

# Legislative Journal

TUESDAY, DECEMBER 15, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 80

## HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

### THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

#### PRAYER

REV. TAYLOR POTTER, chaplain of the House of Representatives and pastor of the Market Square Presbyterian Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

O Gracious God and loving Father, we thank You for Your great mercy, for Your tender care, for Your acceptance.

Help us to know that we can be caring people; that we are not cut off from the world of feeling, hurt, and tragedy.

Help us to know how to draw upon Your divine resources, that we can carry out our work of this day.

Give us the confidence that we are not left alone, that You are with us, O God. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, December 14, 1981, will be postponed until printed. The Chair hears none.

#### JOURNALS APPROVED

The SPEAKER. The Journals of Tuesday, November 10, and Monday, November 16, 1981, are now in print. Are there corrections to the Journals? If not, and without objection, the Journals stand approved. The Chair hears no objection.

#### LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I request a leave for the gentleman from Philadelphia for the week, Mr. WOGAN.

The SPEAKER. Without objection, leave will be granted. The Chair hears none.

The Chair recognizes the minority whip for the purpose of taking leaves of absence.

Mr. MANDERINO. Mr. Speaker, we ask for leaves of absence for the gentleman from Lehigh, Mr. ZWIKL, for today's session; and for the gentleman from Philadelphia, Mr. BARBER, for today's session.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

#### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—193

Alden	Fee	Lewis	Rybak
Anderson	Fischer	Livengood	Salvatore
Armstrong	Fleck	Lloyd	Saurman
Arty	Foster, W. W.	Lucyk	Serafini
Belardi	Foster, Jr., A.	McCall	Seventy
Belfanti	Frazier	McClatchy	Showers
Beloff	Freind	McMonagle	Shupnik
Berson	Fryer	McVerry	Sieminski
Bittle	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Madigan	Smith, B.
Borski	Gamble	Maiale	Smith, E. H.
Bowser	Gannon	Manderino	Smith, L. E.
Boyes	Geist	Manmiller	Snyder
Brandt	George	Marmion	Spencer
Brown	Gladeck	Merry	Spitz
Burd	Grabowski	Michlovic	Stairs
Burns	Gray	Micozzie	Steighner
Caltagirone	Greenfield	Miller	Stevens
Cappabianca	Greenwood	Miscevich	Stewart
Cawley	Grieco	Moehlmann	Stuban
Cessar	Gruitza	Morris	Swaim
Cimini	Gruppo	Mowery	Sweet
Civera	Hagarty	Mrkonic	Swift
Clark	Haluska	Mullen	Taddonio
Clymer	Harper	Murphy	Taylor, E. Z.
Cochran	Hasay	Nahill	Taylor, F. E.
Colafella	Hayes	Noye	Telek
Cole	Heiser	O'Donnell	Tigue
Cordisco	Hoeffel	Olasz	Trello
Cornell	Honaman	Oliver	Van Horne
Coslett	Horgos	Pendleton	Vroon
Cowell	Hutchinson, A.	Perzel	Wachob
Cunningham	Hutchinson, W.	Peterson	Wambach
DeMedio	Irkin	Petrarca	Wargo
DeVerter	Jackson	Petrone	Wass
DeWeese	Johnson	Phillips	Wenger
Daikeler	Kanuck	Piccola	Weston
Davies	Kennedy	Pistella	Wiggins
Dawida	Klingaman	Pitts	Williams, H.
Deal	Kolter	Pott	Williams, J. D.
Dietz	Kowalshyn	Pratt	Wilson
Dininni	Kukovich	Pucciarelli	Wozniak
Dombrowski	Lashingier	Punt	Wright, D. R.

Donatucci	Laughlin	Rasco	Wright, J. L.
Dorr	Lehr	Reber	Wright, R. C.
Duffy	Lescovitz	Richardson	
Durham	Letterman	Rieger	Ryan,
Evans	Levi	Ritter	Speaker
Fargo	Levin	Rocks	

ADDITIONS—3

Cohen	Emerson	Rappaport
-------	---------	-----------

NOT VOTING—0

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mrs. Susan Ciocco and Mr. Ernest Eadeh from Tredyffrin Township, Chester County, here today as the guests of the gentleman from Chester, Mr. Vroon.

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 946, PN 2621; HB 726, PN 1964; SB 1041, PN 1222; SB 1156, PN 1376; HB 1028, PN 2624; HB 1856, PN 2625; and HB 2110, PN 2658.**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1900, PN 2305**, entitled:

An Act repealing the act of April 20, 1876 (P. L. 45, No. 34), entitled "An act to prevent fraud and fraudulent practices upon or by hotel keepers, inn keepers and boarding house keepers."

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—189

Alden	Fargo	Lewis	Salvatore
Anderson	Fee	Livengood	Saurman
Armstrong	Fischer	Lloyd	Serafini
Arty	Fleck	Lucyk	Seventy
Belardi	Foster, W. W.	McCall	Showers
Belfanti	Foster, Jr., A.	McClatchy	Shupnik
Beloff	Frazier	McVerry	Sieminski
Berson	Freind	Mackowski	Sirianni
Bittle	Fryer	Madigan	Smith, B.
Blaum	Gallagher	Maiale	Smith, E. H.
Borski	Gallen	Manderino	Smith, L. E.
Bowser	Gamble	Manmiller	Snyder
Boyes	Gannon	Marmion	Spencer

Brandt	Geist	Merry	Spitz
Brown	George	Michlovic	Stairs
Burd	Grabowski	Micozzie	Steighner
Burns	Greenfield	Miller	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Hagarty	Mrkonic	Swift
Civera	Haluska	Mullen	Taddonio
Clark	Harper	Murphy	Taylor, E. Z.
Clymer	Hasay	Nahill	Taylor, F. E.
Cochran	Hayes	Noye	Telek
Colafella	Heiser	O'Donnell	Tigue
Cole	Hoeffel	Olasz	Trello
Cordisco	Honaman	Oliver	Van Horne
Cornell	Horgos	Pendleton	Vroon
Coslett	Hutchinson, A.	Perzel	Wachob
Cowell	Hutchinson, W.	Peterson	Wambach
Cunningham	Itkin	Petrarca	Wargo
DeMedio	Jackson	Petrone	Wass
DeVerter	Johnson	Phillips	Wenger
DeWeese	Kanuck	Piccola	Weston
Daikeler	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams, H.
Dawida	Kolter	Pott	Williams, J. D.
Deal	Kowalyshyn	Pratt	Wilson
Dietz	Kukovich	Punt	Wozniak
Dininni	Lashinger	Rasco	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Richardson	Wright, R. C.
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,
Durham	Levi	Rocks	Speaker
Evans	Levin	Rybak	

NAYS—0

NOT VOTING—7

Cohen	Gladeck	McMonagle	Rappaport
Emerson	Gray	Pucciarelli	

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

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 846, PN 2236**, entitled:

An Act relating to the control of vegetation within the right-of-way of highways; providing for applications, inspections and permits; and fixing penalties.

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

Mr. DAVIES offered the following amendments No. A4677:

Amend Sec. 3, page 2, line 21 by inserting after "device" on an interstate or Federal aid primary highway

Amend Sec. 3, page 3, line 12 by inserting after "\$30" plus actual costs of inspection

Amend Sec. 3, page 3, line 13 by removing the period after "application" and inserting in accordance with department regulations.

Amend Sec. 4, page 3, line 15 by striking out "Within ten days of the filing of the application, the" and inserting  
The

Amend Sec. 6, page 4, line 25 by striking out "applicant may take" and inserting  
permit may authorize

Amend Sec. 6, page 5, line 1 by striking out "or" and inserting a comma

Amend Sec. 6, page 5, line 1 by inserting after "remove" or replace

Amend Sec. 7, page 5, line 5 by striking out "ON A RIGHT-OF-WAY"

Amend Sec. 7, page 5, line 7 by striking out "SUCH"

Amend Sec. 7, page 5, line 7 by striking out "THEIR"

Amend Sec. 8, page 5, lines 11 through 14 by striking out "to establish standards and" in line 11 and all of lines 12 through 14 and inserting

and otherwise to implement this act.

Amend Sec. 10, page 5, lines 22 through 24 by striking out "Violation of this section shall be a" in line 22 and all of lines 23 and 24

Amend Bill, page 5, by inserting between lines 29 and 30

(c) Violation of this act or of a permit issued under this act shall be a summary offense punishable by a fine of \$100 to \$300 plus the value of any vegetation destroyed or the cost of restoration at the option of the department.

Section 11. Implementation delayed.

The provisions of section 4 of this act shall not be implemented for a period of one year from the effective date of this act.

Amend Sec. 11, page 5, line 30 by striking out "11" and inserting  
12

Amend Sec. 11, page 6, line 1 by striking out "60" and inserting  
180

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Thank you, Mr. Speaker.

These are essentially a series of corrections that were done in the matter of negotiations on both sides, as far as the bill is concerned. We did think we had complete agreement with the department. Since then I find that they do have some concerns about it, but as far as our study of these, we have, I think, agreed-to amendments on either side.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Alden	Fargo	Lewis	Rocks
Anderson	Fee	Livengood	Rybak
Armstrong	Fischer	Lloyd	Salvatore
Arty	Fleck	Lucyk	Saurman
Belardi	Foster, W. W.	McCall	Serafini
Belfanti	Foster, Jr., A.	McClatchy	Seventy
Beloff	Frazier	McMonagle	Shupnik
Berson	Freind	McVerry	Sieminski
Bittle	Fryer	Mackowski	Sirianni
Blaum	Gallagher	Madigan	Smith, B.
Borski	Gallen	Maiale	Smith, E. H.
Bowser	Gamble	Manderino	Smith, L. E.
Boyes	Gannon	Manmiller	Snyder
Brandt	Geist	Marmion	Spencer

Brown	George	Merry	Spitz
Burd	Grabowski	Michlovic	Stairs
Burns	Greenfield	Micozzie	Steighner
Callagirone	Greenwood	Miller	Stevens
Cappabianca	Grieco	Miscevich	Stewart
Cawley	Gruitza	Moehlmann	Stuban
Cessar	Gruppo	Morris	Swaim
Cimini	Hagarty	Mowery	Sweet
Civera	Haluska	Mrkonic	Swift
Clark	Harper	Mullen	Taddonio
Clymer	Hasay	Murphy	Taylor, E. Z.
Cochran	Hayes	Nahill	Taylor, F. E.
Colafella	Heiser	Noye	Telek
Cole	Hoeffel	O'Donnell	Tigue
Cordisco	Honaman	Olasz	Trello
Cornell	Horgos	Oliver	Van Horne
Coslett	Hutchinson, A.	Pendleton	Vroon
Cowell	Hutchinson, W.	Perzel	Wachob
Cunningham	Itkin	Peterson	Wambach
DeMedio	Jackson	Petrarca	Wargo
DeVerter	Johnson	Petrone	Wass
DeWeese	Kanuck	Phillips	Wenger
Daikeler	Kennedy	Piccola	Weston
Davies	Klingaman	Pistella	Wiggins
Dawida	Kolter	Pitts	Williams, H.
Deal	Kowalyshyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashinger	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Richardson	
Durham	Levi	Rieger	Ryan,
Evans	Levin	Ritter	Speaker

NAYS—0

NOT VOTING—6

Cohen	Gladeck	Rappaport	Showers
Emerson	Gray		

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

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

On the question,

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

Mr. DAVIES offered the following amendments No. A4350:

Amend Sec. 6, page 4, line 23, by inserting before "If"  
(a)

Amend Sec. 6, page 5, by inserting between lines 3 and 4

(b) Any activity by an approved applicant shall not create an abnormal safety hazard or interfere with the flow of traffic.

Amend Bill, page 5, by inserting between lines 29 and 30  
Section 11. Limitation.

No provision of this act is intended to conflict with the intent of the Federal Act of October 22, 1965 (Public Law 89-285) known as the Highway Beautification Act of 1965 or normal conservation practices.

Amend Sec. 11, page 5, line 30, by striking out "11" and inserting

12

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Mr. Speaker, we also have an agreed-to amendment here that any activity guaranteed would not in any way infringe upon the normal safety hazards and the flow of traffic. In addition to this, it does give the intent not to in any manner, shape, or form create any problem with the Highway Beautification Act, which is a part of the Federal act as adopted by the Commonwealth in keeping with that Federal act in 1965. It is to guarantee those protections.

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

The following roll call was recorded:

YEAS—189

Alden	Fee	Lewis	Rocks
Anderson	Fischer	Livengood	Rybak
Armstrong	Fleck	Lloyd	Salvatore
Arty	Foster, W. W.	Lucyk	Saurman
Belardi	Foster, Jr., A.	McCall	Serafini
Belfanti	Frazier	McClatchy	Seventy
Beloff	Freind	McMonagle	Shupnik
Berson	Fryer	McVerry	Sieminski
Bittle	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Madigan	Smith, B.
Borski	Gamble	Maiale	Smith, E. H.
Bowser	Gannon	Manderino	Smith, L. E.
Boyes	Geist	Manmiller	Snyder
Brandt	George	Marmion	Spencer
Brown	Gladeck	Merry	Spitz
Burd	Grabowski	Michlovic	Stairs
Burns	Greenfield	Micozzie	Steighner
Caltagirone	Greenwood	Miller	Stevens
Cappabianca	Grieco	Miscevich	Stewart
Cawley	Gruitza	Moehlmann	Stuban
Cessar	Gruppo	Morris	Swaim
Cimini	Hagarty	Mowery	Sweet
Civera	Haluska	Mrkonic	Swift
Clark	Harper	Mullen	Taddonio
Cochran	Hasay	Murphy	Taylor, E. Z.
Colafrilla	Hayes	Nahill	Taylor, F. E.
Cole	Heiser	Noye	Telek
Cordisco	Hoeffel	O'Donnell	Tigue
Cornell	Honaman	Olasz	Trello
Coslett	Horgos	Oliver	Van Horne
Cowell	Hutchinson, A.	Pendleton	Vroon
Cunningham	Hutchinson, W.	Perzel	Wachob
DeMedio	Htkin	Peterson	Wambach
DeVerter	Jackson	Petrarca	Wargo
DeWeese	Johnson	Petrone	Wass
Daikeler	Kanuck	Phillips	Wenger
Davies	Kennedy	Piccola	Weston
Dawida	Klingaman	Pistella	Wiggins
Deal	Kolter	Pitts	Williams, H.
Dietz	Kowalshyn	Pott	Williams, J. D.
Dininni	Kukovich	Pratt	Wilson
Dombrowski	Lashingner	Pucciarelli	Wozniak
Donatucci	Laughlin	Punt	Wright, D. R.
Dorr	Lehr	Rasco	Wright, R. C.
Duffy	Lescovitz	Reber	
Durham	Letterman	Richardson	Ryan,
Evans	Levi	Rieger	Speaker
Fargo	Levin	Ritter	

NAYS—0

NOT VOTING—7

Clymer	Emerson	Rappaport	Wright, J. L.
Cohen	Gray	Showers	

EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

On the question recurring,

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

Mr. PETRARCA offered the following amendments No. A4577:

Amend Bill, page 5, by inserting between lines 17 and 18 Section 10. Exclusion from act.

This act shall not apply to the Pennsylvania Turnpike and any roads operated by or under the control of the Pennsylvania Turnpike Commission.

Amend Sec. 10, page 5, line 18, by striking out "10" and inserting

11

Amend Sec. 11, page 5, line 30, by striking out "11" and inserting

12

On the question,

Will the House agree to the amendments?

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

Mr. PETRARCA. Thank you, Mr. Speaker.

This is an agreed-to amendment. It is an exclusion from the act. "This act shall not apply to the Pennsylvania Turnpike and any roads operated by or under the control of the Pennsylvania Turnpike Commission."

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Fargo	Levin	Ritter
Anderson	Fee	Lewis	Rocks
Armstrong	Fischer	Livengood	Rybak
Arty	Fleck	Lloyd	Saurman
Belardi	Foster, W. W.	Lucyk	Serafini
Belfanti	Foster, Jr., A.	McCall	Seventy
Beloff	Frazier	McClatchy	Showers
Berson	Freind	McMonagle	Shupnik
Bittle	Fryer	McVerry	Sieminski
Blaum	Gallagher	Mackowski	Sirianni
Borski	Gallen	Madigan	Smith, B.
Bowser	Gamble	Maiale	Smith, E. H.
Boyes	Gannon	Manderino	Smith, L. E.
Brandt	Geist	Manmiller	Snyder
Brown	George	Marmion	Spencer
Burd	Gladeck	Merry	Spitz
Burns	Grabowski	Michlovic	Stairs
Caltagirone	Greenfield	Micozzie	Steighner
Cappabianca	Greenwood	Miller	Stevens
Cawley	Grieco	Miscevich	Stewart
Cessar	Gruitza	Moehlmann	Stuban
Cimini	Gruppo	Morris	Swaim
Civera	Hagarty	Mowery	Sweet
Clark	Haluska	Mrkonic	Swift
Clymer	Harper	Mullen	Taddonio
Cochran	Hasay	Murphy	Taylor, E. Z.
Colafrilla	Hayes	Nahill	Telek
Cole	Heiser	Noye	Tigue
Cordisco	Hoeffel	O'Donnell	Trello
Cornell	Honaman	Olasz	Van Horne

Coslett	Horgos-	Oliver	Vroon
Cowell	Hutchinson, A.	Pendleton	Wachob
Cunningham	Hutchinson, W.	Perzel	Wambach
DeMedio	Itkin	Peterson	Wargo
DeVerter	Jackson	Petrarca	Wass
DeWeese	Johnson	Petrone	Wenger
Daikeler	Kanuck	Phillips	Wiggins
Davies	Kennedy	Piccola	Williams, H.
Dawida	Klingaman	Pistella	Williams, J. D.
Deal	Kolter	Pitts	Wilson
Dietz	Kowalyszyn	Pott	Wozniak
Dininni	Kukovich	Pratt	Wright, D. R.
Dombrowski	Lashinger	Pucciarelli	Wright, J. L.
Donatucci	Laughlin	Punt	Wright, R. C.
Dorr	Lehr	Rasco	Ryan,
Duffy	Lescovitz	Reber	Speaker
Durham	Letterman	Richardson	
Evans	Levi	Rieger	

NAYS—0

NOT VOTING—7

Cohen	Gray	Salvatore	Weston
Emerson	Rappaport	Taylor, F. E.	

EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

On the question recurring,

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

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—187

Alden	Fargo	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McCall	Serafini
Belardi	Foster, W. W.	McClatchy	Seventy
Belfanti	Foster, Jr., A.	McMonagle	Showers
Beloff	Frazier	McVerry	Shupnik
Berson	Freind	Mackowski	Sieminski
Bittle	Fryer	Madigan	Sirianni
Blaum	Gallagher	Maiale	Smith, B.
Borski	Gallen	Manderino	Smith, E. H.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Marmion	Snyder
Brandt	Geist	Merry	Spencer
Brown	George	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Grabowski	Miller	Stevens
Caltagirone	Greenfield	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Hagarty	Mrkonic	Swift
Civera	Haluska	Mullen	Taddonio
Clark	Harper	Murphy	Taylor, E. Z.
Clymer	Hayes	Nahill	Taylor, F. E.
Cochran	Heiser	Noye	Telek
Colafiglia	Hoeffel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Horgos	Pendleton	Van Horne
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Hutchinson, W.	Peterson	Wachob

Cowell	Itkin	Petrarca	Wambach
Cunningham	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeVerter	Kennedy	Piccola	Wenger
DeWeese	Klingaman	Pistella	Weston
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalyszyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Lewis	Rocks	Speaker
Evans			

NAYS—3

Greenwood	Hasay	Spitz
-----------	-------	-------

NOT VOTING—6

Cohen	Gray	Oliver	Rappaport
Emerson	Kanuck		

EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

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

REMARKS ON VOTE

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I would like the record to show if my switch had been working, I would have voted in the affirmative on the Petrarca amendment A4577 to HB 846.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1224, PN 2386**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia.

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—190

Alden	Fargo	Lewis	Rybak
Anderson	Fee	Livengood	Salvatore
Armstrong	Fischer	Lloyd	Saurman
Arty	Fleck	Lucyk	Serafini
Belardi	Foster, W. W.	McCall	Seventy
Belfanti	Foster, Jr., A.	McClatchy	Showers
Beloff	Frazier	McMonagle	Shupnik
Berson	Freind	Mackowski	Sieminski
Bittle	Fryer	Madigan	Sirianni
Blaum	Gallagher	Maiale	Smith, B.
Borski	Gallen	Manderino	Smith, E. H.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Marmion	Snyder
Brandt	Geist	Merry	Spencer
Brown	George	Michlovic	Spitz
Burd	Grabowski	Micozzie	Stairs
Burns	Greenfield	Miller	Steighner
Caltagirone	Greenwood	Miscevich	Stevens
Cappabianca	Grieco	Moehlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Cessar	Gruppo	Mowery	Swaim
Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Mullen	Swift
Clark	Harper	Murphy	Taddonio
Clymer	Hasay	Nahill	Taylor, E. Z.
Cochran	Hayes	Noye	Taylor, F. E.
Colafella	Heiser	O'Donnell	Telek
Cole	Hoefel	Olasz	Tigue
Cordisco	Honaman	Oliver	Trello
Cornell	Horgos	Pendleton	Van Horne
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Itkin	Petrarca	Wambach
DeMedio	Jackson	Petrone	Wargo
DeVertter	Johnson	Phillips	Wass
DeWeese	Kanuck	Piccola	Wenger
Daikeler	Kennedy	Pistella	Weston
Davies	Klingaman	Pitts	Wiggins
Dawida	Kolter	Pott	Williams, H.
Deal	Kowalyshyn	Pratt	Williams, J. D.
Dietz	Kukovich	Pucciarelli	Wilson
Dininni	Lashinger	Punt	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Wright, R. C.
Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Evans	Levin	Rocks	Speaker

NAYS—0

NOT VOTING—6

Cohen	Gladeck	McVerry	Rappaport
Emerson	Gray		

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

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 1225, PN 1360**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia.

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—186

Alden	Fargo	Lewis	Rocks
Anderson	Fee	Livengood	Rybak
Armstrong	Fischer	Lloyd	Salvatore
Arty	Fleck	Lucyk	Saurman
Belardi	Foster, W. W.	McCall	Serafini
Belfanti	Foster, Jr., A.	McClatchy	Seventy
Beloff	Frazier	McMonagle	Showers
Berson	Freind	McVerry	Sieminski
Bittle	Fryer	Mackowski	Sirianni
Blaum	Gallagher	Madigan	Smith, B.
Borski	Gallen	Maiale	Smith, E. H.
Bowser	Gamble	Manderino	Smith, L. E.
Boyes	Gannon	Manmiller	Snyder
Brandt	Geist	Marmion	Spencer
Brown	George	Merry	Spitz
Burd	Gladeck	Michlovic	Stairs
Burns	Grabowski	Micozzie	Steighner
Caltagirone	Greenfield	Miller	Stevens
Cappabianca	Greenwood	Miscevich	Stewart
Cawley	Grieco	Moehlmann	Stuban
Cessar	Gruitza	Morris	Swaim
Cimini	Gruppo	Mowery	Sweet
Civera	Hagarty	Mullen	Swift
Clymer	Harper	Murphy	Taddonio
Cochran	Hasay	Nahill	Taylor, E. Z.
Colafella	Hayes	Noye	Taylor, F. E.
Cole	Heiser	O'Donnell	Telek
Cordisco	Hoefel	Olasz	Tigue
Cornell	Honaman	Oliver	Trello
Coslett	Horgos	Pendleton	Van Horne
Cowell	Hutchinson, W.	Perzel	Vroon
Cunningham	Itkin	Peterson	Wachob
DeMedio	Jackson	Petrarca	Wambach
DeVertter	Johnson	Petrone	Wass
DeWeese	Kanuck	Phillips	Wenger
Daikeler	Kennedy	Piccola	Weston
Davies	Klingaman	Pistella	Wiggins
Dawida	Kolter	Pitts	Williams, H.
Deal	Kowalyshyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashinger	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Richardson	
Durham	Levi	Rieger	Ryan,
Evans	Levin	Ritter	Speaker

NAYS—1

Mrkonic

NOT VOTING—9

Clark	Gray	Hutchinson, A.	Shupnik
Cohen	Haluska	Rappaport	Wargo
Emerson			

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

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

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

### REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Cambria, Dr. Haluska.

Mr. HALUSKA. I forgot to push my button on HB 1225. I would like to be recorded in the affirmative.

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

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

Mr. MICHLOVIC. Mr. Speaker, on HB 1225 I inadvertently pushed the wrong switch. I would prefer to be recorded in the affirmative. Thank you.

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

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1713, PN 2460**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for certain fishing license and service fees and providing for a trout-salmon stamp.

On the question,

Will the House agree to the bill on third consideration?

Mr. DIETZ offered the following amendment No. A4680:

Amend Sec. 2 (Sec. 2714), page 5, line 22 by striking out "12" and inserting

16

On the question,

Will the House agree to the amendment?

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

Mr. DIETZ. Thank you, Mr. Speaker.

Mr. Speaker, I am offering amendment No. A4680 to HB 1713 on behalf of thousands of the Commonwealth's kids, ages 12, 13, 14, 15, who will suffer most with the passage of this bill. HB 1713 as presently written, Mr. Speaker, is estimated to produce \$3 1/2 million in additional revenues for the Pennsylvania Fish Commission annually. Supposedly, this will be enough money to last the commission another 5 years without having to return to the legislature for additional funding. This amendment, Mr. Speaker, will take the kids, ages 12, 13, 14, and 15, out of the bill. By so doing, Mr. Speaker, the total estimated revenues in the bill will only be reduced one-half million dollars, leaving the commission with \$3 million annually. I ask a favorable vote on this amendment, Mr. Speaker.

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

Mr. W. W. FOSTER. Mr. Speaker, I rise to support Mr. Dietz' amendment.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, there is something fishy here. Whale I came into the House I smelt it. We have gotten ourselves into a fine kettle of fish here. What is the reel porpoise of this legislation? Those of you within herring distance of my voice know the reel porpoise of this legislation is to raise the fishing license for youngsters to the tuna \$4. Let us get down to bass tacks and ex-salmon this and mullet over for a minnow. This \$4 fee for children will raise haddock with our constituents. They will become blue around the gills and flounder around. This will spawn discontent. Cod you just hear them now carping and crabbing trout our Commonwealth. They will be yelling "Holy mackerel, \$4 for kids. This is crappy." Walleye said enough. Do not shark your duty. Line up for this amendment anchovies kids we support them. Cast your vote for the Dietz amendment, hook, line, and sinker. Do not vote against the amendment just for the halibut.

The SPEAKER. The Chair noticed the gentleman was floundering with some of those words.

### BILL RECOMMITTED

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I would like to make a motion at this time.

The SPEAKER. The gentleman will state his motion.

Mr. DOMBROWSKI. I would like to recommit HB 1713 and the amendments to the Committee on Game and Fisheries.

The SPEAKER. The motion before the House is the motion of the gentleman, Mr. Dombrowski, that the bill be recommitted to the Committee on Game and Fisheries.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, the reason I am asking for recommitment at this time is, in last Saturday's Pennsylvania Bulletin, the Pennsylvania Fish Commission has submitted a list of regulations that are, I think, at this time controversial. The Fish Commission is having hearings throughout the Commonwealth starting this week and they will be finished by the end of this month or the beginning of January, and I would like to see what those regulations are in their final draft prior to voting this bill. It is for this reason that I am asking for recommitment until these public hearings are finished. Thank you.

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

Mr. W. W. FOSTER. Mr. Speaker, I would like to oppose this motion to recommit. Just let me give you a few facts as to why this legislation was introduced in the first place.

It calls for the issuance of a trout stamp. Now, this is nothing new. There are 14 other States in the Nation that have

trout stamps, and it was felt by the committee after a lot of research that this should be a user fee rather than a license fee. There is an increase needed for the Fish Commission to operate its facilities, and as I started to say, the reason the committee came up with the idea of a trout stamp is that this is a user fee.

For the benefit of the members, 43 percent of the Fish Commission's budget is spent for the propagation of trout. Now, that is almost half of the budget. And with the rate of inflation and the loss of our Federal funding, it is imperative that they do get more money. To give you another example: Just the price of fish food last year went up 31 percent; to keep their motorized equipment in operating shape, it went up 32 percent, or an average increase overall of approximately 30 percent. This is just not a thing to raise more money; it is actually a necessity.

Now, as I said, I support Representative Dietz' amendment to take the kids out of the licensing. That was given some thought, but it is felt that it is not necessary at this time, so I do support his amendment. However, I hope in the final vote you will support the bill as it is amended, because it certainly is needed. Thank you.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Dombrowski, that the bill be recommitted to Game and Fisheries.

On that question, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, I ask the members not to recommit this bill. This bill is facing a very serious time limit. We actually should have done it several months ago, but there were a lot of objections to the bill. We heard those objections out, and what you see now is the end result of those negotiations.

To recommit the bill would further put in jeopardy the Fish Commission's program for 1982. When the bill originally started, it contained a general license increase. Because of the delay already, we have had to scrap that because those licenses had to be printed and in the hands of the agents by the first of January when they go on sale. So now we are looking at a situation where some kind of an increase in revenues for the Fish Commission is absolutely necessary if we are to avert economic catastrophe to the commission in 1982. To delay this further and to recommit the bill will bring this about. I ask you not to vote for recommitment.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, because of some of the controversy that has arisen and because of the fact that I now hear that the Fish Commission does not need the money at this time, I would support the recommitment motion. I think we should study it further. Thank you.

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

Mr. COSLETT. Mr. Speaker, I rise to support this motion to recommit. I want to give you a little background on this bill. After we got this bill in committee the first time, they

were going to increase everything double. They wanted to increase the license double, so we talked it over and after lengthy debate in the committee, the chairman formed a committee, and they came back with a new proposal. In the first proposal they gave us, they came back with a \$3-million increase. The second proposal came back with a \$2.5-million increase plus a year later they are going to give them another \$1-million increase. I think it is unfair.

I talked to the people back home. The sportsmen are against any increase whatsoever. I think this agency, the Fish Commission, should be responsible to the Commonwealth of Pennsylvania just like any other agency. They should be accountable to the public, and I rise in opposition to this, and I ask for a "yes" vote on this recommitment. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I rise to support the motion to recommit.

I have asked a number of fish and game clubs in my area about this bill, and they are very much upset about it. I think Mr. Letterman was right; this has created a great deal of controversy. There maybe is not that much opposition to a general increase, but there is certainly opposition to the way this bill intends to do it.

I think the bill ought to be recommitted. Let the Fish and Game Committee hear from the sportsmen's clubs throughout the Commonwealth and get some input from them. Therefore, Mr. Speaker, I support the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I rise to oppose the motion to recommit. If the gentlemen will remember the phrasing of the motion to commit, it was not on the merits of the bill. This bill has some controversy in it, and I am sure that the makers of it are willing to support it in open debate. The issue to recommit it because there is another political issue in Erie County is really baseless. The Fish Commission has a process through a hearing that will be held this week that should take care of that problem. I believe that the members here are able to address the merits of the bill through open debate, and I urge you to defeat this motion so that we may discuss the bill on the floor.

The SPEAKER. The Chair recognizes the gentleman, Mr. Noye, on the question, for the second time.

Mr. NOYE. Mr. Speaker, for the members, please be cognizant of the time frame that we are dealing with. The reason we would like to run the bill now is so the Senate has a chance to get working on the bill over the break and get the bill on their calendar in late January. It will take them a good 3 weeks to be able to get the materials out to the agents. That means we are going to be pushing the deadline for people to purchase their trout stamps, if that is the way we decide to go, in time for the opening of the season in the middle of April.

Now, as to the point on the question of whether or not there is support for this out there, just so you are aware—and I hope I am extended the same latitude the other speakers are—

the sportsmen of Pennsylvania have already endorsed this proposal through the Pennsylvania Federation, so that is not at issue. The question is whether or not we are going to support it, and we need the time to do it, and we need to do it now. If we recommit this, we are going to bring total economic catastrophe to the Fish Commission in 1982, and every one of us is going to have to answer to the fishermen when they start complaining about the situation in early April. I ask you please not to vote to recommit the bill.

The SPEAKER. The Chair recognizes the gentleman, Mr. Dombrowski, for the second time on the issue.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

Contrary to what one of the previous speakers has said, my reason for recommitment is not a political reason in Erie County. It is based on what I said in my previous statement, that the Fish Commission has rules and regulations printed in the Pennsylvania Bulletin at this time. They are holding public hearings on them, and until these public hearings are held and until these regulations are resolved, I think we should recommit the bill. The regulations would have an adverse effect on fishing in Lake Erie. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Coslett, for the second time on the question.

Mr. COSLETT. Mr. Speaker, let me remind my colleagues about one thing. When this comes back before us people when we are running for election, they are not going to say the Fish Commission raised the license. They will come back and say we raised the license. Now, this bill has been knocked around in committee all summer long, and there is no reason why, to use a gimmick like this the last couple of weeks, there would be a physical impact on the Fish Commission. They had this bill long before this. This is an old gimmick we used back home when I was in the contracting business. Both of the unions would wait until the last minute and try to jam stuff down people's throats.

I just say, Mr. Speaker, remember, you are going to be attacked by this increase, not the Fish Commission. I ask for a "yes" vote on this recommitment. Thank you, Mr. Speaker.

