

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 16, 1980

Session of 1980

164th of the General Assembly

No. 48

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE VICTOR J. LESCOVITZ, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray:

Dear God, it is with humble hearts and open minds that we come here this day. Help us to remember that we are Your workers and that what we say and what we do should be acceptable in Your sight.

Help us, Lord, to remember the plight of our fellow Americans held hostage in Iran. Let them feel Your comfort and presence during what surely must be a time of despair.

We ask You, Lord, for guidance as we make decisions. May they be decisions which encourage goodwill among all people. In Your name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. We will be led today in the Pledge of Allegiance by the member from the 101st legislative district, Lehigh County, the Honorable Joseph Zeller.

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 11, 1980, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of June 2 and 3, 1980?

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

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I request leaves for the gentleman from Northumberland, Mr. HELFRICK, for the week; for the gentleman from Bucks, Mr. WEIDNER, for the week;

for the gentleman from Montgomery, Mr. NAHILL, for the day; for the gentleman from Delaware, Mr. ALDEN, for the day; and for the gentleman from Delaware, Mr. EARLEY, for the day.

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. I have no requests for leaves of absence.

The SPEAKER. Without objection, leaves are granted.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 1530, 2000, 2028, 2146 and 2191.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 11, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 2000, Printer's No. 2511, entitled "An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the appointment of eight additional judges to the Superior Court".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 13, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 1530, Printer's No. 1803, entitled "An act making an appropriation to the United Cerebral Palsy of Wyoming Valley, Luzerne County".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 13, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 2028, Printer's No. 2562, entitled "An act making an appropriation to the Westmoreland County Branch of the Pennsylvania Association for the Blind".

Mr. ZELLER. It gives me a great deal of pleasure, and thanks to our Speaker and both the minority and majority leaders, to allow us to have a short Flag Day program.

We have with us today a gentleman who back some time ago, thanks to Tom McCall, when he initiated the action in regard to Iran about the flags, everyone received a flag on their desk, and Col. Sam Kemmerer, president of the Emmaus Flag Day Association, supplied all the flags. He is the gentleman right here, Col. Sam Kemmerer, on my far left, and the gentleman directly behind me took the initiative with his class in the wood shop of the industrial arts courses in the East Penn School District, Emmaus Junior High School, in making up the little stands of the Keystone design, a stand for our beautiful Old Glory.

With that, if you do not mind, Mr. Speaker, Mr. Windt would like to say a couple of words and make a presentation to you on behalf of the project. Thank you very much, and I would like to present Mr. Windt.

Mr. WINDT. Mr. Speaker, members of the House, the Emmaus Junior High School seventh grade made these Keystone flagholders. As the Keystone is the symbol of Pennsylvania's role in our Nation's democracy, let this Keystone emphasize education's role in our democracy. Thank you.

COLONEL KEMMERER. Mr. Speaker, distinguished ladies and gentlemen, on behalf of the Emmaus Flag Day Association, I want to thank you and Mr. Zeller for making this thing a possibility. We are delighted to come and do this little thing for you.

We would hope that you will display the flags proudly and that they will always remind you of the great sacrifices our people have made over the last 203 years in getting this state and this country to where it is. We hope that it would be an inspiration to you as you go on with your arduous tasks of making the rules and the regulations which are going to keep this state and this country as great and greater than it has ever been. We thank you again.

The SPEAKER. Colonel Kemmerer, Mr. Windt, thank you, and thank you and the students of the Emmaus Junior High School for making these beautiful stands for us. We, the 200-and-some members of this House, are very appreciative of your efforts.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 2657, PN 3526; HB 2658, PN 3527; HB 2659, PN 3528; HB 2660, PN 3529; HB 2661, PN 3530; HB 2662, PN 3531; HB 2663, PN 3532; HB 2664, PN 3533; HB 2665, PN 3534; HB 2666, PN 3535; HB 2667, PN 3536; HB 2668, PN 3537; HB 2669, PN 3538; HB 2670, PN 3539; HB 2671, PN 3540; HB 2672, PN 3541; HB 2673, PN 3542; HB 2674, PN 3543; HB 2675, PN 3544; HB 2676, PN 3545; HB 2677, PN

3546; HB 2678, PN 3547; HB 2679, PN 3548; HB 2680, PN 3549; HB 2681, PN 3550; HB 2682, PN 3551; HB 2683, PN 3552; HB 2684, PN 3553; HB 2685, PN 3554; HB 2686, PN 3555; HB 2687, PN 3556; HB 2688, PN 3557; HB 2689, PN 3558; HB 2690, PN 3559; HB 2691, PN 3560; HB 2692, PN 3561; HB 2693, PN 3562; HB 2694, PN 3563; HB 2695, PN 3564; HB 2696, PN 3565; HB 2697, PN 3566; HB 2698, PN 3567; HB 2699, PN 3568; HB 2700, PN 3569; HB 2701, PN 3570; HB 2702, PN 3571; HB 2703, PN 3572; HB 2704, PN 3573; HB 2705, PN 3574; HB 2706, PN 3575; HB 2707, PN 3576; HB 2708, PN 3577; HB 2709, PN 3578; HB 2710, PN 3579; HB 2711, PN 3580; HB 2712, PN 3581; HB 2713, PN 3582; HB 2714, PN 3583; HB 2715, PN 3584; HB 2551, PN 3350; SB 1299, PN 1633; HB 2266, PN 3366; HB 1842, PN 2268; HB 2583, PN 3409; HB 2525, PN 3313; SB 226, PN 857; HB 2370, PN 3063; SB 1288, PN 1619; and HB 2097, PN 2662.

BILL ON SECOND CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed second consideration of HB 266, PN 2033, entitled:

An Act requiring certain records of the Commonwealth, its agencies, political subdivisions, certain authorities and other agencies receiving or dispensing public funds or performing essential governmental functions to be open for examination and inspection by citizens of this Commonwealth; authorizing citizens to make extracts, copies, photographs or photostats of such records; providing for remedial relief; and providing penalties.

On the question recurring,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 266 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

FINAL PASSAGE POSTPONED BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed consideration on final passage of HB 2449, PN 3506, entitled:

An Act amending the "Employment Agency Law," approved July 31, 1941 (P. L. 616, No. 261), further providing for registration fees.

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—182

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

NAYS—0

NOT VOTING—14

Austin	Dumas	Jones	Rasco
Beloff	Gannon	McKelvey	Shadding
Borski	Gatski	McMonagle	Street
Cohen	Johnson, J. J.		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 213, PN 3422**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to the termination of parent-child relationships and adoptions; revising certain provisions of the law relating thereto; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendment:

Amend Sec. 1 (Sec. 2313), page 26, lines 27 and 28, by striking out "SHALL APPOINT COUNSEL TO REPRESENT THE CHILD IN AN INVOLUNTARY TERMINATION PROCEEDING AND"

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Mr. Speaker, the bill currently requires that an attorney be appointed to represent a child in any case where the child is involved in an involuntary termination of the parental rights of that child's parents. The amendment would strike that provision from the bill.

The reason for the amendment is that in most cases these children are infants. Their interests are protected by the law in that the court is required in all of these cases, by law, to do what is best for the child, and the requirement in the statute that that child be represented by counsel will require needless expense on the part of the persons seeking to adopt the children and will further complicate adoption proceedings.

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

Mr. SCHWEDER. Mr. Speaker, I rise to oppose this amendment and I do so for several reasons.

One of the most important parts or tenets of this current legislation is that for the first time we are going to make the rights of the child equal to those of the natural parents and to the adoptive parents, and one of the necessary requirements for doing that is to provide legal representation for the child in those proceedings.

I might point out to the members of this body that in every other instance where a child's rights are concerned, we have mandated by law that they be represented by an attorney. In any proceedings under the Juvenile Act, we require legal representation for that child. In any proceedings concerning trusts where they would be a beneficiary, we require by law that they be represented by an attorney. To accept this amendment would be to say that a child or an individual under the age of 18 is entitled to legal representation in every instance before the courts in the Commonwealth of Pennsylvania except in what would be the most important decision that faces him certainly for the rest of his life, and that is, whether his rights are to be terminated, whether he is to be adopted. I think that it

would be a very unwise decision on the part of the members of this chamber to accept this amendment and I would ask all the members to vote in opposition to it.

The SPEAKER. The Chair recognizes Mr. Dorr.

Mr. DORR. Mr. Speaker, I will just reiterate one point that I made before. The law does require, in my judgment at least, that the rights of the children are in fact now and will be continually equal to those of the parents. It seems to me that since the court will have the power, even if my amendment is accepted, to appoint counsel if the court feels that counsel for the child is required, that that is sufficient protection for the child. I do not think that we need to place into law protection for attorneys, and, in my judgment, that is what this amounts to.

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

Mr. DAVIES. Would the maker of the amendment stand for one or two questions of interrogation?

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

Mr. DAVIES. Mr. Speaker, you are saying essentially that now under the current law, as I understand it, you think that there is sufficient representation of the child in these cases, particularly where foster care is involved, and if those people who are currently in foster care would want to adopt the child, that they do have proper legal guidance and counsel presently?

Mr. DORR. Mr. Speaker, the amendment has nothing to do with representation for adults. The amendment speaks to language in the bill which would require an attorney being appointed for the child. It only relates to those situations where parental rights are being terminated. In other words, this particular reference is not to an adoption proceeding. It is to a proceeding which will terminate a parent's rights to be the parent of that child. The law requires the court, in these proceedings as well as in adoption proceedings, to see that the interests of the child are protected and are paramount, and, in my judgment, that is sufficient protection, particularly where the statute goes on to indicate that the court may, if the court feels it appropriate, appoint an attorney.

Mr. DAVIES. Mr. Speaker, I probably have made a mistake in framing the question. In the experiences that I have just had in the past 3 years, particularly where foster-care parents were seeking the adoption of children to give them a permanent home, many of them did not even know what their legal rights were under the law, let alone the child himself, and I would like to know, if this provision is excluded from the child then being able to get representation, how the situation in our particular county would be any better than what it has been over the last 3-year period, where I have seen abuse after abuse and even what I consider to be mistakes made by the courts themselves in making determinations relative to some of the assignments, the final adoption provisions for these children. I do not want to cite the cases in point, but I have had 3 years of this and have yet to see these people, before they got to at

least our office, get any kind of legal input whatsoever into what I consider to be a very vital issue. Maybe York County is quite different and has a much better program, but I find that in our research in our county that is not true. Is there some provision in York County that we do not enjoy in Berks, or just what are you basing that on, Mr. Speaker?

Mr. DORR. Mr. Speaker, the amendment has nothing whatsoever to do with adoption proceedings, number one. The amendment relates only to proceedings to involuntarily terminate the parental rights of the parent of a child. It further has nothing whatsoever to do with legal representation for foster-care parents, for the natural parents of the child, or for any other adult. This is an added provision in the bill which would require an attorney being appointed for this infant, and I submit to you that no attorney is going to be able to communicate the legal rights of that infant, or even a small child up to the age of teenage, to that child. So the concerns that you are speaking to are not jeopardized by my amendment. It does not speak to that particular problem.

Mr. DAVIES. In other words, this does not speak to that formalization or the step in that procedure so that the child or the infant is represented in that final process? Is that correct?

Mr. DORR. The child may be represented at any point in time, but the bill would require an attorney being appointed for the child in the proceeding to involuntarily terminate the rights of a parent. That is the provision that I am asking be stricken from the bill. So that it makes it a "may" provision rather than a "shall" provision regarding legal representation of the child himself.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—79

Anderson	Geesey	Manmiller	Serafini
Armstrong	Geist	Micozzie	Sirianni
Arty	Gladeck	Miller	Smith, L. E.
Belardi	Grieco	Moehlmann	Spencer
Bittle	Halverson	Mowery	Spitz
Bowser	Hasay	Noye	Stairs
Brandt	Hayes, Jr., S.	O'Brien, D. M.	Swift
Burd	Honaman	Perzel	Taddonio
Burns	Johnson, E. G.	Peterson	Thomas
Cessar	Kanuck	Phillips	Vroon
Cimini	Knepper	Piccola	Wass
Cornell	Lashingier	Polite	Wenger
Cunningham	Laughlin	Punt	Wilson
DeVerter	Lehr	Pyles	Wilt
Dietz	Levi	Rasco	Wright, Jr., J.
Dininni	Lewis	Reed	Yohn
Dorr	McClatchy	Rocks	Zord
Fischer	McVerry	Ryan	
Fisher	Mackowski	Salvatore	Seltzer,
Foster, W. W.	Madigan	Scheaffer	Speaker
Foster, Jr., A.			

NAYS—105

Austin	Gallen	Livengood	Rieger
Barber	Gamble	Lynch, E. R.	Ritter
Bennett	George, C.	McCall	Rodgers
Berson	George, M. H.	McIntyre	Schmitt

Borski	Giammarco	McMonagle	Schweder
Brown	Goebel	Maiale	Seventy
Caltagirone	Goodman	Manderino	Shupnik
Cappabianca	Grabowski	Michlovic	Sieminski
Chess	Gray	Milanovich	Smith, E. H.
Clark, B. D.	Greenfield	Mrkonic	Steighner
Clark, M. R.	Gruppo	Mullen	Stewart
Cochran	Hagarty	Murphy	Stuban
Cole	Harper	Novak	Sweet
Cowell	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
DeMedio	Hutchinson, A.	O'Donnell	Taylor, F.
DeWeese	Irviss	Oliver	Telek
DiCarlo	Itkin	Petrarca	Trello
Davies	Jones	Pievsky	Wachob
Dawida	Klingaman	Pistella	Wargo
Dombrowski	Knight	Pitts	White
Donatucci, R.	Kolter	Pott	Williams
Duffy	Kowalyszyn	Pratt	Wright, D. R.
Durham	Kukovich	Pucciarelli	Yahner
Fee	Lescovitz	Rappaport	Zeller
Freind	Letterman	Rhodes	Zitterman
Fryer	Levin	Richardson	Zwinkl
Gallagher			

NOT VOTING—12

Beloff	Coslett	Gatski	McKelvey
Civera	Dumas	Hutchinson, W.	Shadding
Cohen	Gannon	Johnson, J. J.	Street

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,
Will the House agree to the bill 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—177

Anderson	Gallagher	McClatchy	Ryan
Armstrong	Gallen	McIntyre	Salvatore
Austin	Gamble	McMonagle	Scheaffer
Barber	Geesey	McVerry	Schmitt
Belardi	Geist	Mackowski	Schweder
Bennett	George, C.	Madigan	Serafini
Berson	George, M. H.	Maiale	Seventy
Bittle	Giammarco	Manderino	Shupnik
Borski	Gladeck	Manmiller	Sieminski
Brandt	Goebel	Michlovic	Sirianni
Brown	Goodman	Micozzie	Smith, E. H.
Burd	Grabowski	Milanovich	Smith, L. E.
Caltagirone	Gray	Moehlmann	Spencer
Cappabianca	Greenfield	Mowery	Spitz
Cessar	Grieco	Mrkonic	Stairs
Chess	Gruppo	Mullen	Steighner
Cimini	Hagarty	Murphy	Stewart
Civera	Halverson	Novak	Stuban
Clark, B. D.	Harper	Noye	Sweet
Clark, M. R.	Hasay	O'Brien, B. F.	Swift
Cochran	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Cole	Hoeffel	O'Donnell	Taylor, E. Z.
Cornell	Honaman	Oliver	Taylor, F.
Coslett	Hutchinson, A.	Perzel	Telek
Cowell	Hutchinson, W.	Peterson	Thomas
DeMedio	Irviss	Petrarca	Trello
DeVertter	Itkin	Phillips	Vroon
DeWeese	Johnson, E. G.	Piccola	Wachob

DiCarlo	Kanuck	Pievsky	Wargo
Davies	Klingaman	Pistella	Wass
Dawida	Knepper	Polite	Wenger
Dietz	Knight	Pott	White
Dininni	Kolter	Pratt	Williams
Dombrowski	Kowalyszyn	Pucciarelli	Wilt
Donatucci, R.	Kukovich	Punt	Wright, D. R.
Dorr	Lashinger	Pyles	Yahner
Duffy	Laughlin	Rappaport	Yohn
Durham	Lehr	Rasco	Zeller
Fee	Lescovitz	Reed	Zitterman
Fischer	Letterman	Rhodes	Zord
Fisher	Levi	Richardson	Zwinkl
Foster, W. W.	Levin	Rieger	
Foster, Jr., A.	Lewis	Ritter	Seltzer,
Freind	Livengood	Rocks	Speaker
Fryer	McCall	Rodgers	

NAYS—4

Cunningham	Lynch, E. R.	Miller	Pitts
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NOT VOTING—15

Arty	Cohen	Johnson, J. J.	Street
Beloff	Dumas	Jones	Wilson
Bowser	Gannon	McKelvey	Wright, Jr., J.
Burns	Gatski	Shadding	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 768, PN 1591**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for petitions attested by verified statements, increasing intestate share of surviving spouse; clarifying certain provisions relating to spouses' elections; authorizing certain payments to family and funeral directors; changing bond requirements; adding provisions for distributees; increasing interest rates; changing provisions concerning termination of trusts and combination of trusts; making technical and editorial changes and making repeals.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 768 be laid on the table.

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

REMARKS ON VOTE

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

Mr. RASCO. Mr. Speaker, on HB 2449 my switch was not working. I would like to be recorded as a "yes" vote.

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 2438, PN 3182**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), excluding certain family residences from the terms children's institutions and child day care center.

On the question,

Will the House agree to the bill on third consideration?

Mr. MADIGAN offered the following amendments:

Amend Title, page 1, lines 4 and 5, by striking out "and child day care center." and inserting eliminating licensure of family day care homes and providing for a registration system of family day care homes.

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

Amend Sec. 1, page 1, line 9, by striking out "'child day care center'" and inserting "family day care home"

Amend Sec. 1, page 1, line 10, by removing the comma after "1001" and inserting and section 1051,

Amend Sec. 1 (Sec. 901), page 2, lines 6 and 7, by striking out "family residence" in line 6 and all of line 7 and inserting family day care home in which care is provided in lieu of parental care to six or less children for part of a twenty-four hour day.

Amend Sec. 1 (Sec. 1001), page 2, lines 11 through 17, by striking out all of said lines and inserting

["Family day care home" means any premises operated for profit in which child day care is provided simultaneously to more than three unrelated children and to fewer than seven children who are not relatives of the operator, except such homes operated under social service auspices.]

Section 1051. Definition.—As used in this subarticle—

"Private institution" means any of the following facilities by whatever term known and irrespective of the age group served: Mental hospital, institution for the mentally defective, day care center, [family day care home,] nursing home, hospital, boarding home, personal care home, and other similar institution which is operated for profit and which requires a license issued by the department.

Section 2. The act is amended by adding to Article X a subarticle to read:

ARTICLE X DEPARTMENTAL POWERS AND DUTIES AS TO LICENSING

(c) Registration Provisions

Section 1070. Definitions.—As used in this article.—

"Child day care" means care in lieu of parental care given for part of the twenty-four hour day to children away from their own homes.

"Family day care home" means any home in which child day care is provided at any one time to four through six children who are not relatives of the caregiver.

Section 1071. Operation Without Registration Certificate Prohibited.—No individual shall operate a family day care home without a registration certificate issued therefor by the department.

Section 1072. Application for Registration Certificate.—
(a) Any individual desiring to secure a registration certificate shall submit an application therefor to the department upon forms prepared and furnished by the department, and, at the same time, shall certify in writing that he/she and the facility named in the application are in compliance with applicable department regulations.

(b) Application for renewal of the registration certificate shall be made every two years in the same manner as application for the original registration certificate.

(c) No application fee shall be required to register a family day care home.

Section 1073. Issuance of Registration Certificate.—Upon receipt of an application and the applicant's written certification of compliance with applicable department regulations, the department shall issue a registration certificate to the applicant for the premises named in the application. A registration certificate shall be issued for a period of two years.

Section 1074. Visitation and Inspection.—The department or authorized agent of the department shall have the right to enter, visit and inspect on a random sample basis, upon complaint, or upon request of the caregiver, any family day care home registered or requiring registration under this article and shall have free and full access to the premises, where children are cared for, all records of the premises which relate to the children's care, and to the children cared for therein and full opportunity to speak with or observe such children.

Section 1075. Records.—Every individual who operates a family day care home registered under this article shall keep and maintain such records as required by the department.

Section 1076. Regulations.—The department is hereby authorized and empowered to adopt regulations establishing minimum and reasonable standards for the operation of family day care homes and the issuance of registration certificates. These regulations will establish the minimum standards of safety and care which will be required in family day care homes and will recognize the vital role which parents and guardians play in monitoring the care provided in family day care homes.

Section 1077. Technical Assistance.—The department may offer and provide upon request technical assistance to caregivers to assist them in complying with department regulations.

Section 1078. Operation Without Registration Certificate.—No individual shall operate a family day care home without having a registration certificate. Any individual operating a family day care home without a registration certificate, after being notified that such a registration is required, shall upon conviction pay a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) and costs of prosecution. Each day of operating without a registration certificate shall constitute a separate offense.

Section 1079. Denial, Non-renewal, or Revocation.—
(a) Whenever a caregiver does not certify compliance or whenever upon inspection the department observes noncompliance with applicable department regulations, the department shall give written notice thereof to the offending person. Such notice shall deny issuance of a registration certificate, deny renewal of a registration certificate, or shall require the offending person to take action to bring the facility into compliance with regulations.

(b) The department shall refuse to issue or renew a registration certificate or shall revoke a registration certificate for any of the following reasons:

- (1) Noncompliance with department regulations;
- (2) Fraud or deceit in the self-certification process;
- (3) Lending, borrowing, or using the registration certificate of another caregiver, or in any way knowingly aiding the improper issuance of a registration certificate;
- (4) Gross incompetence, negligence, or misconduct in operating the facility;
- (5) Mistreating or abusing children cared for in the facility.

Section 1080. Emergency Closure.—If the department, or authorized agent of the department observes a condition at a family day care home which places the children cared for therein in immediate life-threatening danger, the department shall maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting the operation of the facility.

Section 3. This act shall take effect on January 1, 1981.

On the question,

Will the House agree to the amendments?

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

Mr. MADIGAN. This does not change the intent of the original bill. The original bill pointed out a legitimate problem with the current process of licensing family day care homes. Following the introduction and consideration of this legislation by the Health and Welfare Committee, we have had ongoing meetings with the Department of Welfare and we have agreed to the proposed language in this amendment.

