennett	Dumas	Mrkonjic	Rieger
Berson	Fryer	Novak	Seventy
Borski	Gamble	Oliver	Shadding
Brown	Giammarco	Pievsky	Taylor, F.
Caltagirone	Grabowski	Pistella	Telek
Cappabianca	Harper	Pott	Trello
Chess	Irvis	Pratt	Wachob
Cochran	Jones	Pucciarelli	White
Cohen	Knight		

NAYS—137

Alden	Gallagher	McClatchy	Schmitt
Anderson	Gallen	McIntyre	Serafini
Armstrong	Gannon	McKelvey	Shupnik
Arty	Gatski	McMonagle	Sieminski
Belardi	Geesey	McVerry	Sirianni
Bittle	Geist	Mackowski	Smith, E. H.
Bowser	George, C.	Madigan	Smith, L. E.
Brandt	George, M. H.	Manderino	Spencer
Burd	Gladeck	Manmiller	Spitz
Burns	Goebel	Michlovic	Stairs
Cessar	Goodman	Micozzie	Steighner
Cimini	Grieco	Milanovich	Stewart
Clark, B. D.	Gruppo	Miller	Suban
Clark, M. R.	Halverson	Moehlmann	Sweet
Cole	Hasay	Mowery	Swift
Cornell	Hayes, Jr., S.	Mullen	Taddonio
Coslett	Helfrick	Nahill	Taylor, E. Z.
Cowell	Hoefel	Noye	Thomas
DeMedio	Honaman	O'Brien, B. F.	Vroon
DeVerter	Hutchinson, A.	O'Brien, D. M.	Wargo
DeWeese	Hutchinson, W.	O'Donnell	Wass
Davies	Johnson, E. G.	Perzel	Wenger
Dietz	Kanuck	Peterson	Wilson
Dininni	Klingaman	Petrarca	Wilt
Dombrowski	Kolter	Piccola	Wright, D. R.
Dorr	Kowalyshyn	Pitts	Wright, Jr., J.
Duffy	Lashinger	Polite	Yahner
Durham	Laughlin	Punt	Yohn
Earley	Lehr	Pyles	Zeller
Fee	Letterman	Rappaport	Zitterman
Fischer	Levi	Ritter	Zord
Fisher	Lewis	Rocks	
Foster, W. W.	Livengood	Rodgers	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Salvatore	Speaker
Freind	McCall	Scheaffer	

NOT VOTING—17

Beloff	Itkin	Musto	Street
DiCarlo	Johnson, J. J.	Rhodes	Weidner
Gray	Knepper	Ryan	Williams
Greenfield	Murphy	Schweder	Zwikl
Hayes, D. S.			

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

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

Mr. S. E. HAYES. Even though I realize we are on SB 449, I would like to say something at this time that does not address itself directly to this piece of legislation. I would like to thank the members for working so diligently this week. I personally appreciate your cooperation. We have conducted a lot of business here. We have started early in the day. We have adjourned before the nightfall each evening, and I appreciate the cooperation I have received from each and every one of you.

It is my suggestion—and I am going to put it in the form of a motion—I move that we place SB 449 and the amendments on the final passage postponed calendar so that we can look at the bill before we vote it finally. I realize that there are those who want to vote it finally, but I also realize that there are those who want to look at the bill in final printed form, and I believe that we should extend the courtesy to those who do want to look at this piece of legislation in final print before we go to final passage, and I so move. Thank you, Mr. Speaker.

SB 449 AND AMENDMENTS PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. S. E. HAYES. Mr. Speaker, so there is no misunderstanding, there have only been a few amendments adopted. They are amendments which have tremendous fiscal impact, but rather than sending the bill to the printer, and recognizing the fact that there are already on your desks, motions to reconsider the amendments, I believe that the membership will be satisfied in just having the bill and amendments placed upon the third consideration postponed calendar for Tuesday, April 8's consideration.

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

REMARKS ON VOTES

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

Mr. LAUGHLIN. Mr. Speaker, yesterday Mr. Salvatore introduced amendment No. A4454 to SB 449. I was recorded incorrectly in the negative, and I would wish to be recorded in the affirmative on that amendment, Mr. Speaker.

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

The Chair recognizes the gentleman from Erie, Mr. Dombrowski. For what purpose does the gentleman rise?

Mr. DOMBROWSKI. Mr. Speaker, on the Dawida amendment A5668 to SB 449, I inadvertently voted in the negative. I wish my vote to be recorded in the affirmative.

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

The Chair thanks the gentleman from York, Mr. Anderson, for presiding.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I move that the following bills be removed from the table and placed on the calendar:

HB 1899, PN 2356;
HB 1993, PN 2790; and
HB 2101, PN 2829.

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

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I submit for the record a list of additions for sponsorship of bills.

HB 744, O'Donnell, 47; HB 745, O'Donnell 47; HB 2095, Pitts 122; HB 2337, O'Donnell 47; HB 2118, Petrarca 74; HB 2418, Telek 91.