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

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to ask my colleagues not to vote for recommitment. This issue has been studied by the Fish and Game Committee for several months. There was a special ad hoc committee that worked on it for a full month, met three times in long sessions with the Fish Commission.

The problem that we face today with the Fish Commission is similar to the highway funding problem. Their license fee tax is a flat tax. There is no inflation built into it, so periodically we have to adjust it. The present balance sheet of the Fish Commission will have them down to what is their minimum balance. I have heard those say that they have a lot of money. It is necessary, it is absolutely necessary that the Fish Commission have between a \$5- and \$6-million balance just to pay their fees until the licenses come in in the spring when most of the fishing licenses are sold. They have no ability to borrow money to pay current expenses. They have

to have a plus balance of \$5 to \$6 million. Now, if we want the Fish Commission to continue the program that they now have, 77 percent of their propagation costs are trout.

If I could back up just a moment. I would like to argue that we address this bill today and there are a number of amendments that will change the bill drastically. I think we should talk about those. We should bring out all those points and make a decision today on how we want to fund them. It is very important financially to them that we do address the issue now.

The tremendous growth in the cost of producing trout is the major problem that they face. Our sportsmen's clubs back home have been the ones who have inspired them to continue to expand the number of trout that they stock, that have continued to encourage them to stock larger trout. This is where the real cost is.

I think that is an issue that this House should talk about and should debate and make a decision. But I think it is very important to their financial stability that we do address the issue now. There are a lot of facts that should be brought out and talked about, and I think all members of the House should be a part of it. I think the committee has worked at it extensively and has those facts ready to give to you. I urge the members today to vote against recommitment.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, for the second and last time on the subject.

Mr. LETTERMAN. May I interrogate Mr. Dietz, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may begin.

Mr. LETTERMAN. Mr. Speaker, do you have all the facts and figures written down on how much balance the Fish Commission has?

The SPEAKER. Will the gentleman yield.

The question before the House is the motion of the gentleman, Mr. Dombrowski, should the bill be recommitted to Game and Fisheries?

Mr. LETTERMAN. Thank you, Mr. Speaker.

Because of the recommitment motion, Mr. Speaker, could you tell me what the balance is in the Fish Commission for this year?

Mr. DIETZ. Mr. Speaker, commencing the 1981-82 fiscal year, the Fish Commission had a walloping big unappropriated surplus of \$7,595,007, an increase of \$971,000 over the previous year.

Mr. LETTERMAN. Because of the recommitment motion, Mr. Speaker, do you think that we could survive in the Fish Commission for a period of time for us to restudy this piece of legislation?

Mr. DIETZ. Absolutely I do.

Mr. LETTERMAN. What do you base your "absolutely" on?

Mr. DIETZ. On the surplus that the Fish Commission had beginning the 1981-82 fiscal year, \$7.5 million, Mr. Speaker.

Mr. LETTERMAN. Thank you, Mr. Speaker.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Rappaport, and the gentleman, Mr. Cohen. Their names shall be added to the master roll call.

CONSIDERATION OF HB 1713 CONTINUED

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

The following roll call was recorded:

YEAS—105

Table listing members who voted 'YEAS' for HB 1713, including names like Belardi, Duffy, Letterman, Rybak, etc.

NAYS—83

Table listing members who voted 'NAYS' for HB 1713, including names like Alden, Gallen, Madigan, Saurman, etc.

NOT VOTING—8

Table listing members who did not vote for HB 1713, including names like Berson, Daikeler, Freind, Manderino, etc.

EXCUSED—6

Table listing members who were excused, including Barber, Irvis, McIntyre, Pievsky, Wogan, and Zwilk.

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

REMARKS ON VOTE

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

Mr. GEORGE. Mr. Speaker, on the recommittal motion on HB 1713, I pushed my button "aye" and was recorded "no." Could we watch that, and maybe again the machine is malfunctioning.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1199, PN 1334, entitled:

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), requiring notice to the coroner or medical examiner and approval thereof before a cremation permit may be issued and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. A. C. FOSTER offered the following amendment No. A4983:

Amend Sec. 1 (Sec. 504), page 2, line 6, by inserting after "examiner" of the county in which the death occurred

On the question,

Will the House agree to the amendment?

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

The amendment is just a clarifying amendment. The bill provides that in the case of a cremation, the coroner or medical examiner be notified prior to the cremation. The language of the amendment simply states that it be the coroner of the county in which the death occurred.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Table listing members who voted 'YEAS' for the amendment, including names like Alden, Fee, Livengood, Salvatore, etc.

Blaum	Gallen	Maiiale	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miscevich	Steighner
Burns	Gray	Moehimann	Stevens
Caltagirone	Greenfield	Morris	Stewart
Cappabianca	Greenwood	Mowery	Stuban
Cawley	Grieco	Mrkonic	Swaim
Cessar	Gruitza	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Civera	Hagarty	Nahill	Taddonio
Clark	Haluska	Noye	Taylor, E. Z.
Clymer	Harper	O'Donnell	Taylor, F. E.
Cochran	Hasay	Olasz	Telek
Cohen	Hayes	Oliver	Tigue
Colafella	Heiser	Pendleton	Trello
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Horgos	Petrarca	Wachob
Coslett	Hutchinson, A.	Petrone	Wambach
Cowell	Hutchinson, W.	Phillips	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Johnson	Pistella	Wenger
DeWeese	Kennedy	Pitts	Weston
Daikeler	Klingaman	Pott	Wiggins
Davies	Kolter	Pratt	Williams, H.
Dawida	Kowalyszyn	Pucciarelli	Williams, J. D.
Deal	Kukovich	Punt	Wilson
Dietz	Lashinger	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Wright, R. C.
Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Evans	Levin	Rocks	Speaker
Fargo	Lewis	Rybak	

NAYS—3

Dininni	Jackson	Miller	
NOT VOTING—4			
Cunningham	Emerson	Kanuck	Manderino
EXCUSED—6			
Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—185

Alden	Fargo	Lewis	Salvatore
Anderson	Fee	Livengood	Saurman
Armstrong	Fischer	Lloyd	Serafini
Arty	Fleck	Lucyk	Seventy
Belardi	Foster, Jr., A.	McCall	Showers
Belfanti	Frazier	McClatchy	Shupnik
Beloff	Freind	McMonagle	Sieminski
Berson	Fryer	McVerry	Sirianni
Bittle	Gallagher	Mackowski	Smith, B.

Blaum	Gallen	Madigan	Smith, E. H.
Borski	Gamble	Maiiale	Smith, L. E.
Bowser	Gannon	Manmiller	Snyder
Boyes	Geist	Marmion	Spencer
Brandt	George	Merry	Spitz
Brown	Gladeck	Michlovic	Stairs
Burd	Grabowski	Micozzie	Steighner
Burns	Gray	Miscevich	Stevens
Caltagirone	Greenfield	Morris	Stewart
Cappabianca	Greenwood	Mowery	Stuban
Cawley	Grieco	Mrkonic	Swaim
Cessar	Gruitza	Mullen	Sweet
Cimini	Gruppo	Nahill	Swift
Civera	Hagarty	Noye	Taddonio
Clark	Haluska	O'Donnell	Taylor, F. E.
Clymer	Harper	Olasz	Telek
Cochran	Hasay	Oliver	Tigue
Cohen	Hayes	Pendleton	Trello
Colafella	Heiser	Perzel	Van Horne
Cole	Hoeffel	Peterson	Vroon
Cordisco	Honaman	Petrarca	Wachob
Cornell	Horgos	Petrone	Wambach
Coslett	Hutchinson, A.	Phillips	Wargo
Cowell	Itkin	Piccola	Wass
DeMedio	Johnson	Pistella	Wenger
DeVerter	Kanuck	Pitts	Weston
DeWeese	Kennedy	Pott	Wiggins
Daikeler	Klingaman	Pratt	Williams, H.
Davies	Kolter	Pucciarelli	Williams, J. D.
Dawida	Kowalyszyn	Punt	Wilson
Deal	Kukovich	Rappaport	Wozniak
Dietz	Lashinger	Rasco	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Richardson	Wright, R. C.
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,
Durham	Levi	Rocks	Speaker
Evans	Levin	Rybak	

NAYS—4

Dininni	Jackson	Miller	Moehlmann
NOT VOTING—7			
Cunningham	Foster, W. W.	Manderino	Taylor, E. Z.
Emerson	Hutchinson, W.	Murphy	
EXCUSED—6			
Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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 361, PN 1018**, entitled:

An Act providing for reimbursement by insurance companies and others for services performed by licensed certified nurse midwives.

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—192

Alden	Fee	Livengood	Rybak
Anderson	Fischer	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McCall	Serafini
Belardi	Foster, Jr., A.	McClatchy	Seventy
Belfanti	Frazier	McMonagle	Showers
Beloff	Freind	McVerry	Shupnik
Berson	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Maiale	Smith, B.
Borski	Gamble	Manmiller	Smith, E. H.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	Geist	Merry	Snyder
Brandt	George	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Grabowski	Miller	Stairs
Burns	Gray	Miscevich	Steighner
Caltagirone	Greenfield	Moehlmann	Stevens
Cappabianca	Greenwood	Morris	Stewart
Cawley	Grieco	Mowery	Stuban
Cessar	Gruitza	Mrkonic	Swaim
Cimini	Gruppo	Mullen	Sweet
Civera	Hagarty	Murphy	Swift
Clark	Haluska	Nahill	Taddonio
Clymer	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Donnell	Taylor, F. E.
Cohen	Hayes	Olasz	Telek
Colafella	Heiser	Oliver	Tigue
Cole	Hoeffel	Pendleton	Trello
Cordisco	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
DeMedio	Jackson	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kanuck	Pistella	Wenger
Daikeler	Kennedy	Pitts	Weston
Davies	Klingaman	Pott	Wiggins
Dawida	Kolter	Pratt	Williams, H.
Deal	Kowalyszyn	Pucciarelli	Williams, J. D.
Dietz	Kukovich	Punt	Wilson
Dininni	Lashingier	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Wright, R. C.
Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Evans	Levin	Rocks	Speaker
Fargo	Lewis		

NAYS—0

NOT VOTING—4

Cunningham	Emerson	Hutchinson, W.	Manderino
------------	---------	----------------	-----------

EXCUSED—6

Barber	McIntyre	Wogan	Zwinkl
Irvic	Pievsky		

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.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the minority whip, who asks that the record reflect that his switch malfunctioned, and he would have voted "aye" on SB 361.

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

FINAL PASSAGE POSTPONED  
BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. WILSON, the House resumed consideration on final passage of **HB 1741, PN 2361**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for a Deputy Secretary for Aviation within the Department of Transportation and making editorial changes.

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 Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I would like to take a moment of the House's time today to explain why this bill is necessary. I think there is some confusion around, after talking to some of the members.

The Department of Transportation today does not really have a handle—and I have a few facts here to explain to you—on the impact of the aviation industry in the Commonwealth of Pennsylvania. For example, as a mass transportation mover, as a mover of people, last year alone we moved by scheduled airlines 25 million people. That is two times the population of Pennsylvania. We are number two in jobs and payroll in the general aviation field. I will cite the McCreary Tires in Indiana, Pennsylvania, that makes most of the tires for the general aviation field. Most people in the Commonwealth of Pennsylvania do not know that.

Right now aviation is buried with buses and trains and mass transit systems in Pennsylvania. I do not think it deserves to be there. I think that it should have more recognition so that we can bring more jobs, more payroll to Pennsylvania.

As to the cost of this creation of a deputy secretary of aviation, there is no more bureaucracy. The difference is \$12,000 in payroll between a bureau chief and a deputy secretary, and it is money taken out of the aviation fuels taxes. It is not taken away from patching potholes and things like that.

The Department of Transportation today could, if it wished, hire more people for the Bureau of Aviation. So it is not a case of more bureaucracy. It is a case of recognition. It is a case of prestige. When the deputy secretary of aviation goes out and seeks to bring manufacturers of aviation products into Pennsylvania, he has the dignity and the recognition that he needs. I would appreciate your support in this go-around. Thank you.

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

Mr. BROWN. Thank you, Mr. Speaker.

Mr. Speaker, last week when this legislation first ran, it received nine negative votes. There was a malfunction of the computer. On the second vote it received 60-plus votes in the negative, and again, a third vote was taken and over 80 of you supported the defeat of this legislation. We are asking now in the next few weeks, in the next few hours perhaps, to cut moneys from vital programs that will affect your constituents, and now we are asked to expand the bureaucracy in PennDOT.

All I am asking you is to consider not only your vote today but how the people in your district will accept expanded bureaucracy when vital services to them will be cut, and I ask for the defeat of this legislation. Thank you, Mr. Speaker.

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I was concerned as anyone in the hall of this House about the upcoming cuts in the programs here in Pennsylvania. But it is important, however, to realize that those cuts and those funds have nothing to do with this bill.

I think the result of the votes as they decreased on the three votes that were taken last week was a direct result of the absence of the prime sponsor on the floor at that time who had other business.

I think that it is important to realize that our neighboring State, the State of Ohio, approximately 8 or 9 years ago underwent a very comprehensive program concerning aviation, and the results of that program have been beyond their wildest hopes in Ohio. They have reclaimed land throughout the State of Ohio. They have created dozens of industrial parks throughout the State of Ohio, and most importantly, they have created thousands of new jobs in Ohio, because they went ahead and put this emphasis on the aviation industry.

I think it is extremely important to once again point out where these funds are coming from. They are not coming from the General Fund; they are not coming from the Motor License Fund, but rather they are coming from the aviation fuel tax. I would ask the House for their deep consideration of this bill. Thank you.

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

Mr. KOLTER. Mr. Speaker, it has been recognized in transportation circles that the Commonwealth has fallen behind the other States of the Nation in recognizing the needs of the airlines' industries. I think this piece of legislation is important for the progress of aviation, and I would urge all the members on this side of the aisle to vote in the affirmative. 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—148

Anderson	Durham	Lucyk	Serafini
Armstrong	Fee	McCall	Showers
Arty	Fischer	McClatchy	Shupnik
Belardi	Foster, W. W.	McMonagle	Sieminski
Belfanti	Foster, Jr., A.	McVerry	Sirianni
Beloff	Frazier	Mackowski	Smith, E. H.
Berson	Freind	Madigan	Smith, L. E.
Bittle	Fryer	Marmion	Snyder
Borski	Gallagher	Michlovic	Spencer
Bowser	Gamble	Micozzie	Spitz
Brandt	Gannon	Miller	Steighner
Burd	Geist	Moehlmann	Stevens
Burns	George	Morris	Stewart
Caltagirone	Grabowski	Mowery	Stuban
Cappabianca	Greenwood	Mullen	Sweet
Cawley	Grieco	Murphy	Swift
Cessar	Gruppo	Nahill	Taddonio
Cimini	Hagarty	Noye	Taylor, E. Z.
Civera	Hayes	O'Donnell	Taylor, F. E.
Clark	Heiser	Oliver	Telek
Clymer	Hoeffel	Pendleton	Tigue
Cochran	Honaman	Perzel	Van Horne
Colafella	Hutchinson, A.	Peterson	Vroon
Cole	Itkin	Petrarca	Wachob
Cordisco	Jackson	Phillips	Wargo
Cornell	Johnson	Pistella	Wass
Coslett	Kanuck	Pitts	Wenger
DeMedio	Kennedy	Pott	Weston
DeVerter	Klingaman	Pucciarelli	Williams, H.
Daikeler	Kolter	Punt	Williams, J. D.
Davies	Kowalyshyn	Rasco	Wilson
Dawida	Lashingier	Reber	Wright, D. R.
Dietz	Laughlin	Rieger	Wright, J. L.
Dininni	Lehr	Rocks	Wright, R. C.
Dombrowski	Letterman	Rybak	
Donatucci	Levi	Salvatore	Ryan,
Dorr	Levin	Saurman	Speaker
Duffy	Livengood		

NAYS—41

Alden	Gray	Lloyd	Pratt
Blaum	Greenfield	Maiale	Richardson
Brown	Gruitza	Manderino	Ritter
Cohen	Haluska	Manmiller	Seventy
Cowell	Harper	Merry	Smith, B.
DeWeese	Hasay	Miscevich	Stairs
Deal	Horgos	Mrkonic	Swaim
Fargo	Kukovich	Olasz	Trello
Fleck	Lescovitz	Petrone	Wambach
Gallen	Lewis	Piccola	Wozniak
Gladeck			

NOT VOTING—7

Boyes	Emerson	Hutchinson, W.	Wiggins
Cunningham	Evans	Rappaport	

EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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.

REQUEST FOR REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Thank you, Mr. Speaker.

It will be necessary for a caucus at this time for a period of 1 hour.

### DEMOCRATIC CAUCUS

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

Mr. O'DONNELL. Mr. Speaker, there will be an immediate Democratic caucus, and it will last for that 1-hour duration. We will be coming back here and not going to lunch. The subject matter of the caucus will be HB 1290, only HB 1290. Thank you.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chairman, Mr. Noye.

Mr. NOYE. Mr. Speaker, thank you.

The Republicans will caucus immediately. We have several bills to touch upon, and I would ask that you get there so we can start promptly in hopes that you can get a bite to eat before we return at 12:30.

### REMARKS ON VOTES

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

Mr. CIMINI. Mr. Speaker, when the vote was taken on December 7, if I had been in my seat, I would have voted in the affirmative for HB 1443.

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

The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I wish to be recorded in the affirmative on HB 1199.

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

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 312, PN 318; HB 960, PN 2131; and HB 963, PN 1050**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 930, PN 2646**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

### BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

#### HB 312, PN 318

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing per diem compensation for senior judges.

#### HB 960, PN 2131

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, increasing the commission membership and quorum requirements.

#### HB 963, PN 1050

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

### RECESS

The SPEAKER. The members are urged to go immediately to their caucus rooms. It is the guess of the Speaker that as a result of caucus, there will be a determination as to whether or not we are in session next week.

Without objection, this House stands in recess until 12:30. The Chair hears no objection.

### AFTER RECESS

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

### MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Emerson, who asks that his name be added to the master roll call.

### CALENDAR RESUMED

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 82, PN 2642**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), changing the definition of "corporation," clarifying a provision relating to tax credits, providing for adjustments with respect to depreciation in determining taxable income for corporate income taxes, changing the imposition section, adding provisions relating to the taxation of cigarettes, making editorial changes and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, is HB 82, on concurrence in Senate amendments, available at this time for debate?

The SPEAKER. It is.

Mr. MANDERINO. Mr. Speaker, I would like to make some remarks about the bill.

The SPEAKER. The gentleman is in order. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, HB 82 is a piece of legislation that we are seeing here in the House of Representatives for the first time so far as the substance of the bill is concerned. It is a bill that in substance will decouple Pennsylvania's reliance on the Federal definition for corporate net income when Pennsylvania imposes the corporate net income tax upon the corporations earning money in Pennsylvania or subject to Pennsylvania's corporate net income tax, corporations subject to that tax. Presently we follow the Federal definition. The Federal Government in its wisdom through Congress and its President, the President of the United States, provided some very large tax breaks to corporations in the nature of accelerated depreciation, which will lose Pennsylvania in its collection of a corporate net income tax some \$100 million each year as a minimum. That \$100 million will grow each year as the corporate net income from corporations in Pennsylvania would grow each year.

Mr. Speaker, when the Governor first made the proposal that the Federal tax break be adopted and condoned in Pennsylvania, we in the Democratic Party respectfully submitted to the Governor and to anyone within earshot that Pennsylvania's fiscal situation, the economy of Pennsylvania was such that we could not afford a \$100-million tax break to the corporations. And, secondly, if we wanted to follow the Federal Government in giving tax breaks in order to stimulate the economy, we ought to follow the tax breaks given not only to corporations but the tax breaks given to individuals. So not only should we reduce the corporate net income tax, but we ought to proportionately reduce the personal income tax in Pennsylvania so all segments of our society would benefit by whatever tax breaks the Federal Government had deemed ought to be passed on, if we were going to follow that same practice in Pennsylvania. They did not only give corporations tax breaks at the Federal level; they gave individuals tax breaks, and we in Pennsylvania ought to do no less if we can afford any kind of a tax break. But in truth, Mr. Speaker, we have taken the position that we cannot afford to give the tax breaks in Pennsylvania that HB 82 would give.

Now, unfortunately, HB 82 comes to us on concurrence in Senate amendments, and we are unable, although we are seeing this particular proposal for the first time, we are unable to add whatever we might in merit add to this legislation through the amendment process unless we suspend the rules of the House.

Mr. Speaker, too often during this session, when important pieces of legislation have come before us, we have been second-class citizens in the House of Representatives, have had an opportunity to vote "yes" or "no," have had no opportunity for input, no opportunity for independent delib-

eration, no opportunity for independent thought, creativity, and no opportunity really to represent the people who sent us here in the manner in which they deserve to be represented.

### MOTION TO SUSPEND RULES

Mr. MANDERINO. Mr. Speaker, so that this General Assembly and every member in this House of Representatives can participate in the process of legislating, I move that the rules of the House be suspended so that HB 82 is open for amendment by members of this House.

The SPEAKER. The question before the House is the motion by the gentleman from Westmoreland, Mr. Manderino, that the rules of the House be suspended.

On that question, the Chair recognizes the majority leader.

Mr. HAYES. I oppose the motion, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy, on the question of suspension of the rules.

Mr. MURPHY. Thank you, Mr. Speaker.

I rise to support the motion. I think this bill is too important to vote in the substance of what is in here now without further discussion on it. It seems to me there are better ways to both provide the accelerated depreciation to Pennsylvania-based corporations on investments made in Pennsylvania and at the same time make up the lost revenue in some other manner. That has to be addressed, and the only way it can be addressed is if we suspend the rules to permit amendments to this legislation. I urge your support of this motion so that we can attempt to come to some equitable arrangement with the industry of Pennsylvania to encourage investment in this State and at the same time not face enormous revenue losses so that we cannot fund existing programs. Thank you.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—92

Belfanti	Fee	Lloyd	Rieger
Beloff	Fryer	Lucyk	Ritter
Berson	Gallagher	McCall	Rybak
Blaum	Gamble	McMonagle	Seventy
Borski	George	Maiale	Showers
Brown	Grabowski	Manderino	Shupnik
Caltagirone	Gray	Michlovic	Steighner
Cappabianca	Greenfield	Miscevich	Stewart
Cawley	Gruitza	Morris	Stuban
Clark	Haluska	Mrkonic	Swaim
Colafella	Harper	Mullen	Sweet
Cole	Hoeffel	Murphy	Taylor, F. E.
Cordisco	Horgos	O'Donnell	Tigue
Cowell	Hutchinson, A.	Olasz	Trello
DeMedio	Itkin	Oliver	Van Horne
DeWeese	Kolter	Pendleton	Wachob
Dawida	Kowalyszyn	Petrarca	Wambach
Deal	Kukovich	Petrone	Wargo
Dombrowski	Laughlin	Pistella	Wiggins
Donatucci	Lescovitz	Pratt	Williams, H.
Duffy	Letterman	Pucciarelli	Williams, J. D.
Emerson	Levin	Rappaport	Wozniak
Evans	Livengood	Richardson	Wright, D. R.

## NAYS—101

Alden	Fargo	Lewis	Serafini
Anderson	Fischer	McClatchy	Sieminski
Armstrong	Fleck	McVerry	Sirianni
Arty	Foster, W. W.	Mackowski	Smith, B.
Belardi	Foster, Jr., A.	Madigan	Smith, E. H.
Bittle	Frazier	Manmiller	Smith, L. E.
Bowser	Freind	Marmion	Snyder
Boyes	Gallen	Merry	Spencer
Brandt	Gannon	Micozzie	Spitz
Burd	Geist	Miller	Stairs
Burns	Gladeck	Moehlmann	Stevens
Cessar	Greenwood	Mowery	Swift
Cimini	Grieco	Nahill	Taddonio
Civera	Gruppo	Noye	Taylor, E. Z.
Clymer	Hasay	Perzel	Telek
Cochran	Hayes	Peterson	Vroon
Cornell	Heiser	Phillips	Wass
Coslett	Honaman	Piccola	Wenger
Cunningham	Hutchinson, W.	Pitts	Weston
DeVerter	Jackson	Pott	Wilson
Daikeler	Johnson	Punt	Wright, J. L.
Davies	Kennedy	Rasco	Wright, R. C.
Dietz	Klingaman	Reber	
Dininani	Lashingier	Rocks	Ryan,
Dorr	Lehr	Salvatore	Speaker
Durham	Levi	Saurman	

## NOT VOTING—3

Cohen Hagarty Kanuck

## EXCUSED—6

Barber McIntyre Wogan Zwilk  
Irviss Pievsky

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

On the question recurring,  
Will the House concur in Senate amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, could I interrogate the Republican chairman or majority chairman of the Finance Committee, please?

The SPEAKER. The gentleman, Mr. Moehlmann, will stand for interrogation.

Mr. COWELL. Thank you.

Mr. Speaker, I would just like a clarification on the provisions of HB 82. It has been explained to me that included in HB 82 is a provision that the investment depreciation credit will be deferred and will not take effect until 1983. Is that correct?

Mr. MOEHLMANN. That is correct.

Mr. COWELL. Secondly, Mr. Speaker, it has been further explained that other provisions in HB 82 provide that the depreciation credit for Pennsylvania taxes that normally would have been and would be available to Pennsylvania businesses without HB 82 being implemented, the sum of those credits for 1981 and for 1982 in fact will be, let me use the word "usable," in 1983, so that the fiscal impact on Pennsylvania tax revenues in 1983 will have that cumulative impact. It will be a collection of tax credits that would otherwise have been available for 1981, for 1982, and for 1983. Is that correct?

Mr. MOEHLMANN. That is not quite correct.

Beginning in 1984, businesses could recover that portion of the accelerated credit at the rate of 25 percent or \$10,000, whichever is greater, per year. That is, they could recover that which they could not have in 1981, 1982, and the 50 percent that they could not get in 1983, beginning in 1984.

Mr. COWELL. Mr. Speaker, therefore, then, the revenues that are being saved the Commonwealth for the next 2 years, for this year and for next year, in effect, that is a temporary savings which can be recovered by industry or by business on their tax bills commencing in 1984. Do I understand that correctly?

Mr. MOEHLMANN. That is correct, the thinking being that the economy by that time will be stimulated and those moneys could be granted.

Mr. COWELL. Mr. Speaker, we have seen at one time in one form or another a fiscal note for the cost to be incurred by the Commonwealth under various proposals. I have not yet seen a fiscal note that would indicate what the cost to the Commonwealth would be under the provisions of HB 82 as amended by the Senate. Could the gentleman share with the members of this House what the financial implications are for the Commonwealth in terms of lost revenues in 1983, 1984, and 1985 if this bill passes in this form rather than in a form where legislation would completely decouple our State depreciation situation from the Federal depreciation regulations or law?

Mr. MOEHLMANN. I am not sure. I could not hear part of your question; therefore, I am not sure I understand it. Could you repeat it?

Mr. COWELL. I am asking what the cost to the Commonwealth will be in lost revenues as a result of the provisions of HB 82 for the years 1984, 1985, and 1986, the first 3 years when the Federal depreciation credit would kick in as it was implemented under the Federal law this past summer.

Mr. MOEHLMANN. That is if HB 82 is passed?

Mr. COWELL. If HB 82 is passed.

Mr. MOEHLMANN. Mr. Speaker, I do not have those numbers. The latest, farthest projection I have is 1983-84, and we are strictly guessing—there are a lot of variables—at \$125 million, but I have no numbers for 1985 or 1986.

Mr. COWELL. Mr. Speaker, do I understand you correctly to say that the cost to the Commonwealth would be \$125 million for the fiscal year 1983-84? And is that the first year when industry or business would be able to begin to recover that which they were not able to claim during the earlier years?

Mr. MOEHLMANN. That is not the first year they would begin to recover. That is the year before the first year, the last year before they would begin to recover.

Mr. COWELL. Mr. Speaker, may I ask then, does anybody around you on the Republican side on your staff have figures that would indicate what the cost to the Commonwealth will be when these very important figures or provisions kick in in the 1984-85 fiscal year then? Or are we being asked to pass a very important piece of tax legislation without knowing what the cost implications are?

Mr. MOEHLMANN. Mr. Speaker, my feeling is that there are much too many assumptions that one would have to make to be able to project those figures that far ahead, and I do not have them.

Mr. COWELL. Mr. Speaker, although you do not have specific fiscal information in terms of the cost to the Commonwealth for years after the fiscal year 1983-84, is it your understanding that the cost to the Commonwealth might annually escalate above and beyond that \$125-million figure that you do have for the 1983-84 fiscal year?

Mr. MOEHLMANN. No; it is not my understanding that the cost will continue to escalate.

Mr. COWELL. Is it your understanding that the cost will not escalate in succeeding years?

Mr. MOEHLMANN. We believe that the economy will be sufficiently stimulated so that losses to the Commonwealth will at least level off, and in fact we believe that revenue loss to the Commonwealth will decrease.

Mr. COWELL. Mr. Speaker, is it not a fact though that the question of the health of the economy is a separate issue, and what we are really talking about here is whether or not a particular tax benefit will be made available to certain businesses in the Commonwealth, and that really has little to do with the health of the economy? In fact, if the economy is healthy, is it perhaps not proper to assume that there would be greater investment and greater tax depreciation credits claimed?

Mr. MOEHLMANN. It is my personal opinion that the health of the economy in Pennsylvania is exactly the issue in this bill.

Mr. COWELL. Mr. Speaker, I respectfully suggest you just ducked the question.

Mr. MOEHLMANN. You asked me whether those issues were separated, and I say I think they are not.

Mr. COWELL. Mr. Speaker, am I correct in understanding then that you do not know and have no estimate as to what the cost to the Commonwealth will be in terms of decreased tax revenues, if HB 82 passes, for the fiscal year 1984-85?

Mr. MOEHLMANN. That is correct, as I have before stated.

Mr. COWELL. I would ask one final question then, Mr. Speaker. You have indicated that the cost for 1983-84 will be \$125 million in decreased revenues compared to what otherwise would be. That is the year before business can begin to recover those credits that they could not claim in the prior 2 or 2 1/2 years.

Mr. Speaker, I believe you have indicated that the cost to the Commonwealth in lost revenues for the 1983-84 fiscal year will be \$125 million, or approximately \$125 million, and that is the year before business can begin to recover those credits that they were not permitted or would not be permitted to claim for the prior 2 or 3 years under HB 82. Can you tell me, in the succeeding year at least, for the fiscal year 1984-85, in addition to the \$125-million credits that would seem to be a normal part of the legislation, what would the cost of the recovery provisions be where we tell business that they can recover what they could not claim the prior 2 or 3 years? That obviously would be an additional cost.

Mr. MOEHLMANN. I do not know the answer to that question. I understand there are some lobbyists around saying \$300 million, but I do not believe that is the answer. I do not know what the answer is, however, and I have no accountants who are able to project that answer.

Mr. COWELL. Mr. Speaker, could you or another member of your side of the aisle, some of whom are asking us to support the Senate amendments, which have resulted in HB 82, explain how we can be asked to provide what is generally agreed to be a substantial tax benefit, one that will escalate because of the recovery provision 3 or 4 years down the road, how we can promise this kind of tax benefit to business without knowing what it is going to cost?

Mr. MOEHLMANN. You are asking us to make assumptions now on what the result of 3 years of business activity will be between now and then, and that is something that I cannot do.

Mr. COWELL. Are you at least making the assumption that the Commonwealth will be able to afford to meet the financial commitment, the tax credit commitment, that appears to be made in HB 82 in the form of that recovery language?

Mr. MOEHLMANN. Yes.

Mr. COWELL. At least the proponents of this legislation are making some assumptions that lead them to believe that we are going to be able to fulfill that commitment regardless of the cost, because you have told us that nobody knows what the cost will be.

Mr. MOEHLMANN. I think I understand your question, and the answer is yes. You are talking about losses in CNI (corporate net income), and that is not the only tax that will be affected if business is in fact stimulated by these tax concessions.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, if I might be recognized to make some remarks, please?

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

Mr. COWELL. Mr. Speaker, I suspect that there are members on both sides of the aisle who have different reasons for supporting or opposing this legislation, and obviously some on both sides of the aisle feel that the tax benefit is deserved, and others might take the approach or have the opinion that no tax benefit should be provided because we need those dollars to finance the programs of State Government. I can respect both of those points of view.

The point of view that I cannot respect, nor understand in any way whatsoever, is how this legislature or any proponents of this legislation can ask the members of this House to support a very substantial change in our tax law in Pennsylvania without having any idea what the cost will be not too far down the road, and having no idea what the cost will be the very first year that one of the major provisions of this tax change will take effect, and that is that year when businesses would be able to recover that credit that they could not claim during 1981-82, a portion of 1983. We have been told that there is no idea whatsoever about what the cost of that will be.

Nonetheless, proponents of this legislation are asking us to support it, and apparently they have made promises to business or certain business representatives that regardless of the cost, despite the fact that we do not know what the cost will be, we promise you through this bill to not only kick in the tax credit program in 1984 but to also let you recover what you are not able to claim in the immediate, foreseeable future. That is highly irresponsible, and I suspect that there are many representatives of the business community who are beginning to have doubts about that promise of a tax benefit, a very lucrative tax benefit, 2 or 3 years down the road.