This amendment would eliminate licensing for all family day care homes. It would then set up a system of certification and registration for babysitters in family homes. We would eliminate completely from mandatory registration, family day care homes, which care for one to three children. From three to six children would be self-certified. The individuals running the family home would submit the registration and certification forms to the department. This would provide that if additional help were requested from the Department of Welfare, it could be given and spot checks would be made. It would also propose that the definition of children's institutions in Article X of the Public Welfare Code be clarified so that family day care homes could be clearly excluded from this definition.

I believe this is a much better approach than the original bill and I urge support for this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Anderson	Fryer	McClatchy	Rodgers
Armstrong	Gallagher	McIntyre	Ryan
Arty	Gallen	McKelvey	Salvatore
Austin	Gamble	McMonagle	Scheaffer
Barber	Geesey	McVerry	Schmitt
Belardi	Geist	Mackowski	Schweder
Bennett	George, C.	Madigan	Serafini
Berson	George, M. H.	Maiale	Seventy
Bittle	Giammarco	Manderino	Shupnik
Borski	Gladeck	Manmiller	Sieminski
Bowser	Goebel	Michlovic	Sirianni
Brandt	Goodman	Micozzie	Smith, E. H.
Brown	Grabowski	Milanovich	Smith, L. E.

Burd	Gray	Miller	Spencer
Burns	Greenfield	Moehlmann	Spitz
Caltagirone	Grieco	Mowery	Stairs
Cappabianca	Gruppo	Mrkonic	Steighner
Cessar	Hagarty	Mullen	Stewart
Chess	Halverson	Murphy	Stuban
Cimini	Harper	Novak	Sweet
Civera	Hasay	Noye	Swift
Clark, B. D.	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Clark, M. R.	Hoeffel	O'Brien, D. M.	Taylor, E. Z.
Cochran	Honaman	O'Donnell	Taylor, F.
Cole	Hutchinson, A.	Oliver	Telek
Cornell	Irvis	Perzel	Thomas
Cowell	Itkin	Peterson	Trello
Cunningham	Johnson, E. G.	Petrarca	Vroon
DeMedio	Jones	Phillips	Wachob
DeVerter	Kanuck	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
DiCarlo	Knepper	Pistella	Wenger
Davies	Knight	Pitts	White
Dawida	Kolter	Polite	Wilson
Dietz	Kowalshyn	Pott	Wilt
Dininni	Kukovich	Pratt	Wright, D. R.
Dombrowski	Lashingier	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Laughlin	Punt	Yahner
Dorr	Lehr	Pyles	Yohn
Duffy	Lescovitz	Rappaport	Zeller
Durham	Letterman	Rasco	Zitterman
Fee	Levi	Reed	Zord
Fischer	Levin	Rhodes	Zwilk
Fisher	Lewis	Richardson	
Foster, W. W.	Livengood	Rieger	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Ritter	Speaker
Freind	McCall	Rocks	

NAYS—0

NOT VOTING—11

Beloff	Dumas	Hutchinson, W.	Street
Cohen	Gannon	Johnson, J. J.	Williams
Coslett	Gatski	Shadding	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. DAVIES offered the following amendments:

Amend Title, page 1, line 3, by inserting after "Commonwealth," adding provisions relating to the eligibility of aliens for certain assistance,

Amend Sec. 1, page 1, lines 8 through 10, by striking out "The definition of "children's institutions" in" in line 8, all of line 9 and "section 1001," in line 10 and inserting The

Amend Sec. 1, page 1, line 11, by striking out "are amended" and inserting is amended by adding a section

Amend Bill, page 1, by inserting between lines 11 and 12

Section 432.19. Eligibility of Aliens for Assistance.— Aliens and guests of the Federal Government residing within the Commonwealth by virtue of the waiver of the Immigration and Nationality Act of 1952, 8 U.S.C. § 1101 et seq., shall not supplant citizens of this Commonwealth who on or before May 13, 1980 had made application and were on waiting lists for assistance of any type, other benefits or programs provided for by this act. The Federal Government shall provide supplementary assistance, benefits and programs before the rights of any such citizens of the Commonwealth may be affected.

Section 2. The definition of "children's institutions" in section 901 and the definition of "child day care center" in section 1001 of the act are amended to read:

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN TEMPORARILY

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

Will the gentleman from Berks, Mr. Davies, come to the desk, please?

The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, because of a conflict of amendments, I am temporarily withdrawing my amendments.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. Does the gentleman, Mr. Richardson, have amendments to HB 2438?

Mr. RICHARDSON. Yes, Mr. Speaker, but they have not come down from the Reference Bureau. There were two amendments drawn for this bill, specifically.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, during the delay here, can the Chair inform me through a point of parliamentary inquiry, or otherwise, how we could go about having the Chair reconsider its decision that HB 90, on page 16, would be passed over for today? That bill is on its 15th day and the majority leader and I both missed that, and we do not want that to drop from the calendar. A member on our side of the aisle is interested in the bill, the chief sponsor of the bill, and we would like to have the decision reconsidered that the bill would be passed over for today, and we could lay it on the table and take it off as we do with all 15th-day bills.

The SPEAKER. When the Chair completes action on this bill, the Chair will return to that one.

Mr. MANDERINO. Thank you, Mr. Speaker.

HB 2438 PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been informed that Mr. Richardson's amendments are completed, and to expedite the business of the session, the Chair will pass over HB 2438 temporarily until Mr. Richardson's amendments come to the floor.

The SPEAKER. Without objection, the Chair will reverse its decision as to HB 90 being passed over. The Chair hears none.

* * *

The House proceeded to third consideration of **HB 90**, PN 101, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), defining the term "taxable income" to exclude from the corporate income tax the amortization of certified pollution control devices.

On the question,

Will the House agree to the bill on third consideration?

HB 90 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 90 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 **SB 237**, PN 1793, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for subsidies for certain adoptions, for approval of county plans, for payments on a fiscal year basis, and for payments to counties for services to children.

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLER offered the following amendments:

Amend Sec. 2 (Sec. 709), page 5, by inserting between lines 2 and 3 (b) If the General Assembly appropriates as much as or more than in the previous fiscal year, a county meeting its required match shall not receive a decrease in funding in the following fiscal year. If the funds available to the department decrease from the previous fiscal year, the reduction in funding to the counties shall be proportional to the decrease in the preceding fiscal year.

Amend Sec. 2 (Sec. 709), page 5, line 3, by striking out "(B)" and inserting (c)

Amend Sec. 2 (Sec. 709), page 5, line 7, by striking out "(C)" and inserting (d)

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Mr. Speaker, the amendment I offer, A6642, to SB 237, proposes to hold-harmless each county in the Commonwealth at the level of reimbursements that the General Assembly appropriated the previous fiscal year for those child welfare services that have been offered in the counties to date.

In the event the General Assembly would not appropriate the full dollars available, each county would share in the appropriate reduction in dollars concurrent with the level of funding they experienced the year before. It is a hold-harmless approach in the event the General Assembly is not able to address the full funding needs of child welfare services in this Commonwealth, concurrent with the budget cap language this General Assembly adopted last week. I would encourage your support of the amendment.

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

The following roll call was recorded:

YEAS—176

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

NAYS—5

Berson	Cunningham	Letterman	Livengood
Bowser			

NOT VOTING—15

Beloff	Gatski	McKelvey	Shadding
Bennett	Gray	Michlovic	Street
Cohen	Johnson, J. J.	O'Donnell	Williams
Dumas	Jones	Pucciarelli	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. WACHOB offered the following amendment:

Amend Sec. 1 (Sec. 704.1), page 2, line 17, by inserting after "DEPARTMENT." Nothing in this section or regulation promulgated pursuant hereto shall limit or restrict county institution districts or their successors from entering into purchase-of-service agreements for provision of eligible services for alleged delinquent children as defined in this clause. Such agreements may be with other public or private agencies or with programs operated by county court systems and the cost of such services shall be reimbursed at the rates otherwise provided for in this act.

On the question,

Will the House agree to the amendment?

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

Mr. WACHOB. What this amendment does is it adds language to the Public Welfare Code in the Juvenile Act to include, within the Department of Welfare's reimbursement mechanism, the opportunity for the court programs that are operated throughout the counties to be reimbursed for preadjudicated delinquents. This is language that had been agreed upon in the past, over the last couple of years by the various components of the juvenile justice system, either the Department of Welfare or the Juvenile Justice Center in Philadelphia and the county commissioners. What we have now is that some programs and some courts are grandfathered-in and are receiving reimbursement from the Department of Public Welfare for their programs operated in the counties, yet some other counties are not receiving that reimbursement. This simply adds language saying that the Department of Public Welfare may reimburse these types of programs. I urge the support of the House, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—180

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

Davies	Knepper	Pitts	White
Dawida	Knight	Polite	Wilson
Dietz	Kolter	Pott	Wilt
Dininni	Kowalyszyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Lashingner	Punt	Yahner
Dorr	Laughlin	Pyles	Yohn
Duffy	Lehr	Rappaport	Zeller
Durham	Lescovitz	Rasco	Zitterman
Fee	Letterman	Reed	Zord
Fischer	Levin	Rhodes	Zwilk
Fisher	Lewis	Richardson	
Foster, W. W.	Livengood	Rieger	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Ritter	Speaker
Freind	McCall		

NAYS—4

Bowser	Cunningham	Hasay	Spitz
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NOT VOTING—12

Beloff	Gatski	Levi	Spencer
Cohen	Johnson, J. J.	Peterson	Street
Dumas	Jones	Shadding	Williams

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the lady from Delaware, Mrs. Arty, rise?

Mrs. ARTY. Mr. Speaker, excuse the intrusion, but for some reason I was not recorded on the vote for HB 213. I was in my seat, I was voting, but my vote apparently did not register. I would like, please, to be recorded as a "yea."

The SPEAKER. The Chair thanks the lady.

CONSIDERATION OF SB 237 CONTINUED

On the question recurring,

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

Mr. ITKIN offered the following amendments:

Amend Title, page 1, line 3, by inserting after "Commonwealth," providing for reimbursement for psychiatric clinic para-medical services and

Amend Sec. 1, page 1, lines 9 and 10, by striking out "SUBSECTIONS (A), (B), (F) AND (G) of section 704.1," and inserting The

Amend Sec. 1, page 1, lines 11 and 12, by striking out "added July 9, 1976 (P. L. 846, No. 148), ARE amended" and inserting is amended by adding a section

Amend Sec. 1, page 1, by inserting between lines 12 and 13 Section 453. Psychiatric Clinic Para-medical Services.—

The department shall reimburse persons who qualify under regulations of the department for the following psychiatric clinic para-medical services:

- (1) Speech evaluation.
- (2) Speech therapy.
- (3) Audiologic training.
- (4) Hearing aid evaluation when performed by a person other than a physician.

(5) Audiologic evaluation.

(6) Dactylogic therapy.

Section 2. Subsections (a), (b), (f) and (g) of section 704.1 of the act added July 9, 1976 (P.L.846, No.148), are amended to read:

Amend Sec. 2, page 4, line 29, by striking out "2" and inserting 3

Amend Sec. 3, page 5, line 11, by striking out "3" and inserting 4

Amend Sec. 4, page 8, line 25, by striking out "4" and inserting 5

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this amendment is the same as the amendment that was offered and passed by this House to HB 1888, which is now presently in the Senate Health and Welfare Committee. It does not appear that that particular legislation will become law because it contains the provisions for state hospital closings. Consequently, I have taken the initiative of attaching the amendment which the House previously adopted to SB 237.

Very briefly, this is the amendment that would permit the payment by the Department of Public Welfare under Medical Assistance "for reimbursement for psychiatric clinic para-medical services and" specifically, "...speech evaluation, speech therapy, audiologic training, hearing aid evaluation," and a couple of other categories.

As I indicated to the House before, when you approved this amendment, for example, under speech therapy, the reimbursement is \$5 an hour of which the state only pays 45 percent and the Feds put up the other 55 percent. We certainly do not want to see these types of services eliminated. We think it is very cost-efficient in view of the amount of dollars charged for these services, and I would recommend an affirmative vote. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, this amendment is similar to an amendment previously introduced by Mr. Itkin and passed by a very, very narrow margin in this House.

I rise again in opposition, not only to the amendment, but to the concept that it entails. I think we have pretty well established in previous debate that this amendment is a duplication of services already available to the citizens of the Commonwealth and an unnecessary expenditure of taxpayer money. I think as elected officials we have an obligation to save whatever funds we can for our taxpayers for services that are absolutely essential, and if there are none that are absolutely essential, then to return that money directly to the taxpayers.

This amendment is, by statute, putting into place a program and services which the administration, in its determination, decided were unnecessary from the state's standpoint; that is, that the funding stream provided by the state was not necessary; not that the services were not necessary. They are provided from other sources, and we have estab-

lished that. I do not think that has been denied in prior debate. I just cannot support an amendment that is going to entail unnecessary expenditures and duplication. I urge a "no" vote again by those members who voted against the amendment before, and I urge a "no" vote by some of those members who voted for the amendment prior to this but who can now see that it is really not necessary. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I would like to remind the members of the House that contrary to what the gentleman has just suggested, it was not established in prior debate that the Itkin amendment would duplicate services already available to youngsters and adults. It is possible that some youngsters might be able to get these services through special education programs, but in fact adults would not be able to get these services through an existing program, unless that program were fully funded by our local MH/MR agencies. As was indicated in prior debate on a similar Itkin amendment, the MH/MR agencies are catchment agencies at the local level. I urge the support of the Itkin amendment. In the absence of the Itkin amendment, it means that the services could only be provided if they come up with 100 percent of the funding by taking those dollars away from other programs and other services. The Itkin amendment will provide that the service will be provided with 45 percent of the cost being paid by the state, and would allow us to draw down the 55 percent match in the Federal government. I urge that we adopt the Itkin amendment.

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

Mr. GANNON. Mr. Speaker, to put it quite simply, we just went through a rather lengthy budget fight, and now we have an amendment that is attempting to spend additional funds that were not accounted for in that budget. I think it is unfair to place that burden on the taxpayers of the Commonwealth. I urge a "no" vote on the amendment.

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

The following roll call was recorded:

YEAS—88

Austin	Giammarco	McMonagle	Richardson
Barber	Goebel	McVerry	Rieger
Berson	Goodman	Maiale	Ritter
Borski	Grabowski	Manderino	Rodgers
Brown	Gray	Michlovic	Schmitt
Burns	Greenfield	Milanovich	Schweder
Caltagirone	Harper	Mrkonic	Seventy
Chess	Hoeffel	Mullen	Shupnik
Clark, B. D.	Hutchinson, A.	Murphy	Steighner
Cochran	Irvis	Novak	Stewart
Cohen	Itkin	O'Brien, B. F.	Stuban
Cole	Knight	O'Donnell	Sweet
Cowell	Kolter	Oliver	Taddonio
DeMedio	Kowalshyn	Petrarca	Taylor, F.
DeWeese	Kukovich	Pievsky	Telek
Donatucci, R.	Laughlin	Pistella	Trello
Duffy	Lescovitz	Pott	Wachob
Fee	Letterman	Pratt	Wargo
Fryer	Levin	Pucciarelli	White

Gallagher	Livengood	Rappaport	Yahner
Gamble	McCall	Reed	Zeller
George, C.	McIntyre	Rhodes	Zwilk

NAYS—96

Anderson	Fischer	Lynch, E. R.	Scheaffer
Armstrong	Foster, W. W.	McClatchy	Serafini
Arty	Foster, Jr., A.	McKelvey	Sieminski
Belardi	Freind	Mackowski	Sirianni
Bennett	Gallen	Madigan	Smith, E. H.
Bittle	Gannon	Manmiller	Smith, L. E.
Bowser	Geesey	Micozzie	Spencer
Brandt	Geist	Miller	Spitz
Burd	George, M. H.	Moehlmann	Stairs
Cappabianca	Gladeck	Mowery	Swift
Cessar	Grieco	Noye	Taylor, E. Z.
Cimini	Gruppo	O'Brien, D. M.	Thomas
Civera	Hagarty	Perzel	Vroon
Clark, M. R.	Halverson	Peterson	Wass
Cornell	Hasay	Phillips	Wenger
Coslett	Hayes, Jr., S.	Piccola	Wilson
Cunningham	Honaman	Pitts	Wilt
DeVerter	Hutchinson, W.	Polite	Wright, Jr., J.
DiCarlo	Johnson, E. G.	Punt	Yohn
Davies	Kanuck	Pyles	Zitterman
Dietz	Klingaman	Rasco	Zord
Dininni	Lashingier	Rocks	
Dombrowski	Lehr	Ryan	Seltzer,
Dorr	Levi	Salvatore	Speaker
Durham	Lewis		

NOT VOTING—12

Beloff	Fisher	Jones	Street
Dawida	Gatski	Knepper	Williams
Dumas	Johnson, J. J.	Shadding	Wright, D. R.

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

REMARKS ON VOTES

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

Mr. WILSON. Mr. Speaker, when SB 213 was called up for final passage, had I been in my seat, I would have voted in the affirmative.

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

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

Mr. BURNS. Mr. Speaker, had I been in my seat when the vote on SB 213 was taken, I would have voted in the affirmative.

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

CONSIDERATION OF SB 237 CONTINUED

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

Mr. DiCARLO offered the following amendments:

Amend Title, page 1, line 3, by inserting after "for" eligibility, for

Amend Bill, page 1, by inserting between lines 8 and 9 Section 1. Clause (3) of section 432 of the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," amended April 1, 1976 (P. L. 64, No. 28), is amended to read: Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of classes defined in clauses (1), (2), (2)(i) and (2)(ii) shall be eligible for assistance:

* * *

(3) [Other] Except for general assistance and non-Federally funded medical assistance, other persons who are citizens of the United States, or legally admitted aliens.

* * *

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

Amend Sec. 1, page 1, lines 10 and 11, by striking out "act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code,"" and inserting of the act,

Amend Sec. 2, page 4, line 20, by striking out "2." and inserting 3.

Amend Sec. 3, page 5, line 11, by striking out "3." and inserting 4.

Amend Sec. 4, page 8, line 25, by striking out "4." and inserting 5.

On the question,

Will the House agree to the amendments?

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

Mr. DiCARLO. Mr. Speaker, this amendment has been the subject of some discussion for the last several months. It is based around the problem that states like Pennsylvania and other states in the United States have experienced with the admittance of refugees from Cuba who are being housed in the Commonwealth of Pennsylvania.

Mr. Speaker, the purpose of the amendment is that in Pennsylvania right now we have 18,000 Cuban refugees who are camped in our state. The Federal Government has picked up the cost for that temporary housing and that temporary location, but what it has not done is make funds available for states like Pennsylvania where these people may decide to permanently locate or permanently reside.

This past weekend, Mr. Speaker, Secretary O'Bannon, in a news conference, informed the news media that 5,000 Cuban refugees staying in this state would cost the Department of Public Welfare and cost taxpayers of Pennsylvania almost \$7 million.

Mr. Speaker, what this amendment does is eliminate any individuals from receiving public welfare, general assistance or non-Federally funded medical assistance from receiving that welfare in the State of Pennsylvania. Mr. Speaker, I would urge that the House support this amendment, being that several weeks ago this House overwhelmingly chose to eliminate over 85,000 Pennsylvanians from general assistance rolls, and many of those people are people in our labor force who do not have jobs and cannot get jobs. I think that we ought to at least take care of Pennsylvanians first and we ought to support the amendment.

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

Mr. DAVIES. Mr. Speaker, although the language of this amendment is just a trifle different than the one that I had in Mr. Madigan's bill, it essentially does some of the same things that I have been trying to get into that legislation since May 13, when we got the pronouncement that we were going to get some 19,000 refugees at Indiantown Gap. I, too, would have to support this amendment because, essentially, this speaks to some of the same things that I was trying to address in that amendment to Mr. Madigan's bill. So therefore, I would ask for support to this amendment because it does put forth the very essence of some of the concerns that my constituents have expressed about existing programs.

The other particular aspect of it is, in housing, we can include that in this particular program at this time. I have legislation that also speaks to that, and I think it is essential to protect the Pennsylvania taxpayers that we do adopt this particular measure. Thank you, Mr. Speaker.

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

Mr. MURPHY. I would like to interrogate Mr. DiCarlo, please?

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

Mr. MURPHY. Mr. Speaker, I am somewhat confused about your amendment. Are you establishing a specific class of people, refugees, to eliminate them from general assistance?

Mr. DiCARLO. No, I do not, Mr. Speaker. No, I do not. I am talking about, in the only reference that we make, that there will be an exception of individuals receiving general assistance or non-Federally funded programs who are not citizens of the United States. We do not point out any specific class or group of people.

Mr. MURPHY. I think it does point out—and I am not an attorney, but I did take a few law courses—and it seems to me that there are a number of legal interpretations that say that somebody not being a citizen of the United States is not necessarily disqualified from receiving public assistance. Are you sure this is constitutional and legal, what you are planning to do?

Mr. DiCARLO. Mr. Speaker, I cannot answer the question whether it is constitutional or not constitutional. The only thing that I know is that under our state laws the Pennsylvania legislature has the right to provide benefits or provide programs for its citizens. I am not eliminating the availability of Federal programs, for example, the food stamp program. Aliens in this state or anyplace else in the country can receive those kinds of services. What I am saying is, programs that are funded 100 percent by Pennsylvania tax dollars ought to go directly to our Pennsylvania citizens and American citizens.

Mr. MURPHY. Thank you, Mr. Speaker.

May I make a comment?

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

Mr. MURPHY. Mr. Speaker, I think the issue that has been raised by this amendment is a controversial issue, and I think it is popular today to indicate that we should not support the Cubans as we have done in the past, support refugees coming into this country. I think it is a bad amendment and it sets a bad precedent. The people that have come from Cuba, given they have had some problems with some malcontents, but overall, I think the people that have come from Cuba are no different from many of our parents who have come here in the past looking for a new future. It seems to me that for us to say that this is a Federal problem and the people of Pennsylvania do not want to help these Cuban refugees, I think that is a real slap in the face not only to people coming to this country looking for a new future, but also in what it says about the people of this state, this Commonwealth.

I think that we want to support people who need assistance, and I think the fact that Mr. DiCarlo brought up HB 2044, which we voted on a month or so ago, and this bill, they are two very, very different subjects. I do not see any contradiction in having supported HB 2044 and then suggesting that this bill, this amendment, is not what we want to do in this Commonwealth. I do not think we want to have this Commonwealth go on record as turning its back on people coming from another country as we are suggesting that we are doing here now. To fund medical assistance or to fund general assistance to those who are truly needy and who need it, I think that we ought to do. I think that is the least we can ask of the people of this Commonwealth to do, and we should turn our backs on this amendment and vote against it. Thank you.