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.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

SB 999, PN 1295

An Act amending the act of June 30, 1970 (P. L. 442, No. 151), entitled "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission," providing per diem compensation for the public members of the commission.

SB 1104, PN 1330

An Act designating a highway between Kingston and Luzerne as the "Veterans Memorial Expressway."

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I was told that we were going to run HR 154 today, and it is very important that it be run. I would like the members not to get out of here before that is done.

The SPEAKER. For the information of the gentleman, HR 154 had been reported from committee, and the Chair saw no reason to run the discharge resolution.

Mr. ZELLER. Well, Mr. Speaker, the discharge resolution took precedence. We passed that the other day, and it was on the calendar, and I was told this morning we would run it. That was 4 hours before they even met.

The SPEAKER. For the information of the gentleman, there is no bill to discharge from a committee. HR 154 was reported from committee at a committee meeting called this morning or whenever it was—I do not recall the exact time—so HR 154 will be on the calendar when this House reconvenes.

Mr. ZELLER. Mr. Speaker, may I make a point? Our discharge resolution was presented and introduced to this House last Tuesday, a week ago yesterday, and it was on the calendar, and I was told this morning we would run it. Now, why are you doing this to me then? As a technicality?

The SPEAKER. The Chair will again repeat: HR 154 has been reported from the Committee on Federal-State Relations. There was no purpose in considering a discharge resolution; there is nothing to discharge.

Mr. ZELLER. I am not through yet, Mr. Speaker. I would like to move to suspend the rules so that this resolution can be run even in the manner that they presented it.

The SPEAKER. There is no rule to suspend.

Mr. ZELLER. Why is there not? Because of the fact that I would like to move the bill right now? I would like to move it now. I have been waiting for a long time, since last November, for this.

Mr. Speaker, let everybody go home. I will do it in 2 weeks, so forget it. Thank you.

The SPEAKER. For the information of the gentleman, the resolution is not in print.

RESOLUTION REPORTED FROM COMMITTEE

HR 185, PN 3171 (Amended) (Concurrent)
(Unanimous)

By Rep. PICCOLA

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

FEDERAL-STATE RELATIONS.

STATEMENT By Mr. SHUPNIK

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

Mr. SHUPNIK. Mr. Speaker, for the past several weeks we have been talking about the closing of state institutions and state facilities. This morning I received very disturbing news about a state-owned facility in my district being closed.

Retreat State Hospital just spent \$750,000 to meet the Fire and Panic Act. They also contracted for and hired four psychiatric physicians. It is also worth between \$35 million and \$55 million. What concerns me, Mr. Speaker, more and more, I am convinced that the greatest danger that we are facing right here in the Commonwealth is a gradual but deliberate taking over of legislative powers by the executive branch and a blatant disregard that the front office has for legislative intent, which is, pure and simple, the intent of the people we represent. If we do not move quickly, Mr. Speaker, to stop or halt this take over, we face the prospect of being a legislative body that goes through the motions of passing legislation that becomes meaningless through the adoption of rules and regulations or the issuance of a government edict from one of the departments from this administration.

Mr. Speaker, this week we passed two bills, HB 1888 and SB 581, which would prevent the administration from closing, merging, or phasing out any of our state general hospitals, nursing schools, or mental institutions without specific authority from the General Assembly. I will grant you that the measure has not passed the Senate, but I can assure you that it will. The Governor knows this, Secretary Helen O'Bannon knows this, everybody in the Department of Public Welfare knows it, and yet today I was informed by the Department of Public Welfare that Retreat State Hospital is going to be closed come hell or high water, regardless of any legislation to the contrary. I am disturbed, Mr. Speaker, and I think everyone in this House should be, because you do not know when the ax will fall on any facility in your district or in mine, and if you pass legislation to prevent these closings, it will be meaningless if we permit the executive branch to continue to ignore the legislation. Mr. Speaker, I can start thinking of several of your state-owned colleges and remember a statement I read in the paper this week about the Liquor Control Board.

I have been told, Mr. Speaker, by the Department of Public Welfare that the Lieutenant Governor is going to conduct a study to determine what economic impact the closing of this multimillion-dollar facility will have on our region. Actually it is silly, Mr. Speaker. I can tell them now in advance without any studies to be made that it will be disastrous. We are talking about a very high unemployment area, one of the highest in the state. We are talking about the health care for people who are housed in this institution. We are dealing with human lives, and I think the saddest thing of all, we are seeing Retreat State Hospital being manipulated as the initial movement in an orchestrated plan to sabotage our state-owned health institutions.

This morning Mr. Gordon of the Department of Public Welfare told me that Secretary Helen O'Bannon was very concerned about the transfers of the patients from Retreat State Hospital. Well, let me tell you, she should be. We met in Senator Murray's office several weeks ago, and I asked her pointblank about the high fatality rate of these patients who are being transferred from these institutions and if she would take the responsibility, and she said she would. Well, it is small consolation, Mr. Speaker, to all of us who have tried desperately these past few months to convince the Department of Public Welfare that the closing of Retreat State Hospital is ill-advised, ill-timed, and unwarranted.