I think that the only thing that is certain about this legislation and what would result from this legislation is that State Government in Pennsylvania and the members of this legislature who return for the next session are going to have a major fiscal gap with which to contend, and they are going to have to either fill that gap by further cutting programs or by increasing somebody's taxes or by reneging on the commitment that some people are willing to make to business today, not only for implementing the depreciation schedule or plan but for that recovery section that can be very, very costly. I think that more and more people in the business community are somewhat skeptical of that promise, and I certainly hope that members of this House today will become skeptical of that promise and the ability of this legislature or our successors to deliver on that promise that is represented by the language in HB 82.

In light of the refusal of this House to suspend the rules to permit amendments that would make this more reasonable, I would urge that we vote against concurring in the Senate amendments to HB 82. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy, for the second time on the question.

Mr. MURPHY. Thank you, Mr. Speaker.

I would like to interrogate the person representing this bill, please.

The SPEAKER. The gentleman, Mr. Moehlmann, will stand for interrogation. The gentleman may proceed.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, it is my impression that we could, if we had an opportunity to amend this legislation, amend it in such a way as to permit the accelerated appreciation on Pennsylvania investments—that is, investments made geographically in Pennsylvania—and exclude or decouple investments made out of State. Is that correct?

Mr. MOEHLMANN. Well, I suppose if you have 102 votes, you can amend it any way you want to, to be perfectly frank. I am quite satisfied with the way the bill is.

Mr. MURPHY. Let me rephrase the question. Is it correct that we could permit investments in Pennsylvania to be accelerated but decouple investments made out of State?

Mr. MOEHLMANN. Again, I can only say you can do anything you have 102 votes for. I am not sure that that would pass constitutional muster, however.

Mr. MURPHY. Is it also true that we are essentially promising potentially a \$350-million accelerated depreciation bill come due the State in 3 years?

Mr. MOEHLMANN. I think that number is very high. I understand that that is a number being spoken by some of the lobbyists, but I do not believe it is that high, no.

Mr. MURPHY. What would your estimate be, Mr. Speaker?

Mr. MOEHLMANN. I answered the gentleman from Allegheny County by saying you have to make a lot of assumptions on business activity in the next few years to come up with a number. I have not made those assumptions, and I do not have the number.

Mr. MURPHY. So you are asking us then to vote on this legislation without knowing the bottom-line cost of it. Is that correct?

Mr. MOEHLMANN. I am saying that I do not know the numbers for several years in the future.

Mr. MURPHY. Mr. Speaker, one more question.

It is my impression that by decoupling for at least 2 years, what in effect we will be doing is forcing Pennsylvania companies to make their investments in other States, because they will be able to get an accelerated depreciation there and will not here. Is that not the practical effect of this legislation also?

Mr. MOEHLMANN. No; I think that is not correct.

Mr. MURPHY. Why would that not be correct, Mr. Speaker?

Mr. MOEHLMANN. We are, through this bill, promising business in Pennsylvania that they also will have the benefit of the accelerated depreciation schedule. If you are familiar with the bill, it is to be phased in, and that which they cannot recover by 1984 will be recoverable at a rate of 25 percent a year in the succeeding 4 years.

Mr. MURPHY. Thank you, Mr. Speaker.

May I have an opportunity to address the bill?

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

Mr. MURPHY. Thank you, Mr. Speaker.

I urge the members of the House to nonconcur in this piece of legislation for a number of reasons. One is it is clear that we do not know what the cost of the legislation will be. We have heard numbers as high as \$350 million that we are promising to lose in our revenues 3 years from now. I do not think that is fair to the members of the House 3 years from now or to the people of this Commonwealth to make that kind of commitment when we cannot know what our revenue projections will be.

Two, I have real concern that by denying accelerated depreciation on investments made in Pennsylvania over the next couple of years, we will in effect encourage corporations to invest elsewhere when we have a very high unemployment rate. We need that investment now, today, next month, not 3 and 4 years from now. So we want to encourage that accelerated depreciation in this State now, not 4 years from now. It does not make any sense to me that we would defer that benefit.

Finally, I believe that there is a better way to address this whole question, but we cannot do that now if we concur with this legislation. For that reason I urge the members to non-

concur. Do the responsible thing and vote to nonconcur. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to ask for a negative vote on HB 82, and I would ask the members of my caucus particularly to listen to what I have to say at this time. Whether the other side wants to listen or not, that is up to them; they probably have made up their minds on how they are going to vote.

We took the position when we discussed this bill that HB 82 decoupled for a period of 2 years, and many of us had the idea and maybe many on the other side have the idea that within that 2-year period, if it becomes obvious that this revenue is going to be needed in that third year, that we can cancel what we do here today. That being the case, we looked at a vote for HB 82 as only damaging if we were unable to undo what we are doing today within the 2 years before we begin to lose revenue. So it would have seemed that the responsible thing to do would be to allow it to pass and, in the next 2 years, try to change what we think is wrong in allowing the tax break to corporations without putting the guidelines in, without putting the guarantees in that the U.S. Steels of this Commonwealth are not just going to go out and buy another Marathon or a Montgomery Ward, and without taking into consideration the individual taxpayer in the Commonwealth on the personal income tax. The investment ought to be in Pennsylvania if we are going to relieve Pennsylvania taxes. There are no guarantees in this bill.

Now let us get back to the original proposition. Can we undo what we do today? It has come to my attention, Mr. Speaker, that on page 7 of the bill—and unfortunately, I did not have this knowledge when I first discussed this with members of my caucus—under section (I) of the bill, page 7, section (I), it is abundantly clear to me that regardless of what we do in the next 2 years, you are today telling the corporations of Pennsylvania that for years 1981 and 1982 they will receive this tax break. You are simply deferring the collection of the tax in Pennsylvania until 1983.

You know, we used to have, when we needed money here, we had a proposition in Pennsylvania on corporate tax—and I did not impose it, but the Republican Party imposed it—of a 90-percent prepayment of tax, as I remember. Ninety-percent prepayment. You know what a horrible thing that was. Maybe we did impose it; I cannot really remember. Somebody imposed on the corporations a 90-percent prepayment of tax. We said that was a horrible thing. What we are doing today is imposing a 100-percent postpayment of corporate tax, because the break that we give the corporations beginning 1983 they are going to get regardless of whether we are able to muster 102 votes to change the law as we think it should be, decoupling indefinitely or decoupling in proportion to what we give a tax break to the PIP payers, the personal income tax payers in Pennsylvania.

So what we are doing today is more irresponsible, Mr. Speaker, than what I suggested it might be if we did not pass HB 82. Passing HB 82 is a greater display of irresponsibility on members of the General Assembly than defeating it. We

should not, we should not allow the budget to be balanced with mirrors in 1981-82 and 1982-83, to have it come home to roost right after the gubernatorial campaign that we will probably have \$300 million, \$350 million in a corporate net income tax deficit in Pennsylvania, because we will take all of the loss for years 1981, 1982, and 1983 in the same year. I am strongly recommending a negative vote, not only by every member of this side of the aisle but every member who is interested in responsible government in Pennsylvania. Thank you, Mr. Speaker.

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

Mr. LEVIN. Thank you.

Will Mr. Hayes stand for interrogation for just a moment, please?

The SPEAKER. The gentleman indicates he will. Mr. Levin may begin.

Mr. LEVIN. Mr. Speaker, if this bill were to become law, would it be within our power in the subsequent 2 years to pass another tax act which would prevent the effective date, would prevent the credits from being given to business in 1983-84?

Mr. HAYES. I do not know of anything that would preclude this General Assembly from passing a law that would amend this prospective enactment.

Mr. LEVIN. Obviously we could pass a law. The question is, could we effectively pass a law? Would that be a constitutional enactment by this legislature?

Mr. HAYES. I am not sure that I understand the gentleman's question completely, and we obviously would have to look at that language. But I think he is trending right. I do not see just on the face of his very general comments that there would be an overriding constitutional question.

Mr. LEVIN. Well, Mr. Speaker, if in fact we can do away with the credit, or conversely if we could pass the credit retroactively, why are we giving it at all? Why are we not waiting until 1983? Why are we being asked to pass HB 82 in this form?

Mr. HAYES. Accelerated depreciation is retroactive in its application.

Mr. LEVIN. May I speak on the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order and may proceed to speak on the question of concurrence.

Mr. LEVIN. The point I am trying to make, Mr. Speaker, is obviously we need, in order to effectively fund our budget for 1981-82, we need some form of act which prevents the accelerated recovery program enacted by the Federal Government from affecting our tax revenues for the years 1981 and 1982. And no one on our side of the aisle, and I assume no one on yours, objects to those provisions in this bill. The problem is that we are promising business that for the years 1983 and 1984 we are going to give them a substantial tax credit and a substantial benefit. Now, it seems to me that if Mr. Hayes was correct in answering my questions that we can in the future take that away even though we passed it today, it seems to me that the better approach would be to pass a bill which would prevent the application of the accelerated recovery for 1981-82 and remain silent as to what benefits we will

give to the years 1983 and 1984, and make our judgment based upon the amount of revenues that we can calculate we are going to lose.

The basic problem with the approach that has been taken by this bill is that we are being asked to blindly give extraordinary benefits, not just insignificant. We are not talking about \$10 million or \$30 million; we are talking about hundreds of millions of dollars. There was a very interesting comment in the Wall Street Journal just a week or so ago in which they commented that IBM had bought from the Ford Motor Company its tax losses, and the comment was that no corporation in America had to pay corporate income tax, that if they decided to pay income tax, it would be as a policy decision of that corporation, that the corporate income tax no longer had to be paid because you could buy tax credits from those people who were losing money. Now, in view of that position, Mr. Hayes and Mr. Speaker and those people promoting this bill, we are leaving ourselves in a position where we could very well wipe out the Pennsylvania corporation income tax by this enactment. And if we have made a mistake, if constitutionally we cannot repeal that, if that possibility even exists that we have unconstitutionally handled the problem, we have put our foot in our mouths and we are going to have to have an extraordinary raise in other taxes.

Now, those of you who intend to come back better take a very close look at what you are voting for today. You may be voting so in 1983 you are going to have to make significant tax increases in other taxes in order to make up for what you are doing today. The better approach is to reject this bill, put it in a conference committee, and demand that it come back with 1981 and 1982 in the same provision we are having it today, where the accelerated recovery does not come into play, but we will decide at a later date what benefits we are going to give to business. Do not do it today. Do not run that risk blindly, or you may find yourself voting for taxes that you do not want to impose on your own constituents. Please be cautious today. This is a very important vote.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—104

Alden	Fargo	Lewis	Saurman
Anderson	Fischer	McClatchy	Serafini
Armstrong	Fleck	McVerry	Sieminski
Arty	Foster, W. W.	Mackowski	Sirianni
Belardi	Foster, Jr., A.	Madigan	Smith, B.
Bittle	Frazier	Manmiller	Smith, E. H.
Blaum	Freind	Marmion	Smith, L. E.
Bowser	Gallen	Merry	Snyder
Boyes	Gannon	Micozzie	Spencer
Brandt	Geist	Miller	Spitz
Burd	Gladeck	Moehlmann	Stairs
Burns	Greenwood	Mowery	Stevens
Cessar	Grieco	Nahill	Swift
Cimini	Gruppo	Noye	Taddonio
Civera	Hagarty	Perzel	Taylor, E. Z.
Clymer	Hasay	Peterson	Telek
Cochran	Hayes	Phillips	Vroon
Cornell	Heiser	Piccola	Wass
Coslett	Honaman	Pitts	Wenger
Cunningham	Hutchinson, W.	Pott	Weston

DeVerter	Jackson	Punt	Wilson
Daikeler	Johnson	Rappaport	Wright, J. L.
Davies	Kennedy	Rasco	Wright, R. C.
Dietz	Klingaman	Reber	
Dininni	Lashinger	Rocks	Ryan,
Dorr	Lehr	Salvatore	Speaker
Durham	Levi		

NAYS—88

Belfanti	Fryer	Lucyk	Ritter
Beloff	Gallagher	McCall	Rybak
Berson	Gamble	McMonagle	Seventy
Borski	George	Maiale	Showers
Brown	Gray	Manderino	Shupnik
Caltagirone	Greenfield	Michlovic	Steighner
Cappabianca	Gruitza	Miscevich	Stewart
Cawley	Haluska	Morris	Stuban
Clark	Harper	Mrkonic	Swaim
Colafella	Hoeffel	Mullen	Sweet
Cole	Horgos	Murphy	Taylor, F. E.
Cordisco	Hutchinson, A.	O'Donnell	Tigue
Cowell	Itkin	Olasz	Trello
DeMedio	Kolter	Oliver	Van Horne
DeWeese	Kowalshyn	Pendleton	Wachob
Dawida	Kukovich	Petrarca	Wambach
Deal	Laughlin	Petrone	Wargo
Dombrowski	Lescovitz	Pistella	Wiggins
Donatucci	Letterman	Pratt	Williams, H.
Duffy	Levin	Pucciarelli	Williams, J. D.
Evans	Livengood	Richardson	Wozniak
Fee	Lloyd	Rieger	Wright, D. R.

NOT VOTING—4

Cohen	Emerson	Grabowski	Kanuck
-------	---------	-----------	--------

EXCUSED—6

Barber	McIntyre	Wogan	Zwinkl
Irvis	Pievsky		

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

Ordered, That the clerk inform the Senate accordingly.

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

Mr. MANDERINO. Mr. Speaker, I want to inform you that we are going to file a reconsideration motion on HB 82. So I would ask you not to send the bill out of the House.

AMENDED SENATE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **SB 618, PN 1534**, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An Act providing for the reduction of General Fund Appropriations for the fiscal year 1981-1982; and directing the Governor to take appropriate action to balance the budget.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to SB 618.

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

Mr. COWELL. Thank you, Mr. Speaker.

I rise to speak against concurring in the Senate amendments to SB 618.

Mr. Speaker, on the bill that we just passed, we decided to defer some tough tax decisions until 3 years down the road. This bill basically says that we are going to completely abdicate our responsibility to make some tough spending decisions that are required by the budget realities of the 1981-82 State budget.

I think most members of this House again recognize that there is a need for adjustments to the State budget that was passed by the majority party of this legislature this past summer. That budget was unrealistic, and now I believe the majority of the members of the House and Senate recognize that it was unrealistic. The unrealistic aspect of it, although SB 618 tries to place the blame on Reaganomics in terms of the Federal tax changes this past summer and the Federal budget, in fact this predicated on the unrealistic revenue projections that were made for State taxes for this current fiscal year.

State taxes are not bringing in the number of dollars that some people believed that they would bring in when this budget was passed by a majority this past summer, and we have to deal with that. Unfortunately, this legislation seeks to deal with that problem in a very unrealistic manner. It begins by stating that generally we are going to have 1-percent across-the-board cuts in the General Appropriations Act that was approved by the legislature last summer. That in itself is not very realistic. If we had additional money to spend today, we would not say, let us give an extra 1 percent to everybody. If we would have known back in June that there were insufficient dollars available, we would not have said, well, let us just take the whole budget and cut everybody by a percent.

Generally this legislature recognizes that across-the-board cuts or additions is not the responsible way to do budget-making in this State and does not in any way reflect the priority-making process that the budgetmaking process ought to be all about. But the 1-percent across-the-board slash generally ignores that.

Now, admittedly there are some exceptions recognized in SB 618, generally in the area of certain basic education appropriations, and I think that that is desirable. But there are a number of other exceptions which, in my opinion, ought to be also recognized and included in the exception provision of SB 618. Of course, those are items that will be exempted from the 1-percent cut.

We have had a number of legislators, some of my colleagues on both sides of this aisle, who sat in Allegheny County before senior citizens just a few weeks ago and talked about the problems that they were going to have and their agencies were going to have with the various cuts that were being realized at the Federal level. I asked those same members, are you going to vote today for an additional cut for those senior citizen programs in light of what you told those individuals on that Sunday at the Civic Arena just a few weeks ago?

We have problems with our community college. A number of our counties have community colleges, including Allegheny, and most of us know there is a bill before the House Appropriations Committee that seeks to increase the appropriation by \$3 million because there is a deficiency and we have a responsibility to meet. At the same time that we are talking about increasing by \$3 million to meet a deficiency, are we going to cut that by another 1 percent?

We can indicate a number of areas where cuts simply are not realistic because there are already deficiencies or because we have a constitutional or statutory mandate to spend what has already been appropriated. In fact, we cannot back away from our commitments.

Additionally, this document ignores those areas that might deservedly be cut by a margin greater than 1 percent, and that is something that this legislature ought to address.

Finally, the most frightening section of SB 618 is that section 4, which really says to the Governor, despite the fact that we are going to cut a percent in most areas and despite the fact that we are going to provide certain exemptions for the 1-percent cut in a few areas, despite all of that language, Mr. Governor, we are really telling you, you go ahead and you do whatever you want, and that is what section 4 says. It says that if the Governor wants to cut something by more than 1 percent, he can. If the Governor wants to ignore the exemption that seems to be provided in this language for school subsidies, for instance, he will be able to, because the language of section 4 says to the Governor, do anything that you need to do.

I recognize that we need to pass a balanced budget. The budget that was passed last summer was not balanced. That is why I voted against it. We need, through SB 618 perhaps, to insure that the revenues and the expenditures of this State are balanced. SB 618 does not do that in terms of the legislature making those decisions and the legislature establishing those priorities. We should not abdicate our responsibility by passing SB 618 in its current form. We need to change it, we need to address its specific issues, and we can only do that by considering amendments, Mr. Speaker.

#### MOTION TO SUSPEND RULES

Mr. COWELL. Therefore, I would move that we suspend the House rules so that we can entertain amendments to SB 618.

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

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

Mr. RITTER. Mr. Speaker, I would urge that we do suspend the rules. We have talked for a long time about having legislative input.

The SPEAKER. Will the gentleman suspend?

The Chair apologizes. He was unable to hear the gentleman. Will the gentleman repeat his statement?

Mr. RITTER. Yes, Mr. Speaker.

I urge that we do suspend the rules so that we have an opportunity to provide some legislative input into this budget document. We were denied early on when this thing first passed to have any input. And if you vote not to suspend the rules today, you are telling your constituents you really do not care how this money is spent and you are willing to let it be decided by one or two people. I say to you that is wrong. It was wrong 2 years ago; it was wrong last year; it was wrong this past summer. We have a chance to rectify that.

I urge you to vote to suspend the rules so that we can finally get some input into how the money of this Commonwealth is going to be spent.

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

Mr. RICHARDSON. Mr. Speaker, I would like to ask whether or not I may interrogate the chairman of the Appropriations Committee, Mr. McClatchy?

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

Mr. McCLATCHY. Mr. Speaker, I thought we were on suspension of the rules.

The SPEAKER. I can only assume that the gentleman is going to interrogate on the question of suspension of the rules. If the gentleman is not interrogating along those lines, he would be out of order.

The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. I would like to ask the chairman of the Appropriations Committee as to whether or not he feels that a suspension of the rules at this time in relationship to SB 618 will deprive any of the members of this House a right to deal with the cuts that are effectively going to hurt a number of people across this Commonwealth, particularly those in the social service areas.

The SPEAKER. Will the gentleman yield.

It is the opinion of the Chair that the gentleman is making argument rather than interrogation.

The Chair recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. Okay. I will say it another way, Mr. Speaker.

Mr. Speaker, I would like to know whether or not the gentleman would be supporting a suspension of the rules at this time.

The SPEAKER. The gentleman, Mr. Richardson, has been here long enough to know how to properly interrogate. That is not a proper subject for interrogation.

Mr. RICHARDSON. Mr. Speaker, my attempt at this point is to try and find out whether or not the chairman of the Appropriations Committee, who basically is in charge of this bill, would be willing to at least let us know what his position is as it stands relative to suspension of the rules. I do not think that that is out of order.

The SPEAKER. It is the Chair's opinion that the gentleman can find that out when he sees it on the board.

The gentleman has been recognized to speak on the question of suspension of the rules. On that subject, the gentleman may proceed.

Mr. RICHARDSON. If the gentleman does not want to be interrogated and answer the questions, fine. I will speak on the suspension of the rules.

The SPEAKER. The gentleman is in order to speak on the subject of suspension of the rules.

Mr. RICHARDSON. Mr. Speaker, it is quite obvious that this House of Representatives does not want to deal with the issues concerning those who are going to be affected by SB 618 and the motion to suspend. The only reason why I am asking that there be a suspension of the rules is to give the opportunity to members who have not had an opportunity before to deal with those issues that affect us most readily in this Commonwealth.

It seems to me that we are in a time, an era where it is clear that basically those who have will continue to have and those who do not have will continue not to have. The haves versus the have-nots. We are asking for the suspension of the rules so that members who do have amendments, so that particular pet programs that are in their communities will be able to be addressed and dealt with. They have not had that opportunity afforded them. We are denied every opportunity on this floor to deal with the normal process when it comes down to rules, and then all of a sudden they invoke only at the point that they seem to be a detriment to this administration and not to the wisdom of those persons who are being affected on a daily basis.

For that reason, Mr. Speaker, at this juncture I ask that there be a positive vote, an affirmative vote on suspension of the rules so that we may be afforded the same opportunity that one or two individuals had in order to make a decision on what should happen for the entire Commonwealth of Pennsylvania.

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

Mr. GALLAGHER. Mr. Speaker, I rise in support of suspension of the rules. One of the very important reasons for suspending the rules is to open up the mechanism of amending SB 618 so that we have some input into this. And to bring to everybody's attention, while some exemptions are in this bill, they specify the public school system, they specify the Department of Welfare for county administration and public assistance, but they do not talk about the universities, State colleges as being exempt or of PHEAA (Pennsylvania Higher Education Assistance Agency) as being exempt.

Today I received a letter from the chairman of the board of the Philadelphia National Bank, Morris Dorrance, asking that I should support this bill. So I called him on the phone to explain—

The SPEAKER. Will the gentleman yield?

Mr. GALLAGHER. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gallagher, has been here many, many years and knows the parameters of the debate on a motion to suspend the rules. The Chair would respectfully ask him to abide by them.

Mr. GALLAGHER. Yes, Mr. Speaker. If you will let me pursue this line of discussion, I am trying to bring to the point why they should support the suspension of the rules, and if

the Speaker can see it that way, I think we can work very handsomely together.

The SPEAKER. That is not open to debate, I would hope.

Mr. GALLAGHER. No. That is up to you, Mr. Speaker.

What I am trying to point out is that it is very important because this gentleman, a very intelligent gentleman who deals with our student loans, recognized when I brought it to his attention that this bill is in dire need of amendment because it gives the Governor the awesome responsibility, by us giving it to him, the authority to cut anything, anywhere, anyplace, any amount. So that is the urgency of suspending the rules, so that this section can be removed, and Morris Dorrance, chairman of the board of the Philadelphia National Bank agreed with me 100 percent. He thought that no Governor should have that authority. I reminded him the only Governor who ever had that authority was Governor Curtin during the Civil War when the Confederacy was across the river somewhere. Was it Gettysburg; I am sorry. Thank you.

That is the importance of suspending the rules, not to play games with it; it is very important. There is a need for a cut in the budget. We could cut a lot of fat out of the budget yet if we had that opportunity, but the way they are doing it now is not apropos of doing business properly. So I urge the members to support the suspension of the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Hardy Williams, from Philadelphia, on the question of suspension of the rules, please.

Mr. H. WILLIAMS. Mr. Speaker, I do not desire recognition on the question of suspension of the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Belfanti	Fee	Lucyk	Ritter
Beloff	Fryer	McCall	Rybak
Berson	Gallagher	McMonagle	Seventy
Blaum	Gamble	Maiale	Showers
Borski	George	Manderino	Shupnik
Brown	Grabowski	Michlovic	Steighner
Caltagirone	Gray	Miscevich	Stewart
Cappabianca	Greenfield	Morris	Stuban
Cawley	Gruitza	Mrkonic	Swaim
Clark	Haluska	Mullen	Sweet
Cohen	Harper	Murphy	Taylor, F. E.
Colafella	Hoeffel	O'Donnell	Telek
Cole	Horgos	Olasz	Tigue
Cordisco	Hutchinson, A.	Oliver	Trello
Cowell	Itkin	Pendleton	Van Horne
DeMedio	Kolter	Petrarca	Wachob
DeWeese	Kowalyszyn	Petrone	Wambach
Dawida	Kukovich	Pistella	Wargo
Deal	Laughlin	Pratt	Wiggins
Dombrowski	Lescovitz	Pucciarelli	Williams, H.
Donatucci	Letterman	Rappaport	Williams, J. D.
Duffy	Levin	Richardson	Wozniak
Emerson	Livengood	Rieger	Wright, D. R.
Evans	Lloyd		

NAYS—101

Alden	Fargo	Levi	Saurman
Anderson	Fischer	Lewis	Serafini
Armstrong	Fleck	McClatchy	Sieminski
Arty	Foster, W. W.	McVerry	Sirianni

Belardi	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Frazier	Madigan	Smith, E. H.
Bowser	Freind	Manmiller	Smith, L. E.
Boyes	Gallen	Marmion	Snyder
Brandt	Gannon	Merry	Spencer
Burd	Geist	Micozzie	Spitz
Burns	Gladeck	Miller	Stairs
Cessar	Greenwood	Moehlmann	Stevens
Cimini	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Taddonio
Clymer	Hagarty	Noye	Taylor, E. Z.
Cochran	Hasay	Perzel	Vroon
Cornell	Hayes	Peterson	Wass
Coslett	Heiser	Phillips	Wenger
Cunningham	Honaman	Piccola	Weston
DeVerter	Hutchinson, W.	Pitts	Wilson
Daikeler	Jackson	Pott	Wright, J. L.
Davies	Johnson	Punt	Wright, R. C.
Dietz	Kennedy	Rasco	
Dininni	Klingaman	Reber	Ryan,
Dorr	Lashingner	Rocks	Speaker
Durham	Lehr	Salvatore	

NOT VOTING—1

Kanuck

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Mr. H. WILLIAMS. Mr. Speaker, I would like to request consent to interrogate one of the members of the majority party, the Appropriations chairman.

The SPEAKER. The gentleman, Mr. McClatchy, will stand for interrogation. The gentleman, Mr. Hardy Williams, may proceed.

Mr. H. WILLIAMS. Mr. Speaker, in the bill itself, I read in section 4 on page 21 that we the General Assembly direct the Governor to take action necessary to balance the 1981-82 General Fund budget. My question to you is if you know the constitutional authority that would give the Governor the right to take this action in view of Article II, section 1, of the Pennsylvania Constitution, regarding the power granted only to the House and the Senate for legislative power; and two, in the same article, section 10 and section 11, where it specifically speaks of revenue and appropriation matters being in the power of the legislature; and number three, in view of the executive portion of the Constitution, which specifically says what the Governor can and cannot do when it comes to money, and that is to veto.

Is there any other constitutional basis I am not aware of which allows the Governor of this State to take any action with regard to deciding what moneys go in and moneys go out that I have not mentioned?

Mr. McCLATCHY. Mr. Speaker, we are giving the Governor no more authority than he has right now. We are just sending him a message.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

May I be recognized on the bill?

The SPEAKER. The gentleman, Mr. Williams, is recognized on the question of concurrence.

Mr. H. WILLIAMS. Mr. Speaker, I am sure that none of the Republican members would stand for a Democratic Governor having this power, and the Democratic Party, being as democratic as it is, I am sure they would not either.

My question to the gentleman had to do with the power of the Governor that we are granting in this bill. The speaker did not answer my question, because apparently the authority is not in our Constitution. Is there a Supreme Court justice in the room? He rather said that we are not giving him any more power than he already has. Well, that is not an answer. As we are bound to stick with our Constitution, Mr. Speaker, I suggest that there is absolutely no authority in the Pennsylvania Constitution where the Governor can legislate this way. We do not have the authority to give him the authority, and that is why the makers of our Constitution separated the powers, legislative, judicial, and executive, and also specifically described the power as it relates to money.

This bill, I submit, is clearly nonconstitutional. We cannot and should not give the Governor the power that our people did not give him.

#### CONSTITUTIONAL POINT OF ORDER

Mr. H. WILLIAMS. Mr. Speaker, I raise the question of constitutionality, if I am in order, the constitutional question of whether or not we can grant the authority to the Governor to take this action.

The SPEAKER. The question before the House is the question of constitutionality raised by the gentleman from Philadelphia, Mr. Hardy Williams.

On the question,

Will the House sustain the constitutionality of the Senate amendments to House amendments?

The SPEAKER. On that question, the Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on the issue of constitutionality, I rise to suggest to the members of this assembly that the manner in which SB 618 is drafted and specifically with reference to sections 3 and 4, that this legislation is unconstitutional and should not enjoy the support of members of this House who have sworn in their oath of office to uphold the Constitution of Pennsylvania and the Constitution of the United States.

Now, I am not going to go into detail, because I have not studied as thoroughly as others the constitutional issue. I would refer you, however, to the letter that was sent to the chairman of the Appropriations Committee, Mr. McClatchy, and also the minority chairman, Mr. Pievsky, by two former Budget Secretaries of the executive branch of Pennsylvania's government. One, a Budget Secretary in the administration of Milton Shapp, Governor, that is Charles P. McIntosh, whom many of you, I know, hold high regard for, and a gentleman by the name of Martin Brackbill, who was Budget Secretary in

the Scranton administration. Each of these gentlemen in the letter written to Mr. McClatchy and Mr. Pievsky have penned their name to the proposition that SB 618, especially as it refers to sections 3 and 4, is unconstitutional, has an unconstitutional delegation of authority that belongs to this General Assembly to the executive branch of government. We are actually folding our hands in front of us, clasping them tight, and saying to the executive branch, you deal with the issue; we concede; we no longer can or no longer want to or no longer will deal with the issue of budgetmaking so far as the years of budgetmaking covered by SB 618 are concerned.

Mr. Speaker, there is no question that this kind of a delegation of authority is improper under the Constitution. I urge a negative vote on constitutionality.

#### LETTER SUBMITTED FOR THE RECORD

Mr. MANDERINO. Mr. Speaker, I would like to enter into the record the letter penned by the two former Budget Secretaries and sent to every member of this House. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. The gentleman will send the letter to the desk.

Mr. MANDERINO submitted the following letter for the Legislative Journal:

Box 367, R.D. 1  
Dauphin, PA 17018  
December 12, 1981

Hon. Max Pievsky  
Minority Chairman, Appropriations Committee  
House of Representatives  
Harrisburg, PA

Dear Mr. Pievsky:

Senate Bill No. 618 provides for reductions in General Fund Appropriations for fiscal 1981-82 and directs the Governor to take certain actions.

The bill provides that with the exception of public school subsidies and other educational subsidy programs; public assistance, county administration and medical assistance, all appropriations in the General Appropriations Act and other acts making preferred appropriations be reduced by one per cent.

Section 3 provides that the act "shall supersede all other acts or parts of acts which require or mandate payments to school districts, persons or other entities."

Section 4 further "directs the Governor to take all action necessary to balance the 1981-82 General Fund Budget including, but not limited to, the revision of the official revenue estimate and the abatement of other appropriations."

The bill is defective and unconstitutional for the following reasons:

1. It is drafted in such a manner that it violates Article III, Section 6 of the Constitution which provides that no law shall be amended "by reference to its title only, but so much as is...amended...shall be reenacted and published at length." This bill purports to amend hundreds of appropriation items and many other laws without designating them, let alone reenacting or publishing them at length.

2. More serious, this bill would give the Governor unlimited authority to set and revise the official budget estimate, something no other Governor has done prior to this Administration. The constitutional question was determined by the Supreme Court in *Commonwealth v. Liveright* and the subsequent clarification in

Opinion No. 51 by Attorney General William A. Schnader (Official Opinions of the Attorney General of Pennsylvania 1931-1932) which states on page 189:

We are firmly of the opinion that the budget estimates as officially submitted by the Governor as a basis for his action on appropriation measures at the close of the regular biennial session of the Legislature must be treated as the inflexible test by which fiscal legislation is evaluated for the biennium. It is true that an estimate is not a fact but only a prediction, and that the prediction may fail by being either too high or too low. That, however, is an inescapable uncertainty in the administration of any budget system. An estimate of revenue can never be guaranteed as accurate. In times of prosperity it is almost certain to be too conservative and in times of depression it is almost certain to be the reverse; but we cannot believe that it was the intention of the framers of our Constitution and the people who adopted it, to provide a system under which an appropriation valid on the date of its approval could later be invalidated by the action of a single executive officer."

While it is true that the estimate changes automatically when statutes raise or lower specific revenues, or when court decisions affect specific revenue laws, it only changes the specific revenue affected. Otherwise the revenue estimate can never be revised by the Governor or by the Legislature to rectify shortfalls not caused by statutory or judicial action. This bill would give the Governor unlimited authority to make any changes in items of revenue and also to make any changes in other laws affecting the current budget.

This unconstitutional delegation of power would destroy the balanced budget.

3. We also believe the abandonment of all controls over the budget legislation to the Governor by the General Assembly is an unconstitutional delegation of legislative power.

Why would the Governor wish to violate the Constitution in this manner? If enactment of law changes a specific tax, the estimate is adjusted strictly to the extent the law changes that tax. The estimate cannot be changed to adjust for declines or increases in revenue yields not the result of statutory or judicial action. To meet such changes the Governor has authority to allot appropriations so expenditures can be reduced to fit revenue declines. However, since appropriations cannot be changed except by amendment in accord with Article III, Section 6, he would create a deficit requiring increased taxes in 1982—an election year.