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

Mr. ZELLER. Mr. Speaker, a reminder to not only the last speaker but to all members in regard to what happened some years ago, the reason why I support the DiCarlo amendment is that we are talking about a different subject. Right now, following 1968 and the so-called problems of the 1960's, the equal rights amendment, any state that accepts matching funds and welfare from the Federal Government must take care of anyone who comes into this state no matter where they come from, as long as they are from another state. They are coming into this state here, if we accept the Federal money. Now what I am saying is that we are not talking about that now. We are talking about an altogether different condition that is existing, and that is, that the Federal Government has placed upon Pennsylvania a burden and they are not giving us the money. The Federal Government has placed people in the State of Pennsylvania, and if they would have taken 18,000 or no matter how many people that came here from foreign countries and distributed them—I am talking about the recent move—equally into all 50 states, then you may have a good argument. But to make the people of Pennsylvania be the caretaker of something the Federal Government decides upon is

very unfair, because Iowa, Ohio, and other states are not going to receive the same burden and it is not very fair. That is the point we are trying to bring out. So, therefore, what we are doing right now is taking care of those people on welfare for whom the Federal Government matches the money. This is not the case in this particular case here. We are not receiving any aid for them, only for the numbers of welfare people who are numbered in this state. This is what Mr. DiCarlo is getting at, and, therefore, it is constitutional, in my way of thinking, because of the fact that a burden is placed upon our citizens, which is very unfair because the same burden is not placed on other states.

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

Mr. RICHARDSON. Yes, I would like to know if Mr. DiCarlo would stand for brief interrogation?

The SPEAKER. The gentleman, Mr. DiCarlo, indicates he will. Mr. Richardson may proceed.

Mr. DiCARLO. Yes, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, this is a very serious amendment. I do not know if the members have really taken time to look at that. I want to raise the question on, I guess, paragraph 3, striking out "Other" and inserting the new language, "Except for general assistance and non-Federally funded medical assistance, other persons...." Are we saying that we are going to only take care of those individual persons who are presently on medical assistance and assistance in the Commonwealth now and not deal with the persons who are at Indiantown Gap, for instance, who are going to need assistance in order to survive while they are here in Pennsylvania?

Mr. DiCARLO. Mr. Speaker, under Pennsylvania law, right now under the welfare law, any person who comes into this state and resides in this state, whether they are a citizen or a non-citizen, after they establish residency—and I think the courts have said 30 days now is residency—are entitled to general assistance and they are entitled to MH-MR programs and services that we provide and a whole host of other social services that this Commonwealth gives its residents. My amendment is saying—and I do not want to get into a philosophical discussion with Mr. Murphy about whether the Commonwealth should turn its back on people or not.

The question is, if the United States Government is going to take the policy and admit refugees to this country, then the United States Congress ought to provide those funds and those dollars to those states who are absorbing that burden, and Pennsylvania has set the forefront. We have accepted thousands of Vietnamese. We have 18,000 Cubans. We have done that, and we have maintained them; we have serviced them; we provided the services; we are helping with displacement, and we have done that with the burdensome costs of Pennsylvania tax dollars. I do not think that is right and I do not think it is unfair for us to say to the Federal Government, our state will host that and our state will provide those services, but give us a hand. You know, we are losing jobs; our people are not working.

For every dollar we send to Washington, we get 85 cents back, and yet we are taking all the problems.

I just want to say that if we are going to help with national problems and this state is going to be involved in international affairs, then the United States Congress ought to look at Pennsylvania and give us the help and the aid that we need.

Mr. RICHARDSON. That is not answering my question, though. You directed that to Mr. Murphy.

Mr. DiCARLO. I am sorry, Mr. Speaker. Basically, what the Pennsylvania welfare law says now is that if you are a resident of Pennsylvania, whether you are a citizen or non-citizen, you are entitled to general assistance, which is 100 percent tax dollars. You are also entitled to those medical assistance programs which are Pennsylvania tax dollars. You are entitled to the mental health-mental retardation services which are all state tax dollars. What this amendment does is eliminate those people who are not citizens of this country.

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

That is where I have a slight problem. I think that Mr. DiCarlo wants the Federal Government, which is right, to pay for the situation as existing presently here at least in our Commonwealth of Pennsylvania by saying to them that we want them to pay the burden since this is a decision that Congress has made. I concur with him.

I feel, however, that we are on touchy grounds philosophically when we say that we want to exclude someone else other than those who are already there because of the fact that we have persons who are here who are in a helpless state. It would seem to me that if there is an amendment that could be drawn particularly to where you could amend this amendment to say that we are saying to Congress that we would also want them to be memorialized to fund Pennsylvania in respect to the care, treatment, et cetera, so that if we are going to spend additional dollars ourselves that at least those persons would be taken care of. I have a problem when you say "exclude." I believe very strongly that we have got to make sure that we take care of those who are here, because that is our responsibility. But at the same time, I think that we have an obligation to recognize that while these persons are here, if there is not someone who is going to take the burden, take on that burden of recognizing that they have got to eat, they have to have clothes, they have to have medical attention, they have to have all the same treatments that are supposed to be provided while they are here. They have been accepted here, and we are already paying the burden now. We should draw an amendment that deals specifically with the language of memorializing Congress to do that.

If Mr. DiCarlo would accept an amendment to that, fine. If he does not, I would have to be against the amendment as it presently is written. I think that we have got to make sure that we put something in this amendment that is also going to help those persons who are really less fortunate and really need help. We know about people who already

need help who were already on assistance and are poor, but then when you bring somebody in here, they are here, and it is quite difficult for me to accept the fact that we are not going to be responsible citizens and legislators to make sure that they are at least fed, they are at least clothed, they at least have shelter, and that the Federal Government should take that burden on. I am asking him to add that as a piece of that amendment so that we can make sure that the language is concise on that particular point. Thank you very much, Mr. Speaker.

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

Mr. DiCARLO. Mr. Speaker, I am going to offer my amendment the way it is and leave it the way it is, but I would certainly ask this House to consider Mr. Richardson's additional language, if he wants to draft it up as an amendment to this bill.

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

Mr. DAVIES. Yes, Mr. Speaker. Just for the edification of Mr. Richardson, I think that language was included in the resolution and the two pieces of legislation that he cosigned earlier which addressed that. I do not know whether we are going to be able to get action on those pieces of legislation or on that resolution, but that essentially is included in those two pieces. Thank you.

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

Mr. MICHLOVIC. Mr. Speaker, will the gentleman, Mr. DiCarlo, stand for interrogation for a second?

Mr. DiCARLO. Yes, Mr. Speaker.

Mr. MICHLOVIC. Mr. Speaker, according to the language of your amendment, as I read it, would it also exclude from the provisions of SB 237 those people, those Vietnamese people and refugees who have landed here in Pennsylvania? Is that correct?

Mr. DiCARLO. Mr. Speaker, the amendment includes every individual or groups of individuals who are not citizens of the United States.

Mr. MICHLOVIC. Okay; thank you, Mr. Speaker. I would like to comment.

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

Mr. MICHLOVIC. Mr. Speaker, I rise in opposition to the amendment, and while the rationale that Mr. DiCarlo has laid before us is an appealing one—in other words, if the Commonwealth of Pennsylvania ought not to accept the burden of the costs that the Congress of the United States has failed to assume—I think the alternative that he is putting before us is even worse. We are asking those refugees to assume that burden themselves, individually. Many of them are simply not in a position even to do that, and we are using them, in essence, as hostages in this situation and their condition to force the United States Congress to act, and I do not think that that is the direction we ought to go and I stand in opposition to the amendment.

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

Mrs. ARTY. Mr. Speaker, I am in support of Mr. DiCarlo's amendment and bring to the attention of the members the fact that, for example, MH/MR - Mental Health-Mental Retardation - services are not only an attack on scarce state dollars for those services and the scarcity of the services and the facilities themselves, but it is also an attack on county government dollars since those programs are shared costs, state and county.

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

Mr. WHITE. I rise in support of the DiCarlo amendment. It is rare that my good colleague and friend from Philadelphia and I would disagree on an issue such as this, but the basic problem that the issue has for me in terms of back home and, I think, in terms of most residents of this Commonwealth is that in an age when we are talking constantly about cutting back in important social services for folks who have made viable contributions to the growth and the health and welfare and the maintenance of this state and of this country, in a time when we are scrambling from pillar to post just to provide a basic public education for people in this Commonwealth, in a time when we are concerned about the escalating costs of public welfare and general assistance, and this body passing HB 2044 and describing it or disguising it as a money- or cost-saving bill, and at the same time the Secretary of Welfare now says to us that in order for us to provide basic maintenance for the some 18,000 Cuban refugees in this state, that it is going to cost the taxpayers of the state some \$7 million. Included among those people who will be paying taxes on this \$7 million is someone who has been laid off from work and, through the wisdom of this House, is no longer entitled to general assistance. That causes severe problems for me, particularly coming from the city of Philadelphia where we are going to be faced with this ever-growing problem. It is not just the fact that we have the 18,000 Cuban refugees, but Mr. DiCarlo points to the fact of the southeast Asians who have also moved into Pennsylvania are also beginning to chip away at the very basic kinds of economic assistance that this Commonwealth in the past has been able to afford and provided for people.

So in that context, Mr. Speaker, I would support the DiCarlo amendment in hopes that just maybe the Federal Government will see the error in its ways and possibly rectify this situation and would send to us, through Federal augmentation, money specifically set aside to deal with the refugee problem in this Commonwealth without having it be a specific drain on the taxpayers of this great Commonwealth. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—162

Anderson	Foster, Jr., A.	Lynch, E. R.	Salvatore
Arty	Freind	McCall	Scheaffer
Austin	Fryer	McClatchy	Schmitt
Barber	Gallagher	McIntyre	Schweder
Belardi	Gallen	McKelvey	Serafini
Bennett	Gamble	McMonagle	Shupnik
Bittle	Gannon	McVerry	Sieminski
Borski	Geesey	Mackowski	Sirianni
Bowser	Geist	Madigan	Smith, E. H.
Brown	George, C.	Maiale	Smith, L. E.
Burd	George, M. H.	Manderino	Spencer
Burns	Gladeck	Manmiller	Stairs
Caltagirone	Goebel	Milanovich	Steighner
Cappabianca	Goodman	Miller	Stewart
Cessar	Grabowski	Moehlimann	Stuban
Chess	Gray	Mowery	Sweet
Cimini	Greenfield	Mrkonic	Swift
Civera	Grieco	Mullen	Taddonio
Clark, B. D.	Gruppo	Noye	Taylor, E. Z.
Clark, M. R.	Hagarty	O'Brien, B. F.	Taylor, F.
Cochran	Halverson	O'Brien, D. M.	Telek
Cole	Hasay	Oliver	Thomas
Cornell	Hayes, Jr., S.	Perzel	Trello
Coslett	Hoeffel	Peterson	Vroon
Cowell	Honaman	Petrarca	Wargo
DeMedio	Hutchinson, A.	Phillips	Wass
DeVerter	Hutchinson, W.	Piccola	Wenger
DeWeese	Johnson, E. G.	Pitts	White
DiCarlo	Kanuck	Polite	Wilson
Davies	Klingaman	Pratt	Wilt
Dietz	Knepper	Pucciarelli	Wright, D. R.
Dininni	Kolter	Punt	Wright, Jr., J.
Dombrowski	Kowalshyn	Pyles	Yahner
Donatucci, R.	Lashinger	Rappaport	Yohn
Dorr	Laughlin	Rasco	Zeller
Duffy	Lehr	Reed	Zitterman
Durham	Lescovitz	Rieger	Zord
Fee	Letterman	Ritter	Zwikl
Fischer	Levi	Rocks	
Fisher	Lewis	Rodgers	Seltzer,
Foster, W. W.	Livengood	Ryan	Speaker

NAYS—24

Armstrong	Harper	Michlovic	Pistella
Berson	Irvis	Micozzie	Pott
Brandt	Itkin	Murphy	Richardson
Cohen	Knight	Novak	Seventy
Cunningham	Kukovich	O'Donnell	Spitz
Dawida	Levin	Pievsky	Wachob

NOT VOTING—10

Beloff	Giammarco	Rhodes	Street
Dumas	Johnson, J. J.	Shadding	Williams
Gatski	Jones		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

REMARKS ON VOTE

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

Mr. D. R. WRIGHT. Mr. Speaker, on the Itkin amendment to SB 237, I was in my seat and I did vote, but I was not recorded on the official roll. There may be some error here that is being systematically made, but I wish to be reported in the affirmative on that.

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

CONSIDERATION OF SB 237 CONTINUED

On the question recurring,

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

Mr. SWEET offered the following amendment:

Amend Sec. 2 (Sec. 709), page 5, line 6, by inserting after "DEPARTMENT." After the department has approved the plan of a particular county for the ensuing fiscal year, it shall not increase, for the duration of the fiscal year for which the plan was approved, the charges it assesses to such county for children committed to youth development centers or forestry camps operated by the department.

On the question,

Will the House agree to the amendment?

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

Mr. SWEET. Mr. Speaker, it is my understanding that the intent of SB 237 is to provide a cap on the amount of money that will be spent on these services, child welfare and institutional services. It is also going to require that the counties submit a plan, but that that plan be a realistic financial outlook on what is going to be done in the county concerning institutional and noninstitutional costs during that year. In a meeting with my county commissioners and the children and youth board on Friday, the legislative delegation learned that one of the major problems confronting the counties is that the YDC - Youth Development Center - costs are invariably raised by the department during the fiscal year that the plan is in effect, and therefore it makes it very, very difficult for the county to realistically plan on what its costs will be, because 50 percent of that cost, of the YDC cost, is borne by the individual county.

My amendment merely states that the department, meaning the Department of Public Welfare, may not raise the YDC per diem cost once it has approved a county plan, which will be in effect for 1 year. I think this will make it far more realistic for the counties. We are going to put a burden on them by saying, you will realistically plan on spending your share of the \$88-million pie. I agree with that philosophy, but if we are going to do that, we must give the counties a predictable financial climate in which to plan. I would ask an affirmative vote on the amendment.

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

Mr. MILLER. The amendment offered by the gentleman, Mr. Sweet, is certainly well directed at a problem. The difficulty is it does not quite accomplish the dilemma his county commissioners and child welfare agencies have brought to his attention and it does not for this reason: If you will notice the oversight language in the main body of SB 237 that is before you now, the plans to which Mr. Sweet refers, the approval of said plans will now come on a fiscal-year basis to coordinate with the Commonwealth's fiscal-year basis. Heretofore it was a calendar-year basis. Under that calendar-year program, in the middle of a county budget, your 67 home county budgets, the state adopted its fiscal-year budget predicated on higher use costs

at these institutions. As a result, in the middle of the year, Mr. Sweet's dilemma arose each year, year in and year out, under Act 148. Now, with approval coming under a fiscal year, the county will now be on a fiscal-year basis and the state, that figure will be a figure computed into the plan that is called for in the main body of the bill.

If that is not enough to clarify the members' thoughts with respect to this amendment not being needed, I would be glad to stand for interrogation on the philosophy of the main act that we are amending, Act 148, which I might parenthetically point out encourages counties not to make these very placements.

In brief summary on the technical merit of the amendment and the reason it will not be needed in the future, the very circumstance the gentleman chooses to correct has been corrected in the main body of the bill by bringing counties in line with our fiscal-year planning, as opposed to the former calendar-year by counties and fiscal by the Commonwealth. I would urge a negative vote on the amendment.

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

Mr. SWEET. Mr. Speaker, would the gentleman, Mr. Miller, answer brief interrogation?

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

Mr. SWEET. As I understand it, Mr. Speaker—and perhaps you can explain it to me again. I maybe did not hear it properly—you are saying that the main body of the bill puts both the county and the state in the same time period?

Mr. MILLER. That is correct, sir. Fiscal year accounting.

Mr. SWEET. Okay. The second question: Does that mean that there is a legal requirement in statute that the Department of Public Welfare will not increase the YDC expense to an individual county during that fiscal year?

Mr. MILLER. Sir, it is taken care of in the appropriations process as addressed by this legislature. Each year the YDC costs and their breakdown costs are addressed as part of this General Assembly's general fund budget. Please understand, heretofore because our fiscal year budget was being adopted in the middle of their calendar year, there was, by definition, the very problem that you present, that in the middle of the year our costs would change; hence the cost of the counties would change. Your amendment would have been properly presented a year ago, for example, or properly presented if the oversight language to go to fiscal-year budget was not in the document before you.

Mr. SWEET. Mr. Speaker, who sets the rate per diem on the YDC costs?

Mr. MILLER. The Department of Public Welfare.

Mr. SWEET. May they do that at any time during the year?

Mr. MILLER. Their cost is consistent with what we appropriated at the beginning of our fiscal year as part of our general fund budget, sir. It does go up year to year and has.

Mr. SWEET. Are you saying that the YDC cost is set at the beginning of the fiscal year when our budget is passed and that it is never changed during the fiscal year?

Mr. MILLER. Each member of this General Assembly appreciates there have been changes in midyear. It has been the general rule that that cost figure that is established by the Commonwealth has held standard through the Commonwealth's fiscal year.

Mr. SWEET. Thank you.

Mr. Speaker, may I make a brief statement?

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

Mr. SWEET. I am a bit perplexed by Mr. Miller's answers, and perhaps by continuing to talk, either I will exhibit my confusion or he will clarify it in some way, or else I think what we will find out is that really Mr. Miller and I have no basic disagreement. It seems to me that if we accept everything that you have said in answers to those interrogatories, that there should be no objection to the amendment. However, I am led to believe that the Commonwealth quite often raises the per diem costs that each and every one of your counties are charged during the fiscal year or during the calendar year. No matter which way it breaks down, it can disrupt the plan that the county has submitted and that the state has approved, because if they base it on a cost of \$50 a day and sometime during that period the Department of Public Welfare—and that is who raises the rate; not this legislature at budget time—can raise the per diem rate.

So, number one, I am surprised, Mr. Speaker, that you just do not agree with the amendment so we could both sit down. Number two, I think that it is very, very important that we have this amendment. Otherwise, we are asking the counties to embark upon a very, very difficult course because we are saying that we are going to cap all the costs at \$88 million, but we are not going to tell the county what cost they will incur during a given 12-month period, be that 12-month period a calendar 12 months or a fiscal 12 months.

I certainly think that this amendment is not contradicting anything that the bill attempts to do. I do think that it makes very certain and very clear that the Department of Welfare will not raise this cost during the period of time that the county has submitted the plan, and I would ask for an affirmative vote.

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

Mr. MILLER. On the amendment, to reaffirm, by going to a fiscal-year basis as called for in the main body of SB 237, counties will not be put in the position of having their calendar-year budgets reorganized in midstream. But in addition, and even more importantly, Mr. Speaker, those of us who have championed the philosophy of Act 145, that philosophy of encouraging counties, our home counties, in their own manner to come up with community treatment alternatives to institutionalization, will find that this very budget language goes against that philosophy. It goes

against it because it now encourages a hold-harmless on institutional costs. That means more moneys for the county to come up with, more kids in institutions, less, less treatment for those adjudicated juveniles in your home counties. I thank you, Mr. Speaker, and urge a negative vote on the amendment.

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

Mr. SWEET. One last moment. I know Mr. Miller and I will fight over who gets the last word, but I promise this will be my last.

The SPEAKER. The Chair understands.

Mr. SWEET. If you vote against this amendment, what you are saying is that you are going to leave in the Department of Public Welfare's hands the ability to raise the rates that your county commissioners, out of local property taxes, are paying to send kids to YDCs. It is an uncontrollable cost at this point, and if you vote against this, you are saying, leave this matter in the hands of the Welfare Department where it has been so ably handled in the past, and not give your counties a guarantee that the rate will not go up during the year that they have, in good faith, submitted a plan. And I would ask for an affirmative vote.

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

Mr. McCLATCHY. Mr. Speaker, I think that what the gentleman, Mr. Sweet, is trying to get at is probably proper and real, but, unfortunately, the amendment really does not address rates; it addresses charges and it changes. Suppose the county judge or the approved plans say that in a certain county we are supposed to have 10 children going to a YDC, and the judge, instead of stopping at 10, goes to 11 or 12. And the question is: Who is responsible and for how much for those extra children? If Mr. Sweet's amendment passes, for any child being committed to that YDC, the state would pick up 100 percent of its funds. Without Mr. Sweet's amendment, the state would share just as it shares now with the county, 50-50. It has nothing to do with the rate. I think Mr. Miller addressed the rate. That is established at the beginning of the year, at the beginning of the fiscal year, according to its appropriation. This is a different matter that you are talking to when you are talking about rates. You are talking about charges, and I am afraid your amendment will cost the state 100 percent of any extra children that goes beyond the approved plan. I recommend a "no" vote on the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Austin	Gallagher	McCall	Rodgers
Bennett	Gamble	McMonagle	Schmitt
Berson	George, C.	Maiale	Schweder
Borski	George, M. H.	Manderino	Seventy
Brown	Giammarco	Michlovic	Shupnik
Caltagirone	Goebel	Milanovich	Stairs
Cappabianca	Goodman	Mrkonic	Steighner
Chess	Grabowski	Mullen	Stewart
Clark, B. D.	Gray	Murphy	Stuban

Cochran	Greenfield	Novak	Sweet
Cohen	Harper	O'Brien, B. F.	Taylor, F.
Cole	Hoeffel	O'Donnell	Trello
Cowell	Hutchinson, A.	Oliver	Wachob
DeMedio	Iris	Petrarca	Wargo
DeWeese	Knight	Pievsky	White
DiCarlo	Kolter	Pistella	Wilt
Dawida	Kowalshyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Pucciarelli	Yahner
Duffy	Laughlin	Rappaport	Zeller
Fee	Lescovitz	Reed	Zitterman
Fischer	Letterman	Rieger	Zwikl
Fryer	Livengood	Ritter	

NAYS—96

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

NOT VOTING—13

Barber	Gatski	Jones	Shadding
Beloff	Hutchinson, W.	McIntyre	Street
Donatucci, R.	Johnson, J. J.	Rhodes	Williams
Dumas			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

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

Mr. HOFFEL. Mr. Speaker, my amendment has not yet been distributed. I gave it to the amendment clerk at the beginning of debate. I may be wrong, Mr. Speaker; some members do have it.

The SPEAKER. The Chair has been informed the amendment has been distributed.