Personally I and many of my colleagues on both sides of the aisle in our county have issued and have made strong protests with the administration against this closing. I honestly believe that when the Department of Public Welfare instituted this action just 2 days after we passed legislation which would prevent such actions without our approval, they are laying down the gauntlet for a donnybrook—and I had mentioned this several weeks ago—between the legislative and the executive branches of government. Certainly I for one—and certainly I am no neophyte here—and I am sure my colleagues, too, on that side and on this side will accept the challenge, but I assure you we will work to preserve the integrity and the dignity of this House by doing all we can to maintain the balance of powers between the executive and the legislative branches of government.

Mr. Speaker, I am sorry I had to bring this up, but somewhere and sometime we are going to have to face the terrific problem: Where does the power of the front office stop and where does it begin? Here with the legislative body. Thank you, Mr. Speaker.

STATEMENT BY MR. DeVERTER

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

Mr. DeVERTER. Mr. Speaker, in a very few moments Mr. Lashinger will be introducing a bill that addresses itself to a problem that has continually surfaced across this Commonwealth over a number of years. It deals with the Local Tax Enabling Act, Act 511. Some members have already signed the legislation; if there are additional members who would choose to do so, I would suggest that they return from their offices and sign it, because the bill is to be introduced by Mr. Lashinger today.

Mr. Thomas, Mr. Lashinger, and myself and a number of others have spent a considerable amount of time over the past few years trying to develop a reasonable approach to the funding of not only local government but especially our school districts. Although we do not believe this legislation to be perfect in any manner, we do believe it to be a positive step forward in ridding ourselves of the constant nuisance taxes that are levied upon our citizens back home. It is our hope and desire that the bill—wherever it is reported, hopefully the Finance Committee—will be considered by that committee in the very near future.

Mr. Lashinger, I am sure, will speak more to the point on the legislation, but I would just like to add one other commentary, and that is that when we return in the week of April 7, I will be introducing another piece of legislation which will probably be entitled the basic educational funding act and will propose a complete alternative program for school districts as a basis for funding those school districts. At that time I will be soliciting members' support for sponsorship and will hopefully ask the committee to give that measure prompt consideration as well. Thank you, Mr. Speaker.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. LASHINGER. I apologize that this has to be introduced so late in the day. I appreciate Mr. DeVerter's comments. I and approximately 24 other members feel that this is probably one of the most important pieces of legislation to face this General Assembly in this session. This proposal which we are presenting today has been worked on by myself and, as Mr. DeVerter said, approximately 24 other members in the House, especially over the past 13 months, with members of the Finance Committee and staff of the Finance Committee. We feel that it is probably the best compromise package currently before either Chamber, and the bill itself would amend Act 511 of 1965 and repeal local government authority to levy all per capita or head taxes in the occupation tax. The bill also repeals the occupation privilege tax and replaces it with a municipal services tax which can then be levied by municipalities but not by school districts, Mr. Speaker.

The bill should also be of special interest to suburban legislators, especially those impacted in the Philadelphia region, because it provides that 50 percent of any wage tax paid to a political subdivision of residence would be credited to and deducted from a wage tax levied by any other political subdivision. This very seriously impacts those suburban legislators, especially those in the outlying regions of Philadelphia.

The bill, very importantly so, Mr. Speaker, also raises present Act 511 limits on taxation from the current 1.2 percent to 1.8 percent of the market value of all property in political subdivisions. We have capped that, Mr. Speaker. We have a spending limitation built into this proposal. We have 110 percent, like that which is found in HB 1, for the first year of implementation of the proposal. It would limit all new taxes to 110 percent of the prior year's revenues.

There are a lot of other items in the proposal, Mr. Speaker, that I think would be important. One that comes to mind specifically for the Allentown legislators is that which takes care of the building tax, that special building tax. It would repeal that also in the Allentown area. It has been a special problem for those legislators there.

I think it is a proposal that takes care of needs of each specific legislator throughout the Commonwealth. I think it

is important to every member. I think it is the first attack on a regressive tax. It is an effort towards coming up with a progressive equitable distribution. The bottom line in that which probably interests members more than anything is that any excess revenues, which some might wonder would come with such a proposal, any excess revenues from the increased taxes could then be used to replace property taxes which seem to be a problem that confronts all of us representing the citizens of the Commonwealth of Pennsylvania.

The bill will be available, I imagine, Mr. Speaker, for a few moments for members who want to add on. There are approximately 30 cosponsors now, and we will be introducing it today and hope that the Finance Committee would give it fair consideration in this legislative session. Thank you, Mr. Speaker.

ADJOURNMENT

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

Mr. McKELVEY. Mr. Speaker, Mr. Rocks and I do move that the House adjourn until Tuesday, April 8, 1980, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:51 p.m., e.s.t., the House adjourned.