Hence, the authority alleged to be granted in this bill is not only unnecessary but also unconstitutional.

Sincerely yours,  
Charles P. McIntosh  
Budget Secretary,  
Shapp Administration  
Martin H. Brackbill  
Budget Secretary,  
Scranton Administration

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. In all due respect to those two gentlemen, I respectfully suggest that the members of this House rule on matters of constitutionality according to the rules of this House, and I urge the members to vote that the legislation before us is constitutional. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza, on the question of constitutionality.

Mr. GRUITZA. Thank you, Mr. Speaker.

I do not take the floor often, Mr. Speaker. I like to sit back and listen to the more senior members of the House on issues even of this nature, but before we cast this vote, I think that

each and every one of us ought to think of our people back home and think how they rely on us and why they elect us and why we are even here. If we are here to delegate our authority to the executive branch of this government, if we are here on every key vote to sit back and allow our power to be usurped by another section of this government, then we are wasting the taxpayers of this Commonwealth millions of dollars a year just being here. We should just go home and forget about it.

Now, what this legislation does, in my opinion, in studying it and in studying the Constitution and the issues that are involved here, it clearly usurps the power of this body. I think that any member who is going to sit down and blindly vote on the constitutionality of this legislation really ought to examine his conscience or her conscience when she goes home or he goes home to respond to the questions of the people back home. I urge a "no" vote on the constitutional question raised here.

#### LETTER SUBMITTED FOR THE RECORD

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

Mr. McCLATCHY. Mr. Speaker, I urge a vote for constitutionality, and I would like to submit Secretary Wilburn's letter to me in response to former Secretaries McIntosh and Brackbill for the record.

The SPEAKER. The gentleman will send the letter to the desk.

Mr. McCLATCHY submitted the following letter for the Legislative Journal:

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

December 14, 1981

Honorable Richard A. McClatchy, Jr.  
Majority Chairman, Appropriations Committee  
House of Representatives  
245 Main Capitol  
Harrisburg, PA 17120

Dear Representative McClatchy:

The questions raised in a letter signed by former budget Secretaries Charles P. McIntosh and Martin H. Brackbill indicate that they have misunderstood the intent of Section 4, in Senate Bill 618, Printers No. 1182.

Section 4 recognizes the Governor's constitutional obligation to balance the budget. This section is included for two reasons: to enable the Governor to adjust the Official Revenue Estimate to reflect significant State revenue losses brought about by the Federal Economic Recovery Act; and to enable the Governor to abate the nonpreferred appropriations by an amount consistent with the reduction in preferred appropriations outlined in Section 2.

It could be argued that the Official Revenue Estimate could be changed based on the Federal Act, but we do not like to establish the precedent of changing the Commonwealth's Official Revenue Estimate based on Congressional action without the concurrence of the General Assembly.

The second reason for the language was to have the Governor reduce all nonpreferred appropriations consistent with the reductions in preferred appropriations. Our intention is to reduce non-preferred appropriations by 1 percent.

This is a most unusual year in which actions taken by Congress after enactment of our budget and the rendering of our Official Revenue Estimate have a very significant impact on the State's fiscal affairs. This Act is intended to cope with the unique situation that exists in this fiscal year, and Section 4 is specifically limited to 1981-82.

Contrary to the contention that this legislation would upset the balanced budget, the bill is designed to enable the Governor to meet his constitutional obligation to balance the budget. In short, we reject the argument that Section 4 is unconstitutional. Its intent is extremely limited, and it will give the Governor the ability to manage the state's fiscal affairs during a year which, in terms of federal decisions and their impact on the state budget, is unprecedented in the history of the Commonwealth.

Sincerely,  
Robert C. Wilburn

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like to ask Mr. McClatchy what Mr. Wilburn had to say.

Mr. McCLATCHY. I will provide you with a copy. All it means is that he disagrees with certainly the two former Budget Secretaries.

Mr. DeWEESE. Mr. Speaker, the gentleman from Montgomery County indicates simply that Mr. Wilburn disagrees with two other gentlemen. He makes this rather flippant observation in spite of the fact that we are passing on legislation today which is unprecedented. I think rather than be expeditious in this particular maneuver, we should hear Mr. McClatchy, chairman of the Appropriations Committee, delineate the fine points of why Mr. Wilburn wants us to behave in a rather anomalous fashion. Please, Mr. Speaker, answer these very crucial questions. What did Mr. Wilburn have to say, sir? I do not think this is being bumptious. I think it is being right to the heart of the matter, the heart of the matter.

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

Mr. McCLATCHY. I reiterate, you can have a copy of the letter. It has been submitted for the record. It is going to be a long day. I had hoped we could keep this short.

The letter reads:

The questions raised in a letter signed by former budget Secretaries Charles P. McIntosh and Martin H. Brackbill indicate that they have misunderstood the intent of Section 4, in Senate Bill 618, Printers No. 1182.

Section 4 recognizes the Governor's constitutional obligation to balance the budget. This section is included for two reasons: to enable the Governor to adjust the Official Revenue Estimate to reflect significant State revenue losses brought about by the Federal Economic Recovery Act; and to enable the Governor to abate the nonpreferred appropriations by an amount consistent with the reduction in preferred appropriations outlined in Section 2.

It could be argued that the Official Revenue Estimate could be changed based on the Federal Act, but we do not like to establish the precedent of changing the Commonwealth's Official Revenue Estimate based on Congressional action without the concurrence of the General Assembly.

The second reason for the language was to have the Governor reduce all nonpreferred appropriations consistent with the reductions in preferred appropriations. Our intention is to reduce nonpreferred appropriations by 1 percent.

This is a most unusual year in which actions taken by Congress after enactment of our budget and the rendering of our Official Revenue Estimate have a very significant impact on the State's fiscal affairs. This Act is intended to cope with the unique situation that exists in this fiscal year, and Section 4 is specifically limited to 1981-82.

Contrary to the contention that this legislation would upset the balanced budget, the bill is designed to enable the Governor to meet his constitutional obligation to balance the budget. In short, we reject the argument that Section 4 is unconstitutional. Its intent is extremely limited, and it will give the Governor the ability to manage the state's fiscal affairs during a year which, in terms of federal decisions and their impact on the state budget, is unprecedented in the history of the Commonwealth.

I can add it only gives him the power to do nothing further than we already give him if we unbalance the budget. He cannot cut the budget. He can certainly force lapses or he can abate the nonpreferreds, and he specifically says 1 percent. Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker, I would like to ask Mr. McClatchy if this particular effort on our part today does not ignore substantive law that requires us to spend certain moneys, and if so, is that constitutional?

Mr. McCLATCHY. We will rule on that.

The SPEAKER. The question of constitutionality is determined by the House in its entirety, Mr. DeWeese.

Mr. DeWEESE. I have no further interrogation. Thank you.

The SPEAKER. On the question of constitutionality, the Chair recognizes for the second time the gentleman, Mr. Hardy Williams.

Mr. H. WILLIAMS. Mr. Speaker, I would just like to correct one inaccurate observation by Mr. McClatchy. He essentially stated that because the Governor can act on different items in the Constitution, either balance the budget or what have you, that therefore he has the authority to do what we are proposing in this legislation. The Constitution specifically says the Governor can do that and send it back to us, and if we veto what he does, then we do that. The present bill takes away the legislative oversight and action that we have a constitutional obligation to act on. This bill is not the same as your analogy.

I would suggest, Mr. Speaker, that there is absolutely no precedent in this House ever for the proposition that is being offered by the gentleman. Aside from suggesting it is unconstitutional by the written word, which has not been refuted, I suggest that we are suggesting something today that we have never ever done. The clear words of this book that we swore to go by on the most important matter, that being money, are being violated. I further add to those comments that if we pass this unconstitutional piece of legislation, it will be immediately and successfully challenged, and why would we want that to happen? Thank you, Mr. Speaker.

The SPEAKER. The question recurs, is SB 618 as before the House constitutional? On that question, those who believe it to be constitutional will vote in the affirmative; those who believe it to be unconstitutional will vote in the negative.

On the question recurring,  
Will the House sustain the constitutionality of the Senate amendments to House amendments?

The following roll call was recorded:

YEAS—102

Alden	Fargo	Levi	Saurman
Anderson	Fischer	Lewis	Serafini
Armstrong	Fleck	McClatchy	Sieminski
Arty	Foster, W. W.	McVerry	Sirianni
Belardi	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Frazier	Madigan	Smith, E. H.
Bowser	Freind	Manmiller	Smith, L. E.
Boyes	Gallen	Marmion	Snyder
Brandt	Gannon	Merry	Spencer
Burd	Geist	Micozzie	Spitz
Burns	Gladeck	Miller	Stairs
Cessar	Greenwood	Moehlmann	Stevens
Cimini	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Taddonio
Clymer	Hagarty	Noye	Taylor, E. Z.
Cochran	Hasay	Perzel	Telek
Cornell	Hayes	Peterson	Vroon
Coslett	Heiser	Phillips	Wass
Cunningham	Honaman	Piccola	Wenger
DeVerter	Jackson	Pitts	Weston
Daikeler	Johnson	Pott	Wilson
Davies	Kanuck	Punt	Wright, J. L.
Dietz	Kennedy	Rasco	Wright, R. C.
Dininni	Klingaman	Reber	
Dorr	Lashingner	Rocks	Ryan,
Durham	Lehr	Salvatore	Speaker

NAYS—93

Belfanti	Fee	Lloyd	Rieger
Beloff	Fryer	Lucyk	Ritter
Berson	Gallagher	McCall	Rybak
Blaum	Gamble	McMonagle	Seventy
Borski	George	Maiale	Showers
Brown	Grabowski	Manderino	Shupnik
Caltagirone	Gray	Michlovic	Steighner
Cappabianca	Greenfield	Miscevich	Stewart
Cawley	Gruitza	Morris	Stuban
Clark	Haluska	Mrkonic	Swaim
Cohen	Harper	Mullen	Sweet
Colafella	Hoeffel	Murphy	Taylor, F. E.
Cole	Horgos	O'Donnell	Tigue
Cordisco	Hutchinson, A.	Olasz	Trello
Cowell	Itkin	Oliver	Van Horne
DeMedio	Kolter	Pendleton	Wachob
DeWeese	Kowalshyn	Petrarca	Wambach
Dawida	Kukovich	Petrone	Wargo
Deal	Laughlin	Pistella	Wiggins
Dombrowski	Lescovitz	Pratt	Williams, H.
Donatucci	Letterman	Pucciarelli	Williams, J. D.
Duffy	Levin	Rappaport	Wozniak
Emerson	Livengood	Richardson	Wright, D. R.
Evans			

NOT VOTING—1

Hutchinson, W.

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the Senate amendments to House amendments was sustained.

On the question recurring,  
Will the House concur in Senate amendments to House amendments?

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

Mr. COWELL. Mr. Speaker, several moments ago I made a motion to suspend the rules with the hope that this House would have an opportunity to consider a number of amendments to SB 618, and I would like to share with our colleagues, as they consider whether or not to give their approval to the provisions of SB 618, a number of areas that should have been addressed by amendments and which remain major problems with this particular piece of legislation.

For instance, Mr. Speaker, I mentioned in my remarks earlier that our aging programs in the Commonwealth, the offices of adult services in the various counties or various regions of this State, are already severely underfunded by State dollars and further aggravated by the reduction in the Federal dollars as a result of last year's Federal budget. What we are going to do is tell those area agencies on aging, we are going to cut you by 1 percent and we are going to let the Governor decide if he wants to cut you by some other unspecified figure, because we are giving the Governor that authority.

What we are doing for our community colleges is telling them that we are going to ignore the fact that large numbers of legislators have already agreed and in fact this administration has agreed that there is a \$3-million deficiency in their appropriation, and we are going to further cut them by 1 percent. We are going to tell the students who depend upon the PHEAA program for scholarships that we are going to cut that program by 1 percent, and we know that that does not mean that everybody is going to get 1 percent less. That means that certain students will not get a scholarship; they will not get a PHEAA grant program. Most likely, it is going to be those students who need to attend summer school, who need to finish their education perhaps earlier than they otherwise would so they can go out and get a job and become taxpayers in this Commonwealth.

We need to understand that along with all the other items that we are cutting by 1 percent are a number of areas where we in fact cannot cut 1 percent. We have an obligation to pay the Social Security payments for public school employees. We have an obligation to pay for the pensions for veterans or blind people. It is not a matter of whether we would like to save money there; we have a constitutional or statutory obligation in many of those areas to spend a certain number of dollars which were agreed to, because we recognized those obligations with that budget last summer.

This piece of legislation is absolutely phony in addition to being irresponsible. You cannot honestly go home and say you voted to cut spending 1 percent across the board. It is not going to happen. You are going to be back in here sometime during the spring of 1982 spending more money to undo what you have done today or might do today in a number of areas,

because the spending will be required. We have that obligation in this legislature, and the people of Pennsylvania have generally recognized certain priorities. So it is absolutely phony to talk about 1 percent across the board at the same time that we are ignoring a number of areas where the budget could and should be cut. Those kinds of areas were the subject of other amendments that were prepared, were circulated, and were going to be offered if we would have suspended the rules. Individuals like Representative DeWeese and Representative Manderino had those amendments to save additional dollars in other areas, as we, through the legitimate amendment process on this floor, would have better established priorities for State spending, but a majority chose not to do that.

I would ask that we not give our approval to the amendments that were inserted by the Senate. If we are not willing to debate the amendments and debate priorities on this floor, at least let us send this back to the conference committee and tell them to do a better job of establishing priorities rather than this blanket 1-percent cut in some areas where cuts cannot occur, rather than ignoring other steeper cuts that ought to be a part of this budget document, and rather than walking away from the whole problem as we do in section 4 in saying, Governor Thornburgh—as Representative McClatchy said—we are sending you a message; the message is, we do not want to do the job; we are going to let you do it as you see fit with your priorities. That is what this bill is all about, whether we are going to do the job or whether we are going to walk away from it and let the Governor, hopefully, do it sometime later on. I think that we ought to do it, and we can begin to do it by rejecting the amendments that were added by the Senate to SB 618. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

There are many line items that I would disagree with in the cuts, but I am concerned, I guess, with the cuts that could affect many of us who have fought for the State hospital system. I could foresee that those of us who have stood tall and said that we need this system, that we need quality health care, will be cut or closed completely.

But aside from all of that, I rise now to question the wisdom of reducing the occupational disease payment appropriation by 1 percent, or a total of \$98,000, and the reason I question the 1-percent cut is that the Department of Labor and Industry cannot guarantee, cannot guarantee, that a 1-percent cut can be absorbed without jeopardizing the timely payment of benefits to the thousands of disabled recipients. Expenditure predictions have varied a great deal since the Governor's budget was introduced last winter. At the appropriation hearings we were told that the appropriation of \$9.8 million was sufficient to meet all the obligations in the fiscal year of 1981-82. Yet, even before we passed the budget, Labor and Industry was predicting internally that there might be a shortfall of several hundred thousand dollars. By August this estimate was up to \$600,000. Now Labor and Industry is saying that maybe, just maybe, they can make it, but we are not saying that a 1-percent cut will not hurt.

Mr. Speaker, considering the department's constant flip-flop on this appropriation, we should not reduce this appropriation based on what may prove to be an erroneous projection by the Department of Labor and Industry. It is going to be you and I who are going to have to answer to that coal miner when he does not receive his check when this appropriation runs into deficit. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the question of concurrence in SB 618.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to oppose concurrence, but I do so with a somewhat different perspective on this problem than many of the other people on this side of the aisle who have spoken so far.

I am of the view that there is probably not any bureaucracy in State Government which cannot absorb a 1-percent cut. In fact, I think probably most of the bureaucracies of State Government can absorb a cut of much more than 1 percent. And if this bill dealt solely with cutting administrative overhead, even though I would prefer an opportunity to vote on priorities, I could vote for it. I cannot vote for it with the blanket grant of privilege and power that it gives to the Governor, but I think that there is a more overriding issue that we must address when we are talking about sorting out the budget cuts, and that is where they should come.

Mr. Speaker, when we talk about giving total discretion to the Governor, we are talking about allowing the Governor the opportunity to pick and choose his cuts after he has done things like decide to spend \$1 million on a flashy newspaper advertising campaign in the State of Pennsylvania to tell Pennsylvania's small business communities and small businessmen everything that his administration and this legislature have allegedly done for them. We are talking about a Governor who has chosen to spend an estimated \$25 million on public relations expenses. We are talking about a Governor who has chosen to spend \$2 million or \$3 million on a splashy television advertising campaign for "You've got a friend in Pennsylvania," much of which, instead of being aimed at out-of-State dollars, is aimed at people who already live here and who already know what Pennsylvania has to offer. We are talking about a Governor who just a week or so ago thought nothing of spending \$500,000 so he could get his picture on television and send out some lobbying material with the inflation dividends, a separate mailing of a check which could have gone out with the property tax rebate checks. We are talking about a Governor who insists on more money for a general counsel so that we cannot find money for senior citizens, but we can find lots of money for lawyers. And we are talking about a Governor who wants to pour more money into the Energy Council, which seems to be totally oblivious to the real problems of unemployment in the coalfields and seems to be more interested in promoting exotic energy plans than it is on trying to do something to create the incentive to produce an industry which can be the lifesaving blood of Pennsylvania's economy.

Mr. Speaker, I think there is lots of room to cut the budget. Unfortunately, I do not have any confidence that under this

grant of authority we are giving to the Governor, that he is going to cut it at the right place. So consequently, Mr. Speaker, I urge that we nonconcur, that we send this bill to conference, and that we instruct the conferees to fight for a bill that will give us an opportunity to cut where the fat is and not cut into the bone. Thank you, Mr. Speaker.

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

Mr. CLARK. Mr. Speaker, I have some questions concerning my alma mater. I wonder if I could interrogate the gentleman from Indiana, Mr. Wass, concerning IUP (Indiana University of Pennsylvania).

The SPEAKER. The gentleman, Mr. Wass, indicates he will stand for interrogation. The gentleman, Mr. Clark, may begin.

Mr. CLARK. Mr. Speaker, since Secretary of Education Scanlon implemented his gag order several months ago and directed State college and university presidents not to lobby against any proposals that the administration is supporting, we have failed to receive input from the individual institutions, and I am wondering if, since Mr. Wass represents the district in which IUP lies, he may have had occasion to speak with the president of IUP concerning the effect that this 1-percent cut would have on their budget. Could the gentleman tell me what the effect of this 1-percent cut would be on IUP and whether IUP could afford it, given their current resources?

The SPEAKER. Does the gentleman, Mr. Wass, care to answer the interrogation?

Mr. WASS. Yes, Mr. Speaker.

Mr. Speaker, at Indiana University, our great university that is supported by the taxpayers of Pennsylvania, we do have a concern about funding, and we have done our homework. We have a fine university, and we have educated our many, many young people within the realm of the conservatism that we are asking for in State dollars.

My greatest concern, Mr. Speaker, would be that IUP is treated equally with the other schools of higher education, and to the best of my knowledge, that is true. It is a 1-percent cut for IUP, for the other 13 State colleges, and for the non-preferred schools. So under those conditions, I will accept the 1-percent cut, although I really believe that we should do more for education in the future.

Mr. CLARK. Mr. Speaker, may I rephrase my question? Apparently Mr. Wass did not understand it. Has he had occasion to speak with the administration of IUP, and have they informed him as to what effect it might have on the budget of IUP? I know when I was a student there years ago, they used to redistribute the formula.

The SPEAKER. The gentleman will yield.

It appears to the Chair that the gentleman is arguing the merits of concurrence on SB 618 as opposed to asking a question of the gentleman. The gentleman may proceed.

Mr. CLARK. Mr. Speaker, I was merely prefacing my remarks.

The SPEAKER. With a speech.

Mr. CLARK. No, sir. I just want to indicate that Indiana University of Pennsylvania has indicated to me on several occasions and other members of the General Assembly that they have not been fairly treated, that they have been forced to educate 17 percent of the student population with less than 14 percent and 13 percent of the State education budget for State colleges, and I just want to get an indication of what the 1-percent further reduction is going to mean to them. How do you educate 17 percent of the students with now 12 percent of the statewide allocation?

Mr. WASS. Is that a question, Mr. Speaker?

Mr. CLARK. Yes.

Mr. WASS. Mr. Speaker, I agree with you wholeheartedly that under the present formula in the system of the State-owned university and State schools, we are, at IUP, underfunded, but up until this point on this particular issue, the representatives of IUP, including the president, Mr. Worthen, have not spoken with me about the impact of this 1 percent on their budget this year.

Mr. CLARK. Mr. Speaker, is the gentleman, Mr. Wass, telling me that he has not spoken with the people at IUP?

Mr. WASS. I did not say that. I said the people at the university, including Dr. Worthen, have not approached me about concerns regarding this 1-percent cut at this time.

Mr. CLARK. Mr. Speaker, could the gentleman tell me if he knows if the 1 percent will be put equally upon all of the State colleges and the university?

Mr. WASS. To the best of my knowledge, I believe that to be true, and I take some satisfaction with that.

Mr. CLARK. Then would it not be true that IUP's budget will be reduced by 1 percent?

Mr. WASS. We believe that it will be reduced equally to all the other State colleges, including the nonpreferred schools - Pitt, Temple, Penn State, and others.

Mr. CLARK. Well, if IUP has not been treated fairly in the first place, how can a 1-percent across-the-board reduction do anything—

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Clark, is engaging in argument rather than interrogation. The gentleman knows better, and the Chair would ask him to properly interrogate or make a statement in the nature of argument, if he chooses.

Mr. CLARK. Mr. Speaker, I am having difficulty getting an answer to my question, what the effect will be to IUP.

The SPEAKER. It is the opinion of the Chair that the gentleman has answered the questions of the gentleman, Mr. Clark.

Does the gentleman, Mr. Clark, care to make a statement on the question of concurrence?

Mr. CLARK. Yes, I do, Mr. Speaker.

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

Mr. CLARK. In light of the responses that I have received, it is quite obvious that no one, and probably not even the Governor, knows how the 1-percent cuts are going to be allocated.

I am concerned for my alma mater, as I have mentioned, IUP, and it seems evident that IUP is once again going to be deprived of their fair share of the revenues. I would encourage a nonconcurrency vote on SB 618 so that we may have an opportunity to allocate the cuts and funds ourselves. Thank you.

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

Mr. DEAL. Mr. Speaker, I rise to lend my voice to nonconcurrency of SB 618. Mr. Speaker, I will always rise to this floor and oppose any process on which I feel that I have not had ample opportunity to express the views or feelings of my constituents. I feel that to concur with this bill will not have afforded me that opportunity. But, Mr. Speaker, I am in a real dilemma here today, because in any debate class I have always been able to see the person whom I was in a debate with.

My problem here today is that it was just a week ago that other members on the other side of the aisle cried crocodile tears that they would want to have the right to accept their responsibility and not ship the responsibility back to their constituents. But then came today and they say to us, I am now willing to ship my responsibility to discuss each merit of this bill not to my constituents or their constituents but to the Governor or some Secretary. I have problems debating with people when they do that to me, and if the persons who believe that they should not shirk their responsibilities will please raise their hands, I can talk to those persons and I can ask you to join with me in nonconcurrency of SB 618.

I say to you, Mr. Speaker, we have a real responsibility here to do the right thing. I might well support some of the cut-backs, but at least since I represent 58,000 people, please allow me to participate in the process, and at least allow me to have some discussion about some of the cuts.

I would hope that when that wall lights up the next time, it will not be by party line; it will be by sincerity, the same kind of sincerity that I had hoped you would have exhibited the other day when you cried out, let me speak because the people have elected me to represent them. I say to you, hold that same posture, represent your people, and do not abdicate your responsibility to the Governor who may not know exactly what our constituents are saying.

Mr. Speaker, I would just like to make sure that it is clear that I support nonconcurrency of SB 618.

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

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, will the Appropriations chairman stand for brief interrogation?

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

Mr. STUBAN. Mr. Speaker, I am concerned about the appropriation for distribution of public utility real estate taxes. These funds go to local jurisdictions to compensate them for the real estate held by utilities within their boundaries. Would this appropriation be affected by the 1-percent funding cut?

Mr. McCLATCHY. Mr. Speaker, there are a number of items that are not covered. It is a possibility that is not covered and will be taken care of later. Some of the items in the 1-percent cut are actually not going to be cut, because we cannot cut them.

Mr. STUBAN. What do you mean? Mr. Speaker, can you answer me what you mean by "later," and does the printout not show that that would be one of the cuts?

Mr. McCLATCHY. If that is a problem, that will have to be taken care of. The gentleman is correct.

Mr. STUBAN. Then it does not show the cut?

Mr. McCLATCHY. That is correct.

Mr. STUBAN. Looking at the piece of legislation that is before us, it does not exempt the public utility realty tax.

Mr. McCLATCHY. And that is one we will have to make up. There are a number that are not specified that we cannot cut by law. That is one we will have to make up.

Mr. STUBAN. Mr. Speaker, could you answer me and tell me what you mean by "make up"?

Mr. McCLATCHY. Well, the money will have to be provided later on in the year. That, or it will not be part of the 1-percent cut. There are different items in the budget, although we talk about cutting, that we in fact cannot cut, in such things as the Capital Debt Fund. We cannot cut the interest on the Capital Debt Fund. Okay?

Mr. STUBAN. Then, Mr. Speaker, what you are saying here is that you can assure my local municipalities and school districts back home that there will not be any cut in the public utility realty tax?

Mr. McCLATCHY. I feel comfortable in saying that, yes.

Mr. STUBAN. Okay. Thank you.

Mr. Speaker, may I?

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

Mr. STUBAN. I rise to ask for a nonconcurrency on this 1 percent. It seems to me that there are a lot of things in this budget that we are talking about and discussing about that cannot be cut, and I think there is one there that, you know, the printouts and the bill are showing that there was a cut in the public utility realty tax, and now the chairman of Appropriations admits there are a number of items in that bill that by law or appropriation cannot be cut. I ask for a nonconcurrency in this bill. Thank you, Mr. Speaker.

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

Mr. PRATT. Mr. Speaker, I would like to interrogate the chairman of the House Appropriations Committee, please.

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

Mr. PRATT. Mr. Speaker, thank you.

Mr. Speaker, do you have a fiscal impact on SB 618 on concurrency? By how many dollars will this particular bill cut the appropriations which this body enacted in June of this past year?

Mr. McCLATCHY. Conceivably \$50 million, but in actual net it will be approximately \$25 million.

Mr. PRATT. Twenty-five million dollars?

Mr. McCLATCHY. That is correct.

Mr. PRATT. Will that be for the remainder of this fiscal year?

Mr. McCLATCHY. That is correct.

Mr. PRATT. Mr. Speaker, what caused this estimated deficiency?

Mr. McCLATCHY. The exemptions and those programs that cannot actually be cut.

Mr. PRATT. I do not follow you, Mr. Speaker.

Mr. McCLATCHY. Well, the bill provides a number of exemptions. All right? That gets us down to \$50 million.

Mr. PRATT. Exemptions. Are you talking about education and welfare?

Mr. McCLATCHY. Exactly. And then there is a list of items that cannot realistically be cut. That would drop it another \$25 million.

Mr. PRATT. Mr. Speaker, the reason for the deficiencies is what?

Mr. McCLATCHY. What deficiencies?

Mr. PRATT. We are going to be cutting back 1 percent across the board in appropriations. Why are we doing that?

Mr. McCLATCHY. I am not talking about deficiencies.

Mr. PRATT. We have a 1-percent across-the-board cut by SB 618. Correct?

Mr. McCLATCHY. Yes.

Mr. PRATT. Why is there a need to do that?

Mr. McCLATCHY. Because our revenues are off.

Mr. PRATT. The estimates of revenue?

Mr. McCLATCHY. That is correct.

Mr. PRATT. Are off by that amount?

Mr. McCLATCHY. It is the current state of our economy; the revenue estimates are down.

Mr. PRATT. Mr. Speaker, could you tell me whether or not your committee will be entertaining any deficiency appropriation bills later on in this fiscal year?

Mr. McCLATCHY. I have no idea at this time.

Mr. PRATT. Mr. Speaker, could you tell me exactly or specifically what powers section 4 of this bill gives to the Governor?

Mr. McCLATCHY. It merely sends him a message, and it does not give him any more power to take all necessary measures to reduce the budget according to revenue estimates that will be established based upon current revenues coming in now.

Mr. PRATT. Does the Governor currently have the power to abate?

Mr. McCLATCHY. In this language he would, yes.

Mr. PRATT. Does the Governor now have the power to abate appropriations enacted by this legislature?

Mr. McCLATCHY. Yes, he does, if our expenditures exceed the original revenue estimates.

Mr. PRATT. Mr. Speaker, did you not respond to an earlier question that revenues are falling behind estimated schedules, and therefore the reason for this 1-percent reduction in SB 618? That being the case, Mr. Speaker, does not the Governor right now have the power to abate without this bill?

Mr. McCLATCHY. Not unless we pass this bill and give him the ability to open the revenue estimates, and we want to give a clear expression that he is enabled to do that and keep the budget balanced.

Mr. PRATT. Has not the Governor abated appropriations in the past?

Mr. McCLATCHY. Only on a constitutional basis when we exceed, in our appropriating process, that revenue estimate established the first of July.

Mr. PRATT. Is that not the case we are faced with right now?

Mr. McCLATCHY. No, it is not.

Mr. PRATT. Did we not appropriate more money than was estimated in June?

Mr. McCLATCHY. I would be hard pressed to give you an affirmative answer on that so far. It is our estimate we are in some trouble, and we need the 1-percent cut.

Mr. PRATT. Mr. Speaker, the language in section 4 states that the Governor is directed to take all action necessary to balance the 1981-82 General Fund budget. Could you give me some examples of what the Governor may do to balance that budget?

Mr. McCLATCHY. As far as I am concerned, that language is meaningless in a way, other than we are expressing our opinion that he is required to do all that he is now allowed constitutionally to do; that would be, open the revenue estimate, establish a new revenue estimate. He could lapse money; he can abate; and he has promised us he would abate 1 percent of the nonpreferreds, but beyond that, he cannot do very much. He can veto any of our legislation that we might send over to him in the future that goes beyond the new revenue estimate. He could do that also. But we are not giving him any new, broad powers that he already does not have.

Mr. PRATT. Mr. Speaker, you mentioned that the Governor can take these various actions as directed in section 4, to abate, lapse, et cetera. How did you or the conference committee or the Governor's Office arrive at a figure of \$25 million as being amounts of moneys appropriated in June of this year which are above and beyond the current estimates?

Mr. McCLATCHY. We have not arrived at any exact figure. It is our estimate that a 1-percent cut in State spending can be withstood. I think if you go back to the people and certainly you tell them that all we are cutting is this vast government of ours by 1 percent and we cannot afford to cut it more, they will say you are crazy. A 1-percent cut, we hope, will balance the budget this year. I think it is sufficient. I think it is a very small step to take, and I think the taxpayers understand that.

Mr. PRATT. Mr. Speaker, this bill would Band-Aid or direct a 1-percent across-the-board cut on all appropriations which were contained in the General Fund budget. Is that correct?

Mr. McCLATCHY. That is not correct.

Mr. PRATT. Except for education, certain items in education and welfare?

Mr. McCLATCHY. And those that are bonded and funded indebtedness that we cannot cut.

Mr. PRATT. Mr. Speaker, are any items which were contained in the General Fund budget which was enacted by this body in June, are any of those line items running into deficiencies at the present time?

Mr. McCLATCHY. I have no idea at the present time.

**MOTION FOR PREVIOUS QUESTION**

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. Mr. Speaker, I make a motion that we move the previous question.

The SPEAKER. The lady from Susquehanna, Miss Sirianni, moves the previous question. The motion requires 20 seconds. Any member standing I will assume is seconding the motion of the lady, Miss Sirianni.

**POINT OF ORDER**

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

Mr. H. WILLIAMS. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. H. WILLIAMS. Mr. Speaker, is it not in order at any point on the question to raise a question of constitutionality?

The SPEAKER. That question has been disposed of on this matter, Mr. Williams.

Mr. H. WILLIAMS. Mr. Speaker, is it not true that you can raise that question at any time on different points? In that it had been raised before on other points, is it not true that under the rules it can be raised at different times for different points?

The SPEAKER. It is the opinion of the Chair that the question of constitutionality was disposed of earlier. It was raised and disposed of by the House.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. There is before the House at this time the motion of the lady, Miss Sirianni, moving the previous question.

Is the gentleman, Mr. Williams, standing to second the motion?

Mr. H. WILLIAMS. I was standing to observe that Miss Sirianni has no discrimination in her motion, but not to support the motion.

The SPEAKER. Johnson, Phillips, Spencer, Smith, Geist, Brandt, Piccola, Lewis, Cornell, Daikeler, Mackowski, Sieminski, Merry, Heiser, Burd, Fleck, Rasco, Frazier, Marmion, Swift, Dietz.

The motion of the lady, Miss Sirianni, has the proper number of seconds. The question before the House is, will the House adopt the motion of the lady, Miss Sirianni, moving the previous question?

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

**POINT OF ORDER**

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on a point of order.

Mr. RICHARDSON. Mr. Speaker, on the point of order, I would like to raise this question: Is it not a fact that the rules of the House indicate that when there is a motion to move the previous question, the only motion to supersede that motion would be a motion to adjourn this House of Representatives?