On the question recurring,

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

Mr. HOFFEL offered the following amendment:

Amend Sec. 2 (Sec. 709), page 5, by inserting between lines 10 and 11 (d) In no year shall the allowable costs authorized and approved by the department for any county for the provision of services reimbursable under section 704.1(a) (1), (2) and (3) decrease as a percentage of the total amount of reimburse-

ments received by such county pursuant to section 704.1(a.1) (1), (2), (3), (4) and (5). The base figures for determinations of the percentages under this subsection shall be the average of the reimbursements made to the county during calendar years 1978 and 1979 for services described in section 704.1.

On the question,

Will the House agree to the amendment?

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

Mr. HOFFEL. This amendment, Mr. Speaker, is designed to protect the provisions that we enacted in the law in Act 148, 2 or 3 years ago in this Commonwealth. The amendment would protect the community-based programs that are currently receiving funding and reimbursement from the state government at a minimum of 75-percent and a maximum of 90-percent reimbursement rate. The amendment says that in no year shall the allowable costs of reimbursement for those community programs decrease to a percentage level below that for 1978 or 1979.

The proponents of this amendment are afraid that unless this language is adopted, the institutional programs that have existed for a number of years in this Commonwealth will get the lion's share of the money that remains under the capped appropriation. I recognize the financial necessity for capping this state appropriation. We have not had a capped appropriation in the past and we have had a problem with counties spending more than we budgeted here in Harrisburg. So I can accept the Thornburgh administration's request for a cap, but I think we need to pay particular attention to protecting the community programs that have been created in the last few years in Pennsylvania. Those same community programs that we encouraged when we passed Act 148 in 1976 that for the first time reimbursed community programs at a higher rate than institutional programs, and I think we have to adopt this amendment to continue that protection to make sure that community programs do not suffer at the hands of the institutional programs.

Secretary Helen O'Bannon, in a letter to Chairman Zord of the Health and Welfare Committee, on May 19, 1980, suggested language to SB 237 very similar to the language I am offering today; not identical, but certainly the same in intent; and I think that we would be well served by approving this amendment. Thank you.

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

Mr. WACHOB. I, too, rise in support of this amendment. What we are trying to do is, based on the past 2 years' spending levels that the counties have spent for both institutional placements and also community-based placements, we have taken that 2 years and established a base year, given the particular spending patterns of their particular counties. What we are doing through this amendment is guaranteeing the county child welfare offices—and you have all, in your local papers, seen that your county child welfare programs and caseworkers are being let go at the end of this month prior to the passage of last week's budget

because the funding was not coming—but also you are going to receive the same notices that those same caseworkers and those same types of programs, the child-abuse programs, really the programs that are geared towards our predelinquents and not necessarily our delinquent children around the state, are going to be let go.

You have all received letters from the youth alliances and the juvenile justice centers and the League of Women Voters in support of this language, and it is a very necessity that we have this type of language included, because what you will have, when the money becomes tight and when there is a cap on the appropriation, is that there are two competing factors at the county level. There is a juvenile judge and then there is the county child welfare office. The county child welfare office is run by the commissioners. The commissioners cannot control the juvenile court judge, but the commissioners can control their own staffs and their own juvenile child welfare services. So what the counties are going to do, realizing that they have no control over the judge, they are going to start to cut back on the very needed services, such as child-abuse programs, such as youth group homes, such as child welfare emergency shelter placements, and we are going to see a rapid decline in the types of services that our young people are both in need of and should deserve from their state government. I am very supportive of this amendment and urge the House to support it likewise.

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

Mr. MILLER. Brief and to the point, this amendment is going to hit your counties in the pocketbook; a very simple reason why. It is an arbitrary standard. Forty-one counties in this Commonwealth will have to come up with the dollars for their commitments at existing levels that we already agree are accomplishing the intent of Act 148. Philadelphia County, average, under this amendment, 660 commitments; actual commitments, under the success rate of Act 148, is 711. Now that is about 25 grand ahead; that is \$2 million in the city of Philadelphia. There are some rural counties that over this period of time had not even one single commitment. They would be locked, under this amendment language, into no reimbursement for institutional commitment for any reason.

We should object to the arbitrary standard. If, under the Act, we feel the institutional commitment rate is increasing at a rate that alarms us, that goes against the intent of the act, then let us address it on its face. The establishment of an arbitrary standard by definition, by the actual statistics of commitments in each county, eliminate 41 counties. Not eliminate—I used the wrong word, Mr. Speaker—will cost 41 counties more money, will eliminate them from eligibility in the act over the rate that is outlined in this amendment. They take the 2-year average. Let us not forget some counties were slow to get started, and now we punish them for that. It flies against the integrity of the act, against the philosophy of the act. It discourages the very thing we are trying to encourage of community placement, and I

earnestly encourage a negative vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wachob.

Mr. WACHOB. The previous speaker alluded to the amounts of money that counties are going to lose, but I respectfully disagree with Mr. Miller. He has arbitrarily picked some figures and has only talked about delinquent kids. What we are talking about is all of the state's children, not just delinquents, but all of the children, the predelinquents, the kids who are served at the county level. All of you have read newspaper articles and all of you have received letters from your county child welfare offices saying that there were going to be cutbacks and the staffs were going to have to be let go. Those are the dollars that we are talking about. We are not talking about only institutional placements, and there was also the mention made that some counties got geared up late and that we are only taking 2 years. Well, 2 years are 2 years, and we are talking about a spending pattern that the counties themselves, that the counties themselves have established over the last 2 years. Now, we are not picking these figures out of our hat, but we are talking about real dollars the counties have spent over the past 2 years on institutional placements and also community-based programs. We are taking those figures that have been given to us by the counties, and by their own detention rates and their own institutional placements, and we are now telling the counties that because there is a crunch at the state level and we do not have an endless supply of money going around, that you are now going to have to live with the pattern that you yourself have decided upon, based on your juvenile judge and your county child welfare office. So I do not believe that we are telling the counties anything more than they have told us. We are basing our figures upon the figures and the commitment powers that the counties have exercised over the past 2 years.

It is a very crucial issue and something that I urge all of you to take great concern in, because we are talking about not only delinquent kids and not only institutional placements, but we are talking about the child-abuse programs and the emergency shelter programs that are going to go by the wayside if you do not adopt this amendment. I strongly support this amendment and urge your concurrence. Thank you.

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

Mr. HOEFFEL. I would like to yield to Mr. Richardson.

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

Mr. RICHARDSON. Mr. Speaker, I rise to also support the Hoeffel-Wachob amendment. I wanted to share with you statistics stating that Mr. Miller indicated that Philadelphia would lose money on this amendment. I do not concur with that. I would indicate that statistics will show that \$109 million presently is being expended for institutions here in the Commonwealth of Pennsylvania to house youth, while we are spending \$139 million to take

care of children who are not in institutions. We show that these figures somewhat reflect the fact that in certain counties and particularly in Philadelphia, where Philadelphia was mentioned, has already done its job in terms of percentages of taking care of children out of those institutions. We believe that this amendment does not in fact hurt Philadelphia but supports the concept that there has to be some restrictions given to these other counties which have not done anything at all, and I would respectfully ask that the members of this House vote in favor of the Hoeffel-Wachob amendment.

The SPEAKER. The Chair recognizes Mr. Hoeffel.

Mr. HOEFFEL. I think it is important for this House to recognize that the arbitrary aspect of the issue we are dealing with is not the Hoeffel-Wachob amendment but rather the cap that the bill currently contains, placed in there by the Health and Welfare Committee, that will cap the spending, the reimbursement rates for child welfare youth services programs. What we are trying to do here is make the best of that arbitrary cap, and I disagree with what Mr. Miller said that this amendment somehow threatens Philadelphia or other counties with a loss of funds. The bill itself, the cap placed in the bill in committee, is what is going to cost Philadelphia and other counties reimbursement money from Harrisburg. What we are trying to do is, under the terms of the cap, which we recognize as unfortunate but necessary language, we are trying to protect the community programs that we have already encouraged to be started in Act 148 3 years ago. If this language does not go in, it is my judgment that the institutional programs will get the lion's share of the money that remains under the cap. The community programs will wither on the vine, and we will be taking a very large step backwards in the treatment of our children. Thank you.

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

The following roll call was recorded:

YEAS—95

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

NAYS—89

Anderson	Freind	McVerry	Sirianni
Armstrong	Gallen	Madigan	Smith, E. H.
Arty	Gannon	Manmiller	Smith, L. E.
Belardi	Geesey	Micozzie	Spencer
Bittle	Geist	Miller	Spitz
Bowser	Gladeck	Moehlmann	Stairs
Brandt	Gruppo	Mowery	Swift
Burd	Hagarty	Noye	Taddonio
Burns	Halverson	Perzel	Taylor, E. Z.
Cessar	Hasay	Peterson	Telek
Civera	Hayes, Jr., S.	Phillips	Thomas
Clark, M. R.	Honaman	Piccola	Vroon
Cornell	Hutchinson, W.	Pitts	Wass
Coslett	Johnson, E. G.	Polite	Wenger
Cunningham	Kanuck	Pott	Wilson
DeVertter	Klingaman	Punt	Wilt
Davies	Knepper	Pyles	Wright, Jr., J.
Dietz	Lashingier	Rasco	Yohn
Dininni	Lehr	Ryan	Zord
Dorr	Levi	Salvatore	
Durham	Lewis	Scheaffer	Seltzer,
Fisher	Lynch, E. R.	Serafini	Speaker
Foster, W. W.	McClatchy	Sieminski	

NOT VOTING—12

Beloff	Foster, Jr., A.	Johnson, J. J.	Shadding
Cimini	Gatski	Jones	Street
Dumas	Grieco	Rhodes	Williams

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Mr. GANNON offered the following amendments:

Amend Title, page 1, line 3, by inserting after "Commonwealth," providing for temporary staffing in local offices,

Amend Sec. 1, page 1, line 9, by striking out "SUBSECTIONS" and inserting Section 417 and subsections

Amend Sec. 1, page 1, line 11, by inserting after "Code," section 417 suspended insofar as inconsistent with Reorganization Plan No. 3 of July 24, 1975 and section 704.1

Amend Sec. 1, page 1, by inserting between lines 12 and 13 Section 417. Personnel.—Each county board shall:

(1) In accordance with the Civil Service Act, appoint, transfer, lay off, suspend and remove its employees who shall, on behalf of the county board and under the supervision of the Executive Director, provide assistance in the territory under the jurisdiction of the county board in accordance with law. Should there be an increase in the number of applications for benefits, which might result from a furlough, plant closing, labor dispute or reduction in force, such county board may request the temporary assistance not to exceed fifteen working days of employees of other county boards upon the request of and approval by the Secretary of Public Welfare.

(2) Determine the number of its employees and direct and supervise their services so as to attain the maximum degree of efficiency.

(3) From time to time, appoint such board of review as it sees fit and proper, to hear and determine appeals by employees from orders of demotion and of removal.

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Mr. Speaker, this amendment, I believe, fairly well speaks for itself, and, to be quite candid with the House, it was introduced in bill form a while back and the bill passed the House by a substantial majority. However, the bill as originally drafted was amended by the House, and I believe those amendments are going to effectively tie the bill up indefinitely in the Senate, and that is why I have drafted this as an amendment to SB 237.

This simply provides that in those instances, because of a furlough, a work stoppage, a labor dispute, or whatever, where a large number of employes or workers are out on the street in a very short period of time and there is an influx into the local county assistance office for food stamps or whatever other services they would be providing, that this would make certain that there are sufficient personnel in that county assistance office to promptly process the claims. There is a limitation contained in the amendment of 15 working days, and I would assume that that would be plenty of time to process the sudden influx and to get the claims handled on a routine basis, and that is basically all the amendment does, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Anderson	Gallagher	McClatchy	Ryan
Armstrong	Gallen	McIntyre	Salvatore
Arty	Gamble	McKelvey	Scheaffer
Austin	Gannon	McMonagle	Schmitt
Barber	Geesey	McVerry	Schweder
Belardi	Geist	Mackowski	Serafini
Bennett	George, C.	Madigan	Seventy
Berson	George, M. H.	Maiale	Shupnik
Bittle	Giammarco	Manderino	Sieminski
Borski	Gladeck	Manmiller	Sirianni
Bowser	Goebel	Michlovic	Smith, E. H.
Brandt	Grabowski	Micozzie	Smith, L. E.
Brown	Gray	Milanovich	Spencer
Burns	Greenfield	Miller	Spitz
Caltagirone	Grieco	Moehlmann	Stairs
Cappabianca	Gruppo	Mowery	Steighner
Cessar	Hagarty	Mrkonic	Stewart
Cimini	Halverson	Mullen	Stuban
Civiera	Harper	Murphy	Sweet
Clark, B. D.	Hasay	Novak	Swift
Clark, M. R.	Hayes, Jr., S.	Noye	Taddonio
Cochran	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
Cohen	Honaman	O'Brien, D. M.	Taylor, F.
Cole	Hutchinson, A.	O'Donnell	Telek
Cornell	Hutchinson, W.	Oliver	Thomas
Coslett	Irviss	Perzel	Trello
Cowell	Itkin	Peterson	Vroon
Cunningham	Johnson, E. G.	Phillips	Wachob
DeMedio	Kanuck	Piccola	Wargo
DeVerter	Klingaman	Pievsky	Wass
DeWeese	Knepper	Pistella	Wenger
DiCarlo	Knight	Pitts	White
Davies	Kolter	Polite	Wilson
Dawida	Kowalshyn	Pott	Wilt
Dietz	Kukovich	Pratt	Wright, D. R.
Dininni	Lashingner	Pucciarelli	Wright, Jr., J.
Dombrowski	Laughlin	Punt	Yahner
Dorr	Lehr	Pyles	Yohn

Duffy	Lescovitz	Rappaport	Zeller
Durham	Letterman	Rasco	Zitterman
Fee	Levi	Reed	Zord
Fischer	Levin	Richardson	Zwikl
Fisher	Lewis	Rieger	
Foster, W. W.	Livengood	Ritter	Seltzer,
Freind	Lynch, E. R.	Rocks	Speaker
Fryer	McCall	Rodgers	

NAYS—0

NOT VOTING—15

Beloff	Dumas	Johnson, J. J.	Shadding
Burd	Foster, Jr., A.	Jones	Street
Chess	Gatski	Petrarca	Williams
Donatucci, R.	Goodman	Rhodes	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

SB 237 PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been informed there is one other amendment to be considered on SB 237. Without objection, the Chair will pass over SB 237 temporarily. The Chair hears no objection.

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

Mr. RICHARDSON. Mr. Speaker, I have the same problem with SB 237 that I had with HB 2438. Last week we had these amendments sent over. They have not come down on SB 237 as of yet, and I would just like the Chair to note that I talked again with the Reference Bureau about that and they said they are getting them together.

The SPEAKER. The Chair has been informed that the gentleman's amendments to HB 2438 have been prepared and are awaiting the gentleman's office to pick them up.

Mr. RICHARDSON. Mr. Speaker, that is not what I said. I was talking about SB 237.

The SPEAKER. Is the gentleman, Mr. Richardson, indicating he is not going to offer his amendments to HB 2438?

Mr. RICHARDSON. I will try it one more time, Mr. Speaker. What I said was that I rose to speak as you were talking on SB 237 and passing it over. I was trying to indicate to the Chair that I had an amendment to SB 237 that had been in the Reference Bureau since last week. They have not been drawn, and I do not have them in my possession. I was just informing the Chair that I did have amendments to that bill. I did not say I was pulling out any other amendments, Mr. Speaker.

The SPEAKER. The Chair would suggest to the gentleman that he get his amendments on the floor as quickly as possible. It is the intention of the Chair to roll SB 237 sometime today.

Mr. RICHARDSON. You run the Reference Bureau, Mr. Speaker. Maybe you can get them to get it done for us.

The SPEAKER. Unfortunately the Chair gets less service from the Reference Bureau than the member does.

Does the gentleman, Mr. Richardson, have his amendments for HB 2438? The Chair would like to return to that bill and dispose of it. The Chair is awaiting for the gentleman to offer his amendments.

Mr. RICHARDSON. Mr. Speaker, they have not come here. I do not know what you want me to do. You can go on to other bills or you can come back to HB 2438. They are not here. They said someone in the office picked it up and is bringing it here to the floor. I do not know where they are, Mr. Speaker.

The SPEAKER. The Chair has been informed that someone in the gentleman's office had picked them up over an hour ago. The Chair will turn to HB 2176.

* * *

The House proceeded to third consideration of **HB 2176**, **PN 3129**, entitled:

An Act providing for a Statewide emergency telephone number "911" system, establishing the Office of Telecommunication in the Department of General Services and providing for its powers and duties, and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2176 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 2378**, **PN 3076**, entitled:

An Act amending the act of July 9, 1976 (P. L. 582, No. 140), entitled "An act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Transportation to sell and convey to Urban Community Alternatives certain lots or pieces of ground together with buildings and improvements thereon situate in the City of Philadelphia," further providing for the consideration for the sale, removing the restriction and reversion section and making an editorial correction.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2378 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 1908**, **PN 2365**, entitled:

An Act creating the Public Employee Retirement Study Commission to make a continuing study of all public employee retirement and pension systems; and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. MOWERY offered the following amendments:

Amend Sec. 5, page 4, line 27, by striking out "none" and inserting one

Amend Sec. 5, page 4, line 29, by inserting a period after "plan"

Amend Sec. 5, page 4, line 29, by striking out "but who" and inserting Said members

Amend Sec. 6, page 6, line 5, by striking out "It shall have the power to subpoena" and inserting To issue subpoenas

Amend Sec. 6, page 6, line 6, by striking out "it deems" and inserting reasonably

Amend Sec. 6, page 6, lines 12 and 13, by striking out "with findings, activities and recommendations." and inserting including but not limited to its findings, recommendations and a summary of its activities.

Amend Sec. 6, page 6, line 17, by striking out "necessary." and inserting within the limits of the appropriations available.

Amend Sec. 6, page 6, line 24, by striking out "personal" and inserting personnel

Amend Sec. 6, page 6, line 30, by inserting after "upon" by

Amend Sec. 7, page 7, lines 3 and 4, by striking out "joint resolution or simple or concurrent resolution"

Amend Sec. 7, page 7, line 7, by inserting after "note" prepared by an enrolled pension actuary

Amend Sec. 7, page 7, line 11, by striking out "or resolution,"

Amend Sec. 7, page 7, line 12, by inserting after "by" either House of

Amend Sec. 7, page 7, line 13, by inserting after "note" prepared by an enrolled pension actuary

Amend Sec. 7, page 7, line 14, by striking out "prepare an" and inserting select an enrolled pension actuary to prepare an

Amend Sec. 7, page 7, lines 17 through 20, by striking out "The actuarial note shall be" in line 17, all of lines 18 through 20

Amend Sec. 7, page 7, by inserting between lines 25 and 26 (e) Notes for proposed constitutional amendments.—The commission shall issue an actuarial note, prepared by an enrolled pension actuary, for any joint resolution proposing an amendment to the Constitution of Pennsylvania which initially passes either House of the General Assembly. If said joint resolution is subsequently amended and passes either House of the General Assembly, a new actuarial note shall be prepared.

On the question,

Will the House agree to the amendments?

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

Mr. MOWERY. This amendment is really nothing more than technical amendments to the bill, and I would ask for support of the amendment.

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

The following roll call was recorded:

YEAS—181

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

NAYS—0

NOT VOTING—15

Barber	Gatski	McClatchy	Shadding
Beloff	Gray	Pucciarelli	Street
Cohen	Johnson, J. J.	Rhodes	Williams
Dumas	Jones	Schweder	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. COWELL offered the following amendments:

Amend Sec. 5, page 4, line 22, by inserting after "commission", no more than three of whom shall be of the same political party,

Amend Sec. 7, page 7, line 3, by striking out "No" and inserting Except as otherwise provided in subsection (e) (1), no Amend Sec. 7, page 7, line 10, by striking out "No" and inserting Except as otherwise provided in subsection (e) (2), no Amend Sec. 7, page 7, by inserting between lines 25 and 26 (e) Effect of failure of commission to attach note.—

(1) If the commission fails to attach an actuarial note within 15 legislative days after a bill proposing a change relative to a public employee pension or retirement plan has received first consideration in either House of the General Assembly, the bill may be further considered in the same manner as if the actuarial note had been attached to the bill.

(2) If the commission fails to attach an actuarial note within 15 legislative days after an amendment to a bill proposing a change relative to a public employee pension or retirement has submitted to the commission, the amendment may be considered in the same manner as if the actuarial note had been attached to the amendment.

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

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

Mr. COWELL. Mr. Speaker, this is amendment A7150. We seek to do two things with it. First of all, the bill proposes a nine-member commission, five of whom would be appointed by the Governor and four legislators. The first part of the amendment would mandate bipartisanship among those members appointed by the Governor. It would mandate that no more than three of the five appointees could be of the same political party.

The second part of the amendment addresses a constitutional concern that I had with the original legislation. On page 7 of the bill, there is language that indicates that no bill, joint resolution, or simple or concurrent resolution of the legislature could proceed to second consideration in either body, the House or Senate, until an actuarial note was prepared by this commission and submitted by this commission. My concern was that an independent commission, with the majority of its members being nonlegislators, could in fact impede the legislative process. So the second portion of the amendment simply provides that the commission shall have 15 legislative days during which time to submit the required actuarial note, and if they fail to do so, then that language on page 7 would no longer be operative as long as the legislature had in fact requested the actuarial note. I believe the prime sponsor of this bill, Mr. Mowery, has agreed to this amendment. I would ask for its adoption.

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

Mr. MOWERY. Mr. Speaker, we did work on this amendment, and it is agreed to and I would urge the support. I think it makes for a better bill and eliminates what had been a reasonable question by Mr. Cowell. So it is an agreed-to amendment.

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

Mr. KOWALYSHYN. I would also like to urge the members to support the Cowell amendment. This preserves the thrust of the bill, which deals with a very serious problem that exists in this state today, and that is, the unfunded liabilities which run into the billions of dollars of the state and local public pension systems.

I particularly would like to point out to the members that this public system, public retirement system commission, would have credibility because the majority of the members of the commission would be public members. They would not be individuals who had a vested interest in any public retirement system. The proposal incorporated in HB 1908 has been presented in the past, and unfortunately those proposals were to the effect that a majority of the members would be either members of the legislature or representing other public employe groups. Fortunately, HB 1908 is being preserved in its original condition, and the criticism leveled against this kind of proposal which did not have the majority of the members as public members is being avoided, and this body can function objectively and retain its credibility.