The SPEAKER. The gentleman, Mr. Richardson, is correct.

**MOTION TO ADJOURN**

Mr. RICHARDSON. I so move, Mr. Speaker.

The SPEAKER. What do you move, Mr. Richardson?

Mr. RICHARDSON. I move that this House do now adjourn until tomorrow morning at 10 a.m., Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Richardson, that this House do now adjourn until 10 a.m., Wednesday, December 16.

On that question—

Mr. RICHARDSON. I would like to be recognized on that motion then, Mr. Speaker.

The SPEAKER. That is not a debatable motion.

On the question, the Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this House is transacting, I think, important business this afternoon. I would ask the members not to vote to adjourn. I would also, Mr. Speaker, like to be recognized on the motion for the previous question, in the event that this motion fails.

The SPEAKER. The Chair thanks the gentleman.

Mr. HAYES. I oppose the motion, Mr. Speaker.

The SPEAKER. On the question of adjournment, those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

**YEAS—5**

DeWeese	Evans	Mullen	Richardson
Dawida			

**NAYS—176**

Anderson	Fleck	Livengood	Salvatore
Armstrong	Foster, W. W.	Lloyd	Saurman
Arty	Foster, Jr., A.	Lucyk	Serafini
Belardi	Frazier	McCall	Seventy
Belfanti	Fryer	McClatchy	Showers
Beloff	Gallagher	Mackowski	Shupnik
Bittle	Gallen	Madigan	Sieminski
Blaum	Gamble	Maiale	Sirianni
Borski	Gannon	Manderino	Smith, B.
Bowser	Geist	Manmiller	Smith, E. H.
Boyes	George	Marmion	Smith, L. E.
Brandt	Gladeck	Merry	Snyder
Brown	Grabowski	Michlovic	Spencer
Burd	Gray	Micozzie	Spitz
Burns	Greenfield	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Cawley	Gruitza	Morris	Suban
Cessar	Gruppo	Mowery	Swaim

Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Murphy	Swift
Clark	Hasay	Nahill	Taddonio
Clymer	Hayes	Noye	Taylor, E. Z.
Cochran	Heiser	O'Donnell	Taylor, F. E.
Cohen	Hoeffel	Olasz	Telek
Colafella	Honaman	Pendleton	Tigue
Cole	Horgos	Perzel	Trello
Cornell	Hutchinson, A.	Peterson	Van Horne
Coslett	Hutchinson, W.	Petrarca	Vroon
Cowell	Itkin	Petrone	Wachob
Cunningham	Jackson	Phillips	Wambach
DeMedio	Johnson	Piccola	Wargo
DeVertter	Kanuck	Pistella	Wass
Daikeler	Kennedy	Pitts	Wenger
Davies	Klingaman	Pott	Weston
Deal	Kolter	Pratt	Wiggins
Dietz	Kowalyszyn	Pucciarelli	Williams, H.
Dininni	Kukovich	Punt	Wilson
Dombrowski	Lashinger	Rappaport	Wright, D. R.
Dorr	Lehr	Rasco	Wright, J. L.
Duffy	Lescovitz	Reber	Wright, R. C.
Emerson	Letterman	Ritter	
Fargo	Levi	Rocks	Ryan,
Fee	Levin	Rybak	Speaker
Fischer	Lewis		

NOT VOTING—15

Alden	Durham	McMonagle	Stewart
Berson	Freind	McVerry	Williams, J. D.
Cordisco	Harper	Oliver	Wozniak
Donatucci	Laughlin	Rieger	

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsy		

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

The SPEAKER. The question recurs, will the House adopt the motion of the lady, Miss Sirianni, wherein she moves the previous question?

The Chair recognizes, on that question, the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, I would ask the members of this House to vote against the motion for the previous question.

This House just last week spent—I do not know—1 day, at least 13 hours, debating abortion, one issue that this Commonwealth concerns itself with each year.

We are talking now about spending millions and millions of dollars, about cutting programs in the General Fund by 1 percent. There is, I know, a Federal augmentation bill to deal with and talk about. There is the capital budget bill. These are the important things we do each and every session, and I think that if there are members on the floor of the House who cannot stand to hear the debate on these issues, they ought to busy themselves with something else, but allow the members who want to discuss the issues to continue to discuss the issues.

I think, Mr. Speaker, that too often we are in this assembly using the previous question in matters of great importance to the Commonwealth. There will be a day, let me say to the members who are in the majority, that they may not be in the majority. I think when valid debate is taking place, we ought not, we ought not to exercise the previous-question tactic to cut off debate. I urge a negative vote.

The SPEAKER. This is not a debatable motion. The Chair, as a matter of courtesy, allowed the two floor leaders the opportunity to debate it.

For what purpose does the gentleman, Mr. Hardy Williams, rise?

Mr. H. WILLIAMS. Mr. Speaker, I rose to request the courtesy of the Speaker.

The SPEAKER. Mr. Manderino used up all my courtesy.

Mr. H. WILLIAMS. Mr. Speaker, my courtesy request is based only on a personal experience of last week as it relates to now; otherwise, I would not speak. Based on that, I was urged and motivated to request your courtesy on this or unanimous consent or whatever works.

The SPEAKER. The Chair is reluctant to not extend that courtesy to the gentleman. However, rather than open up this entire issue, the Chair will stand by its ruling to recognize only the majority and minority leaders on the question.

The Chair also advises the members that the latest weather report is freezing rain turning into snow, 4 to 6 inches.

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

The following roll call was recorded:

YEAS—79

Alden	Fischer	Levi	Rasco
Arty	Fleck	Lewis	Salvatore
Bowser	Foster, W. W.	McClatchy	Sieminski
Boyes	Frazier	McVerry	Sirianni
Brandt	Freind	Mackowski	Smith, B.
Burd	Geist	Madigan	Smith, L. E.
Cessar	Gladeck	Manmiller	Snyder
Cimini	Greenwood	Marmion	Spencer
Civera	Grieco	Merry	Stairs
Clymer	Gruppo	Micozzie	Stevens
Cochran	Hagarty	Miller	Swift
Cornell	Hasay	Mowery	Taddonio
Coslett	Hayes	Nahill	Vroon
Cunningham	Heiser	Noye	Wass
DeVertter	Honaman	Perzel	Wenger
Daikeler	Hutchinson, W.	Peterson	Weston
Davies	Johnson	Phillips	Wright, J. L.
Dietz	Kanuck	Piccola	
Dininni	Kennedy	Pitts	Ryan,
Durham	Klingaman	Punt	Speaker
Fargo			

NAYS—115

Anderson	Evans	Livengood	Rybak
Armstrong	Fee	Lloyd	Saurman
Belardi	Foster, Jr., A.	Lucyk	Serafini
Belfanti	Fryer	McCall	Seventy
Beloff	Gallagher	McMonagle	Showers
Berson	Gallen	Maiale	Shupnik
Bittle	Gamble	Manderino	Smith, E. H.
Blaum	Gannon	Michlovic	Spitz
Borski	George	Miscevich	Steighner
Brown	Grabowski	Moehlmann	Stewart
Burns	Gray	Morris	Stuban
Caltagirone	Greenfield	Mrkonic	Swaim
Cappabianca	Gruitza	Mullen	Sweet
Cawley	Haluska	Murphy	Taylor, E. Z.
Clark	Harper	O'Donnell	Taylor, F. E.
Cohen	Hoeffel	Olasz	Telek
Colafella	Horgos	Oliver	Tigue
Cole	Hutchinson, A.	Pendleton	Trello
Cordisco	Itkin	Petrarca	Van Horne
Cowell	Jackson	Petrone	Wachob
DeMedio	Kolter	Pistella	Wambach
DeWeese	Kowalyszyn	Pott	Wargo

Dawida	Kukovich	Pratt	Wiggins
Deal	Lashinger	Pucciarelli	Williams, H.
Dombrowski	Laughlin	Rappaport	Williams, J. D.
Donatucci	Lehr	Reber	Wozniak
Dorr	Lescovitz	Richardson	Wright, D. R.
Duffy	Letterman	Rieger	Wright, R. C.
Emerson	Levin	Ritter	

NOT VOTING—2

Rocks                      Wilson

EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Mr. PRATT. May I continue to interrogate the gentleman, Mr. McClatchy, please?

The SPEAKER. The gentleman may continue.

The Chair is hopeful that the members heard the weather forecast.

The gentleman, Mr. Pratt, may proceed.

Mr. PRATT. Mr. Speaker, to continue my interrogation along the lines of comparing revenue estimates to the amount of money which was appropriated for this fiscal year. Mr. Speaker, during the debate on the call of the question, et cetera, I lost my trend of thought, and if I am a bit redundant, I apologize.

Mr. Speaker, I believe that you stated that the reason for this particular bill is that the appropriations which we enacted exceeded the estimates that were made on revenues to the General Fund. Is that correct?

Mr. McCLATCHY. Mr. Speaker, you know, I have explained this three or four times already. You are confusing yourself, and I do not think I can straighten you out.

Mr. PRATT. Mr. Speaker, I asked if there were any line items in the General Fund budget appropriations bill which are now running deficiencies. Are there any?

Mr. McCLATCHY. And I said before, "no." That is the second time I have been asked the question.

Mr. PRATT. There are no deficiencies that are now running in the line-item appropriations enacted by this legislature?

Mr. McCLATCHY. I am not aware of any right now. We are not even talking and discussing deficiencies with the Budget Office.

Mr. PRATT. Mr. Speaker, is the purpose of this bill to cut appropriations 1 percent because of the estimated revenues for the remainder of this fiscal year?

Mr. McCLATCHY. There is a difference between the actual revenues and the estimated revenues. They are not running too good. I have said that before.

Mr. PRATT. And that is the purpose of this bill?

Mr. McCLATCHY. That is the purpose of this bill.

Mr. PRATT. In the future, Mr. Speaker, if this bill becomes law, will this leave it up to the Governor to do what we are doing today?

Mr. McCLATCHY. Say that again?

Mr. PRATT. If this bill becomes law, will the Governor have the authority to cut the appropriations by X percent if in his mind the revenues are not as predicted?

Mr. McCLATCHY. No.

Mr. PRATT. Section 4 of the bill does not do that?

Mr. McCLATCHY. No.

Mr. PRATT. Mr. Speaker, if 3 or 4 or 5 months from now revenues continue to decline, will it be the responsibility of this body to come back here and enact another bill to cut appropriations?

Mr. McCLATCHY. Say that again?

Mr. PRATT. Mr. Speaker, if revenues continue to decline and the revenue estimates are erroneous with this bill as they were in June when we passed the General Fund budget, will this General Assembly come back and cut appropriations once again?

Mr. McCLATCHY. That is always a possibility, if that is the will of this General Assembly. I have no idea what the economy is going to do, what revenue estimates are. It is our best knowledge that revenues right now are down and are not going to come up, and we need this 1-percent cut to cover us the rest of the year. Now, whether they are going to go down further, whether they will come back, I have no idea. The Governor will make a new revenue estimate, and he will have to live with that.

Mr. PRATT. Mr. Speaker, that completes my interrogation. I would like to make a statement.

### THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF SB 618 CONTINUED

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

Mr. PRATT. Mr. Speaker, I have asked certain questions of the House Appropriations chairman, and I think in all fairness to him he has attempted to answer them. But again, I do not believe that he was entirely certain of some of the answers that he gave me.

I am not certain, Mr. Speaker, that the estimated revenues which prompted this particular piece of legislation are any more accurate than what was given to us in June when we passed the General Fund budget bill. They are probably erroneous as they were in June. And I think that this particular bill is worthless, particularly in view of sections 3 and 4.

In my opinion, Mr. Speaker, the Governor is going to be able to do exactly what we are doing here today by virtue of section 4. I personally believe it is unconstitutional, and I do not believe we should be delegating that power to the Governor. As far as I am concerned, Mr. Speaker, this particular bill is worthless, and we should not be here at this hour. I am going to urge nonconcurrency. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. McClatchy, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman from Lehigh may proceed.

Mr. RITTER. Mr. Speaker, what was the amount of money in the 1981-82 budget for basic instructional subsidies?

Mr. McCLATCHY. Approximately \$1.5 billion.

Mr. RITTER. One point five billion. Mr. Speaker, what was the appropriation in 1980-81 for the basic instructional subsidies?

Mr. McCLATCHY. I do not have that in front of me right now.

Mr. RITTER. Mr. Speaker, do you know whether or not there was an increase this year over last year in the basic instructional subsidy?

Mr. McCLATCHY. Excuse me. Say that again?

Mr. RITTER. Do you know if there was an increase this year, 1981-82, over 1980-81?

Mr. HAYES. What is the question again, Mr. Speaker, please?

Mr. RITTER. We appropriated approximately \$1.5 billion for basic instructional subsidies this year, 1981-82.

### THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR POINT OF ORDER

Mr. RICHARDSON. Point of order, Mr. Speaker.

It is unfair that we all have to sit here and we cannot hear, and I would ask that the House be brought to order.

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Richardson, is reminded that he asked for the floor prior to taking it.

Mr. RICHARDSON. No; that is not what I said, Mr. Speaker. I said that it is unfair that we cannot hear on the floor of the House.

The SPEAKER. The gentleman will yield.

### MOTION TO SUSPEND RULES

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

Mr. PICCOLA. Mr. Speaker, if it is in order, I would like to make a motion that we temporarily restrict debate to 2 minutes per person because of the adverse weather conditions outside.

The SPEAKER. The gentleman, Mr. Piccola, moves that the rules of the House be suspended so that debate be limited to a period of 2 minutes. This is not a debatable motion.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, briefly, I am again going to ask the members of the House to vote against this limiting kind of a motion, limiting debate. We have been on this bill, SB 618, for just over 1 hour. It took you longer than that to

line up your votes in caucus. We extended the caucus three times. It was snowing, or the reports were for snow, at that time. We are going to be here tomorrow. We cannot go anywhere tonight. We either stay here and work tonight, or let us close up and come back tomorrow, but do not limit the member and stifle the debate. We have only been on the bill a little over an hour.

### POINT OF ORDER

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

Mr. RICHARDSON. Point of order, Mr. Speaker.

At the time when we asked for order in this House, I think Representative Ritter had the microphone. All we tried to do was get some order. I would like to know from the Speaker whether or not the gentleman relinquished his time at the microphone when order was asked for in this House.

The SPEAKER. It is the opinion of the Chair that if this motion passes, at that time Mr. Ritter will be given the opportunity to conclude his remarks not encumbered by the 2-minute limit.

### POINT OF ORDER

Mr. RICHARDSON. Mr. Speaker, point of order.

That is not my question.

The SPEAKER. You have my answer, Mr. Richardson. If you do not like it, appeal it.

Mr. RICHARDSON. My point of order, Mr. Speaker—

The SPEAKER. The gentleman state his point of order.

Mr. RICHARDSON. My point of order, Mr. Speaker, specifically is whether or not the gentleman, Mr. Ritter, had the floor at the time he was interrupted and not from a point of order from the gentleman, Mr. Piccola, but a motion made which seems to be out of order. I would like to have a ruling from the Chair as to whether or not Mr. Ritter relinquished his time from the speaker's podium to be recognized by Mr. Piccola.

The SPEAKER. The clerk will strike the motion on the board.

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

Mr. RITTER. Thank you, Mr. Speaker.

Is this on the question up there or on my interrogation?

The SPEAKER. Interrogation on the question of concurrence.

Mr. RITTER. Thank you, Mr. Speaker.

Mr. Speaker, what I was attempting to find out was, I know now that we spent \$1.5 million for basic instructional subsidies in the 1981-82 fiscal year. My question is, what did we spend in 1980-81 for the same program?

Mr. HAYES. I believe, Mr. Speaker, that is different than the question before. The chairman of the Appropriations Committee has that information. But I understood your question was whether or not there is something in law which provides for the pro rata reduction of school subsidies to the 501 school districts should there be a shortfall of appropriations.

Mr. RITTER. No.

Mr. HAYES. If that is not your question, I apologize, but that provision is in the law.

The bill before us does not require a reduction beyond the 1 percent. As a matter of fact, the 501 school districts can be spared from this reduction given action on HB 82. But I apologize to the gentleman. I thought you were talking about statutory provisions that pertain to the pro rata reduction in the school subsidy of this Commonwealth.

Mr. RITTER. No, Mr. Speaker. I just wanted to get that figure, if I can, for 1980-81.

Mr. McCLATCHY. Again, I do not have that. I believe we went up \$30 or \$40 million.

Mr. RITTER. We went up this year over last year?

Mr. McCLATCHY. Yes.

Mr. RITTER. I thank the gentleman, Mr. Speaker.

Mr. McCLATCHY. Fifty million; I got the figure.

Mr. HAYES. The increase this year, Mr. Speaker, in the subsidy area was approximately \$50 million with there being another \$11 million in the hold-harmless category.

Mr. RITTER. Thank you, Mr. Speaker.

Mr. Speaker, the reason I asked that question is because as I read this bill it says, "Each and every 1981-1982 fiscal year General Fund appropriation, except..." and then it talks about the basic instructional subsidies, but it says, "for the purpose of protecting school districts from receiving less basic instructional subsidy money than was received during the fiscal period 1980-1981..." Now, my point is that if in fact in 1980-81 they got \$50 to \$61 million less than they are supposed to get this year, the real possibility exists that basic instructional subsidies will be cut, maybe not by the 1 percent, but they can be under this language cut back to the level they were last year. I am not so sure that that was the intent of the Senate.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the language of SB 618 with regard to school subsidies contains that language so that there is no misunderstanding that not only are we sparing those school districts which were entitled to a subsidy increase in the GA bill this year in accord with the school subsidy law of this Commonwealth, but also we are sparing those districts who, under the formula in the school year 1981-82 not due an increase because of formula considerations, were held harmless. We are holding both the subsidy and the hold-harmless provisions free from the 1-percent cut. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I want to get back to that in a minute, but will the Appropriations Committee chairman stand for one more interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, this 1-percent cut would also affect the community colleges, would it not?

Mr. McCLATCHY. That is correct.

Mr. RITTER. Mr. Speaker, I have a letter here from the Lehigh County Community College indicating that a Mr. Frank Moran from the Department of Education has made it known that the Department of Education has decided to deduct from the appropriations for each community college \$25,000 for audit costs. Mr. Speaker, are you aware of that?

Mr. McCLATCHY. No.

Mr. RITTER. I thank the gentleman, Mr. Speaker.

Mr. Speaker, if we are going to be cutting community colleges by 1 percent and allegedly cutting the Department of Education by that same 1 percent, what it seems to me is happening is that the Department of Education is now embarking on something they have never done before. They are going to assess community colleges, and I assume maybe some others after that, \$25,000 for audit costs, and that is going to come out of that already-reduced appropriation for community colleges.

Mr. Speaker, it seems to me that what the Department of Education is doing is to build a nest egg, is to say that we do not believe and we do not buy the 1-percent administrative costs that are going to be cut to us; we are going to take it out of the hides of somebody else, and in this case you are going to take it out of the community colleges.

Now, Mr. Speaker, earlier Mr. McClatchy said that there were certain appropriations that were not going to be cut because they could not be cut. Mr. Speaker, as I read the bill—I read it earlier—it says, "Each and every 1981-1982... appropriation, except..." and it gives some exceptions, none of which were the ones that Mr. Stuban was talking about or others. Then it was pointed out that those mandated expenses that we have cannot be cut and will not be cut. But, Mr. Speaker, section 3 of the bill says, "The provisions of this act shall supersede all other acts or parts of acts which require or mandate payments to school districts, persons, or other entities." I do not know what that language means to anybody else, but it means to me that we are going to cut mandated programs. Now, I do not know how you can do that with language and stand on the floor of the House and say, well, we are not going to cut them. Then why are we passing this bill if you are not going to cut mandated programs? And if you say you do not want to cut mandated programs, why do you have this language in?

This is ridiculous, Mr. Speaker. We have got a number of programs that cannot be cut, and the Appropriations chairman pointed those out. We have got interest payments that have to be made. We have got bond payments that have to be paid back. You cannot cut those. But the language in the bill says, forget about that mandate; we are going to supersede that with this language in the bill. It does not take a genius to read section 3 and figure that out. Now, I do not know how we can stand on the floor and say these things - that we do not mean this, and we do not mean that. Well, if you do not mean it, then for God's sake spell it out in the bill. Put it in there the way it ought to be. Do not take this nonsense and do it.

Mr. Speaker, we are talking about cutting programs that cannot be cut, and I have yet to see anything in this bill which says, we do not mean that program; we do not mean the

capital debt; we do not mean the volunteer fire rescue loans; we do not mean the nursing home loans; we do not mean the disaster relief redemption; we do not mean those things. They are not spelled out in the bill. Welfare is spelled out, basic education and a few others, but these mandated payments are not excluded. And then to compound it the language says that this act will supersede any other act or parts of acts which mandate money to be spent. Do not kid yourself. You are giving a blank check to somebody.

I am telling you when you go home, your constituents will ask you, were you in the Christmas spirit when you decided to give all this power to the Governor or what? But I would hope that when you stand, those of you who are standing for election or reelection, and get asked that question, I hope you have a better answer than, well, we do not intend to do that even though the bill says something else.

This is a farce. It is something that should not be done. I indicated a long time ago that this method is nothing more than a copout, and if you want to be a party to that, that is your business.

Mr. Speaker, this language is very dangerous. It is very clear but very dangerous, and I would ask for a very emphatic vote against concurrence.

**RULES SUSPENDED**

**DEBATE LIMITED**

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

Mr. PICCOLA. I move that the rules of the House be suspended for the purpose of limiting debate.

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

(Members proceeded to vote.)

**VOTES CHALLENGED**

Mr. MANDERINO. Only those in their seats, Mr. Speaker?

The SPEAKER. Only those in their seats.

Mr. RITTER. Mr. Speaker, is the gentleman, Mr. Kanuck, in his seat?

The SPEAKER. Is the gentleman, Mr. Kanuck, on the floor of the House? Strike the gentleman's vote.

The gentleman, Mr. Kanuck, is in the rear of the House, Mr. Manderino.

Mr. MANDERINO. Is the gentleman, Mr. Freind?

The SPEAKER. The gentleman, Mr. Freind, is here.

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

The following roll call was recorded:

**YEAS—102**

Alden	Fargo	Lehr	Saurman
Anderson	Fischer	Levi	Serafini
Armstrong	Fleck	Lewis	Sieminski
Arty	Foster, W. W.	McClatchy	Sirianni
Belardi	Foster, Jr., A.	McVerry	Smith, B.
Bittle	Frazier	Mackowski	Smith, E. H.
Bowser	Freind	Madigan	Smith, L. E.

Boyes	Gallen	Manmiller	Snyder
Brandt	Gannon	Marmion	Spencer
Burd	Geist	Merry	Spitz
Burns	Gladeck	Micozzie	Stairs
Cessar	Greenwood	Miller	Stevens
Cimini	Grieco	Moehlmann	Swift
Civera	Gruppo	Mowery	Taddonio
Clymer	Hagarty	Nahill	Taylor, E. Z.
Cochran	Hasay	Noye	Telek
Cornell	Hayes	Perzel	Vroon
Coslett	Heiser	Peterson	Wass
Cunningham	Honaman	Phillips	Wenger
DeVerter	Hutchinson, W.	Piccola	Weston
Daikeier	Jackson	Pitts	Wilson
Davies	Johnson	Pott	Wright, J. L.
Dietz	Kanuck	Punt	Wright, R. C.
Dininni	Kennedy	Rasco	
Dorr	Klingaman	Reber	Ryan,
Durham	Lashinger	Salvatore	Speaker

**NAYS—91**

Belfanti	Evans	Lloyd	Rieger
Beloff	Fee	Lucyk	Ritter
Berson	Fryer	McCall	Rybak
Blaum	Gallagher	McMonagle	Seventy
Borski	Gamble	Maiale	Showers
Brown	George	Manderino	Shupnik
Caltagirone	Grabowski	Michlovic	Steighner
Cappabianca	Gray	Miscevich	Stewart
Cawley	Gruitza	Morris	Suban
Clark	Haluska	Mrkonic	Swaim
Cohen	Harper	Mullen	Sweet
Colafella	Hoefel	Murphy	Taylor, F. E.
Cole	Horgos	O'Donnell	Tigue
Cordisco	Hutchinson, A.	Olasz	Trello
Cowell	Itkin	Oliver	Van Horne
DeMedio	Kolter	Pendleton	Wachob
DeWeese	Kowalshyn	Petrarca	Wambach
Dawida	Kukovich	Petrone	Wargo
Deal	Laughlin	Pistella	Wiggins
Dombrowski	Lescovitz	Pratt	Williams, H.
Donatucci	Letterman	Pucciarelli	Williams, J. D.
Duffy	Levin	Rappaport	Wright, D. R.
Emerson	Livengood	Richardson	

**NOT VOTING—3**

Greenfield	Rocks	Wozniak
------------	-------	---------

**EXCUSED—6**

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsky		

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

The SPEAKER. Debate is limited to a period of 2 minutes.

**PARLIAMENTARY INQUIRY**

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

Mr. DeWEESE. Was that motion debatable, sir?

The SPEAKER. No, it was not.

Mr. DeWEESE. The motion we just voted on was not debatable? The motion to suspend the rules was not debatable?

The SPEAKER. Not on this question. This was ruled on the other day, if the gentleman recalls.

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

Mr. RICHARDSON. I will yield to Representative DeWeese, who has a point of order.

### POINT OF ORDER

The SPEAKER. Does the gentleman, Mr. DeWeese, have a point of order?

Mr. DeWEESE. Yes.

The SPEAKER. State it.

Mr. DeWEESE. I would like to go on record as opposing the decision of the Chair to disallow debate on the matter of suspension of the rules. Thank you.

The SPEAKER. As a matter of interest to the gentleman, no one requested debate prior to the taking of the vote.

### POINT OF ORDER

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

Mr. RICHARDSON. Mr. Speaker, prior to the taking of the roll, Mr. DeWeese had asked recognition of the floor, and the gentleman was told—

The SPEAKER. Does the gentleman, Mr. Richardson, desire to debate SB 618?

Mr. RICHARDSON. I have a point of order, Mr. Speaker.

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

Mr. RICHARDSON. In order to keep the record straight then, Mr. Speaker, I raised a point of order on Representative DeWeese, who rose to the microphone and asked to be recognized prior to the taking of the vote. He was told to suspend, and as a result, he never got a chance to even speak on the motion that is being questioned at this time.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman care to debate SB 618?

Mr. RICHARDSON. Yes; I am going to debate SB 618.

The SPEAKER. The gentleman has 2 minutes. The gentleman may proceed.

Mr. RICHARDSON. I would like to interrogate Mr. McClatchy.

The SPEAKER. The gentleman, Mr. McClatchy, indicates he will stand for interrogation. The interrogation, by way of information, counts against the 2 minutes.

Mr. RICHARDSON. I would like to ask the gentleman a question relevant to the 1-percent cut as it relates to those constitutional legal requirements based under SB 618. Number one, under the Department of Treasury, are not the nursing home loans also a part of the 1-percent reduction?

Mr. McCLATCHY. No, Mr. Speaker.

Mr. RICHARDSON. Are not the volunteer fire and rescue loans a part of this 1-percent reduction, Mr. Speaker?

Mr. McCLATCHY. Mr. Speaker, those that have bonded debt that we have an obligation to pay will not be affected by the 1-percent cut.

Mr. RICHARDSON. Well, it says 1 percent across the board, Mr. Speaker, and I am wondering whether or not that speaks directly to those particular points that are being invoked in this particular SB 618.

Mr. McCLATCHY. The Treasurer has the constitutional obligation to pay these bills, and there is no way in the world we can cut them.

Mr. RICHARDSON. Does that also include the Farm Show supplement, Mr. Speaker, where there is also a 1-percent reduction required there?

Mr. McCLATCHY. I am not sure.

Mr. RICHARDSON. Mr. Speaker, Military Affairs, the National Guard pensions, and the blind veterans' pensions, are they also included in the 1-percent reduction across the board, Mr. Speaker?

Mr. McCLATCHY. I am not sure about that one.

Mr. RICHARDSON. Well, also State correctional institutions, Mr. Speaker, is that also a part of the 1-percent cut across the board?

Mr. McCLATCHY. Would you repeat that question?

Mr. RICHARDSON. The State correctional institutions in the Commonwealth of Pennsylvania?

Mr. McCLATCHY. They would be cut 1 percent.

Mr. RICHARDSON. Mr. Speaker, in relationship to that, I want to—

The SPEAKER. The gentleman has at this point exceeded the 2-minute limit.

Mr. RICHARDSON. Am I not allowed to speak on the bill, Mr. Speaker?

The SPEAKER. Not at this time.

### POINT OF ORDER

Mr. RICHARDSON. A point of order, Mr. Speaker.

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

Mr. RICHARDSON. My point of order then, Mr. Speaker, is that the motion made by the gentleman, Mr. Piccola—and he never rose to the microphone for a point of order; he was just recognized by the Speaker without any formal recognition of this body as all other members have to rise to the microphone to be recognized—I am wondering now whether or not the motion also meant that that included interrogation of a particular person on a question involving this particular bill that is important to all Pennsylvanians, particularly as it relates to the reduction in cost cuts across the board in social service programs, Mr. Speaker.

The SPEAKER. The Chair is confident that the gentleman, who has been a member for some years skilled in debate, understands that interrogation is part of debate, and in the event the gentleman did not understand it, the Chair announced it prior to the gentleman's taking the floor.

The Chair recognizes—

Mr. RICHARDSON. I still have a point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. RICHARDSON. Well, I have not finished it, and I would like to continue to be recognized until I finish my point of order. If you do not care to recognize me, then fine, but I am trying to speak directly to the point.

The SPEAKER. State your point of order.

Mr. RICHARDSON. *That point is, Mr. Speaker, that I do not think that the ruling of the Chair is correct in saying that the motion made by the gentleman, Mr. Piccola, indicated that it also limited the debate to interrogation on a particular question.*

The SPEAKER. The Chair thanks the gentleman.

### RULING OF CHAIR APPEALED

Mr. RICHARDSON. I am raising that point of order to raise this then, to challenge the ruling of the Chair.

The SPEAKER. Is the gentleman taking an appeal from the ruling of the Chair?

Mr. RICHARDSON. Yes, I am, Mr. Speaker.

The SPEAKER. Who seconds the gentleman's motion? The gentleman, Mr. DeWeese.

On the question—

Mr. RICHARDSON. Mr. Speaker, a point of order. Since you are going to be unfair to us and not allow us to debate, I think we have a right in this Commonwealth to debate something that is going to affect millions of people in this Commonwealth, and it is unfair to stand here and tell us that we cannot talk. If you want to cut us off, then we will just have to continue to fight the best way we know how to express ourselves on this floor of this House of Representatives. We have a right to do that. We do not have to be ramrodded by anybody to deal with it.

The SPEAKER. The gentleman will yield.

Mr. RICHARDSON. We have a right to stand on this floor and speak.

The SPEAKER. The gentleman will yield.

The gentleman has taken an appeal from the ruling of the Chair.

Mr. RICHARDSON. And I would like to ask for a point of order.

The SPEAKER. The gentleman will yield. The gentleman will be recognized in time. There is a question before the House.

The question before the House is on the appeal taken by the gentleman, Mr. Richardson, from the ruling of the Chair.

Mr. RICHARDSON. And I have a point of order on the question, Mr. Speaker.

The SPEAKER. Would the gentleman mind yielding until the question is put?

The question before the House is on the appeal taken by the gentleman, Mr. Richardson, from the ruling of the Chair. Those who would sustain the ruling of the Chair will vote in the affirmative; those opposed will vote in the negative.

### POINT OF ORDER

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

Mr. RICHARDSON. Is it not a fact, Mr. Speaker, that the Chair who is in the seat at the present time must step down in order that those persons—

The SPEAKER. No, it is not a fact.

Mr. RICHARDSON. I have not finished my question, Mr. Speaker.

The SPEAKER. Well, the Chair answered the first part of it.

Mr. RICHARDSON. I will finish the second part of it.

The question is, Mr. Speaker, whether or not the Chair has the right to continue to sit in the Chair when the Chair is being appealed by a member on the floor of this House of Representatives.

The SPEAKER. The Chair does have the right to remain at the rostrum.

Mr. RICHARDSON. Can I be cited the rule, please?

The SPEAKER. In answer to the gentleman's question, the Chair is unable at this time but has instructed the Parliamentarian to continue looking for a citation. However, it has been ruled on a number of times in the past, and if the gentleman, Mr. Richardson, does not agree with that, he can appeal the ruling of the Chair on that point as well.

### RULING OF CHAIR APPEALED

Mr. RICHARDSON. Well, I will also appeal the ruling of the Chair on that order then, too, Mr. Speaker, because if it is written, so shall it be, but if it is not written, then I think that the gentleman should step down until they can find it.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the two points raised by the gentleman, the Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Mr. Speaker, I have a point of parliamentary inquiry for my own elucidation. Am I correct that the issue and the ruling was directed toward the question of whether or not interrogation is included in the 2-minute limit of debate? Am I correct that that is the issue?

The SPEAKER. No; that is incorrect.

Mr. H. WILLIAMS. Could I reserve my right to make that question clear at some point, once we get over whatever this issue is?

Mr. RICHARDSON. A point of order, Mr. Speaker. That was definitely the question that I raised, Mr. Speaker, specifically.

The SPEAKER. The Chair is in error. The gentleman is correct that the first point of order raised by the gentleman, Mr. Richardson, was whether or not interrogation was part of the 2-minute debate limit.

The second question raised by the gentleman, Mr. Richardson, was whether or not the Speaker must necessarily remove himself from the Chair during the question of appeal.

The Chair apologizes to the gentleman.

Mr. H. WILLIAMS. Mr. Speaker, am I correct that on the first part the Chair has ruled that interrogation is part of the 2-minute limit on debate?

The SPEAKER. That is correct.

Mr. H. WILLIAMS. And there is an appeal from that particular—

The SPEAKER. That is correct. That is my understanding of the appeal.

Mr. H. WILLIAMS. And that is the only question that we are talking about as far as appeal is right now. Is that correct?

The SPEAKER. Well, I threw in for good measure, because the gentleman had taken an appeal from that ruling, whether or not the Chair need step down during the period of appeal, and that is what we are presently voting on.

Mr. H. WILLIAMS. On whether or not the Chair should step down?

The SPEAKER. On both issues.

Mr. H. WILLIAMS. Mr. Speaker, may I make an observation?

The SPEAKER. The Chair is in error. We will vote first on the second appeal as to whether or not I must remove myself from the rostrum. When that one has been decided, we will move to the first point of order that was raised, which is whether interrogation is part of debate.

On the question, those who would sustain the ruling of the Chair will vote "aye"; opposed, "no."

On the question,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—127

Alden	Foster, Jr., A.	Mackowski	Smith, E. H.
Anderson	Frazier	Madigan	Smith, L. E.
Armstrong	Freind	Manderino	Snyder
Arty	Gallen	Manmiller	Spencer
Belardi	Gannon	Marmion	Spitz
Bittle	Geist	Merry	Stairs
Bowser	Gladeck	Michlovic	Steighner
Boyes	Greenwood	Micozzie	Stevens
Brandt	Grieco	Miller	Stewart
Burd	Gruitza	Moehlmann	Stuban
Burns	Gruppo	Morris	Swaim
Caltagirone	Hagarty	Mowery	Swift
Cawley	Haluska	Nahill	Taddonio
Cessar	Hasay	Noye	Taylor, E. Z.
Cimini	Hayes	Perzel	Taylor, F. E.
Civera	Heiser	Peterson	Telck
Clymer	Honaman	Phillips	Tigue
Cochran	Hutchinson, W.	Piccola	Vroon
Cornell	Jackson	Pistella	Wambach
Coslett	Johnson	Pitts	Wargo
Cunningham	Kanuck	Pott	Wass
DeVerter	Kennedy	Punt	Wenger
Daikeler	Klingaman	Rasco	Weston
Davies	Lashingier	Reber	Williams, H.
Dietz	Laughlin	Ritter	Wilson
Dininni	Lehr	Rocks	Wozniak
Dombrowski	Letterman	Salvatore	Wright, D. R.
Dorr	Levi	Saurman	Wright, J. L.
Durham	Lewis	Serafini	Wright, R. C.
Fargo	Lloyd	Sieminski	
Fischer	McClatchy	Sirianni	Ryan,
Fleck	McVerry	Smith, B.	Speaker
Foster, W. W.			

NAYS—51

Belfanti	Duffy	Lescovitz	Pucciarelli
Berson	Evans	Livengood	Rappaport
Blaum	Fee	Lucyk	Richardson
Borski	Fryer	McCall	Rybak
Cappabianca	Gallagher	Maiale	Seventy
Clark	Gamble	Miscevich	Showers

Cohen	George	Mrkonic	Shupnik
Colafella	Gray	Murphy	Sweet
Cowell	Harper	Olasz	Trello
DeWeese	Hoefel	Oliver	Van Horne
Dawida	Horgos	Pendleton	Wiggins
Deal	Kolter	Petrarca	Williams, J. D.
Donatucci	Kowalshyn	Petrone	

NOT VOTING—18

Beloff	Emerson	Kukovich	O'Donnell
Brown	Grabowski	Levin	Pratt
Cole	Greenfield	McMonagle	Rieger
Cordisco	Hutchinson, A.	Mullen	Wachob
DeMedio	Itkin		

EXCUSED—6

Barber	McIntyre	Wogan	Zwikel
Irvis	Pievsky		

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

The SPEAKER. The question recurs, will the House sustain the ruling of the Chair on the first issue raised by the gentleman, Mr. Richardson, the first point being whether or not interrogation is part of the 2-minute limit on debate?

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

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, on the question we are on now, I would like first of all to say that the motion and the vote did not make clear that anybody included interrogation in debate. I just think it would be awfully unfair as a matter of notice for the Chair to rule that when it was not brought to our attention.

Secondly, it has been my experience as far as precedence of this House is concerned, when in the past we have imposed a limit of 2 minutes or whatnot, that interrogation was not included in that particular part.

Finally, I just would like to observe that interrogation is for the purpose of getting information so that a legislator can comment intelligently. Any other way would be absolutely crazy, and I would ask the House not to sustain the ruling of the Chair. I would further ask the Chair to reconsider his ruling under that state of facts.

The SPEAKER. The Chair ruled as recently as last week on this same question.

The question before the House is, will the House sustain the ruling of the Chair?

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Deal, rise?

Mr. DEAL. Mr. Speaker, I rise to a point of personal privilege, and the reason I rise is because I want to be able to cast my vote in such a manner that it will be meaningful. Therefore—

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. DEAL. What is my point of personal privilege? The point of personal privilege is, Mr. Speaker, I will be casting my vote, and in order to do so, I need a clarification. So it is

personal with me that the Chair respond to my request so that I can exercise my right.

The SPEAKER. The gentleman will state his request.

Mr. DEAL. Mr. Speaker, in voting, what will happen if it takes more than 2 minutes for me to ask a question? Will the Chair then rule me out because I could not get my questions in in 2 minutes?

The SPEAKER. Yes.

On the question of sustaining the ruling of the Chair, those in favor will vote "aye"; opposed, "no."

On the question,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—133

Alden	Fargo	Lehr	Saurman
Anderson	Fischer	Lescovitz	Serafini
Armstrong	Fleck	Levi	Showers
Arty	Foster, W. W.	Lewis	Sieminski
Belardi	Foster, Jr., A.	Lloyd	Sirianni
Bittle	Frazier	McCall	Smith, B.
Blaum	Freind	McClatchy	Smith, E. H.
Bowser	Fryer	McVerry	Smith, L. E.
Boyes	Gallen	Mackowski	Snyder
Brandt	Gannon	Madigan	Spencer
Burd	Geist	Manderino	Spitz
Burns	Gladeck	Manmiller	Stairs
Caltagirone	Grabowski	Marmion	Steighner
Cappabianca	Gray	Merry	Stevens
Cawley	Greenwood	Micozzie	Stuban
Cessar	Grieco	Miller	Swaim
Cimini	Gruitza	Moehlmann	Swift
Civera	Gruppo	Mowery	Taddonio
Clymer	Hagarty	Nahill	Taylor, E. Z.
Cochran	Haluska	Noye	Taylor, F. E.
Cohen	Hasay	Perzel	Telek
Cornell	Hayes	Peterson	Tigue
Coslett	Heiser	Phillips	Vroon
Cunningham	Hoeffel	Piccola	Wass
DeVerter	Honaman	Pistella	Wenger
Daikeler	Hutchinson, W.	Pitts	Weston
Davies	Jackson	Pott	Wilson
Dawida	Johnson	Pratt	Wright, D. R.
Dietz	Kanuck	Punt	Wright, J. L.
Dininni	Kennedy	Rasco	Wright, R. C.
Dombrowski	Klingaman	Reber	
Dorr	Kowalyshyn	Rocks	Ryan,
Duffy	Lashingner	Rybak	Speaker
Durham	Laughlin	Salvatore	

NAYS—50

Belfanti	Gamble	Mullen	Ritter
Beloff	George	Murphy	Seventy
Berson	Greenfield	O'Donnell	Stewart
Borski	Horgos	Olasz	Sweet
Clark	Kolter	Oliver	Trello
Cole	Kukovich	Pendleton	Van Horne
Cowell	Levin	Petrarca	Wachob
DeWeese	Livengood	Petrone	Wambach
Deal	Lucyk	Pucciarelli	Wiggins
Donatucci	McMonagle	Rappaport	Williams, H.
Evans	Michlovic	Richardson	Williams, J. D.
Fee	Morris	Rieger	Wozniak
Gallagher	Mrkoncic		

NOT VOTING—13

Brown	Emerson	Itkin	Miscevich
Colafella	Harper	Letterman	Shupnik
Cordisco	Hutchinson, A.	Maiale	Wargo
DeMedio			

EXCUSED—6

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Mr. H. WILLIAMS. Thank you.

Mr. Speaker, if I were to do this correctly, I would interrogate myself—which I will try to do—and if I were interrogating somebody, I would say, what does "abatement" mean? And I guess they would say something like, there is a power in abatement for the Governor of this State to abate my salary and everybody else's; this gives him the power to do that based on how he sees it. Now, the point is, Mr. Speaker, if he saves \$5 million because he abates a salary here or if he saves \$20 million because he abates the appropriation for the prisons, you know, just where is that money going to go once he saves that money? Does he have the power then to put that money somewhere else to balance the budget?

Mr. Speaker, I am merely suggesting that to give the Governor the power to abate and not just limit it to that, the Governor of this State has the power not only to take your salary and do anything else he wants with all the money, the question arises, if he has the power to do that and he does it, what does he do with the money? This power does not allow him to balance a budget; this gives him the power by fiat to cut off money wherever he decides to do that, and it does not give him the power to put that money anywhere else.

My point, Mr. Speaker, is, a clear reading of this provision of section 4 is absolute political insanity, because by the taste and the whim of the Governor, he can take any department and cut it off completely. He does not have equal power, I do not imagine, to restore it anywhere else to balance a budget, so the provisions of section 4, however well meaning the intent is, will not and cannot logically or legally allow the Governor to balance a budget. It can only allow him to disrupt, abate, and cut off at his own whim any activity he so desires, and I do not think that that makes any kind of sense. Thank you.

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

Mr. SWEET. Mr. Speaker, I rise to oppose SB 618. I have one very real consideration that I would like to bring before the members of the House.

It was argued with extreme forcefulness and certainty by the majority leader that school subsidy funds were absolutely protected, not only the increase but also the hold-harmless funds. The thing that worries me is that while that is in section 2, in section 4 of the bill, the Governor is given these extraordinary powers which we have talked about and talked about at some length under constitutionality. That power, I think,

from reading this very clear language, would include abating the school subsidy funds. So if you want, you go ahead and vote for this thing, but do not go home and tell your folks you protected the school subsidy funds. All you really did was say that you are going to believe that the guy in there is going to make sure that the school subsidy funds are protected. I do not think that is doing your job for your school districts or your school children, and I think you ought to think about that a long time before you vote on this bill.

The language that Secretary Wilburn has in his letter has no legal effect. What section 4 says is "including, but not limited to," the kinds of powers and actions that Secretary Wilburn talked about. Now, the Governor and Secretary Wilburn are honorable men, but come the budget squeeze in the spring and the summer of 1982, I think that honor is going to be sorely tested. I would ask that you really think seriously before voting for what I think is probably now the most crass maneuver the majority has tried to make to date. Thank you very much.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Sweet, stole my remarks, literally.

The SPEAKER. That will teach the gentleman not to leave his seat unguarded.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, am I the last on your list of speakers?

The SPEAKER. You are the last on the list of speakers, although I notice a number of members standing up, none of whom I—

Mr. RICHARDSON. I am at the microphone, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, requests recognition for the second time. Are there any others? Mr. DeWeese.

Does the gentleman, Mr. Manderino, prefer to wait?

Mr. MANDERINO. Mr. Speaker, does the 2-minute rule pertain to the courtesy of leaders in remarking on the legislation?

The SPEAKER. No. That is a ruling I will subject myself to an appeal to. Technically, Mr. Manderino, I think the limitation of debate affects all; however, as a matter of courtesy, I think the majority and minority leaders are entitled to some excess. Does the gentleman want to yield to either Mr. DeWeese or Mr. Richardson?

Mr. MANDERINO. Yes, Mr. Speaker.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

I have one question of Mr. McClatchy, the majority chairman of Appropriations.

The SPEAKER. Does the gentleman, Mr. McClatchy, submit to interrogation? The gentleman indicates he will. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. The question I have for the gentleman is that there were two letters sent to him concerning this issue of the 1-percent budget cut, and I would like to know whether or not he responded to any of them.

Mr. McCLATCHY. Mr. Speaker, the reason I am sitting down front is, I cannot understand you. Would you repeat that question, please?

Mr. RICHARDSON. I asked, Mr. Speaker, whether or not you as the majority chairman responded to the two letters that were sent to you concerning this budget cut from Mr. Martin Brackbill and Mr. Charles McIntosh.

Mr. McCLATCHY. No; we just received them.

Mr. RICHARDSON. Thank you very much, Mr. Speaker. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. RICHARDSON. Mr. Speaker, that took about 15 seconds to answer that question.

What I want to do is point out several things. One is that SB 618 on concurrence—and I am asking this House to nonconcur—violates all the rules of this House of Representatives as well as the rights of members of this House to deal specifically with the problem as it affects social service programs in the Commonwealth of Pennsylvania and a Governor who at this point seemingly is sick in terms of not recognizing the problems that affect us overall on an ongoing basis. A number of people in this Commonwealth have tried to indicate the points specifically about how this 1 percent is going to affect a number of these social service programs, but there is an exemption that whoever takes this bill to court will find that it will not stand up in court only because of the fact you cannot deal with cutting 1 percent from some programs and not 1 percent for all the programs as indicated in this bill, which says we are cutting 1 percent across the board.

Secondly, there are only two points in history that I can remember, one dealing with the Civil War and the other dealing with Adolf Hitler, who decided that poor, minority people were not important at all in the world. In the Commonwealth of Pennsylvania, it seems that the members on the other side of the aisle as well as the Governor have seen fit to deal with not recognizing the problems that affect the poor, minority people.

The SPEAKER. The gentleman will yield. He has exceeded the 2 minutes.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, it is very easy for us to percolate this issue down to a very fine, finished product. We do not have to think about how complicated things are. We can take a very simple example: We can talk about the General Counsel to the Governor. Those people are going to spend \$1.5 million - 37 people, a handful of attorneys. Do you know that those handful of attorneys get hired way above the State starting salary? Do you know that they get advanced way past the average State worker? There are 4 deputies—4 deputies—for a staff of 37. Wyatt Earp was not treated that well, Mr. Speaker.

I do not think that we have one isolated problem here; I believe we have many problems in State Government, and I believe that this bill is not a way to approach this multitude of difficulties.

I would remind the majority party in this chamber that in the executive mansion we have a man called Richard Thornburgh. He is not the Duke of Parma. He is not Suleiman the Magnificent. He is elected to help lead us, to be our executive. But for us to grant him unlimited authority, illimitable power, is shortsighted. I do not think there is any doubt in our minds, individually or collectively, that we can cut, we can cut, State Government. And it seems a shame to bastardize the process in the way that we are doing today. Thank you.

**POINT OF ORDER**

Mr. RICHARDSON. Point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. RICHARDSON. While in disgust, Mr. Speaker, I just raise the point of order to ask whether or not a motion to suspend the rules on the limitation of debate is in order.

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson, who moves that the temporary rule of the House be suspended. This motion will take 102 votes to carry.

Mr. RICHARDSON. I would like to phrase my own question. I just asked whether—

The SPEAKER. I am sorry, Mr. Richardson. Will the gentleman restate his question?

Mr. RICHARDSON. My question, Mr. Speaker, specifically is asking whether or not there is an opportunity for members of this House to speak more than two times. If it is not a point of the rule, I am asking whether or not there needs to be a suspension of the rules in order to do that. That is my question. And at that point, if it is a negative answer, then I have a question for the Chair.

The SPEAKER. It would require the suspension of the rules, Mr. Richardson.

Mr. RICHARDSON. Okay. There is a rule then that states that members only have two times in order to speak on any matter in this House. Is that correct?

The SPEAKER. Rule 10 of the House rules. Does the gentleman care to suspend the rule?

Mr. RICHARDSON. Yes, Mr. Speaker. I am just checking to make sure that that is what I want to suspend.

**MOTION TO SUSPEND RULES**

Mr. RICHARDSON. Mr. Speaker, I would like to ask that the rules be suspended on the temporary rules that have been established by this House which limit debate to 2 minutes, to allow a member a third time in which to speak on the matter concerning relevance to this Commonwealth dealing with the 1-percent budget cut that is going to affect millions of black and poor people in this Commonwealth.

The SPEAKER. The Chair thanks the gentleman.

Mr. RICHARDSON. I would like to know whether or not the question is debatable.

The SPEAKER. The question before the House is the suspension of the rules, both the regular House rules as well as the temporary rule to permit extended debate and recognition beyond two times for other than the majority and minority leaders.

On that question—

Mr. RICHARDSON. Is there debate on the question, Mr. Speaker?

The SPEAKER. This question, Mr. Richardson, is not debatable. If the gentleman has a short statement, the Speaker will entertain it.

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

Mr. Speaker, the only reason I rose is because I did not get a chance to finish my last sentence in my opportunity to speak only two times, which this House has decided to allow other members to speak.

It seems to me that in the most crucial issues that deal with our people, poor people in this Commonwealth, we do not get an opportunity to speak. Last week this House decided to cut off debate in the middle of an abortion issue, after it went on the floor for some 13 hours, and then decided at some point that they wanted to stop debate. But yet and still, that was of interest and concern to the Representatives who were pushing it for their own purpose and their own reelection.

There are some of us who have some major concerns that need to be addressed, to be put on this floor, and we feel we should have the right and the opportunity to stand on this floor and say so. I would hope the members of this House would afford us the opportunity to speak one more time in conclusion to make those remarks that are necessary and germane to be heard, that are relevant to the 1-percent budget cut that is going to affect each and every one of our constituents.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—85**

Belfanti	Fee	Lloyd	Rieger
Beloff	Gallagher	McCall	Ritter
Berson	Gamble	McMonagle	Rybak
Blaum	George	Maiale	Seventy
Borski	Gray	Manderino	Showers
Brown	Greenfield	Michlovic	Shupnik
Cappabianca	Gruitza	Miscevich	Steighner
Cawley	Haluska	Morris	Stewart
Clark	Harper	Mullen	Swaim
Cohen	Hoefel	Murphy	Sweet
Colafella	Horgos	O'Donnell	Taylor, F. E.
Cole	Hutchinson, A.	Olasz	Tigue
Cordisco	Itkin	Oliver	Trello
Cowell	Kolter	Pendleton	Van Horne
DeMedio	Kowalyshyn	Petrarca	Wachob
DeWeese	Kukovich	Petrone	Wambach
Dawida	Laughlin	Pistella	Wargo
Deal	Lescovitz	Pratt	Wiggins
Dombrowski	Letterman	Pucciarelli	Williams, J. D.
Donatucci	Levin	Rappaport	Wozniak
Duffy	Livengood	Richardson	Wright, R. C.
Evans			

**NAYS—101**

Alden	Fargo	Levi	Serafini
Anderson	Fischer	Lewis	Sieminski
Armstrong	Fleck	McClatchy	Sirianni
Arty	Foster, W. W.	McVerry	Smith, B.
Belardi	Foster, Jr., A.	Mackowski	Smith, E. H.
Bittle	Frazier	Madigan	Smith, L. E.
Bowser	Freind	Manmiller	Snyder
Boyes	Fryer	Marmion	Spencer
Brandt	Gallen	Merry	Stairs

Burd	Gannon	Micozzie	Stevens
Burns	Gladeck	Miller	Stuban
Caltagirone	Grabowski	Moehlmann	Swift
Cessar	Greenwood	Mowery	Taddonio
Cimini	Grieco	Nahill	Taylor, E. Z.
Civera	Gruppo	Noye	Telek
Clymer	Hagarty	Perzel	Vroon
Cochran	Hayes	Peterson	Wass
Cornell	Heiser	Phillips	Wenger
Coslett	Honaman	Piccola	Weston
DeVerter	Hutchinson, W.	Pott	Wilson
Daikeler	Jackson	Punt	Wright, D. R.
Davies	Johnson	Rasco	Wright, J. L.
Dietz	Kennedy	Reber	
Dininni	Klingaman	Rocks	Ryan,
Dorr	Lashinger	Salvatore	Speaker
Durham	Lehr	Saurman	

## NOT VOTING—10

Cunningham	Hasay	Mrkonic	Spitz
Emerson	Kanuck	Pitts	Williams, H.
Geist	Lucy		

## EXCUSED—6

Barber	McIntyre	Wogan	Zwilk
Irvis	Pievsy		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to strongly disagree with the proposal which the Governor has put before us to blindly reduce every appropriation in the State's budget by 1 percent across the board. It violates all the logic of rational budgeting by ignoring program priorities.

Mr. Speaker, we should at least approach these cuts as rational men and women. Perhaps the budget that passed last June was already so irrational that it does not deserve the attention of sound budget analysis. We believe that this 1-percent budget reduction should be opposed. The most important reason that this bill, SB 618, should be nonconcurrent in, should be opposed, is the shameful and unprecedented obligation of legislative powers given to the executive branch, which are contained in section 3 and section 4 of this bill. The Governor by the sections of this bill, 3 and 4, is charged by the legislature with the ability to change his official revenue estimate, a power which I strongly suggest, regardless of what we say here in the assembly, is violative of the Constitution. That particular provision has been protected since 1932.

Mr. Speaker, the Governor can abate nonpreferred appropriations like Penn State, Pitt, and all the others; do whatever else he thinks is necessary to balance this year's budget. Now, that may be a laudable purpose, to balance the budget. And maybe you think somehow the people back home—and they may—pay no attention to what we are doing up here today, because really what you are doing is trying to allow the budget to be balanced. Now, we all agree that the budget has to be balanced. Not only do we agree; we are mandated by the Constitution to see that the budget is balanced. But this power,

giving the Governor full reign to do whatever he wants to do to balance that budget, is an abdication of what we were elected to do.

I refer you again to the letter of former Budget Secretaries McIntosh and Martin Brackbill. Mr. Speaker, there is no question, those men who dealt with the budget day in and day out think—you read their letter—that we are making one terrible mistake.

My researchers came up with a couple of places, a couple of times, that this kind of unprecedented power was given to the chief executive in the thirties. The German assembly gave the Reichstag this same similar power. In the 1800's Governor Curtin of Pennsylvania was given much similar power. The Confederate Army was across the river. Where are the bars and stars of the Confederate flag? I do not think they are across the river.

In more recent history, this kind of blind faith in an executive was given by Congress in the resolution of the Gulf of Tonkin. Yes, extreme examples, I am sure, but in your way, today, when you vote for this bill, that is the kind of abdication you are condoning and participating in. Give away your power.

What kind of power are you giving away? Have any of us really thought seriously about the kinds of powers we are placing in the Governor with the language we put in there, in sections 3 and 4? Could he sell State game lands? Could he close the State hospitals and institutions? Could he close State parks to balance the budget? Would he have the power to totally abate a nonpreferred appropriation? Not a 1 percent, but cut out one of them or two of them or as many as necessary to balance the budget in toto? Could he lower salaries? Could he negate union contracts? Could he dismiss civil service employees? Would he have the power to impound funds? Could he ignore court-ordered settlements that involve the State? Does this bill not really make the State's \$7-billion budget a block grant to be manipulated by the Governor without legislative approval? That is exactly what we are doing.

Now, you can say, as Mr. McClatchy did, as Secretary Wilburn did, you can say that the intent is to do just these things. That is not what this bill says. This bill says that the power is there to do all things to balance the budget. I would not be surprised that the power exists to raise taxes, to increase revenues, to change fees paid by persons to this government for the services performed. And all of this power being given for what reason?

We were told in the beginning that it was necessary to cut the budget 1 percent because the Federal Government had mandated a change in corporate net income tax, that if we wanted to take advantage of the incentive that the Federal Government was giving to corporations and give that same incentive in Pennsylvania, it was going to cause a loss of revenue in this fiscal year, as the Governor originally proposed, of some \$50 million. Now he has changed his tune. We are not going to have that revenue loss. Neither the first year nor the second year, we are told, will we have the revenue loss. Why do we need the 1-percent cut?

Now the story is we need the 1-percent cut because the economy is bad. We need the 1-percent cut because the Federal Government has done certain things that are going to affect the revenue in Pennsylvania. No. These powers are given in the General Fund. What the Federal Government has done to affect moneys coming into Pennsylvania is handled in HB 1290, the Federal augmentation bill. That is a smoke-screen. What really is being asked here and given is the power to cover up the poor job we allowed to be done in the making of the budget in the first place, because you did not allow this assembly and the members of this assembly to participate in the process in this House of Representatives.

You know, Mr. McClatchy can stand at the microphone and talk about, I do not know of any deficiencies in this year's budget that have arisen to date or that we will be facing in the near future. Well, he ought to talk to his Budget Secretary, because we outlined some \$90 million in deficiencies that we felt we are now facing in the budget that was passed. And when those \$90 million in deficiencies, category by category, were read to Mr. Wilburn, the Budget Secretary, his remark was, my list is longer and larger. I suggest to Mr. McClatchy that he talk to the Budget Secretary.

I have passed out a list of appropriations that I say will be deficient, item by item, dollar by dollar. I have listed \$89 million in deficiencies that exist today in these programs, and we are cutting these programs by 1 percent. It is ridiculous. This 1 percent across the board is ridiculous from so many viewpoints that it is difficult to imagine that it is going to get—and I know it is going to get—the 102 votes necessary to pass it.

First, there are appropriations that cannot be cut 1 percent, because every penny that we appropriated has already been spent. The status of the appropriations booklet that we get every month will show you a number of those items. So it is ridiculous to say they are going to be cut 1 percent. The money has been spent.

Mr. McClatchy indicated there are another number of appropriations having to do with the payment of bonds, as pointed out by Mr. Ritter - volunteer fire bonds, school building authority bonds, GSA (General State Authority) bonds that have been turned into general obligation bonds - money that this Commonwealth owes. The best estimate of what had to be paid was put in the budget, and you are cutting those 1 percent. When Mr. Wilburn, the Budget Secretary, was asked about that category of items, we were told, do not worry; the law says I have to pay them, and I am going to pay them. And he will pay them. So cutting 1 percent is not going to affect those at all.

Now, you put another category of things, about 40 percent of the budget you have exempted from the 1-percent cut. With that money that has already been spent, those appropriations that are gone; with those that are incapable of being cut because they fall in the order of bonds and bond payment; with those that are already in deficiency; with those you have exempted, you are really going to save with this 1-percent cut less than \$27 million. That is a lot of money. That is a lot of money. But that is what is left to be saved, \$27 million. I

cannot believe that the unprecedented power being given by this bill is being given to save that \$27 million that can be saved in January or February, with the running of deficiencies, with the running of a bill to cut the budget where it can be cut.

Let me tell you what is wrong with the 1-percent cut. It has been 3 fiscal years that we in the General Assembly have been unable to work a budget in the House of Representatives. In those 3 fiscal years you have let, because you have let it happen, the Governor get away with fat in the budget that should have been cut in many areas. We had indicated to you, at the time that we passed the budget, many areas where the budget could have been cut. We still remain ready to offer amendments that will find some \$40 million that can be cut from the Governor's budget. We were ready to offer those amendments today to this bill, if you would have let us suspend the rules to do that.

Your 1-percent cut is not prioritized. Many programs are going to be cut that should not be cut, cannot be cut, are already in deficiency, and you are allowing many programs to operate with moneys that they really do not need. There is waste and extravagance because you will not allow the amendments to be offered to cut that budget. We can find much more than the \$27 million that you seek to find by this bill. Mr. Speaker, I am convinced that this proposal will not work.

The budget that was sent to us in February, which we enacted in June, was a phony budget to start with. As I said, it contained serious deficiencies. It contained deficiencies in a large range of governmental services and activities, including cash grants to welfare recipients; including deficiencies in the school transportation program; including deficiencies in the public utility realty tax distribution to the municipalities of this Commonwealth; and deficiencies in the State prison system.

Mr. Speaker, these are not policy issues where we are deciding how much of that program we will have. There are commitments that this Commonwealth has made and must carry out. Professional budget analysts can forecast and predict, with reasonable accuracy, what those amounts will be that must be spent. We projected those deficiencies of some \$90 million before this budget for this fiscal year passed, and now the Governor's staff, the Budget Office, is finally joining in and acknowledging that the deficiencies do in fact exist.

Whom do we think we are fooling by cutting these programs which are already deficient? I assure you that we will be replacing the 1-percent moneys that we are cutting today in those items that I listed for you. And I submit for the record, Mr. Speaker, we will be replacing the 1 percent and we will be replacing somehow \$90 million, unless, Mr. Speaker, the Governor seizes section 3 and section 4 to do exactly what I expect him to do to try to take care of these deficiencies all by himself, without admitting to the public, the General Assembly, the voters of this Commonwealth, the taxpayers of this Commonwealth, how bad the budgets have been that he has given us for the last 3 years.

Mr. Speaker, budgeting is supposed to be an expression of government's priorities, and by treating all programs the

same, without giving members a chance to express their priorities today, by doing that same thing and not allowing us to express our priorities last spring when the budget was adopted, I believe that this assembly has shunned the responsibilities that we ought to take up and work at. I believe we are capable of carrying out the constitutional responsibility of exercising the power of the purse.

I am not afraid to reopen the budget at all, and you should not be afraid to open the budget if there is a chance to make it better, if there is a chance to cut the waste and the fat and the duplication and the unnecessary moneys, and if there is a chance to let the viable programs, the programs that we would prioritize and believe have merit, allow them to go on without a 1-percent cut.

Mr. Speaker, as I said before, we are only finding, with the manner in which we are doing this, \$27 million, which is a far cry from what we were told originally the bill needed in order to balance off the corporate net income tax breaks. Mr. Speaker, I predict that when you vote for this bill, you will be making a political mistake by cutting sensitive programs that are already underfunded, and, Mr. Speaker, smart politicians do not cut people who are already hurting. Instead, you should be finding the courage to amend the budget and look for the reduction in those programs that are the least effective and could afford the cuts. I will never understand why we deny ourselves the ability to do the job right.

For all of these reasons, Mr. Speaker, I urge a negative vote on this bill, and I will be proud to go home to tell my constituents that I refused to be part of those people supporting this bill.

Mr. Speaker, I would like to enter into the record a more detailed list of the programs which I think will not be cut for the reasons that I have indicated. Next spring when the fiscal year has ended, you and I both can look back at the record of the House and you can find this speech—I am sure I will find this speech—and I think I will have the luxury of saying, I told you so. Indeed, the total of deficiencies now at \$90 million may be more by next spring.

Mr. Speaker, I urge a negative vote. Thank you.

**STATEMENT SUBMITTED FOR THE RECORD**

Mr. MANDERINO submitted the following statement for the Legislative Journal:

I.

The following appropriations cannot be reduced by one percent, either because of constitutional and legal requirements, or because the money has already been expended.

DEPARTMENT	1981/82 APPROPRIATION	1% REDUCTION
<u>Treasury</u>		
Nursing Home Loans	\$ 3,991,000	\$ 40,000
Volunteer Fire & Rescue Loans	823,000	8,000
Land & Water Development		
Sinking Fund	34,107,000	341,000
Capital Debt Fund*	116,775,000	1,168,000
Project 70 Land Acquisition		
Sinking Fund	5,619,000	56,000
Vietnam Veterans		
Compensation Sinking		

Fund	4,611,000	46,000
Disaster Relief Redemption	14,274,000	143,000
<u>Agriculture</u>		
Farm Show Supplement (already spent)	950,000	10,000
<u>Environmental Resources</u>		
Interstate Commission on Potomac River (already spent)	17,000	170
Annual Fixed Charges - Flood Lands (already spent)	10,000	100
<u>General Services</u>		
Capital Fire Protection (already spent)	125,000	125
Harristown Rental Charges	8,118,000	81,000
Harristown Utility & Municipal Charges	4,632,000	46,000
GSA Rentals	46,000,000	460,000
<u>Military Affairs</u>		
National Guard Pensions	15,000	150
Blind Veterans Pensions	174,000	1,740
<u>Revenue</u>		
Distribution of Public Utility Realty Tax (already spent)**	\$ 50,000,000	\$ 500,000

\*This item also appears to be running a sizable potential deficiency. It could have been listed there as well, but its amount has not been double counted in the total.

\*\*This appropriation also is running a deficiency. It is listed on both lists, but has not been double counted in the total used in the speech.

II.

The following appropriations, in the opinion of the Democratic Appropriations staff, are potential deficiencies. In most cases the deficiency was built into the Governor's original budget request. Knowing that these deficits exist, and that we will have to appropriate money to pay them before June 1982, it seems unproductive to reduce them by one percent. State spending for fiscal year 1981-82 will certainly not be reduced by these one percent cuts.