Just 2 years ago, for example, Tim Pettit of the Associated Press, in commenting on a proposal which would have had a majority of individuals who had a vested interest in a public retirement system, said that it would be like having foxes guarding the henhouse. This is not the case at this time, and I believe we can look forward to the enactment of this bill as a landmark piece of legislation in this session, and I urge approval of the Cowell amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

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

Davies	Knight	Pistella	White
Dawida	Kolter	Pitts	Wilson
Dietz	Kowalyszyn	Polite	Wilt
Dininni	Kukovich	Pott	Wright, D. R.
Dombrowski	Lashinger	Pratt	Wright, Jr., J.
Donatucci, R.	Laughlin	Pucciarelli	Yahner
Dorr	Lehr	Punt	Yohn
Duffy	Lescovitz	Pyles	Zeller
Durham	Letterman	Rasco	Zitterman
Fee	Levi	Reed	Zord
Fischer	Levin	Rhodes	Zwinkl
Fisher	Lewis	Richardson	
Foster, W. W.	Livengood	Rieger	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Ritter	Speaker

NAYS—0

NOT VOTING—14

Beloff	Fryer	Jones	Street
Chess	Gatski	Rappaport	Swift
Cohen	Hasay	Shadding	Williams
Dumas	Johnson, J. J.		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, would the prime sponsor of the bill consent to interrogation?

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

Mr. ITKIN. Mr. Speaker, I have ambivalence over the passage of this bill, not because I am not very concerned about the problems that our pension systems are facing in terms of their fiscal stability, which has been quite markedly identified in the problems that those systems have, but what I am concerned about is the potential for duplication that this bill will create. The question I have is, Mr. Speaker, what will be the responsibility of the Department of Community Affairs under Act 293 if this bill becomes law?

Mr. MOWERY. Mr. Speaker, the intent of this bill is to create an independent commission. It is not intended to replace any existing or change any statutory requirements that are now on the books. As you are aware, the Federal Government some 5, 6 years ago formed a new body to oversee the private and corporate pension programs in this country called ERISA - Employee Retirement and Income Security Act. Unfortunately, at the time they formed that, they left out the public employe funds. Pennsylvania happens to have about 21 percent of all the public employe pension funds in this country today. The intent of this bill

is only to provide for an independent department to be able to review the many requests that you and I as legislators receive on increasing the benefits. We believe that this will not interfere with any of the departments or law that is currently on the books of the Commonwealth.

Mr. ITKIN. So, Mr. Speaker, will the commission set forth in the bill really act as counsel to the legislature in advising it as to the wisdom of approving additional legislation in this area and recommending it?

Mr. MOWERY. That is correct, Mr. Speaker. One of the problems that exists today on public employe pension funds is that many times the people who are receiving the benefits are also those who are giving us some of the direction on the actuarial costs. The actuarial costs under this bill would come from an independent actuarial firm that would not in any way be involved in one of the public employe pension plans itself. It is the feeling that it would give you and me a more objective reason to either vote for or against up- and forth-coming legislation in regards to the pension bill.

Mr. ITKIN. Mr. Speaker, what would be the role of the Department of Community Affairs, that particular activity within that department that deals with the administering of Act 293? Would they be responsible to this commission in providing the actuarial studies of the local government pension plans that they currently do?

Mr. MOWERY. If I may answer, Mr. Speaker, one of the areas of greatest concern right now is in the municipal employe pension area. As you know, many of them currently are on a pay-as-you-go basis and are very much underfunded. I had a call from one of the people—there are two, I believe—who are directly, currently involved with this with the Department of Community Affairs. I had a call from one this morning that was very encouraging for the support of this bill, not that it is going to change and take away anything from the municipalities, but I am sure you are aware that currently in the Commonwealth we have over 12 statutes on the books that relate to public employe pension funds, all of them coming from a little different category or direction. I think, as I see it, and the intent of this is that any major changes in the overall direction of those 12 statutes would come before this commission for review and recommendation.

Mr. ITKIN. Thank you, Mr. Speaker.

Mr. Speaker, I, after hearing from the sponsor of the legislation, believe it is a good measure and I will support the bill. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—186

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

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

NAYS—0

NOT VOTING—10

Beloff	Johnson, J. J.	Rhodes	Street
Dumas	Jones	Shadding	Williams
Gatski	Rappaport		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 2101, PN 2829**, entitled:

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (No. 9A), changing certain appropriations and language.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2101 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 2114, PN 2686**, entitled:

An Act amending the "Capital Budget Act for Fiscal Year 1969-1970, Public Improvement Project Itemization Supplement-General State Authority," further providing for a project.

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

Amend Bill, page 2, by inserting between lines 8 and 9 Section 2. Property constructed or improved with funds appropriated by this act shall not be transferred by the Commonwealth unless the transferee pays an amount that equals or exceeds the amount of Commonwealth funds invested in the property, or the bond issue or portion thereof representing the indebtedness incurred for such construction or improvement have been retired.

Amend Sec. 2, page 2, line 9, 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 Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I believe this amendment is agreed to, but I will briefly explain it. What it does is it says that any moneys that are put into Harrisburg International Airport for improvements shall be returned to the Commonwealth before the property is sold or given away.

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

The following roll call was recorded:

YEAS—183

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

NAYS—0

NOT VOTING—13

Beloff	Johnson, J. J.	Rappaport	Shadding
Chess	Jones	Rhodes	Street
Dumas	Oliver	Salvatore	Williams
Gatski			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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—178

Anderson	Fryer	Lynch, E. R.	Rodgers
Armstrong	Gallagher	McClatchy	Ryan
Arty	Gallen	McIntyre	Salvatore
Austin	Gamble	McKelvey	Scheaffer
Belardi	Gannon	McMonagle	Schmitt
Bennett	Geesey	McVerry	Schweder
Berson	Geist	Mackowski	Serafini
Bittle	George, C.	Madigan	Seventy
Borski	George, M. H.	Maiale	Shupnik
Bowser	Giammarco	Manderino	Sieminski
Brandt	Gladeck	Manmiller	Sirianni
Brown	Goebel	Michlovic	Smith, E. H.
Burd	Goodman	Micozzie	Smith, L. E.
Burns	Grabowski	Milanovich	Spencer
Cappabianca	Gray	Moehlmann	Spitz
Cessar	Greenfield	Mowery	Stairs
Chess	Grieco	Mrkonic	Steighner
Cimini	Gruppo	Mullen	Stewart
Civera	Hagarty	Murphy	Stuban
Clark, B. D.	Halverson	Novak	Sweet
Clark, M. R.	Harper	Noye	Swift
Cochran	Hasay	O'Brien, B. F.	Taddonio
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taylor, E. Z.
Cole	Hoeffel	O'Donnell	Telek
Cornell	Honaman	Perzel	Thomas

Coslett	Hutchinson, A.	Peterson	Trello
Cowell	Hutchinson, W.	Petrarca	Vroon
Cunningham	Irvis	Phillips	Wachob
DeMedio	Itkin	Piccola	Wargo
DeVerter	Johnson, E. G.	Pievsky	Wass
DeWeese	Kanuck	Pistella	Wenger
DiCarlo	Klingaman	Pitts	White
Davies	Knepper	Polite	Wilson
Dawida	Knight	Pott	Wilt
Dietz	Kolter	Pucciarelli	Wright, D. R.
Dininni	Kowalshyn	Punt	Wright, Jr., J.
Dombrowski	Kukovich	Pyles	Yahner
Donatucci, R.	Lashinger	Rappaport	Yohn
Dorr	Laughlin	Rasco	Zeller
Duffy	Lehr	Reed	Zitterman
Durham	Lescovitz	Rhodes	Zord
Fee	Letterman	Richardson	Zwilk
Fisher	Levi	Rieger	
Foster, W. W.	Levin	Ritter	Seltzer,
Freind	Lewis	Rocks	Speaker

NAYS—2

Fischer Livengood

NOT VOTING—16

Barber	Foster, Jr., A.	McCall	Shadding
Beloff	Gatski	Miller	Street
Caltagirone	Johnson, J. J.	Oliver	Taylor, F.
Dumas	Jones	Pratt	Williams

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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.

CONSIDERATION OF HB 2438 RESUMED

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

CONSIDERATION OF SB 237 RESUMED

On the question recurring,

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

Mr. RICHARDSON offered the following amendment:

Amend Sec. 2 (Sec. 709), page 5, by inserting between lines 10 and 11 (d) The department shall exclude cities of the first class from any cap placed on expenditures.

On the question,

Will the House agree to the amendment?

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

Mr. RICHARDSON. Mr. Speaker, this amendment excludes the city of the first class. Specifically we are doing that because of the fact that SB 237 effectively is going to

hurt Philadelphia's children the most in this bill. On the cap that is being placed on it, I would just like to take a moment to express that from the city of Philadelphia the Department of Welfare's commissioners sent us a letter indicating there is a very serious problem with the cap, and while they recognize the idea of the cap, they feel that the sense of the fiscal responsibility in terms of the problems that are being eliminated out of this whole problem will not in fact do what it is supposed to do.

For an example, in the city of Philadelphia the Department of Public Welfare estimates that in the fiscal year 1981, Act 148 expenditures will be \$48 million, whereas the total amount being proposed statewide is only \$88 million. Already they have sent out letters saying to individual persons who are in the program that you are going to lose a number of persons who are now qualified in that city, working with those youngsters. They are going to now be taken away and they will not have any job at all. That is from the Department of Public Welfare under Dr. Sosnowski.

Also you have the Youth Services coordinating office in Philadelphia, another agency that operates there, very much concerned with what this cap does to our children and how it affects the overall posture in relationship to Act 148. It is the position of the Youth Services coordinating office in Philadelphia that there must be more time for the legislature to conduct a thorough analysis of the causes for the current Department of Public Welfare deficit. This would allow for an opportunity to consider the inadequacies of the current law prior to proposing amendments which could destroy all progress made to date and effectively wreak further havoc on children and youth services. It would also provide an opportunity for county and state administrators and legislators to work together to develop a strategy for avoidance of future deficits.

In order to avert a potential crisis for children and youth services, the Youth Services coordinating office suggests the legislature support the following positions: That they be in opposition to this cap because of what it does and the effect that it has, with the alignment of the counties with the state's fiscal year changed from January 1 through December 31 to July 1 through June 30 of 1980 to 1981, so that the state would be able to effectively anticipate the funding needs.

Mr. Speaker, I ask that you adopt this amendment. It is a very important amendment. We talked about the cost to Philadelphia, and what it does has a tremendous impact on what happens in Philadelphia. I ask for the exclusionary clause at this time.

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

Mr. McCLATCHY. Mr. Speaker, I would hope that Mr. Richardson and other members of the House would consider themselves Pennsylvania legislators and not just Philadelphia. What we are trying to get at with this piece of legislation is a program that I think we all honestly agree with. I think it is a program that we all have supported in

the past and want to continue to support in the future, but, unfortunately, it is a program that presented us with a \$26-million deficiency back in April.

The department cannot explain its costs; the counties cannot explain their costs, and what we are trying to do is get a lock on those costs and figure out where we are going. I do not think we here in the House and the Senate want to give anybody an open check to spend as much money as they want to spend, and that is what is wrong with this program right now.

Now, if we let Philadelphia out from explaining where they are, where they are going, irrespective of the rest of the state, I think that is wrong. I think they should come back to us just as every other county in this state is going to have to come back to us to explain exactly what the program is all about and what it is going to cost. I think it is fair. No one is trying to hurt this program, Mr. Speaker; we are trying to get a lock on it. I suggest a "no" vote on this amendment.

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

Mr. RICHARDSON. Mr. Speaker, I think the gentleman is very unclear on his statement relating to Act 148. Already Philadelphia has shown its compliance in accordance with Act 148. The gentleman did not say that at all. In fact, we can show county-by-county breakdowns which would indicate to you that Philadelphia is by far the closest in terms of their compliance in relationship to Act 148. And while there is a lot of ambiguity in relationship to the particular problem as it relates county by county, you will find that there are some counties in this Commonwealth which have not done anything in placement of children at all, and that is not the fault of Philadelphia, so do not place the blame on us. We are Pennsylvanians, too, but we are always being sidetracked when we are watching everybody stick it to us when we have a program that is operating in the best interests of our children.

Already in the Commonwealth of Pennsylvania we are spending \$109.5 million in educational costs and other matters to keep institutions open, and only \$139.5 million for those reimbursement programs that in fact house young people, and the number of children continues to decrease in institutions, but we spend more money there and we do not do anything about those programs that are effectively working. Every agency that deals with youth in the city of Philadelphia has sent us letters describing what their programs do and the fact that the programs in fact are intact.

It seems to me that if Mr. McClatchy wants to get to the heart of this particular problem, then maybe putting a cap on moneys to hurt Philadelphia is not the way to do it, and we feel that there needs to be a program that is definitely going to look at the expenditures and the moneys that are being expended in an equitable manner. Eighty-eight million dollars are being spent in this fiscal year to put a cap on that and say to us, hey, that is all that can be expended, when we already have figures that show that we are going

to spend close to \$48 million. We already are taking care of those particular problems. We are trying to deinstitutionalize those particular institutions in our community that continue to warehouse children, and we are feeling that this Act 148 is too important for us to protect. I would share for the record, not to belabor the House, these facts and figures so that it can be more understanding to the gentleman.

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

Mr. ITKIN. Mr. Speaker, the chairman of the Appropriations Committee made a statement that these costs had escalated and that the Commonwealth has not placed enough money in the budget and that we are running a \$28-million deficiency in this particular program of child welfare services. As I read the legislation, what I see is that what we are attempting to do is to shift the deficiency from the state onto the counties to assume that \$28 million. We want to start a new concept in Pennsylvania where the state can have the luxury of fiscal foresight, appropriating money that it thinks is necessary and never having to worry about having a deficit occurring. The unfortunate circumstance is, Mr. Speaker, that many of these services in the child welfare field are not anticipated like we have in a budget. Many of these services are demanded by the courts, about which we have no control, and when the court determines that a child in its jurisdiction must receive certain services from the county, what this bill then says is, well, you cannot get it from the state; the county will have to assume the full burden because you have used up your allocation and there is no money in our budget to provide it, and we will not provide you with a deficiency; we will not provide you with a supplemental; you are going to have to take what the court gives you.

While I can appreciate Mr. Richardson's desire to exclude Philadelphia from the features of SB 237, I, too, would like to see Allegheny County excluded from this bill, because I understand the effects it has. And I am sure as most of you reflect county by county, you are going to see that it is going to be your own taxpayers at the local level who are going to have to pay for these services, principally through the real estate tax.

The SPEAKER. The gentleman will yield. For what purpose does Mr. McClatchy rise?

Mr. McCLATCHY. Mr. Speaker, I hate to break in, but I do not see what connection Mr. Itkin's statements have to the amendment excluding Philadelphia.

The SPEAKER. The gentleman, Mr. Itkin, will please confine his remarks to the amendment before the House. The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. Mr. Speaker, my remarks are made to indicate that I have a sympathy for the counties in having to assume this tremendous burden. I have a sympathy toward Philadelphia, but I also have a sympathy toward Allegheny County and Montgomery County and Bucks County and Washington County, Westmoreland, all the other counties that are going to have to bear the burden of

SB 237, but I cannot allow Philadelphia to stand alone, and I cannot allow Philadelphia to remain whole while all of the rest of us are going to have our budgets at the local level inflated because of this bill. And so, consequently, my remarks to Mr. Richardson are, with respect to SB 237, sir, we sink or swim together. I oppose the amendment.

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

The following roll call was recorded:

YEAS—26

Barber	Harper	O'Brien, D. M.	Rappaport
Borski	Irvis	O'Donnell	Rhodes
Cohen	Kukovich	Oliver	Richardson
DeWeese	Levin	Petrarca	Rieger
Donatucci, R.	McIntyre	Pievsky	Wachob
Giammarco	McMonagle	Pucciarelli	White
Greenfield	Maiale		

NAYS—156

Anderson	Freind	Lynch, E. R.	Schweder
Armstrong	Fryer	McCall	Serafini
Arty	Gallen	McClatchy	Seventy
Austin	Gamble	McKelvey	Shupnik
Belardi	Gannon	McVerry	Sieminski
Bennett	Geesey	Mackowski	Sirianni
Bittle	Geist	Madigan	Smith, E. H.
Bowser	George, C.	Manmiller	Smith, L. E.
Brandt	George, M. H.	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovitch	Stairs
Burns	Goodman	Miller	Steighner
Caltagirone	Grabowski	Mowery	Stewart
Cappabianca	Gray	Mrkonic	Stuban
Cessar	Grieco	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Civera	Hagarty	Novak	Taddonio
Clark, B. D.	Halverson	Noye	Taylor, E. Z.
Clark, M. R.	Hasay	O'Brien, B. F.	Taylor, F.
Cochran	Hayes, Jr., S.	Perzel	Telek
Cole	Hoefel	Peterson	Thomas
Coslett	Honaman	Phillips	Trello
Cowell	Hutchinson, A.	Piccola	Vroon
Cunningham	Hutchinson, W.	Pistella	Wargo
DeMedio	Itkin	Pitts	Wass
DeVerter	Johnson, E. G.	Polite	Wenger
DiCarlo	Kanuck	Pott	Wilson
Davies	Klingaman	Pratt	Wilt
Dawida	Knepper	Punt	Wright, D. R.
Dietz	Knight	Pyles	Wright, Jr., J.
Dininni	Kolter	Rasco	Yahner
Dombrowski	Kowalshyn	Reed	Yohn
Dorr	Lashinger	Ritter	Zeller
Duffy	Laughlin	Rocks	Zitberman
Durham	Lehr	Rodgers	Zord
Fee	Lescovitz	Ryan	Zwinkl
Fischer	Letterman	Salvatore	
Fisher	Levi	Scheaffer	Seltzer,
Foster, W. W.	Lewis	Schmitt	Speaker
Foster, Jr., A.	Livengood		

NOT VOTING—14

Beloff	Dumas	Jones	Shadding
Berson	Gallagher	Manderino	Street
Chess	Gatski	Moehlmann	Williams
Cornell	Johnson, J. J.		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

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

Mr. RICHARDSON offered the following amendment:

Amend Sec. 2 (Sec. 709), page 5, by inserting between lines 10 and 11 (d) No expenditures to State institutions for youth shall exceed the amount appropriated during the fiscal year 1979-1980.

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

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

Mr. RICHARDSON. This next amendment, Mr. Speaker, says that no expenditures to state institutions for youth shall exceed the amount appropriated during fiscal year 1979-80. It is a very simple amendment dealing with the fact that if you are going to place a cap on those particular young people who need the service, then it seems to me that the institutions where we are continuing to warehouse kids should not in fact continue to be raised as a point, but that we should in fact also cap those institutions. I think that this language speaks directly to that point and I ask for an affirmative vote on the amendment.

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

Mr. McCLATCHY. Mr. Speaker, I am not so sure exactly what this amendment does. At face value I have no quarrel with it unless it means that no expenditures to state institutions for youth shall ever exceed the amount appropriated this year. That is the only problem I am having with it.

Mr. RICHARDSON. So draw up an amendment for that. I have mine that speaks directly to the fiscal year 1979-80.

Mr. McCLATCHY. Mr. Speaker, will Mr. Richardson consent to interrogation?

Is that in fact what it does?

Mr. RICHARDSON. No. It does not say "ever"; you said that. I said if you want an amendment to that, say that. Mine specifically speaks to the fact that expenditures to state institutions as they presently are that house youth in them now shall not exceed the amounts that are already appropriated in the fiscal year 1979-80, my point being that if you are going to place a cap on children in the community-based service programs that are effectively working for our children in this Commonwealth, then I am going to put a cap on institutions so that the effect then will be the same. So if we are not going to spend any more money on kids, then do not spend any more money on institutions where we are warehousing them.

Mr. McCLATCHY. I have no quarrel with the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—132

Anderson	Gamble	Lynch, E. R.	Richardson
Armstrong	Gannon	McCall	Rieger
Arty	Geesey	McIntyre	Ritter
Austin	Geist	McKelvey	Rocks
Barber	George, M. H.	McMonagle	Rodgers
Bennett	Giammarco	Madigan	Ryan
Berson	Goebel	Maiale	Salvatore
Borski	Goodman	Manderino	Schmitt
Brandt	Grabowski	Michlovic	Schweder
Brown	Gray	Micozzie	Seventy
Burns	Greenfield	Milanovich	Shupnik
Caltagirone	Gruppo	Miller	Sieminski
Cappabianca	Hagarty	Moehlmann	Smith, E. H.
Cessar	Halverson	Mrkonic	Spencer
Clark, B. D.	Harper	Mullen	Spitz
Clark, M. R.	Hayes, Jr., S.	Murphy	Steighner
Cochran	Hoeffel	Novak	Stewart
Cohen	Honaman	O'Brien, B. F.	Stuban
Cole	Hutchinson, A.	O'Brien, D. M.	Taddonio
Coslett	Hutchinson, W.	O'Donnell	Taylor, E. Z.
Cowell	Irvis	Oliver	Trello
DeMedio	Itkin	Perzel	Wachob
DeWeese	Johnson, E. G.	Peterson	Wargo
DiCarlo	Knight	Petrarca	Wenger
Dawida	Kolter	Phillips	White
Dombrowski	Kowalyszyn	Pievsky	Williams
Donatucci, R.	Kukovich	Pistella	Wilson
Duffy	Laughlin	Pitts	Wright, D. R.
Durham	Lehr	Pratt	Wright, Jr., J.
Fee	Lescovitz	Pucciarelli	Zwikel
Foster, W. W.	Letterman	Rappaport	
Fryer	Levi	Rasco	Seltzer,
Gallagher	Levin	Reed	Speaker
Gallen	Livengood		

NAYS—49

Belardi	Foster, Jr., A.	Mackowski	Stairs
Bittle	George, C.	Manmiller	Sweet
Bowser	Gladeck	Mowery	Swift
Burd	Grieco	Noye	Telek
Cimini	Hasay	Piccola	Vroon
Cunningham	Kanuck	Pott	Wass
DeVerter	Klingaman	Punt	Wilt
Davies	Knepper	Pyles	Yahner
Dietz	Lashinger	Scheaffer	Yohn
Dininni	Lewis	Serafini	Zeller
Dorr	McClatchy	Sirianni	Zitterman
Fischer	McVerry	Smith, L. E.	Zord
Fisher			

NOT VOTING—15

Beloff	Dumas	Jones	Street
Chess	Freind	Polite	Taylor, F.
Civera	Gatski	Rhodes	Thomas
Cornell	Johnson, J. J.	Shadding	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

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

Mr. SWEET offered the following amendment:

Amend Sec. 2 (Sec. 709), page 5, line 6, by inserting after "DEPARTMENT." After the department has approved the plan of a particular county for the ensuing fiscal year, it shall not increase, for the duration of the fiscal year for which the plan was approved, the per diem fee per child it assesses to such county for children committed to youth development centers or forestry camps operated by the department.

On the question,

Will the House agree to the amendment?

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

Mr. SWEET. Mr. Speaker, this is a more precise redraft of the amendment I earlier submitted. I believe it meets the objections which Mr. McClatchy and Mr. Miller raised and I would ask for an affirmative vote.

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

Mr. McCLATCHY. Mr. Speaker, I agree with the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—184

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

Fryer McClatchy

NAYS—0

NOT VOTING—12

Beloff	Dumas	Gatski	Polite
Chess	Freind	Johnson, J. J.	Shadding
Civera	Gallen	Jones	Street

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 237 be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

REMARKS ON VOTE

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

Mr. McCLATCHY. Mr. Speaker, after I agreed with the Richardson amendment, I inadvertently voted "no." I would like to change my vote to "yes" on amendment 7256 to SB 237.

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 1793, PN 3319**, entitled:

An Act authorizing the creation of agricultural areas.

On the question,

Will the House agree to the bill on third consideration?

Mr. THOMAS offered the following amendments:

Amend Sec. 8, page 10, line 2, by inserting after "land." The existence of utility facilities on the proposed area shall not prevent the designation of the area as "agricultural" nor shall the rights of utilities with respect to the existing facilities be disturbed or affected by such designation.

Amend Sec. 13, page 13, line 3, by removing the period after "Commission." and inserting , regardless of whether the right to establish and maintain such underground or other public utility facility is obtained by condemnation, or by agreement with the owner.

On the question,

Will the House agree to the amendments?

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

Mr. THOMAS. This is more or less a corrective amendment. Bell Telephone in Pennsylvania called my attention to a deficiency in the bill as it relates to some of the contracts they have with landowners at this time. They have no objection to the intent of the legislation but say we need this for clarification as it relates to public utilities of their nature. The bill specifically states that utilities have the right of eminent domain, but they point out to me that they do not always use eminent domain for their purposes, and the language simply corrects things to say that where they bargain directly with the landowner, such agreement shall stand. As far as I know, there is no opposition to the amendment. I recommend a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

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

NAYS—1

Manderino

NOT VOTING—23

Beloff	Dumas	Jones	Serafini
Berson	Freind	Letterman	Shadding
Bittle	Gatski	McIntyre	Street
Borski	Gray	O'Donnell	Sweet

Chess	Harper	Polite	Zord
Civera	Johnson, J. J.	Rhodes	
EXCUSED—6			
Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. THOMAS offered the following amendments:

Amend Sec. 13, page 12, line 19, by removing the period after "Commission" and inserting or the Federal Energy Regulatory Commission.

Amend Sec. 13, page 13, line 3, by removing the period after "Commission" and inserting or the Federal Energy Regulatory Commission.

Amend Sec. 14, page 15, line 10, by striking out "EFFECTED" and inserting affected

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

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

Mr. THOMAS. This is another amendment correcting language in favor of gas companies or utilities which have distribution lines. They tell me that such lines are not covered by the Public Utility Commission but are rather regulated by the Federal Energy Regulatory Commission. All we are doing is adding the words "Federal Energy Regulatory Commission" after "Public Utility Commission," and, as far as I know, there is no objection to this amendment.

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

Mr. ZITTERMAN. Mr. Speaker, I do not seem to have a copy of this amendment or the previous amendment that was voted upon, and I would like to know if these amendments were distributed, Mr. Speaker.

The SPEAKER. The Chair has received the amendments, and we can only assume, when the Chair receives copies of the amendments, that they have been distributed to the membership.

Mr. ZITTERMAN. Thank you, Mr. Speaker.
Mr. THOMAS. They were distributed.

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

The following roll call was recorded:

YEAS—173

Anderson	Foster, Jr., A.	Livengood	Salvatore
Armstrong	Fryer	McCall	Scheaffer
Arty	Gallagher	McClatchy	Schmitt
Austin	Gallen	McIntyre	Schweder
Barber	Gamble	McVerry	Serafini
Belardi	Gannon	Mackowski	Seventy
Bennett	Geesey	Madigan	Shupnik
Berson	Geist	Majale	Sieminski
Borski	George, C.	Manderino	Sirianni
Bowser	George, M. H.	Manmiller	Smith, E. H.
Brandt	Giammarco	Michlovic	Smith, L. E.

Brown	Gladeck	Milanovich	Spencer
Burd	Goebel	Miller	Spitz
Burns	Goodman	Moehlmann	Stairs
Caltagirone	Grabowski	Mowery	Steighner
Cappabianca	Gray	Mrkonic	Stewart
Cessar	Greenfield	Mullen	Stuban
Cimini	Grieco	Murphy	Sweet
Clark, B. D.	Gruppo	Novak	Swift
Clark, M. R.	Hagarty	Noye	Taddonio
Cochran	Halverson	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hasay	O'Brien, D. M.	Telek
Cole	Hayes, Jr., S.	Oliver	Thomas
Cornell	Hoeffel	Perzel	Trello
Coslett	Honaman	Peterson	Vroon
Cowell	Hutchinson, A.	Petrarca	Wachob
Cunningham	Hutchinson, W.	Phillips	Wargo
DeMedio	Irvis	Piccola	Wass
DeVerter	Itkin	Pievsky	Wenger
DeWeese	Johnson, E. G.	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Davies	Klingaman	Pott	Wilt
Dawida	Knepper	Pucciarelli	Wright, D. R.
Dietz	Knight	Punt	Wright, Jr., J.
Dininni	Kolter	Pyles	Yahner
Dombrowski	Kowalshyn	Rappaport	Yohn
Donatucci, R.	Kukovich	Rasco	Zeller
Dorr	Lashinger	Reed	Zitterman
Duffy	Laughlin	Rhodes	Zord
Durham	Lehr	Richardson	Zwickl
Fee	Lescovitz	Ritter	
Fischer	Letterman	Rocks	Seltzer,
Fisher	Levi	Rodgers	Speaker
Foster, W. W.	Lewis	Ryan	

NAYS—0

NOT VOTING—23

Beloff	Gatski	McKelvey	Rieger
Bittle	Harper	McMonagle	Shadding
Chess	Johnson, J. J.	Micozzie	Street
Civera	Jones	O'Donnell	Taylor, F.
Dumas	Levin	Polite	Williams
Freind	Lynch, E. R.	Pratt	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

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

MOTION TO RECOMMIT

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

Mr. MICHLOVIC. Mr. Speaker, in the interest of perhaps saving some time, I would like to make the motion now to recommit HB 1793 and the amendments to the Local Government Committee and then speak on that motion.

The SPEAKER. The question is on the motion. The Chair recognizes the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, this bill deals with the establishment of agricultural districts and it develops a new section in the law dealing with development easements, which is defined in the law as an interest in the land less

than the fee simple title which interest represents the right to develop such lands for residential, commercial, recreational, or industrial uses. In section 14 of this bill, on page 14, it—

The SPEAKER. The Chair would caution the gentleman to please confine his debate to recommittal and not to the merits of the bill. The gentleman may proceed.

Mr. MICHLOVIC. Mr. Speaker, I am attempting to do that by describing my objections to the bill. My objections fall in the language under section 14, which deals with the purchase of development easements. My objection is basically a concern with the purchasing of those easements as—

The SPEAKER. The Chair cautions the gentleman. It is the opinion of the Chair that the gentleman's debate is on the merits of the bill and not for the reasons to have it recommitted. The gentleman may speak on the recommittal motion. The gentleman may proceed.

Mr. MICHLOVIC. Mr. Speaker, the reason that I am asking for the recommittal to the Local Government Committee is because this bill does affect the local governments, county governments. They may well end up paying for the provisions in this bill. They are allowed, under the provisions of this bill, to incur debt even, to expend public money for the purpose of purchasing these development easements.

I am concerned that we may well be putting rural counties in the Commonwealth of Pennsylvania in a very bad situation where they are under extreme public pressure to purchase such easements, and I would like the Local Government Committee to review that whole issue, perhaps have some public hearings on this issue so that we can get a better handle on what the ramifications are of the passage of this bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Mr. Speaker, I oppose the motion to recommit. This bill has been introduced since October of last year. It has been on the calendar for 15 full days, and more than that, there has been absolutely no one from local government contact me as to the content of this bill being derogatory to what they would like to have. I would urge a "no" vote on the motion.

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

Mr. WENGER. Since the motion is on recommittal, I will not attempt to answer Mr. Michlovic's argument on the merits of the bill. I will be pleased to attempt to do so at the proper time, but at this time I will merely say that I oppose the recommittal motion. I think the bill has been studied by the Agriculture Committee; it has been studied by the Appropriations Committee, and I think it is in a position where it should be considered by the full House floor. I respectfully request a negative vote on the recommittal motion.

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

Mr. ZELLER. Mr. Speaker, as a member of both Agriculture and Local Government Committees, I have not had absolutely one letter, not one comment, from any local government body on this issue, and I cannot for the life of me understand why anyone would want to recommit this bill. I cannot understand it.

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

Mr. A. C. FOSTER. Mr. Speaker, I, likewise, oppose recommittal. Being both a member of the Local Government and the Agriculture Committees, I am familiar with the bill. I heard no one give any reason for opposition to the bill in local government circles at this point and I really see no need that the bill come to Local Government.

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

Mr. STUBAN. I rise to speak against recommittal. There have been bills of this type in other sessions of the legislature. There has been a lot of review in the Agriculture Committee. It has been studied thoroughly, and I think it ought to be brought up here today, and if there are a few amendments that somebody wants to add to them, I think we ought to discuss the amendments and go through the bill.

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

The following roll call was recorded:

YEAS—27

Cohen	Goebel	McIntyre	Richardson
Cowell	Grabowski	Manderino	Rieger
DeWeese	Gray	Michlovic	Seventy
Dawida	Hoeffel	Murphy	Stewart
Duffy	Kanuck	O'Donnell	Trello
Gallagher	Kukovich	Pistella	Wachob
Gamble	Laughlin	Rhodes	

NAYS—152

Anderson	Foster, W. W.	McMonagle	Schmitt
Armstrong	Foster, Jr., A.	McVerry	Schweder
Arty	Freind	Mackowski	Serafini
Austin	Fryer	Madigan	Shupnik
Barber	Gallen	Maiale	Sieminski
Belardi	Gannon	Manmiller	Sirjanni
Bennett	Geesey	Micozzie	Smith, E. H.
Bittle	Geist	Milanovich	Smith, L. E.
Borski	George, C.	Miller	Spencer
Bowser	Giammarco	Moehlmann	Spitz
Brandt	Gladeck	Mowery	Stairs
Brown	Goodman	Mrkonic	Steighner
Burd	Greenfield	Mullen	Stuban
Burns	Grieco	Novak	Sweet
Caltagirone	Gruppo	Noye	Swift
Cappabianca	Hagarty	O'Brien, B. F.	Taddonio
Cessar	Harper	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hasay	Oliver	Telek
Civera	Hayes, Jr., S.	Perzel	Thomas
Clark, B. D.	Honaman	Peterson	Vroon
Clark, M. R.	Hutchinson, A.	Petrarca	Wargo
Cochran	Hutchinson, W.	Phillips	Wass
Cole	Irvis	Piccola	Wenger
Cornell	Johnson, E. G.	Pitts	White
Coslett	Klingaman	Pott	Williams
Cunningham	Knepper	Pratt	Wilson
DeMedio	Knight	Pucciarelli	Wilt

DeVerter	Kolter	Punt	Wright, D. R.
DiCarlo	Kowalyszyn	Pyles	Wright, Jr., J.
Davies	Lashingner	Rappaport	Yahner
Dietz	Lehr	Rasco	Yohn
Dininni	Lescovitz	Reed	Zeller
Dombrowski	Letterman	Ritter	Zitterman
Donatucci, R.	Levi	Rocks	Zord
Dorr	Levin	Rodgers	Zwikl
Durham	Livengood	Ryan	
Fee	Lynch, E. R.	Salvatore	Seltzer,
Fischer	McCall	Scheaffer	Speaker
Fisher	McClatchy		

NOT VOTING—17

Beloff	George, M. H.	Jones	Polite
Berson	Halverson	Lewis	Shadding
Chess	Itkin	McKelvey	Street
Dumas	Johnson, J. J.	Pievsky	Taylor, F.
Gatski			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendment:

Amend Sec. 13, page 12, lines 5 through 14, by striking out "following committee: a" in line 5, all of lines 6 through 13, and "designee." in line 14, and inserting Agricultural Lands Condemnation Approval Board, which board shall have, in addition to the duties set forth in section 306, act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," the power to approve condemnation with the provision of this act.

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Mr. Speaker, this amendment is basically a technical amendment. In the language in the bill, page 12, the approval required for condemnation by an agency of the Commonwealth is supposed to go to a committee made up of six members. Those members are basically the members of the Agricultural Lands Condemnation Approval Board, which is in section 306 of the act of April 9, 1929. We are essentially spelling that out again in this bill, and I am concerned that two of those members, the active farmer members, may be somebody else other than those active farmers who have been appointed to the Agricultural Lands Condemnation Approval Board. You basically might have two boards doing the same kind of thing.

I think since the other ex officio members are all in the Agricultural Lands Condemnation Approval Board, it makes sense just to say that, and not to set up a new commission. Thank you, Mr. Speaker.

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

Mr. WENGER. Although I think I understand Mr. Michlovic's reason and attempt here, I think there may be a problem with his amendment. The Agricultural Lands Condemnation Approval Board to which he refers here was indeed established by an act earlier in this session. But that particular board is charged with the responsibility that deals with condemnation procedures by two state agencies, the Department of Environmental Resources and the Department of Transportation.

It seems to me that since, in this bill, we are referring to all state agencies, we may have a technical problem with the amendment. I think we are better off with the present language. There is no reason why this board cannot use the same persons if they so desire. I have no problem with that, but I do think that we will probably have a technical problem with the language in this amendment. For that reason, I respectfully request a negative vote on this particular amendment. Thank you.

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

Mr. STUBAN. Mr. Speaker, I rise to ask for a negative vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—27

Barber	Goebel	Maiale	Reed
Cohen	Grabowski	Manderino	Rhodes
DeWeese	Harper	Michlovic	Richardson
Dawida	Hoefel	Murphy	Seventy
Donatucci, R.	Irvis	O'Donnell	Trello
Duffy	Itkin	Pievsky	Wachob
Gallagher	Kukovich	Pistella	

NAYS—154

Anderson	Foster, W. W.	Livengood	Schmitt
Armstrong	Foster, Jr., A.	Lynch, E. R.	Schweder
Arty	Fryer	McCall	Serafini
Austin	Gallen	McClatchy	Shupnik
Belardi	Gamble	McIntyre	Sieminski
Bennett	Gannon	McMonagle	Sirianni
Bittle	Geesey	McVerry	Smith, E. H.
Borski	Geist	Mackowski	Smith, L. E.
Bowser	George, C.	Madigan	Spencer
Brandt	George, M. H.	Manmiller	Spitz
Brown	Giammarco	Micozzie	Stairs
Burd	Gladeck	Milanovich	Steighner
Burns	Goodman	Miller	Stewart
Caltagirone	Gray	Moehlmann	Suban
Cappabianca	Greenfield	Mowery	Sweet
Cessar	Grieco	Mrkonic	Swift
Chess	Gruppo	Mullen	Taddonio
Cimini	Hagarty	Novak	Taylor, E. Z.
Civera	Halverson	Noye	Taylor, F.
Clark, B. D.	Hasay	O'Brien, D. M.	Telek
Clark, M. R.	Hayes, Jr., S.	Oliver	Thomas
Cochran	Honaman	Perzel	Vroon
Cole	Hutchinson, A.	Peterson	Wargo
Cornell	Hutchinson, W.	Petrarca	Wass
Coslett	Johnson, E. G.	Phillips	Wenger
Cowell	Kanuck	Piccola	White
Cunningham	Klingaman	Pitts	Wilson
DeMedio	Knepper	Pratt	Wilt
DeVerter	Knight	Pucciarelli	Wright, D. R.
DiCarlo	Kolter	Punt	Wright, Jr., J.
Davies	Kowalyszyn	Pyles	Yahner
Dietz	Lashingner	Rappaport	Yohn

Dininni	Laughlin	Rasco	Zeller
Dombrowski	Lehr	Rieger	Zitterman
Dorr	Lescovitz	Ritter	Zord
Durham	Letterman	Rocks	Zwinkl
Fee	Levi	Ryan	
Fischer	Levin	Salvatore	Seltzer,
Fisher	Lewis	Scheaffer	Speaker

NOT VOTING—15

Beloff	Gatski	O'Brien, B. F.	Shadding
Berson	Johnson, J. J.	Polite	Street
Dumas	Jones	Pott	Williams
Freind	McKelvey	Rodgers	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendments:

Amend Sec. 4, page 4, line 25, by striking out "four" and inserting two

Amend Sec. 4, page 4, line 26, by striking out "four" and inserting two

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 amends page 4, line 25, dealing with Agricultural Area Advisory Committees and it reduces the number of representatives from both the active farmer and the agri-businessmen from four to two. I believe this is an agreed-to amendment, and it simply attempts to reduce the size of the committee so that they can be more workable. Also, there may not be four agri-businessmen in a given agricultural district area. I think it is a necessary amendment. Thank you.

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

Mr. WENGER. Mr. Speaker, I have no objection to this amendment and I am willing to support this particular amendment. Thank you.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

Anderson	Fryer	Livengood	Rodgers
Armstrong	Gallagher	Lynch, E. R.	Ryan
Arty	Gallen	McCall	Salvatore
Austin	Gamble	McClatchy	Scheaffer
Barber	Gannon	McIntyre	Schmitt
Belardi	Geesey	McMonagle	Schweder
Berson	Geist	McVerry	Serafini
Bittle	George, C.	Mackowski	Seventy
Borski	George, M. H.	Madigan	Shupnik
Bowser	Giammarco	Maiale	Sieminski
Brandt	Gladeck	Manderino	Sirianni
Brown	Goebel	Manmiller	Smith, E. H.
Burd	Goodman	Michlovic	Smith, L. E.
Burns	Grabowski	Milanovich	Spencer

Caltagirone	Gray	Moehlmann	Spitz
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen	Stuban
Cimini	Hagarty	Murphy	Sweet
Civera	Halverson	Novak	Swift
Clark, B. D.	Harper	Noye	Taddonio
Clark, M. R.	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cohen	Hoeffel	O'Donnell	Telek
Cole	Honaman	Oliver	Thomas
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvis	Phillips	Wachob
Cunningham	Itkin	Piccola	Wargo
DeMedio	Johnson, E. G.	Pievsky	Wass
DeVerter	Kanuck	Pistella	Wenger
DeWeese	Klingaman	Polite	White
DiCarlo	Knepper	Pott	Wilson
Davies	Knight	Pratt	Wilt
Dawida	Kolter	Pucciarelli	Wright, D. R.
Dietz	Kowalshyn	Punt	Wright, Jr., J.
Dininni	Kukovich	Pyles	Yohn
Dombrowski	Lashingier	Rappaport	Zeller
Donatucci, R.	Laughlin	Rasco	Zitterman
Dorr	Lehr	Reed	Zord
Duffy	Lescovitz	Rhodes	Zwinkl
Durham	Letterman	Richardson	
Fee	Levi	Rieger	Seltzer,
Fisher	Levin	Ritter	Speaker
Foster, Jr., A.	Lewis	Rocks	

NAYS—6

Bennett	Foster, W. W.	Pitts	Stairs
Fischer	Miller		

NOT VOTING—13

Beloff	Johnson, J. J.	Micozzie	Street
Dumas	Jones	Petrarca	Williams
Freind	McKelvey	Shadding	Yahner
Gatski			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendment:

Amend Sec. 7, page 8, line 24, by striking out "unit" and inserting unit's comprehensive plan and/or

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. This amendment deals with that section of the proposal, section 7, which talks about evaluation criteria, and within these criteria, the planning commission, an advisory committee, shall consider certain criteria in their determination of whether or not to set up an agricultural district area. Under subsection 5 of that section, it talks about the county's comprehensive plan as being one of the elements of evaluation. Under section 4, on the local government, it did not include a comprehensive plan if there is one.

My feeling is that if the local government does have a comprehensive plan, that, too, should be part of the evaluation criteria that is included in the determination of the district, and the whole problem. I would simply add to the language under local government, in addition to the developmental patterns that it calls for under subsection 4, that they also add the units comprehensive plan if there is such.

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

Mr. WENGER. Mr. Speaker, this section deals with the evaluation criteria. The gentleman, Mr. Michlovic, is attempting to amend line 24. You go on to line 26, there is already reference to the county's comprehensive plan. I think this amendment is meaningless. I think it is unnecessary and I suggest a negative vote.

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

Mr. STUBAN. Mr. Speaker, I rise to ask for a negative vote.

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

The following roll call was recorded:

YEAS—27

Berson	Goebel	McIntyre	Reed
Cappabianca	Grabowski	Michlovic	Rhodes
Cohen	Gray	Murphy	Richardson
Cowell	Harper	O'Donnell	Seventy
DeWeese	Hoefel	Pievsky	Trello
Dawida	Itkin	Pistella	Wachob
Gallagher	Kukovich	Pratt	

NAYS—154

Anderson	Foster, Jr., A.	Lynch, E. R.	Schmitt
Armstrong	Fryer	McCall	Schweder
Arty	Gallen	McClatchy	Serafini
Austin	Gamble	McVerry	Shupnik
Barber	Gannon	Mackowski	Sieminski
Belardi	Geesey	Madigan	Sirianni
Bennett	Geist	Maiale	Smith, E. H.
Bittle	George, C.	Manderino	Smith, L. E.
Borski	George, M. H.	Manmiller	Spencer
Bowser	Giammarco	Milanovich	Spitz
Brandt	Gladeck	Miller	Stairs
Brown	Goodman	Moehlmann	Steighner
Burd	Greenfield	Mowery	Stewart
Burns	Grieco	Mrkonic	Stuban
Caltagirone	Gruppo	Mullen	Sweet
Cessar	Hagarty	Novak	Swift
Cimini	Halverson	Noye	Taddonio
Civera	Hasay	O'Brien, B. F.	Taylor, E. Z.
Clark, B. D.	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Clark, M. R.	Honaman	Oliver	Telek
Cochran	Hutchinson, A.	Perzel	Thomas
Cole	Hutchinson, W.	Peterson	Vroon
Cornell	Irvis	Petrarca	Wargo
Coslett	Johnson, E. G.	Phillips	Wass
Cunningham	Kanuck	Piccola	Wenger
DeMedio	Klingaman	Pitts	White
DeVerter	Knepper	Polite	Wilson
DiCarlo	Knight	Pott	Wilt
Davies	Kolter	Punt	Wright, D. R.
Dietz	Kowalshyn	Pyles	Wright, Jr., J.
Dininni	Lashinger	Rappaport	Yahner
Dombrowski	Laughlin	Rasco	Yohn
Donatucci, R.	Lehr	Rieger	Zeller
Duffy	Lescovitz	Ritter	Zitterman
Durham	Letterman	Rocks	Zord
Fee	Levi	Rodgers	Zwikl

Fischer	Levin	Ryan	
Fisher	Lewis	Salvatore	Seltzer,
Foster, W. W.	Livengood	Scheaffer	Speaker

NOT VOTING—15

Beloff	Freind	McKelvey	Shadding
Chess	Gatski	McMonagle	Street
Dorr	Johnson, J. J.	Micozzie	Williams
Dumas	Jones	Pucciarelli	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Mr. MICHLOVIC offered the following amendments:

Amend Sec. 5, page 5, line 21, by removing the period after "greater" and inserting and provided further that such owner or owners agree, in writing, that the land to be included in the agricultural area shall be maintained in agricultural production for at least five years from the creation of the agricultural area.