	1981-82 Appropriation	Estimated Deficiency	One Percent Cut
State Correctional Institutions	\$102,679,000	\$4,966,000	\$1,027,000
Capital Debt Service	116,775,000	6,895,000	1,168,000
Community Colleges	58,047,000	3,000,000	580,000
Pupil Transportation	142,358,000	33,600,000	1,424,000
		4 year cumulation	
Gypsy Moth Spraying	750,000	1,000,000	7,000
Animal Indemnities	200,000	148,000	2,000
Occupational Disease Payments	9,800,000	500,000	98,000
		potentially	
Public Assistance	647,698,000	34,853,000	6,477,000
Public Utility Tax Distribution	50,000,000	4,215,000	500,000
<b>TOTAL</b>		<b>\$89,177,000</b>	<b>\$11,283,000</b>

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I was interested by the comments made by Mr. Manderino today. It is a little bit like that song that says, "First you do

and then you don't." First he was for cuts and then he was not. But that is not so unusual, because on Thursday, May 24, 1979, he gave the exact same speech. It was on a different amendment. Today he was against cutting things 1 percent, but on Thursday, May 24, 1979, he supported an amendment that cut everything across the board 5 percent. But I read his speech of Thursday, May 24, 1979, and it was exactly as his speech today. First he said he did and then he did not.

I suggest that we have a great deal of work to do yet, Mr. Speaker. I urge concurrence in Senate amendments to SB 618.

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. RICHARDSON. Mr. Speaker, I would like to submit some remarks for the record, and I would like to know whether or not I can do so at this time since this House has denied us the right to speak on the issues concerning the 1-percent cut.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. RICHARDSON submitted remarks for the Legislative Journal.

(For remarks, see Appendix.)

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly. The issue in 1979, Mr. Majority Leader, was whether or not the temporary tax of 1977 that had been put in for 2 years would be extended. Now, the Republican Party was the one that first suggested that we only needed a temporary tax of 2 years, and when we suggested that the temporary tax was a choice to either let the temporary tax expire or cut the budget 5 percent, we opted for the 5-percent amendment, which was suggested, incidentally, Mr. Speaker, by a member from your side of the aisle, the Republican Party.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I am glad the gentleman, Mr. Manderino, stood up, because it gives me another opportunity to underline that old song that says, "First you say you do and then you don't." Since he made reference to taxes in 1979, let me remind the gentleman that the amendment was not to a tax bill but rather to a GA bill. But since he brought up the matter of taxes, again, we heard some rhetoric earlier today on HB 82. Again, Mr. Manderino is, first he says he does and then he does not.

On April 7 of this year, April 7, 1981, Mr. Manderino stood shoulder to shoulder with Mr. Ritter and they proudly endorsed the following statement: The policy of the Democratic Party is to assist the business community in achieving its objectives and full potential particularly through the creation of incentives for business to increase productivity and generate new jobs. To stimulate the attraction and retention of business in Pennsylvania, we support legislation designed to create an environment attuned to business needs such as an accelerated depreciation plan and tax write-offs.

But today he stood in opposition. First he says he does and then he does not. The man all day long has been trying to chisel out a position for himself and his party men to stand on both sides of the issue. He wrote the words on one day; he has a chance to back up those words today, and what did he do, retreated, just like those generals that Bill DeWeese talked about.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Murphy, today suggested and I told this assembly that I agreed with the limiting and the guidelines of giving business tax relief. There is no guarantee that any money we give to corporations in Pennsylvania will not be used, and you can recall my words, to buy another Marathon or a Montgomery Ward, and that we ought not to provide tax relief without guidelines that the investment will be in Pennsylvania. And you bring me a bill that insures the investment in Pennsylvania, which is simple, simple to draft, and I will support it.

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Ritter, rise?

Mr. RITTER. Just one comment, Mr. Speaker. I believe that if we would not have adopted that bill that the majority leader referred to, business would have been given credit for the full amount of the business depreciation tax. So that by voting for the bill, Mr. Speaker, what you did was penalize business and industry in this Commonwealth.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

(Members proceeded to vote.)

**VOTES CHALLENGED**

Mr. MANDERINO. Mr. Speaker, just those in their seats?

The SPEAKER. Only those in their seats are permitted to vote.

Mr. MANDERINO. There are a couple of members voting who are not in their seats. I will point their names out to Mr. Cessar.

The SPEAKER. Have all the members present voted?

Mr. MANDERINO. Mr. Speaker, I will point them out to you.

Is the gentleman, Mr. Dininni, here? You are not in your seat. I can only watch the seats.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

**YEAS—102**

Alden	Fargo	Levi	Saurman
Anderson	Fischer	Lewis	Serafini
Armstrong	Foster, W. W.	McClatchy	Sieminski
Arty	Foster, Jr., A.	McVerry	Sirianni
Belardi	Frazier	Mackowski	Smith, B.
Bittle	Freind	Madigan	Smith, E. H.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gannon	Marmion	Snyder

Brandt	Geist	Merry	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Cessar	Grieco	Moehlmann	Stevens
Cimini	Gruppo	Mowery	Swift
Civera	Hagarty	Nahill	Taddonio
Clymer	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes	Perzel	Telek
Cornell	Heiser	Peterson	Vroon
Coslett	Honaman	Phillips	Wass
Cunningham	Hutchinson, W.	Piccola	Wenger
DeVerter	Jackson	Pitts	Weston
Daikeler	Johnson	Pott	Wilson
Davies	Kanuck	Punt	Wright, J. L.
Dietz	Kennedy	Rasco	Wright, R. C.
Dininni	Klingaman	Reber	
Dorr	Lashingner	Rocks	Ryan,
Durham	Lehr	Salvatore	Speaker

**NAYS—92**

Belfanti	Fleck	Lloyd	Rieger
Beloff	Fryer	Lucyk	Ritter
Berson	Gallagher	McCall	Rybak
Blaum	Gamble	McMonagle	Seventy
Borski	George	Maiale	Showers
Caltagirone	Grabowski	Manderino	Shupnik
Cappabianca	Gray	Michlovic	Steighner
Cawley	Greenfield	Miscevich	Stewart
Clark	Gruitza	Morris	Stubam
Cohen	Haluska	Mrkonic	Swaim
Colafella	Harper	Mullen	Sweet
Cole	Hoeffel	Murphy	Taylor, F. E.
Cordisco	Horgos	O'Donnell	Tigue
Cowell	Hutchinson, A.	Olasz	Trello
DeMedio	Itkin	Oliver	Van Horne
DeWeese	Kolter	Pendleton	Wachob
Dawida	Kowalshyn	Petrarca	Wambach
Deal	Kukovich	Petrone	Wargo
Dombrowski	Laughlin	Pistella	Wiggins
Donatucci	Lescovitz	Pratt	Williams, H.
Duffy	Letterman	Pucciarelli	Williams, J. D.
Evans	Levin	Rappaport	Wozniak
Fee	Livengood	Richardson	Wright, D. R.

**NOT VOTING—2**

Brown Emerson

**EXCUSED—6**

Barber McIntyre Wogan Zwikl  
Irvis Pievsky

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

Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTE**

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Fleck, rise?

Mr. FLECK. Mr. Speaker, this is somewhat embarrassing, but I was fooling with the buttons after I thought the vote was recorded, and the board closed with my vote red. I would like to be recorded in the affirmative.

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

The moral of this story is—

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER. For what reason does the gentleman from Carbon, Mr. McCall, rise?

Mr. McCALL. Mr. Speaker, I would like to interrogate the majority leader, if I can.

The SPEAKER. There is nothing before the House at this time. Is the gentleman rising on a point of personal privilege?

Mr. McCALL. Personal privilege.

The SPEAKER. The gentleman state his point.

Mr. McCALL. Mr. Speaker, I wonder what the majority leader intends to do for the rest of the evening. The reason I ask that question is that we spent several hours here on one evening, and I think that—

**HOUSE SCHEDULE**

The SPEAKER. Will the gentleman yield?

I think that is a question we all should ask the majority leader.

Mr. HAYES. We are going to do the conference report on HB 1290, and we are going to do the conference report on HB 1645.

**CALENDAR RESUMED**

**REPORT OF COMMITTEE OF CONFERENCE CONSIDERED**

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **HB 1290, PN 2676**, entitled:

An Act providing additional and supplemental appropriations from the Federal augmentation funds and the Federal Revenue Sharing Trust Fund to the various departments of the Commonwealth for the fiscal period July 1, 1981 to June 30, 1982.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. McCLATCHY. Mr. Speaker, I urge the adoption of the Conference Committee Report on HB 1290, which provides the Federal augmentation for the balance of our State's fiscal year. This bill is predicated on the figures agreed to by the President and the Congress when the omnibus Budget Reconciliation Act of 1981 was passed.

I intentionally delayed bringing this measure before the House in the hopes that a final Federal budget would be enacted into law so that we might consider more precise appropriation levels. In that the Congress and the President have not agreed, the numbers before you are based only on the enactment finally agreed to. That is the authorization. It is essential that we act quickly to assure that we maintain the operation of our State's government and so that we assure that essential services continue to be performed.

Mr. Speaker, I urge an affirmative vote on this conference committee report.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, on the question of the adoption of the conference committee report. The gentleman may proceed.

Mr. MULLEN. Mr. Speaker, I feel that I cannot vote for the adoption of the report for many reasons. I am only going to concentrate on one, and I will let other members state their position on other areas.

I have always been consistently against abortion, and I have to get up here and tell you what happened in this conference report. All of you realize that you voted on this before. On July 1 the provision that you have in this conference report you voted down 125 to 71. Now you are being asked today to support this conference report which has this terrible language in here.

First of all, if you look at the conference report that was originally submitted to you Monday night with PN 2639, that was not too bad, because you did have very restrictive language in there. But the conference report that was amended and reported yesterday with PN 2676 does the following:

If you look at page 37, on line 26, what the conferees have done is inserted the following language, starting on line 26: "except in the case of a medical emergency or if the parent or guardian of such a pregnant woman refuse to consent to the performance of an abortion or if she elects not to seek the consent of her parent or guardian, the court" —now, this is something new; they bring in the court now— "the court of common pleas of the judicial district in which the applicant resides or in which the abortion is sought shall, upon petition or motion, after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion." Now, what they did by inserting that language last night is really taken away from the parent of the minor child or the guardian of the minor child the right to help that individual minor child. This is wrong.

First of all, I think that if parents are in fact taking care of their minor child and the minor child is not emancipated, I think it is wrong to say to the parents, even though you may not favor the abortion, we are going to permit this child to go into common pleas court and get the abortion. This is wrong by any standard you may set up. It is 100 percent wrong.

Now, the second provision that I object to, if you look at the original proposal, it is stated as follows. This is on PN 2639, the report that was on our desks when we came in Monday morning. They have the following in there; it is on page 37 of the old report, line 29. It reads as follows: "Any organization violating any section of said contract shall be required to repay to the Commonwealth any moneys received from this appropriation. This language shall not be severable from the appropriation attached thereto. Should this language be stricken then the appropriation shall be null and void." What they have done is taken that language out completely. So for all practical purposes, what they have done is given \$4,597,000 for family planning, which I consider to be part abortion.

I think this is a terrible mistake to have us do in the House after we once had demonstrated fully our intention of not supporting this type of an appropriation. There is very little I can do at this particular point in time, because I do not have the votes. Well, all I can do is remind those of you who were in the 125 on July 1—125 voted against this—certainly consider voting to reject the conference report and to send it back to the conferees with instructions to do something about that particular appropriation. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, on the question of concurrence or nonconcurrence in the conference committee report.

Mr. EVANS. Mr. Speaker, none of us needs any more reason to vote against this bill than the fact that the leadership of this House again has seen fit to deny the members the opportunity to have input to this process. That does not really surprise me, because as a freshman I have found out, Mr. Speaker, that the Republican side of the aisle refused to support the Kukovich resolution when they had the opportunity for public hearings on the block-grant process.

I am sure, Mr. Speaker, that if the members had been given a chance to list the social service providers early in the year and now they had the opportunity to offer amendments, they would not have cut the Department of Welfare general government and county administration allotment from the block grant by 12 percent and 13 percent respectively, while allowing the allocation for child welfare to be cut by 23 percent. Day-care is to be cut by 14 percent and the community mental health and retardation to be cut by 18 percent respectively.

I am sure, Mr. Speaker, that the members of this House would not have cut direct service programs to protect the bureaucrats of the social service, and this bill currently does. I am also certain, Mr. Speaker, that the members would have looked closely at the fact that the social service programs contained in this conference report use all of the prior year's social service funds to again support the Governor's bureaucrats, while the direct service providers all across the State close programs, reduce service, or limit the number of clients they will serve. I am certain, Mr. Speaker, that few if any of the members realize that all the tens of millions of dollars for the social service funds unexpended in prior years will go not to direct service but to offset the Department of Public Welfare general government administration costs.

In short, Mr. Speaker, not one cent of the tens of millions of dollars in prior years' funds available for this block grant will go to meet the needs of our constituents. Every cent will go to offset employees' costs. I believe, Mr. Speaker, that if the members of this House were allowed to amend the social service block grant contained in this bill, greater emphasis would be placed on funding direct services. I do not believe that they would allow the Department of Public Welfare administrative programs to consume all prior years' funds. I believe that they would soon realize that at least a portion of those dollars could be shifted to assure that the aged, retarded, and poor were better served with the limited dollars available.

Mr. Speaker, the way that this bill has been kept from the members' amendments is unconscionable, and the service block grant before us is unacceptable. I urge the members to vote "no" on this report until this House has been allowed to make changes that give priorities to needed direct service programs and not bureaucrats. I express this to you, Mr. Speaker, because I have found that there is no such thing as on-the-job training here, and I feel really disturbed that just as the budget was passed in June, just as SB 618 was just passed, HB 720, the opportunity has not been allowed for us to continue to provide input and the Governor continues to try to shift and decide the direction of this Commonwealth without our being partners in the process. And I would hope, no matter what side of the aisle the members sit on, that we would not concur with HB 1290 and that we would send a message that we are sick and tired of what is taking place in this General Assembly. Again I thank you, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, I also rise to ask for a "no" vote on the conference report. A few months ago we had the opportunity to address the concern I and many members of this chamber had regarding the block-grant money. I can understand why at that point in time the Governor rejected the idea of hearings and put so much pressure on some members of this House to vote against that resolution, because what we were afraid of back then has come to pass, and that is that this money has been allocated in many instances throughout the blocks in large lump sums without any delineation as to how that money would be spent.

Now, Mr. Speaker, I think we all have service providers and service recipients back home who are dependent upon this money, who have had absolutely no input, who have been entirely shut out of the process as we, their elected officials, have been shut out of the process here in Harrisburg.

Now, I concur with what Representative Evans said. One of the reasons why we are elected is to allocate intelligently how this money is going to be spent. Now, we are not only giving up that opportunity to allocate intelligently, but all we can do is not even allocate at all, just agree with the document that we have been handed a short time ago and say to vote "yes" or "no." Now, Mr. Speaker, I think that is absolutely ridiculous. I think that is a mistake on our part. I think each and every one of us, no matter how we voted before on this issue or how we will vote today, this is going to come back to haunt us.

Mr. Speaker, I am concerned about substantively where the cuts are being made. One of the things we wanted to do, if we could open this up procedurally to have hearings, was to try to ensure that deserving individuals receive services, and again, one of the things we feared was that administrative costs would be inordinately high. Now that seems to be the case here. In the areas of education, in the areas of drug and alcohol abuse, in the areas of day-care programs, in the areas of programs for senior citizens, the cuts have been made in direct services, in money directly to needy people, and again an inordinate bulk of that money has been handed over to

bureaucratic costs, over to administrative costs, and I think that flies in the face of what has been intended with block grants. Whether it has been President Reagan, whether it has been Governor Thornburgh, whether it has been any politician in the State whom I have heard, we have all ranted and raved against excess bureaucracy and waste in government in really helping people.

HB 1290, in particular the sections in the back that deal with block grants, does just the opposite. I would suggest that you read that; I doubt if you have.

Mr. Speaker, I would suggest that if we vote against this conference report, we can send it back to the conference committee. My suggestion, on the record, for the conference committee would be that they sever out the last portion of the bill that deals with block grants, bring forth to us the Federal augmentation funds. I think most of us can vote for that, and the essential services that Representative McClatchy alluded to can be dealt with expeditiously. We still have time to work on block grants. We will still continue to receive money until October of 1982 if we do not move until that time on block grants. So we have the time, we can still have the hearings, we can still do the job that we were elected to do if we vote "no" on the conference report. Thank you, Mr. Speaker.

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

Mr. MORRIS. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to remind the members of this House that during the 8 years of Governor Shapp's administration, this House took over its rightful place in the budget process. One of the ways we did that was to require in our appropriation bills line iteming of virtually everything that was appropriated to the departments.

Here in this bill, as I understand it, is an appropriation of \$45 million to the Department of Community Affairs to do with just about what that department wants, and I think this is retrograde legislation. I think we ought to oppose this bill.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to urge concurrence in HB 1290, and I would like to direct my remarks to one particular aspect of the debate. It had been said earlier by the gentleman from Philadelphia, Mr. Mullen, that we should oppose the bill because of the family-planning provisions. I think everyone in the House knows where I stand on that issue from my remarks of last June. I will reiterate just a few of them, that I think if there is anything that will prevent abortions, it is responsible family planning, and I said last June that the leading cause of abortion is pregnancy. That is just as true today. We will stop more abortions through this than any other way. As a prolife member of this House, I strongly urge that no one vote "no" on those grounds and that we concur in the Senate amendments on HB 1290.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to urge my colleagues to support the conference report on HB 1290. The only reason I have taken the microphone is because of the issues discussed by my friend and colleague whom I admire very much, Representative Mullen.

Clearly I am not completely pleased with our continuing to give some money to family-planning services, but I think we have to look at the history. For 10 years we have provided State funds for family-planning services. This year for the first time we cut out all State funds by the will of this legislature. Not one penny in State dollars has gone to family-planning services, and I think that is important to remember.

Secondly, if you look at the appropriation for family-planning services, you will see it is \$4.5 million. That is a substantial cut, Mr. Speaker, because originally what they had budgeted for was almost \$8 million. Of the \$4.5 million, \$3.5 million has already been spent. So, in fact, family planning has for the balance of this year, for the last 6 months, only \$1.1 million, a substantial reduction.

We have made some progress with respect to the language. First, we state that no money shall go for abortions or abortion counseling. Now, I admit that this will not stop abortions and abortion counseling because of the accounting trick that we discussed before, but at least we have that as a statement of principle.

We also make it clear in this language that no abortion clinic, no facility whatsoever that receives family-planning funds, no organization that receives it can in any way provide an abortion to a minor without either parental consent or court approval, which is the precise procedure we put into SB 742, which we voted upon last week. I think that is a significant step forward.

Also, we have received information that because of the attention that has been focused on this issue, a number of the organizations receiving family-planning funds who predominate in abortions are considering and in all likelihood will drop out of receiving any family-planning money whatsoever because of the attention that has been focused on them.

Also keep in mind that this appropriation is only for 6 months. On or before July 1, we have to consider once again how much money is going to go to family-planning services. The legislature will have an opportunity to insert additional language or, should it be the will of the legislature, to completely delete any funds whatsoever from family-planning services.

Finally, Mr. Speaker, because of the small amount of money involved and because of what we went through last week, I think there is a song the "Gambler" sings, you have to know when to hold them and you have to know when to fold them. I think it is time now for us to step back a few feet and let some of the wounds that have been inflicted heal. I think we will go a long way toward that if the members who support the prolife movement will also support this bill. Thank you.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

I would like to know whether or not I can interrogate the majority chairman of the Appropriations Committee.

The SPEAKER. The question before the House is whether or not the House will adopt the conference report on HB 1290. On that question—

Mr. RICHARDSON. The same way everyone else spoke, I want to have an opportunity to ask some questions concerning the same thing everyone else has been talking about. The gentleman, Mr. Freind, and the gentleman, Mr. Mullen, talked about abortions. I want to talk about block grants, and I would like to ask the gentleman some questions about it.

The SPEAKER. The gentleman is in order.

Mr. RICHARDSON. Community services block-grant State plan: I would like to know whether or not you are of the opinion, Mr. Speaker, whether or not the objective is to provide services such as employment training, number one; number two, community conservation corps; number three, community economic development; number four, agency development; number five, the summer youth employment program; number six, the youth program to reduce high school dropouts; number seven, summer youth recreation programs; and number eight, emergency assistance.

Mr. McCLATCHY. Yes, Mr. Speaker.

Mr. RICHARDSON. Is it also your understanding, Mr. Speaker, under this community services block-grant State plan, that there has been no plan that has been offered in terms of public input which would allow the community to have involvement to specifically talk about those particular needs as it relates to those eight subjects?

Mr. McCLATCHY. No, Mr. Speaker. I am not familiar with that.

Mr. RICHARDSON. You are not familiar with what, Mr. Speaker?

Mr. McCLATCHY. What you just alluded to.

Mr. RICHARDSON. No; I am saying that there have been no public hearings?

Mr. McCLATCHY. We have had public hearings throughout the State on all block-grant areas.

Mr. RICHARDSON. Where? That is just my point. That is what I said. I said, have there been public hearings, and you answered that there have been. I want to know where they have been.

Mr. McCLATCHY. Offhand, they have been in Philadelphia; they have been in Erie; they have been in Pittsburgh; they have been all over the State, Mr. Speaker.

Mr. RICHARDSON. Where were they held on the block-grant question, Mr. Speaker, relevant to the areas that I am talking about now which will provide services in the eight areas that I have mentioned? Are you speaking of the Appropriations Committee holding public hearings, or are you talking about a committee that was held in this House of Representatives to hold public hearings dealing with the question where citizen input was given relevant to block grants?

Mr. McCLATCHY. It was hearings produced by the Human Services Committee of the Cabinet.

Mr. RICHARDSON. Well, what committee was that? I do not know what committee you are referring to, sir. Could you

give the members of this House some knowledge of whom you are referring to?

Mr. McCLATCHY. That is the Governor's committee, the Human Services Committee—

Mr. RICHARDSON. Oh, the Governor's Office, not this House of Representatives, the Governor's Office. Is that correct, Mr. Speaker?

Mr. McCLATCHY. That is correct.

Mr. RICHARDSON. Thank you.

I would like to know, Mr. Speaker, if you could also tell us whether or not this House of Representatives intends at any time in the immediate or near future to hold any public hearings relevant to block grants before we pass HB 1290 in its concurrence.

Mr. McCLATCHY. Not on HB 1290, but on future block grants we have to hold hearings.

Mr. RICHARDSON. I could not hear the gentleman's answer.

Mr. McCLATCHY. I said not on HB 1290, the Conference Committee Report on HB 1290, but on future block grants, hearings will have to be held.

Mr. RICHARDSON. But is it not my understanding, Mr. Speaker, that at this present time we are talking about the Department of Community Affairs which did hold one public hearing in Harrisburg, nowhere else in the Commonwealth of Pennsylvania, only one? Are we not also talking about the Department of Education, Mr. Speaker, in HB 1290? Also are we not talking about the Department of Health, Mr. Speaker? And also, Mr. Speaker, are we not talking about alcohol, drug abuse, and mental health block-grant programs?

The SPEAKER. The gentleman will yield.

The gentleman obviously knows the answers to the rhetorical questions he is asking. The gentleman, if he cares to make a statement on the conference committee report, is in order.

Mr. RICHARDSON. Mr. Speaker, I am establishing for the record, if I possibly can as every other gentleman has had an opportunity to stand on this floor and do so, the fact that each one of these is a separate entity. There is a possibility that in some of them there were held public hearings. For one example, in the Department of Community Affairs, Mr. Speaker, there were public hearings held. Some people were not aware of that, and I wanted to find out from the gentleman, Mr. McClatchy, whether he was aware. If there are other public hearings that were held in these other department agencies which also fit into this bill, I am just trying to find out from the gentleman whether or not there were public hearings held on it and whether or not these particular areas that I have mentioned are included in HB 1290 under the block-grant forum.

Mr. McCLATCHY. Mr. Speaker, as I repeat, there is a forum for all parties interested in these block grants to be heard, and that was conducted by the Governor's Human Services Committee.

Mr. RICHARDSON. Could you share then for us, Mr. Speaker, what the process was that involved all the members of this House and their constituents to allow that kind of debate and also input to take place?

Mr. McCLATCHY. I think we all received that information, Mr. Speaker.

Mr. RICHARDSON. No, we did not, Mr. Speaker, and I am one member standing in front of you saying I never received it. I am asking, what was the process that was available to each and every one of us to be afforded that opportunity to have the input, Mr. Speaker?

Mr. McCLATCHY. I do not have those documents with me, but they are available.

Mr. RICHARDSON. Okay. If they are available, Mr. Speaker, can you point to where they would be?

Mr. McCLATCHY. Not at this moment.

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

I would like to move on then, Mr. Speaker, and ask whether or not there has been any concern relevant to the fact that the cuts that are being enumerated in and under this block-grant program, whether or not you feel that this is going to affect a number of the programs as it relates to all of the programs that are presently in the Commonwealth of Pennsylvania under this block-grant forum? The budget cuts that are going to take place, I said, in this bill, whether or not you have any input as to what the amounts of those deficiencies are relevant to each one of those departments.

Mr. McCLATCHY. I do not quite understand the gentleman. There are no budget cuts. There are no deficiencies in this program.

Mr. RICHARDSON. There are no budget cuts, Mr. Speaker? Is that your answer to the question?

Mr. McCLATCHY. This is just a reappropriation of Federal money. I do not quite understand what the gentleman is asking.

Mr. RICHARDSON. Okay. Well, I will go down the line then, Mr. Speaker, exactly what I thought, and perhaps there may be some ambiguity on your part. I will try to help the gentleman. Block-grant community services program: The estimated allotment under the current program for Community Affairs is \$16,814,000, but under the block-grant program fiscal year 1982 to 1986, it is only \$15,848,000 for five specific programs - community action, senior opportunities and services, community food and nutrition, energy conservation, training evaluation and technical assistance. Are you saying that there is no disparity between the current program of \$16 million and then the block grant which is being afforded at \$15,848,000, Mr. Speaker?

Mr. McCLATCHY. Mr. Speaker, these are Federal programs that have been reduced by Congress. These are authorization levels that we are presenting to you for our appropriation, the best knowledge. We are not cutting any programs.

Mr. RICHARDSON. My point is specifically whether or not there was a cut, regardless of whether or not you cut them or whether or not Washington has cut them. The question is, is it not a fact that they are being cut, and does it not mean that there will be a reduction in services as it relates to the programs that presently have a current program in fiscal year 1981 of \$16,814,000?

Mr. McCLATCHY. According to those Federal cuts, I am sure there will be some reduced services.

Mr. RICHARDSON. Exactly my point. Thank you very much, Mr. Speaker. I would like to have an opportunity to speak on the bill.

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

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

Just as I thought, I wanted to point out for the record specifically so it could be made very clear that the gentleman who is the chairman of the Appropriations Committee, while enacting what is happening in Washington, has not seen fit to deal with holding in the House of Representatives public hearings for the sake of all of our members of this General Assembly to deal with the specific issues of block grants as they relate to the cutbacks. Again we are dealing with cutbacks. It seems that this week is tied up and confused with just beat-up-on-poor-people week.

As all of you know, the Reagan administration has seen fit to assassinate the vitally needed programs. One of the first questions that we should address ourselves to is, how did Mr. Reagan and his budget director accomplish such massive budget reordering without having to go through the normal congressional recording hearings? Presently there are hearings that are supposed to be held on all of these block grants, and there have not been any. There were several factors involved, such as the Republican control of the Senate, a general concern about the economy, a perception by the Congress over swaying the national climate towards conservatism, the disarray with the Democratic Party, and the use of a process called the budget reconciliation process, which had been used only once before. This reconciliation process is a two-step process for establishing the annual Federal budget spending. One, the first step is getting a resolution passed which sets the spending targets for the fiscal year. The second is a step in the passage of a second resolution that sets the spending ceilings. The reconciliation process seems to be a workable mechanism, for the Reagan administration chose to do away with public participation, the process by which the House and the Senate authorized committees to draft legislation that will bring program budgets in line with a given overall budget.

Now, I would like to turn to our State level for a moment. At the State level, as the Federal law requires, Pennsylvania must submit a plan. We have not submitted that plan, Mr. Speaker, in the operation of good faith, because there have been no public hearings. The gentleman, Mr. Kukovich, tried to get this House to suspend its rules so that we could consider as a body of legislators who are responsible for our districts to be concerned about those programs that affect each and every one of you and those persons in your constituency. To date, we have received only the community services block-grant plan submitted by the Department of Community Affairs and the health services block grant submitted by the Health Department. It has been projected that because of decisions made in Washington, there will be a reduction of about \$152 million in Federal funds for Pennsylvania. In addition, Governor Thornburgh has requested an additional 1-percent across-the-board cut in all State General Fund operations and subsidy payments for this year. This is in addition to the 4-percent cut that was enacted last year.

It should be noted very clearly that we are not only just talking about that 1 percent and the 4 percent but an additional cut out of Washington that is going to affect many of those programs in your community. While those cutbacks are being instituted, the Thornburgh administration has seen fit to give the corporate world a 2-year phase at the State level of the new Federal depreciation schedule for business investments. This means a tax incentive of about \$51 million for this year and an additional \$107 million next year. Ironically, this tax incentive will be a reduction of 1,100 positions; 600 of these jobs will be lost within the Department of Welfare: A, county administration; B, noncritical functions; C, State mental hospitals. Home income energy assistance receives a slight increase of about \$80 million for a total of about \$120 million. Federally funded highway construction grants will lose \$16 million, but the Governor foresees no cutback in the delivery of construction and maintenance schedules.

As of today, there is no specific information about any legislation being introduced regarding State implementation of the Federal block grants, because the Federal augmentation amendments had not been approved prior to just a few moments ago. The State legislature must come up with \$100 million in budget cuts for the current fiscal year to compensate for an anticipated loss of that much in revenue from the State's corporate net income tax. The loss is the result of tax breaks granted businesses and President Reagan's tax-cut package allowing them to accelerate the depreciation of machinery, equipment, and buildings.

In conclusion, Mr. Speaker, I want to give some stats. The State Budget Secretary, Robert Wilburn, has estimated that the Federal budget cuts the State about \$200 million in lost Federal subsidies this fiscal year, including \$21 million in Federal medicaid funds, \$10 million to \$15 million in aid to families with dependent children, and \$50 million in seven block grants covering a vast array of social programs. Pennsylvania uses the Federal system as a base for calculating the State's corporate net income tax. A change at the Federal level automatically means a corresponding change at the State level. It should be noted, Mr. Speaker, that all of these programs we have just spoken about directly affect a number of citizens in this Commonwealth.

In conclusion, I would like to offer this as a comment, that 95 percent of the money will go to 33 community action agencies on a competitive and noncompetitive basis. The other 5 percent will go to noncommunity action agencies on a competitive basis. The funds will be distributed by the following method: One, you must get an approved plan to receive administrative 221 money funding until September 30 of 1982; number two, that the rest of the money they will receive through competitive bidding for projects with the goals and objectives as expressed in the State plan. There is a long, long, long list of assurances. There is a question in my mind as to how they intend to accomplish (h) and (j) without specific plans of an enforcement mechanism. The objectives: to create jobs for low income through locally based economic development and low income; two, to increase employment in the economically deprived grouping through training programs;

and number three, to increase employment ability. Requests for the proposals were issued by the Department of Community Affairs as of November 1.

Finally, Mr. Speaker, I say this: Each and every member of this House has a right to do what he or she chooses to do, but it seems to me that all of the processes that have been afforded each member in this House have been violated in one respect or another. At some points—and I raised this question last week on the floor—there are members who are allowed to raise and move the previous question and get the 20 seconds to move the question; then there are others who are willing to limit the amount of debate which one wants to discuss.

I would like to say this, Mr. Speaker: It seems to me that being a member of this House for some five terms, when it comes down to crucial issues that affect those persons who are least expected to do anything for themselves, we tend to take the brunt of the pain out on them. This is another attempt by the Thornburgh administration and the Republican Party to crush those people who are less fortunate in this Commonwealth. I say that without any hesitation whatsoever. It seems to me that the Governor has decided that he is dictator, judge, and jury and that the Republican Party is its masters and generals to do exactly what they want to do. There is no concern or regard for the person who is being crushed the most.

But I will say this: Those social service programs that affect drug and alcohol and affect the Health Department and affect the other departments in this Commonwealth affect each and every one of your districts, because you have poor people who live in your districts who need those vitally needed services. How will you react and respond to those persons who are going to come to you and say, why did you vote that way? I know it is very easy for you to say you do not care. Many people have attempted to use this as a springboard for their kickoff to their campaign. It is quite clear that while we have people in the rotunda right now who will be staying here overnight to deal with the problems of the poor people in this commonwealth who are going to be cut off welfare, who are going to be denied these social service programs, that there is nothing as a substitute to implement any of these programs for the persons in this Commonwealth. It is another attempt at subterfuge not to be able to deal with the problems that affect those poor people, and it seems that there is a disregard attitude on the floor of the House to deal with that. As far as I am concerned, the conference committee report and the report dealing with SB 618 can all be junked, and that is how I feel.

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

Mr. McCLATCHY. Just a few comments to clear the air. Briefly, we have nine block grants, and so that everyone in the House realizes, we have very, very little latitude—in fact, as far as I am concerned, almost no latitude—to change these grants, no matter what we did, no matter how many hearings we had.

For instance, low-income energy block grants: We are only allowed to transfer up to 10 percent of that item if we want to. Now, could you imagine us transferring low-income energy

assistance block grants? I do not think that is possible. You have community services block grants that are very popular, very sensitive. We can only transfer approximately 5 percent of that money, and we have not done that. I do not think anybody in this House would do that, despite all the hearings we have. You have the alcohol, drug abuse, mental health services block grant. We can transfer 7 percent of that money into some of the other more sensitive areas, but these are sensitive, and I do not see the House transferring any of that money.

Mr. Speaker, the block-grant program as originally instituted by President Reagan was not enacted by Congress. We were given very, very, very little latitude, and again, as far as I am concerned, no latitude in these very sensitive programs, and we have merely appropriated or authorized what Congress has told us they would grant us.

Finally, Mr. Speaker, for those who are opposing these block grants, unfortunately, this month 23 of them will run out of money, 23 programs - the black lung clinic program, the alcohol formula grant program, the drug abuse treatment program, the title XX day-care program, and on it goes. So when you talk about cutting and when you talk about changing or when you talk about not voting, which is the most important issue, on these block grants, you must remember the sensitive programs you are voting against. Believe me, if anyone had a chance to change them, I think we would have given that chance. There is almost no latitude whatsoever to change this block-grant program. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the conference committee report. I was one of the conferees, and I did not sign the report.

Mr. Speaker, this bill does, among other things, increase administrative costs for this administration, and in some instances those administrative costs are substantial; for instance, in special education, in school libraries, and vocational education. The administrative expenses of the Department of Education are increased about 25 percent. What that means, Mr. Speaker, is that about \$850,000 is being taken away from your local school districts, \$850,000 that should be sent directly to local school districts for the areas of special education, vocational education, and school libraries. And if we did that, we would still be allowing the department an increase of about 5 percent in administrative costs, but that is not in this bill, Mr. Speaker.

Mr. Speaker, there are the so-called title XX social service programs. There is a general overall reduction in that, but it is interesting that the Governor is proposing reducing all 15 programs that currently receive social service funds by amounts varying from 2.7 percent to 32 percent. But it is equally important to note that in regard to those reductions, both the Department of Public Welfare's general government and county administration appropriations suffer the smallest reductions in social service funding. They range from 2.7 percent to 13.3 percent. But in the area of sensitive direct service programs, like programs for the aging, day-care, and

child welfare, those cuts suffer funding cuts from 13.7 percent to 23.2 percent. So what is happening is that all the direct service programs are being asked to incur a larger reduction in title XX funding than are the administrative programs being asked to absorb.

Mr. Speaker, in the Department of Community Affairs, Federal law requires that at least 90 percent of block grants be spent on existing community action programs in the first year. Secretary Dennis is proposing that we fund each existing agency until its present contract expires and then extend it to September 30, 1982. These contracts will begin to expire between January and September of 1982, and under her interpretation, only a little over \$2.5 million is going to be required to pay off those existing contracts until their expiration date, so that the maximum funding received by any program would only be for 9 months. Yet this bill asks us to appropriate \$14.3 million to Secretary Dennis to allocate as she sees fit, without any restrictions, without any input from this legislature, and after she has finished paying for the existing contracts and extending them, she stated that it is her intent to entertain proposals for new programs to spend the rest of the money.

Mr. Speaker, I could go on and on about what is bad about this bill, but I want to repeat what has been said several times, that there should have been public hearings. And while I know that very few people are paying attention, Mr. Speaker, again, when you campaign next year, do not forget to remind your constituents that when the time came when you had an opportunity to get some input, you turned your back. You do not really care where this money goes. And if you are worried about the deadline coming up, then where were you back in September, back in July, when we said, let us have public hearings and let us find out where we are going to spend the money? But you said, we do not care, and now you are coming around in December and saying, we have got to spend this money. These people are running out of money, and there will not be any money come December. That is not my fault, Mr. Speaker; that is your fault, those of you who refused to go along with the request for public hearings. And I am telling you that come next election, there are going to be some hard questions asked, and if I were one of your constituents, the first question I would ask is, were you responsible? Did you care how this money was spent? And I hope that your answer is going to be, yes, I did, but I doubt very much if many of you are going to answer that way.

Mr. Speaker, this is the wrong approach. This is not the way to do it, and I really do not care anymore about whether or not the deadline is here. Eighteen years I have been here, and it is getting worse and worse every year. We are under constant deadlines to do something, because we procrastinated in the beginning. Because we did not want to take the time in the beginning, we are now going to have something shoved down our throats once again. I do not know how many times I have stood on the floor of this House and objected to those procedures, to those kinds of dealings, and it seems to fall on deaf ears, as are most of my remarks this afternoon, Mr. Speaker. But you are not going to get away from answering that question. You are not going to

evade the responsibility that you have. You were sent here to determine how the money of this Commonwealth is going to be spent, and in every instance in the last 3 years, on that most important question the majority party has decided that they really do not care, that they are willing to let one or two people make the decision.

Mr. Speaker, I would ask you to not allow that to continue, and to once, just once, put a little piece of wood where your backbone ought to be and stand up and say, we have gone far enough, we want to have some input, we are going to reject this conference committee report, and we are going to continue to reject it until we get an opportunity to decide how we feel, how we feel in this chamber, the money ought to be spent. Mr. Speaker, I ask for nonconcurrency.

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

Mr. ITKIN. Mr. Speaker, would the chairman of the House Appropriations Committee stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I always look through this document of the Federal augmentation bills with a certain amount of interest and concern. Through the past years, we have discovered in the legislation things that I do not think the General Assembly would support. There is a lot of confusion sometimes relative to what specific sections will provide. I would like, Mr. Speaker, to have you turn your attention to page 4, line 14, which is a Federal appropriation to the General Counsel, and it is a funding for appropriate energy technology, a Federal program administered by the Department of Energy to provide inmates with functional job experience prior to their release, the amount of \$32,000.

Now, Mr. Speaker, could you inform me and the other members of this House specifically what this money is to be used for, and why a decision was made, and by whom that decision was made in State Government, to use this money for this particular purpose?

Mr. McCLATCHY. Mr. Speaker, we have all those documents here. Unfortunately, there is a very thick pile, and for brevity of the situation, we will be glad to provide Mr. Itkin that information at an appropriate time in the next half hour, when we find it. We are leafing through it right now, but it is there and it is in the contract.

Mr. ITKIN. Mr. Speaker, I do not wish to hold up the debate. I would be glad, at the appropriate time, for Mr. McClatchy to provide that information to the House prior to us voting finally on the bill. Thank you.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I will be very brief. I wanted to clear up a few, I think, misleading responses to the interrogation of the chairman of the Appropriations Committee by Representative Richardson.

Regarding the hearings—and that was one of the points that we were very disturbed about—there were six informational hearings held around the State. Some people were very critical of them; I was not. I thought it was an important first

step to begin to understand block grants, but we were tentatively promised that we would be able to have participatory hearings, that we would allow people to have input. That never came to pass. There were never any funding allocations revealed to us at any time. There was never any public testimony taken. The only thing that was ever done was an explanation of what was contained in each of the new block grants was given. As a matter of fact, just recently I have been told that there are auditors in the State of Pennsylvania from the Congress of the United States trying to find out whether the implementation of block grants has been done appropriately, and to the best of my knowledge, Secretary Lieberth has admitted that the types of hearings that they had wanted in the omnibus Reconciliation Act of 1981 never came about here in Pennsylvania. So I think the response to Representative Richardson is that, no, the kind of hearings that he was concerned about and our people were concerned about never did happen.

Secondly, I do have one question. I am not sure if this was answered by Mr. McClatchy, and if he would stand for one question, that would be the end of my interrogation.

The SPEAKER. The gentleman may proceed.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Recently the United States Senate passed a resolution—about 60 to 35 was the vote—a continuing resolution, to make the allocation of money continue. So at this point in time, there has not been any funding level set by the Congress. Now what I am concerned about is, in light of that, can you tell us how much money is going to be appropriated to the various agencies as a result of that resolution in the United States Senate?

Mr. McCLATCHY. It is my understanding that the continuing resolution was nothing more than the continuation of the authorization of the levels we now have in the bill. Again, there is no assurance that when the Congress acts, those appropriation levels will even be as high as the authorization. And I frankly doubt it will be that high.

Mr. KUKOVICH. Thank you, Mr. Speaker.

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

Mr. PRATT. Thank you, Mr. Speaker.

I would like to note for the record that there are probably innumerable reasons to justify a "yes" or "no" vote against this bill, but I might point out to those members who advocated the passage of SB 742 last week that it may be difficult to reconcile a vote for this bill today in view of this language which was inserted on page 37 of the bill, which was alluded to by Representative Mullen, and to also reconcile a vote which was taken on then SB 618 on July 1, 1981. I believe that those people who are interested in this type of program in Pennsylvania dealing with prolife or proabortion should be asking some questions of those members who support this bill tonight. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to ask for a negative vote on the conference report on HB 1290.

Mr. Speaker, it seems that we must sound like a broken record coming to this microphone on these important matters, HB 1290, SB 618, all of the budget matters, and saying to the Republican Party and the Governor of this Commonwealth, is it too much to ask that we be allowed to participate in the process?

When the Federal Government began with their block grants and when information first became available, when it was obvious that Pennsylvania was going to suffer tremendous losses, millions of dollars, to programs, we attempted to ask the administration and the majority party in the House to let us participate in the process. It is not going to be easy. Mr. Kukovich presented a proposal on the floor of the House asking that we not pass a bill such as HB 1290, that we not dispose of the legislation dealing with block grants without holding public hearings. Mr. Speaker, we were told at that time that we would refer that particular proposal to the Rules Committee and that we would have our opportunity to work on whatever legislation it was that was going to come before us dealing with the block grants, and it is here. As we predicted at that time, it is here in a conference report, where you have the opportunity to vote "yes" or "no," where you do not have the opportunity to amend, to deliberate, or to tailor.

Now, I understand, Mr. Speaker, that the information coming from the Federal Government is such that it is not in the best of shape to allow one to make intelligent decisions, intelligent priorities and allocations. I understand that, but I do not believe that we as members of the assembly ought to, for one moment, think that those decisions can be better made in the executive branch of government, and that is what we are deciding today. We are deciding because there are many decisions that have to be made, difficult decisions that have to be made, priorities that have to be weighed, programs that have to continue at perhaps a lower level, that we will simply wash our hands of it because we cannot do it as well as the administration and the executive branch can do it. Well, Mr. Speaker, if on all other matters of the budget and fiscal matters you would take history, you would find that we do a much better job of the budget process. We do a much better job of estimating what programs will cost, what expenditures will necessarily be made in programs, than the administration or the executive. And we do a much better job, Mr. Speaker, in seeing to it that administrative costs are held down and that the maximum dollar goes into programs for people.

What we are doing with HB 1290 again, in almost every block grant that is coming to us, is simply saying to the administration, here, you take the money; you take the ball and run with it; we do not want to be bothered. Some of us think we ought to be bothered, and we think it is our responsibility to be bothered.

Mr. Speaker, in the Department of Health there are two block grants. One is for \$2 million in preventive health care, and another is for maternal and child health care, which is \$13 to \$14 million; a total there of some \$15 or \$16 million. When we asked the Department of Health what was going to be done with this tremendous amount of money when it got there, we were only told that infant care was going to be cut,

sudden infant death syndrome moneys were going to be cut, the lead-poisoning program was going to be cut, and neonatal metabolic screening for retardation was going to be cut. We were not told how money was going to be spent other than that, and I do not think they know how money is going to be spent other than that. All we are doing is taking a large sum of money, sending it over to the Health Department, and I am sure they will tell us, when they decide how they are going to spend it, how it will be spent. I suggest to you that that responsibility and prerogative belongs to this General Assembly.

Mr. Speaker, in the area of educational costs, some \$850,000 has been taken away from school districts by the Federal block grant that is coming down, in the area of library purchases, special education programs, and vocational training. That is \$850,000, almost a million dollars, taken out of those direct services, and instead this bill gives the Secretary of Education, in those areas, some 25- to 33- percent increase in his administrative budget. Mr. Speaker, I think that does not deserve the stamp of approval of the General Assembly.

The Governor was able to go down and with both feet jump on the Reaganomics program of block grants when Pennsylvania will be suffering much more than many of the States, especially those States in the Sun Belt, from the program. Yet he has been unwilling, as demonstrated in this particular block grant, to swallow the administrative cut, and in fact is robbing program to provide more money for administration and overhead.

Mr. Speaker, in the drug and alcohol area, in the mental health services, almost a half a million dollars, which had been used in the past for treatment of addicts, has been shifted again to the administrative budget. The drug council has been dealt a blow by the conferees by cuts in direct services, just as they were dealt a blow by the conferees on the budget last spring.

Mr. Speaker, in the mental health portion of that block grant, we are being asked to appropriate \$10 million for contracts to 31 community mental health centers. The only difficulty we on this side have with the appropriation of that \$10 million is that when we add up all 31 contracts, we come up with \$2.8 million, and we are unable to determine what has happened or what is going to happen to the other \$7 1/2 million in that block grant. It is going to be spent by the Welfare Department, Mr. Speaker, I am sure, but you and I certainly do not know where it is going to be spent. I know because they tell us that of that \$7 1/2 million, almost 10 percent, or \$714,000, is going to be spent in their administrative budget.

You can go right across the board in these block grants, Mr. Speaker. In medical assistance where there is a 3-percent reduction, or \$22 million in reductions to funds that have been coming to this Commonwealth, all of the cuts are put in areas where people are going to suffer because of the cuts. Inpatient hospital care has been cut \$16 million. Intermediate care facilities for the retarded has been cut \$3.9 million, and State general hospitals have been cut \$1 million. Again, all of the cuts are being put into direct services to the people. The

allocation for administrative activities in the Welfare Department for the medical assistance program is increased. The pattern continues.

Mr. Speaker, the social service priorities have been severely distorted by HB 1290 and the block grants the way they will be administered. In the social service area, the total block grants have been reduced by \$28.7 million, or 16 percent. Mr. Speaker, there will be cuts made in aging programs of 17 percent; in adult services programs of nearly 25 percent; in day-care of nearly 13 percent; in child welfare of 23 percent; and in community MH/MR, 17.8 percent. Mr. Speaker, these programs are being cut so severely because again the administration will rob for overhead; they will steal from the people who are receiving these services for general government in the Welfare Department and for county administration. If they did not take money for those two overhead items, we could design a program that would not cut one of those areas more than 5 percent. We could limit the hurt in day-care, child welfare, community MH/MR, aging programs, and adult services. Yes, we could limit the cuts to 5 percent if we were not taking so much money and putting it into the administration's budget. This again is part of that grand scheme to cover up how badly this Governor and this administration have managed the fiscal affairs of this Commonwealth.

Mr. Speaker, the community services block grant continues again in the same pattern. Out of the \$15.8 million available in this block grant—and it is going to Shirley Dennis—only \$2 1/2 million is being allocated to carry out existing programs. The large sum of \$13 1/2 million will be allocated among new programs, which we understand proposals will be entertained to decide how that money is being spent.

Now, I know that members of this assembly could design programs and at least give valid guidelines for the expenditure of that kind of money, and we do not have to just simply turn over \$13 1/2 million to the Department of Community Affairs under the direction of Shirley Dennis, who I understand refused to return to the Appropriations Committee hearings this year to answer questions that the committee wanted to pose.

Mr. Speaker, further, in the community development block grant we are going to allocate some \$45 million, \$45 million, which is to be used in communities of less than 50,000 people in population with again no guidelines whatsoever to the department on what kind of program should be established, what kind of areas should be serviced, what kind of people should be helped, no guidelines as to program, geographical distribution, or formula.

Mr. Speaker, we are placing again entirely too much discretion in this Department of Community Affairs with \$45 million. What we are virtually doing is simply taking the Federal moneys that will come into Pennsylvania, and just a few years ago, this General Assembly went to court to have it established that the power over Federal funds and the allocation of Federal funds rested with the General Assembly, and that was a bipartisan effort. Both parties joined in a suit to establish the principle that this General Assembly has not only the power of the purse over State funds but any Federal funds

coming into Pennsylvania. That was clearly established by court decision that both of our parties took the initiative to have determined that that was so. What good is it to know that that particular power of the purse over Federal funds rests with the assembly when we so easily delegate that authority to the executive branch who we certainly know is unable to do the kind of work on programs that we are able to do in the assembly.

Mr. Speaker, in the strongest terms that I can urge the same, I urge a negative vote on this conference report.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—102

Alden	Fargo	Levi	Saurman
Anderson	Fischer	Lewis	Serafini
Armstrong	Fleck	McClatchy	Sieminski
Arty	Foster, W. W.	McVerry	Sirianni
Belardi	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Frazier	Madigan	Smith, E. H.
Bowser	Freind	Manmiller	Smith, L. E.
Boyes	Gallen	Marmion	Snyder
Brandt	Gannon	Merry	Spencer
Burd	Geist	Micozzie	Spitz
Burns	Gladeck	Miller	Stairs
Cessar	Greenwood	Moehlmann	Stevens
Cimini	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Taddonio
Clymer	Hagarty	Noye	Taylor, E. Z.
Cochran	Hasay	Perzel	Telek
Cornell	Hayes	Peterson	Vroon
Coslett	Heiser	Phillips	Wass
Cunningham	Honaman	Piccola	Wenger
DeVertter	Hutchinson, W.	Pitts	Weston
Daikeler	Jackson	Pott	Wilson
Davies	Johnson	Punt	Wright, J. L.
Dietz	Kennedy	Rasco	Wright, R. C.
Dininni	Klingaman	Reber	
Dorr	Lashinger	Rocks	Ryan,
Durham	Lehr	Salvatore	Speaker

NAYS—92

Belfanti	Evans	Livengood	Richardson
Beloff	Fee	Lloyd	Rieger
Berson	Fryer	Lucyk	Ritter
Blaum	Gallagher	McCall	Rybak
Borski	Gamble	McMonagle	Seventy
Brown	George	Maiale	Showers
Caltagirone	Grabowski	Manderino	Shupnik
Cappabianca	Gray	Michlovic	Steighner
Cawley	Greenfield	Miscevich	Stewart
Clark	Gruitza	Morris	Stuban
Cohen	Haluska	Mrkonic	Swaim
Colafrella	Harper	Mullen	Sweet
Cole	Hoeffel	Murphy	Taylor, F. E.
Cordisco	Horgos	O'Donnell	Tigue
Cowell	Hutchinson, A.	Olasz	Trello
DeMedio	Itkin	Oliver	Van Horne
DeWeese	Kolter	Pendleton	Wachob
Dawida	Kowalshyn	Petrarca	Wambach
Deal	Kukovich	Petrone	Wargo
Dombrowski	Laughlin	Pistella	Wiggins
Donatucci	Lescovitz	Pratt	Williams, H.
Duffy	Letterman	Pucciarelli	Williams, J. D.
Emerson	Levin	Rappaport	Wright, D. R.

NOT VOTING—2

Kanuck Wozniak

EXCUSED—6

Barber McIntyre Wogan Zwikl  
Irvis Pievsky

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. I have been asked to advise the members that the tunnel from the North Office Building through to the Finance Building will be open tonight. Evidently last night for some reason it was closed and there was some difficulty in reaching the parking lot, but I am advised today that this tunnel will be open.

POINT OF ORDER

The SPEAKER. For what reason does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. For a point of order, Mr. Speaker, on the point you just raised.

The SPEAKER. On which point, Mr. Richardson?

Mr. RICHARDSON. On the point that you talked about the Finance Building. We members in the South Office Building have a question to raise.

The SPEAKER. The gentleman will state his point.

Mr. RICHARDSON. Last week when this House adjourned at 12 o'clock, we were again locked out of this House. I want to know when are we going to get that thing straightened out over there so that we members in the South Office Building do not have to be subjected to being locked out when it was snowing last week, in the cold, and in the rain. It seems to me that we are supposed to be afforded egress and ingress, in and out, of that place at all times just like this Capitol, and it is being denied us, and we are getting sick and tired of it.

The SPEAKER. This problem has been called to the attention of the Chief Clerk. I would assume, unless I hear to the contrary, that it will be taken care of.

Mr. RICHARDSON. I brought it to the attention of the gentleman, the Chief Clerk, and it has not been taken care of, and I would hope that it would be—

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, to announce a meeting. To the members of the State Government Committee, there will be a very important and very brief meeting immediately upon the adjournment this evening in room 401. I would appreciate it if all members would be in attendance.

### REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **HB 1645, PN 2640**, entitled:

A Supplement to the act of July 1, 1981 (P. L. 142, No. 47), entitled "An act providing for the capital budget for the fiscal year 1981-1982," itemizing public improvement and furniture and equipment projects to be constructed or acquired by the Department of General Services, and transportation assistance projects to be acquired or constructed by the Pennsylvania Department of Transportation together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or Department of Transportation, stating the estimated useful life of the projects and making appropriations.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. RICHARDSON. I just wanted to let you know, Mr. Speaker, in the middle of my discussing what happened in the South Office Building, this guy up there cut me off, and I never finished. So I would like to be recognized at the time HB 1645 is concluded, so we can finish telling you about what is going on over there at the South Office Building.

The SPEAKER. Very good.

### CONSIDERATION OF HB 1645 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, this legislative body in the past few weeks passed legislation in the form of HB 1824 that was intended primarily to challenge the Federal court's constitutional and universal intrusion upon the legislative domain. This case I refer to was U.S. District Court Judge Raymond P. Broderick's landmark order in the Pennhurst case. Now the Governor, through the Department of Public Welfare, has chosen to pursue a similar course of action by proposing the conversion of the Cresson Center into a maximum-security prison to accommodate the mandatory sentences initiative.

I have received literally hundreds of phone calls, letters, and petitions from my constituents who are deeply concerned about this conversion proposal, now contained in the Conference Committee Report on HB 1645. Their concern goes beyond the apprehension of maintaining the correctional facility in the community or the anxiety of facing an uncertain employment future in an area already hard hit by these pressing economic times. These parents, families, and neighbors of 142 residents at Cresson Center are concerned about the welfare, the treatment, and the care of those residents this administration is about to displace. Yet in all my conversations with the administration and with officials of the Department of Public Welfare, we have not been told exactly what

will be done with 142 human beings of Cresson. Before we as legislators are expected to vote on a proposal to convert Cresson Center, I think we are entitled to specific information regarding each and every resident at the center, and the parents of those residents deserve no less.

I do not oppose the concept of stiffer sentence guidelines and a need for additional jail cell space. I strongly object to the relocation and the destruction in the lives of residents of facilities like Cresson Center in order to accommodate this program. I am concerned, Mr. Speaker, with the priorities of the current administration with regard to the mentally retarded. The Governor has proposed a 1-percent across-the-board cut in appropriations that would result in approximately \$1.5 million in decreased funding of programs for the mentally retarded. It is unconscionable to displace severely profound residents from their current environment that now provides excellent professional and administrative care with a structured care program including physical therapy, occupational therapy, proper medical supervision, and other activities, when a job is not a realistic goal.

We may well need additional prison cells, but not at the expense of dumping mentally retarded residents. Many of the prison cells could well end up being occupied by former residents of our centers if current patterns continue. We should not abandon our present centers until such time that we are sure that the intermediate care facilities can perform at least the same comparable services and professional care that is now being offered by the mental retardation centers.

There are some 500 acres of ground in the Cresson complex, and there is sufficient acreage to accommodate the construction of a prison without converting Cresson Center into a maximum-security prison.

Contrary to what some people in the Department of Public Welfare might have us believe, there are people who need care that is currently being provided by centers such as Cresson, and soon none will be available. Eighty-five percent of the Cresson residents are severely profound mentally retarded. Living arrangements for one resident in a community living situation known as a CLA or ICF have been estimated to cost about \$45,625 per year. This does not include the day-care program, the transportation, or other services, and I doubt whether similar facilities or professional care can be provided in intermediate-care-facility situations. Under current law the local county will be required to pick up 10 percent of the cost. This can present a difficult tax problem at the county level.

While I do not wish to stand in the way of funding the many legitimate projects in HB 1645, I am compelled to voice a consensus of those in my district who are affected by the Governor's proposal regarding the Cresson Center and to make my opposition known, since we effectively have been denied the input, even the opportunity for input, in making this dramatic change. It is my hope that this administration will take immediate steps to develop specific plans for the proper placement of the residents and to include the parents and the guardians of those residents in that decisionmaking process. I thank you.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

**YEAS—157**

Alden	Fee	Letterman	Rocks
Anderson	Fischer	Levi	Rybak
Armstrong	Fleck	Livengood	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Belardi	Foster, Jr., A.	McClatchy	Serafini
Berson	Frazier	McVerry	Seventy
Bittle	Freind	Mackowski	Shupnik
Blaum	Gallagher	Madigan	Sieminski
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Marmion	Smith, E. H.
Brown	Geist	Merry	Smith, L. E.
Burd	George	Michlovic	Snyder
Burns	Gladeck	Micozzie	Spencer
Caltagirone	Greenfield	Miller	Spitz
Cappabianca	Greenwood	Miscevich	Stairs
Cawley	Grieco	Moehlmann	Steighner
Cessar	Gruitza	Morris	Stevens
Cimini	Gruppo	Mowery	Suban
Civera	Hagarty	Mrkonic	Sweet
Clymer	Harper	Mullen	Swift
Cochran	Hasay	Murphy	Taddonio
Cohen	Hayes	Nahill	Taylor, E. Z.
Cordisco	Heiser	Noye	Telek
Cornell	Hoeffel	Olasz	Tigue
Coslett	Horgos	Oliver	Trello
Cowell	Hutchinson, A.	Pendleton	Vroon
Cunningham	Hutchinson, W.	Perzel	Wambach
DeMedio	Itkin	Peterson	Wargo
DeVerter	Jackson	Petrone	Wass
Daikeler	Johnson	Phillips	Wenger
Davies	Kanuck	Piccola	Weston
Dawida	Kennedy	Pistella	Wilson
Dietz	Kolter	Pitts	Wright, D. R.
Dininni	Kowalshyn	Pott	Wright, J. L.
Dombrowski	Kukovich	Pratt	Wright, R. C.
Dorr	Lashingier	Punt	
Duffy	Laughlin	Rasco	Ryan,
Durham	Lehr	Reber	Speaker
Fargo	Lescovitz	Ritter	

**NAYS—28**

Belfanti	Donatucci	Maiale	Swaim
Borski	Fryer	O'Donnell	Taylor, F. E.
Clark	Grabowski	Petrarca	Van Horne
Colafella	Gray	Pucciarelli	Wachob
Cole	Haluska	Richardson	Williams, H.
DeWeese	Lloyd	Showers	Williams, J. D.
Deal	Lueyk	Stewart	Wozniak

**NOT VOTING—11**

Beloff	Honaman	Lewis	Rieger
Emerson	Klingaman	McMonagle	Wiggins
Evans	Levin	Rappaport	

**EXCUSED—6**

Barber	McIntyre	Wogan	Zwikl
Irvis	Pievsky		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**MOTION TO RECONSIDER**

The SPEAKER. The Chair recognizes the minority whip, who moves that the vote by which HB 82 was concurred in on December 15, 1981, be reconsidered. This motion is seconded by the gentleman from Erie, Mr. Dombrowski.

On the question,

Will the House agree to the motion?

**MOTION WITHDRAWN**

The SPEAKER. On that question, the Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would like to withdraw the motion.

The SPEAKER. The Chair thanks the gentleman, and the members thank the gentleman.

**REMARKS ON VOTES**

The SPEAKER. Does the gentleman from Schuylkill, Mr. Klingaman, desire recognition?

Mr. KLINGAMAN. Mr. Speaker, on the Report of the Committee of Conference on HB 1645, my switch was inoperative. I would like to be recorded in the affirmative, and I believe the same applies to Representative Honaman.

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

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. RICHARDSON. I would like to submit these remarks on HB 1645, Mr. Speaker, for the record, and at the appropriate time be recognized to speak concerning the South Office Building.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. RICHARDSON submitted the following remarks for the Legislative Journal:

**Sentencing and Crime**

Thornburgh proposed the combination of mandatory sentencing requirements and new jail cells in April, but he has yet to introduce the legislation that will take place, his aides have said, later this month.

\*Mandatory sentences. Thornburgh wants minimum mandatory sentences of 5 years for individuals who use a firearm in the commission of a crime, for repeat violent offenders and for persons who commit crimes against the operators and users of buses and subways.

\*Parole limitation. Thornburgh wants to require judges to set fixed minimum sentences which would have to be served before an inmate could be released. Inmates currently can be paroled before the expiration of their minimum sentences.

\*Prison construction. Thornburgh supports the construction of 2,500 new cells at a cost of \$135 million to house a prison population which he said would increase by 25 percent under his mandatory sentence and parole reforms.

As a result of these prison increases, I want to make it perfectly clear that I am in favor of construction for health and school and youth services.

### REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, a legislative responsibility caused me to be out of my seat when the final passage vote was taken on HB 1199. I would like to be recorded in the affirmative. On the motion to recommit HB 1713, I would like to be recorded in the negative. On final passage on HB 1741, I would like to be recorded in the negative, and that would be true as well with final passage on SB 361, a negative vote. Thank you.

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

There are no further votes. The House will convene tomorrow morning at 10 o'clock.

The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, before everyone leaves, I would like to thank everyone who came through a very difficult day today, and I appreciate everyone's cooperation. Thank you very much.

### STATEMENT BY MR. RICHARDSON

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

Mr. RICHARDSON. Mr. Speaker, for some time we have attempted to deal with the problems in the South Office Building by coming to the Speaker of this House and also to the majority leader, Mr. Hayes. We have indicated on several occasions that for some reason they were denying us the proper access to that building, so we asked whether or not that building could be open, particularly on the bridge, so that when members leave like they are leaving now, that door would be open.

It was told to us by the Speaker and also the majority leader that that would in fact happen. Last week when we left the floor of this House at 12 o'clock midnight, that door was locked, and the police officers and the Capitol Police had no regard for the members being out there in the cold, and the members had to be subjected to that type of abuse and disregard. I am wondering whether or not there is going to be some permanent status related to the doors being open that are open here in the Capitol in the front and the back, the same regard to those members who are here, or are we separate as members from the House of Representatives here in the Capitol as members who are in the Finance Building and in the South Office Building? It seems only right and fitting that if you do not close any doors in the Capitol, and there are members here who are present, then you should not close any doors in the Finance Building or in the South Office Building.

And as a regard, I am making this as a personal note that we are sick and tired of it, and we as members would like to have a final resolution of that question so it never comes up again.

The SPEAKER. The Chair thanks the gentleman.

The Chair is advised and advises the gentleman that we have a security guard there until midnight, and evidently the other night the Capitol Police were to take over at midnight and evidently were not there. Secretary Baran has been made aware of this problem by Mr. Salvatore, who advises me that the Secretary is going to look into it and see to it that something is done so that this situation does not arise again.

### ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record the additions of sponsorship of bills.

HB 1766, Gladeck; HB 1806, Rybak, Cohen, Petrone, Arty, Petrarca, Johnson, H. Williams, Itkin, Civera; HB 2054, Johnson; HB 2071, Clark; HB 2085, Merry.

### REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. DeVERTER presented the Report of the Committee of Conference on **HB 428, PN 2683**.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 1604, PN 1870 (Unanimous)**

By Rep. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing that certain competition between individuals and the promotion of such competition be unlawful and providing specific penalties for certain activities related to such competition.

JUDICIARY.

**HB 1814, PN 2184 (Unanimous)**

By Rep. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses against a person using a guide dog because of deafness.

JUDICIARY.

**HB 1972, PN 2401 (Unanimous)**

By Rep. SPENCER

An Act amending the act of June 12, 1919 (P. L. 476, No. 240), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds, in counties of the second class," changing certain fees.

JUDICIARY.

**SB 635, PN 1274 (Unanimous)**

By Rep. SPENCER

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, clarifying certain provisions relating to spouses' elections; providing for payment from a patient's care account to decedent's family; authorizing the payment of proceeds from insurance policies to decedent's family; providing for the apportionment of death taxes; changing certain provisions relating to gifts to minors; clarifying provisions relating to distributions of income and principal made during

incompetency; adding provisions concerning powers of attorney; authorizing the termination of certain trusts; clarifying certain provisions relating to compensation to a fiduciary; making technical and editorial changes; and making a repeal.

JUDICIARY.

### BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

#### HB 82, PN 2642

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), changing the definition of "corporation," clarifying a provision relating to tax credits, providing for adjustments with respect to depreciation in determining taxable income for corporate income taxes, changing the imposition section, adding provisions relating to the taxation of cigarettes, making editorial changes and making repeals.

### COMMUNICATION

Commonwealth of Pennsylvania  
Insurance Department  
Harrisburg  
November 2, 1981

To The General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania

Gentlemen:

In accordance with Section 219 of The Insurance Department Act of May 17, 1921, P. L. 789, I am pleased to submit the Annual Report of the Insurance Department of the Commonwealth of Pennsylvania for the fiscal year ending June 30, 1981.

This Report shows the receipts and expenses of associations, exchanges, societies and others doing business in this Commonwealth. The statistics contained in the Report are compiled from the December 31, 1980 Annual Statements filed with the Department by these entities.

Respectfully submitted,  
Michael L. Browne

MLB/TCB/ked

(Copy of report is on file with the Journal clerk.)

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

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

Mr. ITKIN. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 16, 1981, at 10 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:27 p.m., e.s.t., the House adjourned.