Amend Sec. 9, page 10, line 15, by striking out "eight" and inserting five

Amend Sec. 9, page 10, line 16, by striking out "eight" and inserting five

Amend Sec. 9, page 10, line 20, by striking out "eight-year" and inserting five-year

On the question,

Will the House agree to the amendments?

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

Mr. MICHLOVIC. Mr. Speaker, this amendment deals with the period of time which the agricultural district stays in existence before it goes through a review. The proposal calls for an 8-year period before the agricultural district has to go through a review and can go through something like a Sunset procedure. I am simply, by this amendment, 6637, attempting to reduce that 8 years to 5 years to give the local municipality a little quicker option if they find that the whole situation of procedure is not to their liking. So it is simply a reduction from 8 to 5 years for the period of years it takes before a review occurs. I urge your support of the amendment.

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

Mr. WENGER. Mr. Speaker, if the amendment did nothing more than the gentleman suggested, I suppose it would not be too bad. But in fact, it does that, and in addition to that, it changes the basic thrust of the bill. The thrust of this bill is a voluntary approach. It is a bill that is designed to encourage and help farmers to keep their land in agriculture.

This particular amendment changes that from a voluntary approach to mandatory approach. For this reason, I am opposed to the amendment and I suggest a negative vote.

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

Mr. STUBAN. Mr. Speaker, I want to say, in rural counties it takes us a while to make decisions. So I think 8 years is good enough. I ask for a negative vote.

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

Mr. MICHLOVIC. Mr. Wenger is absolutely right. I failed to mention a very important part of the amendment that deals with the commitment requiring a commitment from the farmers who decide to join together to form an agricultural district. I am asking them to make the commitment for a 5-year period to refrain from selling their land. I feel that the proposal is asking local governments to refrain from developing that land for a period of 5 years or 8 years, and there is no such commitment made by the farmers who first ask for that agricultural district to exist. I think that it is very important if you are going to ask local governments to hold off for 5 years in developing the land, you ought to ask the farmers as well who join in that purpose in the first place. I think that this is a very important amendment and I ask your support for it.

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

The following roll call was recorded:

YEAS—28

Berson	Goebel	Itkin	Pievsky
Chess	Grabowski	Kukovich	Pistella
Cowell	Gray	Levin	Rhodes
DeWeese	Greenfield	McMonagle	Rieger
Dawida	Harper	Michlovic	Seventy
Duffy	Hoeffel	Murphy	Trello
Gallagher	Hutchinson, A.	O'Donnell	Wachob

NAYS—156

Anderson	Foster, Jr., A.	McVerry	Schmitt
Armstrong	Freind	Mackowski	Schweder
Arty	Fryer	Madigan	Serafini
Austin	Gallen	Maiale	Shupnik
Barber	Gamble	Manderino	Sieminski
Belardi	Gannon	Manmiller	Sirianni
Bennett	Geesey	Micozzie	Smith, E. H.
Bittle	Geist	Milanovich	Smith, L. E.
Borski	George, C.	Miller	Spencer
Bowser	George, M. H.	Moehlmann	Spitz
Brandt	Giammarco	Mowery	Stairs
Brown	Gladeck	Mrkonic	Steighner
Burd	Goodman	Mullen	Stewart
Burns	Grieco	Novak	Stuban
Caltagirone	Gruppo	Noye	Sweet
Cappabianca	Hagarty	O'Brien, B. F.	Sweet
Cessar	Halverson	O'Brien, D. M.	Taddonio
Cimini	Hasay	Oliver	Taylor, E. Z.
Civera	Hayes, Jr., S.	Perzel	Taylor, F.
Clark, B. D.	Honaman	Peterson	Telek
Clark, M. R.	Hutchinson, W.	Petrarca	Thomas
Cochran	Irvic	Phillips	Vroon
Cole	Johnson, E. G.	Piccola	Wargo
Cornell	Kanuck	Pitts	Wass
Coslett	Klingaman	Polite	Wenger
Cunningham	Knepper	Pott	White
DeMedio	Knight	Pratt	Wilson
DeVerter	Kolter	Punt	Wilt
DiCarlo	Kowalyszyn	Pyles	Wright, D. R.
Davies	Lashinger	Rappaport	Wright, Jr., J.
Dietz	Laughlin	Rasco	Yahner
Dininni	Lehr	Reed	Yohn

Dombrowski	Lescovitz	Richardson	Zeller
Donatucci, R.	Letterman	Ritter	Zitterman
Dorr	Levi	Rocks	Zord
Durham	Lewis	Rodgers	Zwinkl
Fee	Livengood	Ryan	
Fischer	Lynch, E. R.	Salvatore	Seltzer,
Fisher	McCall	Scheaffer	Speaker
Foster, W. W.	McClatchy		

NOT VOTING—12

Beloff	Gatski	McIntyre	Shadding
Cohen	Johnson, J. J.	McKelvey	Street
Dumas	Jones	Pucciarelli	Williams

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. MICHLOVIC offered the following amendments:

Amend Sec. 3, page 3, line 12, by inserting after "more" contiguous

Amend Sec. 3, page 3, line 14, by inserting after "persons." Contiguous land shall include any land which is divided by a highway, roadway or a railroad right-of-way and which, except for such division, would normally be contiguous land.

Amend Sec. 5, page 5, line 19, by inserting after "500" contiguous

Amend Sec. 5, page 5, lines 21 and 22, by striking out "The proposed area may also consist of two or more noncontiguous parcels or areas."

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 is probably the most controversial of all these that I have submitted, and it deals with contiguous land parcels. The proposal, as it stands now, simply requires the approval of a group of farmers who own 500 acres or more land.

I am concerned that this procedure might well be a quick, poorly thought-out defense mechanism that really does not have any pattern to it. So I am asking that the 500 acres be contiguous acres. I think that it is only fair that if you are going to set up an agricultural district, you do not set parcels of land on the extremities of a county totally encircling a county district and expect everybody in the center of that county to abide by the provisions of the agricultural district. I am asking that any agricultural district be comprised of land that is contiguous, and that contiguous land shall be defined in such a way that highways and railroads and roadways that go between the parcels of land and not in the definition serve as dividers of the land. If a road goes between two parcels of land, that land would still be considered contiguous for the purposes of this amendment. I am urging your support for the amendment and I ask your support for the proposal.

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

Mr. WENGER. Mr. Speaker, this amendment would do a grave injustice to the small family farms that we have so many of in Pennsylvania. It is altogether possible that there are farms or combination of farms that would total less than 500 acres that would desire to be in an agricultural district. For that reason, we need to have the provisions for the noncontiguous acres.

We must remember that this is a voluntary bill, and that these landowners can petition the municipality to form the agricultural district. If the municipality feels that it is undesirable to have this agricultural district within that township or within that borough, they can simply reject the petition. So the municipality already has every possible veto over the establishment of the districts. I think it certainly would be wrong that after we have done that then to say that someone could not be in the district because they did not have 500 contiguous acres. For this reason, Mr. Speaker, I oppose the amendment and ask for a negative vote. Thank you.

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

Mr. STUBAN. Mr. Speaker, I rise for a negative vote. I want to say that we are not the State of Texas, we are the State of Pennsylvania, and the way our rural areas are built up with cities and towns, we could not go along with something contiguous because I do not think there would be many townships in the State of Pennsylvania where we could find that much acreage that is contiguous.

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

The following roll call was recorded:

YEAS—28

Barber	Goebel	Itkin	Pistella
Chess	Grabowski	Kukovich	Rhodes
Cohen	Greenfield	Michlovic	Richardson
Cowell	Harper	Mrkonic	Seventy
DeWeese	Hoeffel	Murphy	Trello
Dawida	Hutchinson, A.	O'Donnell	Wachob
Gallagher	Irvis	Pievsky	Zeller

NAYS—151

Anderson	Fryer	McIntyre	Scheaffer
Armstrong	Gallen	McVerry	Schmitt
Arty	Gamble	Mackowski	Schweder
Belardi	Gannon	Madigan	Serafini
Bennett	Geesey	Maiale	Shupnik
Bittle	Geist	Manderino	Sieminski
Borski	George, C.	Manmiller	Sirianni
Bowser	George, M. H.	Milanovich	Smith, E. H.
Brandt	Giammarco	Miller	Smith, L. E.
Brown	Gladeck	Moehlmann	Spencer
Burd	Goodman	Mowery	Spitz
Burns	Gray	Mullen	Stairs
Caltagirone	Grieco	Novak	Steighner
Cappabianca	Gruppo	Noye	Stewart
Cessar	Hagarty	O'Brien, B. F.	Stuban
Cimini	Halverson	O'Brien, D. M.	Sweet
Civera	Hasay	Oliver	Swift
Clark, B. D.	Hayes, Jr., S.	Perzel	Taddonio
Clark, M. R.	Honaman	Peterson	Taylor, E. Z.
Cochran	Hutchinson, W.	Petrarca	Taylor, F.
Cole	Johnson, E. G.	Phillips	Telek
Cornell	Kanuck	Piccola	Thomas

Coslett	Klingaman	Pitts	Vroon
Cunningham	Knepper	Polite	Wargo
DeMedio	Knight	Pott	Wass
DeVerter	Kolter	Pratt	Wenger
DiCarlo	Kowalshyn	Pucciarelli	Wilson
Davies	Lashinger	Punt	Wilt
Dietz	Laughlin	Pyles	Wright, D. R.
Dininni	Lehr	Rappaport	Wright, Jr., J.
Dombrowski	Lescovitz	Rasco	Yahner
Donatucci, R.	Letterman	Reed	Yohn
Dorr	Levi	Rieger	Zitterman
Durham	Lewis	Ritter	Zord
Fischer	Livengood	Rocks	Zwikl
Fisher	Lynch, E. R.	Rodgers	
Foster, W. W.	McCall	Ryan	Seltzer,
Foster, Jr., A.	McClatchy	Salvatore	Speaker
Freind			

NOT VOTING—17

Austin	Fee	Levin	Shadding
Beloff	Gatski	McKelvey	Street
Berson	Johnson, J. J.	McMonagle	White
Duffy	Jones	Micozzie	Williams
Dumas			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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. MICHLOVIC offered the following amendment:

Amend Sec. 11, page 11, line 18, by striking out "bear a direct relationship to" and inserting are necessary for

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Mr. Speaker, if it will make any difference, I would just like to say to the members that this is the last amendment.

Basically, in this amendment I am attempting to change the language under a section of the proposal, section 10, dealing with appeals and limitations on local regulations, where the language talks about the provisions of the local regulations shall not be countermanded unless such restrictions or regulations bear a direct relationship to the public health or safety. In reviewing that wording, we find that in a case, for example, where chemicals are leaching from a farm into the ground water, that, with the language, "bear a direct relationship to", you may not be able to ascertain or file liability in that kind of a situation.

I am asking that that language be changed from "bear a direct relationship to" to "are necessary for" the public health and safety. I think that with that language change you will be able to cover all types of situations. So I urge acceptance of this amendment.

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

Mr. WENGER. I have been studying this amendment ever since it came across my desk back a few days ago. It seems to me like just a play of words. I like the present language better. I think why clutter up the bill? I think the language was put in there for the purpose of giving the safeguards so that we will have protection against any public health or safety hazard. I think that we need the protection as stated in the present language in the bill and I urge a negative vote on this amendment.

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

Mr. STUBAN. I rise for a negative vote.

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

The following roll call was recorded:

YEAS—23

Barber	Gray	Manderino	Reed
Cohen	Harper	Michlovic	Rhodes
Dawida	Hoeffel	Murphy	Richardson
Gallagher	Irvis	O'Donnell	Wachob
Goebel	Kukovich	Pievsky	Yohn
Grabowski	Maiale	Pistella	

NAYS—156

Anderson	Foster, W. W.	McClatchy	Schweder
Armstrong	Foster, Jr., A.	McIntyre	Serafini
Arty	Freind	McVerry	Seventy
Austin	Fryer	Mackowski	Shupnik
Belardi	Gallen	Madigan	Sieminski
Bennett	Gamble	Manmiller	Sirianni
Bittle	Gannon	Micozzie	Smith, E. H.
Borski	Geesey	Milanovich	Smith, L. E.
Bowser	Geist	Miller	Spencer
Brandt	George, C.	Moehlmann	Spitz
Brown	George, M. H.	Mowery	Stairs
Burd	Giammarco	Mrkonc	Steighner
Burns	Gladeck	Mullen	Stewart
Caltagirone	Goodman	Novak	Stuban
Cappabianca	Grieco	Noye	Sweet
Cessar	Gruppo	O'Brien, B. F.	Swift
Chess	Hagarty	O'Brien, D. M.	Taddonio
Cimini	Halverson	Oliver	Taylor, E. Z.
Civera	Hasay	Perzel	Taylor, F.
Clark, B. D.	Hayes, Jr., S.	Peterson	Telek
Clark, M. R.	Honaman	Petrarca	Thomas
Cochran	Hutchinson, W.	Phillips	Trello
Cole	Itkin	Piccola	Vroon
Cornell	Johnson, E. G.	Pitts	Wargo
Coslett	Kanuck	Polite	Wass
Cowell	Klingaman	Pott	Wenger
Cunningham	Knepper	Pratt	White
DeMedio	Knight	Pucciarelli	Wilson
DeVerter	Kolter	Punt	Wilt
DiCarlo	Kowalyshyn	Pyles	Wright, D. R.
Davies	Lashinger	Rappaport	Wright, Jr., J.
Dietz	Laughlin	Rasco	Yahner
Dininni	Lehr	Rieger	Zeller
Dombrowski	Lescovitz	Ritter	Zitterman
Dorr	Letterman	Rocks	Zord
Duffy	Levi	Rodgers	Zwicl
Durham	Lewis	Ryan	
Fee	Livengood	Salvatore	Seltzer,
Fischer	Lynch, E. R.	Schmitt	Speaker
Fisher	McCall		

NOT VOTING—17

Beloff	Gatski	Jones	Scheaffer
Berson	Greenfield	Levin	Shadding
DeWeese	Hutchinson, A.	McKelvey	Street
Donatucci, R.	Johnson, J. J.	McMonagle	Williams

Dumas

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. MICHLOVIC. Mr. Speaker, I rise in opposition to the bill. Although I am not from a farming community, and even though the bill is a "may" bill, there are provisions in the bill that I think are very dangerous to the fiscal solvency of county government for one, and I think that it is something that we ought to take a closer look at.

I direct your attention to section 14, once again, of the bill, on page 14. In that section, under subsection (b), the proposal talks about funds for purchases. The county governing body may use moneys from its general fund and/or incurred debt to make available moneys to purchase these development easements in agricultural areas.

Now development easements, again, are simply the right to develop in a given area. Basically what we are doing here is subsidizing the ownership of land by farmers in rural areas through the use of public money. We are going further than that. We are allowing those governmental units to incur debt. I think that is a very serious step. I do not think that we have investigated properly, and I think we ought to vote "no" on the bill until that is properly investigated. 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—177

Anderson	Foster, Jr., A.	Lewis	Rodgers
Armstrong	Freind	Livengood	Ryan
Arty	Fryer	Lynch, E. R.	Salvatore
Austin	Gallagher	McCall	Scheaffer
Barber	Gallen	McClatchy	Schmitt
Belardi	Gamble	McIntyre	Schweder
Bennett	Gannon	McMonagle	Serafini
Berson	Geesey	McVerry	Shupnik
Bittle	Geist	Mackowski	Sieminski
Borski	George, C.	Madigan	Sirianni
Bowser	George, M. H.	Maiale	Smith, E. H.
Brandt	Giammarco	Manderino	Smith, L. E.
Brown	Gladeck	Manmiller	Spencer
Burd	Goebel	Miller	Spitz
Burns	Goodman	Moehlmann	Stairs
Caltagirone	Grabowski	Mowery	Steighner
Cappabianca	Gray	Mrkonc	Stewart
Cessar	Greenfield	Mullen	Stuban
Chess	Grieco	Murphy	Sweet
Cimini	Gruppo	Novak	Swift

Civera	Hagarty	Noye	Taddonio
Clark, B. D.	Halverson	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Harper	O'Brien, D. M.	Taylor, F.
Cochran	Hasay	Oliver	Telek
Cohen	Hayes, Jr., S.	Perzel	Thomas
Cole	Hoeffel	Peterson	Vroon
Cornell	Honaman	Petrarca	Wachob
Coslett	Hutchinson, A.	Phillips	Wargo
Cowell	Hutchinson, W.	Piccola	Wass
Cunningham	Irvis	Pievsky	Wenger
DeMedio	Johnson, E. G.	Pistella	White
DeVerter	Kanuck	Pitts	Wilson
DeWeese	Klingaman	Polite	Wilt
DiCarlo	Knepper	Pott	Wright, D. R.
Davies	Knight	Pratt	Wright, Jr., J.
Dawida	Kolter	Pucciarelli	Yahner
Dietz	Kowalyszyn	Punt	Yohn
Dininni	Kukovich	Pyles	Zeller
Dorr	Lashingner	Rappaport	Zitterman
Duffy	Laughlin	Rasco	Zord
Durham	Lehr	Reed	Zwilk
Fee	Lescovitz	Richardson	
Fischer	Letterman	Rieger	Seltzer,
Fisher	Levi	Ritter	Speaker
Foster, W. W.	Levin	Rocks	

NAYS—5

Itkin	Rhodes	Seventy	Trello
Michlovic			

NOT VOTING—14

Beloff	Gatski	Micozzie	Shadding
Dombrowski	Johnson, J. J.	Milanovich	Street
Donatucci, R.	Jones	O'Donnell	Williams
Dumas	McKelvey		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 265, PN 285**, entitled:

An Act amending the act of July 19, 1974 (P. L. 486, No. 175), entitled "An act requiring public agencies to hold certain meetings and hearings open to the public and providing penalties," further providing for open meetings of public agencies.

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

BILL TABLED

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

Mr. RYAN. Mr. Speaker, I move that **HB 265** 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 **SB 623, PN 1848**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for the powers of the mayor.

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

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

NAYS—0

NOT VOTING—15

Beloff	Johnson, J. J.	Micozzie	Street
DiCarlo	Jones	Milanovich	Thomas
Dumas	McIntyre	Rappaport	Williams
Gatski	McKelvey	Shadding	

EXCUSED—6

Alden Earley	Hayes, D. S. Helfrick	Nahill	Weidner
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTES

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

Mr. O'DONNELL. Mr. Speaker, I would like the record to reflect a favorable vote by me on HB 1793. Thank you.

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

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

Mr. DOMBROWSKI. Mr. Speaker, I would like to be recorded in the affirmative on HB 1793.

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

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

Mr. RAPPAPORT. I wish to be recorded "aye" on HB 1793.

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

Mr. DiCARLO. Mr. Speaker, I would like to have my vote recorded in the affirmative on SB 623.

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

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

Mr. THOMAS. Mr. Speaker, the same here. I would like to be recorded as voting in the affirmative on SB 623.

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

BILLS ON THIRD CONSIDERATION
CONTINUED

The House proceeded to third consideration of **SB 1186, PN 1464**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for the investment of township funds.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. PRATT. Mr. Speaker, I have an amendment to that bill.

The SPEAKER. The Chair's calendar, the leader's calendar, no calendar that has been shown to the Speaker has shown any indication of amendments to be offered. I wish the gentleman would please inform someone that he has amendments.

Mr. PRATT. Mr. Speaker, I just circulated those amendments about 2 hours ago. I apologize for that.

The SPEAKER. The Chair would ask the cooperation of the members to please inform their leaders when they have amendments to offer.

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 4, by inserting after "thereto," authorizing expenditures for certain recreational purposes and

Amend Sec. 1, page 1, line 7, by striking out "902.1," and inserting 702,

Amend Sec. 1, page 1, lines 9 and 10, by striking out "section 902.1 added July 17, 1959 (P. L. 537, No. 155), is amended" and inserting is amended by adding a clause

Amend Sec. 1, page 1, by inserting between lines 10 and 11 Section 4. Section 702 of the act is amended by adding a clause to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

LXXIV. Recreational Programs.—In addition to the other purposes for which funds may be expended pursuant to the act of December 10, 1974 (P.L.865, No.292), the funds may be expended for recreational programs not directly sponsored by the township.

Section 2. Section 902.1 of the act, added July 17, 1959 (P.L.537, No.155), is amended to read:

Amend Sec. 2, page 4, line 4, 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 Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, in reflecting upon your statements, I believe I did give this amendment to my leader, Ted Stuban, and he said that it was all right to go forward with the amendment.

Basically, Mr. Speaker, this amendment is similar to an amendment that was almost unanimously adopted by this House last week to a House bill, which unfortunately was defeated. It was Mr. Foster's bill. What it does is merely allow second class township supervisors to use Federal revenue sharing funds for recreational purposes for those programs which are not directly sponsored by the township. I ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—169

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

NAYS—13

Burd	Letterman	Pyles	Smith, E. H.
Cornell	Madigan	Scheaffer	Smith, L. E.
Fryer	Mowery	Sieminski	Zord
Honaman			

NOT VOTING—14

Beloff	Johnson, J. J.	Micozzie	Shadding
Dumas	Jones	Pucciarelli	Street
Gatski	McIntyre	Rieger	Williams
Halverson	McKelvey		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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—182

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

NAYS—0

NOT VOTING—14

Beloff	Jones	Pucciarelli	Shadding
Dumas	McIntyre	Rappaport	Street
Gatski	McKelvey	Rieger	Williams
Johnson, J. J.	Micozzie		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 1187, PN 1465**, entitled:

An Act authorizing the town council of incorporated towns to make investments of town funds and providing for the regulation of such investments.

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—182

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

NAYS—0

NOT VOTING—14

Beloff	Jones	Pucciarelli	Street
Dumas	McIntyre	Rieger	Williams
Gatski	McKelvey	Shadding	Zeller
Johnson, J. J.	Micozzie		

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 1188, PN 1849**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for the investment of city funds.

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

Anderson	Foster, Jr., A.	Livengood	Ryan
Armstrong	Freind	Lynch, E. R.	Salvatore
Arty	Gallagher	McCall	Scheaffer
Austin	Gallen	McClatchy	Schmitt
Barber	Gamble	McMonagle	Schweder
Belardi	Gannon	McVerry	Serafini
Bennett	Geesey	Mackowski	Seventy
Berson	Geist	Madigan	Shupnik
Bittle	George, C.	Maiale	Sieminski
Borski	George, M. H.	Manderino	Sirianni
Bowser	Giammarco	Manmiller	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.
Brown	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Gray	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Suban
Cimini	Gruppo	Murphy	Sweet
Civera	Hagarty	Novak	Swift
Clark, B. D.	Halverson	Noye	Taddonio
Clark, M. R.	Harper	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hasay	O'Brien, D. M.	Taylor, F.
Cohen	Hayes, Jr., S.	O'Donnell	Telek
Cole	Hoeffel	Oliver	Thomas
Cornell	Honaman	Perzel	Trello
Coslett	Hutchinson, A.	Peterson	Vroon
Cowell	Hutchinson, W.	Petrarca	Wachob
Cunningham	Irvis	Phillips	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Johnson, E. G.	Pievsky	Wenger
DeWeese	Kanuck	Pistella	White
DiCarlo	Klingaman	Pitts	Wilson
Davies	Knepper	Polite	Wilt
Dawida	Knight	Pott	Wright, D. R.
Dietz	Kolter	Pratt	Wright, Jr., J.
Dininni	Kowalyshyn	Punt	Yahner
Dombrowski	Kukovich	Pyles	Yohn
Donatucci, R.	Lashing	Rasco	Zeller
Dorr	Laughlin	Reed	Zitterman
Duffy	Lehr	Rhodes	Zord
Durham	Lescovitz	Richardson	Zwinkl
Fee	Letterman	Ritter	

Fischer	Levi	Rocks	Seltzer,
Fisher	Levin	Rodgers	Speaker
Foster, W. W.	Lewis		

NAYS—0

NOT VOTING—16

Beloff	Gatski	McKelvey	Rieger
Burns	Johnson, J. J.	Micozzie	Shadding
Dumas	Jones	Pucciarelli	Street
Fryer	McIntyre	Rappaport	Williams

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 1189, PN 1467**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for the investment of township funds.

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

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

DeVerter	Itkin	Pievsky	Wenger
DeWeese	Johnson, E. G.	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Davies	Klingaman	Polite	Wilt
Dawida	Knepper	Pott	Wright, D. R.
Dietz	Knight	Pratt	Wright, Jr., J.
Dininni	Kolter	Punt	Yahner
Dombrowski	Kowalshyn	Pyles	Yohn
Donatucci, R.	Kukovich	Rappaport	Zeller
Dorr	Lashingier	Rasco	Zitterman
Duffy	Laughlin	Reed	Zord
Durham	Lehr	Rhodes	Zwilk
Fee	Lescovitz	Richardson	
Fischer	Letterman	Ritter	Seltzer,
Fisher	Levi	Rocks	Speaker
Foster, W. W.	Levin	Rodgers	

NAYS—0

NOT VOTING—15

Beloff	Johnson, J. J.	Micozzie	Shadding
Cohen	Jones	Moehlmann	Street
Dumas	McIntyre	Pucciarelli	Williams
Gatski	McKelvey	Rieger	

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 **HB 2406, PN 3434**, entitled:

An Act amending the "Pennsylvania Scenic Rivers Act," approved December 5, 1972 (P. L. 1277, No. 283), removing provisions relating to eminent domain and adding an additional classification known as pastoral rivers.

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

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

The question is, shall the bill pass finally?

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

Mr. E. R. LYNCH. Mr. Speaker, at the present time, when the stream within the Commonwealth qualifies for the Scenic River Act, the Department of Environmental Resources is empowered to acquire scenic easements by eminent domain along the stream banks. This has created furor within my district when the French Creek was studied, and I understand it has also created problems in other areas of the state. We must protect the rights of the people and the property owners, and HB 2406 does this by removing the eminent domain provisions of the Scenic River Act and makes the act more palatable to the property owners, and I would urge an affirmative vote for it. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I disagree with this act completely in the way it is written today. I do not have an amendment prepared, but I have asked other people to prepare one in the Senate for me, and I think that the Department of Environmental Resources has gone beyond the intent that we gave them in the Scenic River Act when they start to take pastoral rivers in. And by taking pastoral rivers in, we have had to give up too much, and by that I mean eminent domain or easement powers. If we have no easement powers along these rivers, the thing that really bothers me is that that is going to give some person who owns private property the right to charge everybody for using a piece of land to get down to the river, and I really disagree with this since we are going to be using funds to enhance the river's beauty. I would ask for a negative vote. Thank you.

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

Mr. MURPHY. Yes, Mr. Speaker, I rise to oppose this legislation primarily because I think it is important that DER does retain the power of eminent domain when it comes to scenic rivers.

A few years ago there was an outstanding example of this in the southwestern part of Pennsylvania. Ohiopyle in the Youghiogheny River is a favored white water area of many canoeists and kayak people, and it is a major tourist attraction in fact of Pennsylvania. It so happens the gorge where the river runs through is very steep, and the egress into the river is very difficult so that there is only one place to get into the river to go through the rapids, and another place at the end of the rapids they can come out. Where people would normally have come out of the river, that was controlled by a private individual, and he had made his decision that he was going to begin to charge a very exorbitant amount of money for people to get themselves and their boats out of the river. If DER had not entered into the picture, it might well have been that this industry in that area of southwestern Pennsylvania would have been eliminated. It would also have eliminated an important tourist attraction. That is just about one example where I think the power of eminent domain, while not using that case, is important for DER to have because it can help get the use of the river back into the public domain and out of private ownership, and it could play a very important role in tourist attractions or other assets to the Commonwealth of Pennsylvania. So I ask you to oppose this legislation. Thank you.

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

Mr. GRIECO. Mr. Speaker, may I interrogate Mr. Lynch, please?

The SPEAKER. The gentleman, Mr. Lynch, says he will stand for interrogation. The gentleman, Mr. Grieco, may proceed.

Mr. GRIECO. I would like to ask a question on this pastoral river classification. Could you explain that to me?

Mr. E. R. LYNCH. Yes, Mr. Speaker, when French Creek within my district was studied, it was studied under a contract with the French and Pickering Trust. The trust then wrote a favorable report for the stream. When DER came down and examined the stream after receiving the report, they found that the stream, at the area where the owners of the French and Pickering Trust had their farm, had cows in the stream, and that consequently DER was in the position that, if we did not have provisions to protect farmers who have animals within the stream, the farmers would have to be prosecuted under the Clean Streams Act or the Sewage Facility Act. Consequently, this provision of a pastoral river allows farmers to operate their farms in a manner they have been operating them before a stream became a scenic stream.

Mr. GRIECO. Thank you, Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Grieco.

Mr. GRIECO. I rise to support the bill and the only thing I am interested in at the present time is the eminent domain feature. Pine Creek Scenic River was a very, very highly debated stream during the past 2 years, and a number one cause amongst the people of Lycoming County and the rural area of Pine Creek was the eminent domain factor. Somewhere along the line the leaders told the public that eminent domain was not in the bill, and after a 2-week study, I found that it was in the bill, and that created a rural area in Lycoming County. I rise to support the bill to knock out the eminent domain power for the DER. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I rise in support of the legislation. I think that HB 2406 is a good piece of legislation, and I do not believe that merely because DER is giving up its right of eminent domain affects the bill that seriously. They still can acquire land by other methods. In almost all of the areas that DER operates, they are giving up their right of eminent domain. When this legislation was originally introduced, it contained that power. DER itself has asked that that power be taken away because they do not feel it is necessary.

I think that HB 2406 as amended, eliminating the power of eminent domain, is a good piece of legislation and will add to our Scenic Rivers Act in Pennsylvania and I would ask for support for the bill.

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

Mr. W. D. HUTCHINSON. Would either Mr. Lynch or Mr. Bittle or someone consent to interrogation, please?

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

Mr. W. D. HUTCHINSON. Would the gentleman tell me, as the law now stands without this bill, if DER designates a river as a scenic river, they then have the power to condemn a scenic easement along that river? Is that correct?

Mr. BITTLE. In the original act, I believe that they do.

Mr. W. D. HUTCHINSON. Okay. What are the standards under which DER must act in connection with making its designation of a river as a scenic river?

Mr. BITTLE. Under present law or under the bill—

Mr. W. D. HUTCHINSON. Well, under present law first and then I will get to that question of what the bill does to it.

Mr. BITTLE. I believe that their powers are pretty much unlimited at the present time.

Mr. W. D. HUTCHINSON. I take it this bill does not—forgetting the eminent domain for the moment—create any further limitations? It leaves their powers unlimited in effect in respect with the designation?

Mr. BITTLE. Well, as far as their powers are concerned, this bill does very little other than in the eminent domain area. Most of the bill is for classification of scenic rivers into the various classifications the department wants.

Mr. W. D. HUTCHINSON. Okay. Now, it does, in a sense though, broaden it because it gives them power to designate a pastoral river in this category as well. Is that correct?

Mr. BITTLE. That is correct.

Mr. W. D. HUTCHINSON. Does the gentleman have any suggestion as to how you are going to create a scenic river if the eminent domain power is removed? How are they going to acquire it if there is one recalcitrant property owner along that river?

Mr. BITTLE. It will cause problems in certain areas. There are four real, I think, reasons why the bill is still important without the Eminent Domain Code. The one is really symbolic more than functional, and that is that they still have the right to declare this as a scenic river in one of the classifications. The others are that the elimination of eminent domain does not eliminate acquisition. They can still acquire by gift; they can acquire it by bequest; they can acquire it by purchase.

Mr. W. D. HUTCHINSON. I understand that, but let us suppose that there is one property owner there along that river and let us suppose that he has a little piece of land on the river and he has a junkyard. He is not putting anything into the river, or he has something else that will completely destroy the character of that river, and he does not want to sell or else he does not want to sell at any kind of a reasonable price. What can be done if you take eminent domain out?

Mr. BITTLE. Well, Mr. Speaker, the general Eminent Domain Act is still in existence.

Mr. W. D. HUTCHINSON. Well, under which section of the Eminent Domain Act would they proceed? Is the gentleman of the opinion that without this power that they could condemn a scenic easement under the general Eminent Domain Code of 1963?

Mr. BITTLE. I am not sure I can answer that.

Mr. W. D. HUTCHINSON. Okay. Mr. Speaker, thank you very much.

Mr. Speaker, I am going to vote "no" on this. I think there are some problems and I think they need to be addressed. I think that the power of DER with respect to eminent domain should be somewhat restricted. It is said there are no standards. I think we should probably draft legislation that would put standards on them and not make it possible for them just to condemn something because they wish to or aggrandize their power.

On the other hand, I know in my area the Schuylkill River, for instance, up to Port Clinton has been declared a scenic river. Many of the sportsmen and other people who are above Port Clinton in my district and so on are interested in the scenic river and they have been attempting to get such a designation. I also know some of the uses and the ownership along that river up above Port Clinton, and I suspect it would be impossible to ever have it a scenic river if there was not that power of eminent domain in the background. I do think we need to address the problem of the farmers with their cows or their sheep, or whatever they keep, and I think we need to put some standards on, but I do not think we should simply remove the eminent domain power entirely. I think we should go back to the drawing board with it in that connection, and because of that I am going to vote "no." Thank you.

The SPEAKER. The Chair recognizes Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I said a while ago there are four reasons, I think, for adopting this legislation despite the fact that the eminent domain section is removed. The first one is that it is a symbolic value, because we will have additions that are important to the Scenic River Act. The next three reasons, I think, are more functional than symbolic, and I think that they are important. I would ask members not to vote against the bill because it does not go far enough. The bill does still go a long way to establishing a better scenic river act in Pennsylvania. The other three reasons are, first, that state agencies would have to adhere to the Scenic River Act. We could not have our own departments, the Department of Transportation and other departments, doing something that would violate an otherwise scenic river.

Secondly, it would not allow dams and obstructions to be built on what was designated as a scenic river. When someone wants to build a dam or other obstruction on a stream, they must apply for a permit. If this language is adopted in this act, DER will simply be able to designate it as a scenic river, and permits will not be issued for dams or obstructions.

Finally, I think that just because we eliminate eminent domain, it does not eliminate all of the department's methods of acquiring land for scenic rivers. They can still acquire by purchase; they can acquire by gift; or they can acquire by bequest.

The bill does not go as far as some of us would like, but it does go a long way toward creating a better scenic river act in Pennsylvania. I would like to see the legislation adopted. If it needs to be strengthened at some time in the future, we can always do that. However, this is one of

those areas where, if we start out making it strong, we never retreat from it, and I think the bill should be passed in its present form, and if someday we need to give additional strength, we really do not have any difficulty in doing that. I would appreciate the membership supporting the legislation.

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

Mr. E. R. LYNCH. Mr. Speaker, when the Scenic River Act speaks of scenic easements, it does not speak of easements which run parallel with the stream, but rather it speaks of easements that run perpendicular to the stream. These easements, so far as the property owners are concerned, are considered a cloud on their title, because they are fearful that no one would want to buy that property if DER at a later date was likely to move in, acquire a scenic easement, and prevent the real estate from being developed. Consequently, HB 2406 would prevent DER from doing this and would protect these property owners, and I would ask for an affirmative vote.

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—107

Anderson	Freind	Mackowski	Scheaffer
Armstrong	Fryer	Madigan	Schweder
Arty	Gallen	Manmiller	Serafini
Austin	Gannon	Milanovich	Sieminski
Belardi	Geesey	Miller	Sirianni
Bittle	Geist	Mochlmann	Smith, E. H.
Bowser	Gladeck	Mowery	Smith, L. E.
Brandt	Goebel	Mrkonic	Spencer
Burd	Goodman	Mullen	Spitz
Burns	Grabowski	Noye	Steighner
Cappabianca	Grieco	O'Brien, B. F.	Stuban
Cessar	Gruppo	O'Brien, D. M.	Swift
Cimini	Hagarty	Oliver	Taylor, E. Z.
Civera	Halverson	Perzel	Telek
Clark, M. R.	Hasay	Peterson	Thomas
Cochrane	Hayes, Jr., S.	Phillips	Vroon
Cole	Honaman	Piccola	Wass
Coslett	Johnson, E. G.	Pievsky	Wenger
DeMedio	Kanuck	Pitts	Wilson
DeVerter	Klingaman	Polite	Wright, D. R.
Dietz	Lashingner	Pratt	Wright, Jr., J.
Dininni	Lehr	Punt	Yohn
Dorr	Levi	Rasco	Zeller
Duffy	Lewis	Ritter	Zwilk
Durham	Livengood	Rocks	
Fee	Lynch, E. R.	Ryan	Seltzer,
Foster, W. W.	McClatchy	Salvatore	Speaker
Foster, Jr., A.			

NAYS—69

Barber	Gallagher	Laughlin	Rhodes
Bennett	Gamble	Lescovitz	Richardson
Borski	George, C.	Letterman	Rodgers
Brown	George, M. H.	Levin	Schmitt
Caltagirone	Giammarco	McCall	Seventy
Chess	Gray	McMonagle	Shupnik
Clark, B. D.	Greenfield	Maiale	Stairs
Cohen	Harper	Manderino	Stewart
Cornell	Hoeffel	Michlovic	Sweet
Cowell	Hutchinson, W.	Murphy	Taddonio
Cunningham	Irvis	Novak	Taylor, F.
DeWeese	Itkin	O'Donnell	Trello
DiCarlo	Knepper	Petrarca	Wachob

Davies	Knight	Pistella	Wargo
Dawida	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalshyn	Rappaport	Zitterman
Donatucci, R.	Kukovich	Reed	Zord
Fischer			

NOT VOTING—20

Beloff	Hutchinson, A.	McVerry	Shadding
Berson	Johnson, J. J.	Micozzie	Street
Dumas	Jones	Pott	White
Fisher	McIntyre	Pyles	Williams
Gatski	McKelvey	Rieger	Wilt

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the following bills be taken from the table:

- HB 266;
- HB 90;
- SB 768;
- HB 2176;
- HB 2378, and
- HB 265.

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

RECONSIDERATION OF VOTE ON SB 1246

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

Mr. HALVERSON. I move that the vote by which SB 1246 was defeated on the 11th day of June 1980 be reconsidered.

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

Mr. PICCOLA. I second the motion.

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

The following roll call was recorded:

YEAS—147

Anderson	Gamble	McMonagle	Schmitt
Armstrong	Gannon	McVerry	Schweder
Arty	Geesey	Mackowski	Serafini
Belardi	Geist	Madigan	Shupnik
Bennett	George, C.	Maiale	Sieminski
Bittle	George, M. H.	Manderino	Sirianni
Borski	Giammarco	Manmiller	Smith, E. H.
Brandt	Gladeck	Milanovich	Smith, L. E.
Brown	Goodman	Miller	Spencer
Burd	Gray	Mochlmann	Spitz
Burns	Greenfield	Mowery	Stairs

Caltagirone	Grieco	Mrkonic	Steighner
Cessar	Gruppo	Noye	Stewart
Cimini	Hagarty	O'Brien, B. F.	Stuban
Civera	Harper	O'Brien, D. M.	Taddonio
Clark, B. D.	Hasay	O'Donnell	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Oliver	Taylor, F.
Cole	Hoeffel	Perzel	Telek
Cornell	Honaman	Peterson	Thomas
Coslett	Hutchinson, W.	Petrarca	Vroon
Cowell	Irviss	Phillips	Wargo
Cunningham	Johnson, E. G.	Piccola	Wass
DeVertter	Klingaman	Pievsky	Wenger
DiCarlo	Knepper	Pistella	White
Davies	Kolter	Polite	Wilson
Dietz	Kowalshyn	Pott	Wilt
Donatucci, R.	Lashinger	Punt	Wright, D. R.
Dorr	Laughlin	Pyles	Wright, Jr., J.
Duffy	Lehr	Rasco	Yahner
Durham	Lescovitz	Reed	Yohn
Fischer	Levi	Richardson	Zeller
Fisher	Levin	Ritter	Zitterman
Foster, W. W.	Lewis	Rocks	Zord
Foster, Jr., A.	Livengood	Rodgers	Zwinkl
Freind	Lynch, E. R.	Ryan	
Fryer	McCall	Salvatore	Seltzer,
Gallagher	McClatchy	Scheaffer	Speaker
Gallen			

NAYS—16

Cohen	Goebel	Kukovich	Novak
DeMedio	Grabowski	Letterman	Pratt
DeWeese	Itkin	Michlovic	Seventy
Dawida	Knight	Murphy	Trello

NOT VOTING—33

Austin	Dombrowski	Kanuck	Rhodes
Barber	Dumas	McIntyre	Rieger
Beloff	Fee	McKelvey	Shadding
Berson	Gatski	Micozzie	Street
Bowser	Halverson	Mullen	Sweet
Cappabianca	Hutchinson, A.	Pitts	Swift
Chess	Johnson, J. J.	Pucciarelli	Wachob
Cochran	Jones	Rappaport	Williams
Dininni			

EXCUSED—6

Alden	Hayes, D. S.	Nahill	Weidner
Earley	Helfrick		

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 1246 be placed on the final passage postponed calendar.

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

**BILLS AND RESOLUTIONS
PASSED OVER**

The SPEAKER. Without objection, the remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

REMARKS ON VOTES

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

Mr. GANNON. Mr. Speaker, I was out of my seat and out of the hall of the House on several rollcall votes, and if I had been in my seat I would like to have been recorded as follows: On HB 213 on final passage, "yes"; on the Dorr amendment to HB 213, "no"; on HB 2449, final passage, "yes"; and on the Madigan amendment to HB 2438, "yes." Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, we were going to invite the members of the Republican caucus to the caucus room today and explain what we are going to do tomorrow. However, it appears that it is getting a little too late. I would call for a Republican caucus tomorrow morning at 9:30. I understand that the Democrats are also going to caucus tomorrow morning at 9:30. The adjournment resolution has been set for 10 a.m., although it may be that we will be 5 or 10 minutes late starting if the caucus holds over.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. The Democrats will be meeting in caucus at 9:30. We shall be caucusing on the nonpreferreds. The caucus chairman will read the nonpreferred, ask if there are any questions, and if there are not any questions, he will proceed to the next number. So those of you who have any questions on the nonpreferreds would be wise to be at that caucus tomorrow morning, because it will go very, very rapidly. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. DAVIES. Mr. Speaker, on HB 2406, on the scenic rivers, I was recorded in the negative. I wish the record to show that I would have voted in the affirmative on that bill.

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

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

Mr. POTT. I was out of my seat when the vote was taken on HB 2406, PN 3434. I would like to be recorded in the affirmative.

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

Mr. McVERRY. I also would like to be recorded in the affirmative on HB 2406.

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

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

Mr. ZELLER. Mr. Speaker. I would like to advise the members to please either put your flags in your desk drawer or take them with you, because we would like you to be able to keep them. These things seem to sometimes get legs, so please take them and put them away or whatever. Thank you very much.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony Mrs. Bradley, Mrs. Isaacson, Mrs. Robins, from Montgomery County, and Mrs. Cristoff from Long Island, New York, who are here as the guests today of the delegation from Montgomery County.

The Chair welcomes to the floor of the House Mrs. Joanne Landman, daughter of Carolyn Landman; Miss Nancy Walker, and Miss Sarah Sheldon, who are visiting from the Delaware County Christian School and are here today as the guests of Mr. McClatchy.

ADJOURNMENT

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

Mr. PUCCIARELLI. Mr. Speaker, I move that this House of Representatives do now adjourn until Tuesday, June 17, 1980, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:35 p.m., e.d.t., the House adjourned.