

Mr. TALLMAN. Mr. President, the Committee on the part of the Senate appointed to wait upon His Excellency, the Governor, and inform him that the Senate is ready to adjourn sine die, and to ask him if he has any further communication, has performed its duty.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

ADJOURNMENT SINE DIE

The PRESIDENT. This being the day and hour fixed by concurrent resolution for the final adjournment, and the hour of eleven-thirty, p. m., having arrived, I hereby declare the 134th regular session of the Senate of Pennsylvania adjourned sine die.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 15, 1941

The House met at 10:45 a.m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

Rev. Marshall L. Shepard, a member of the House offered the following prayer:

Oh, Lord, our God, how excellent is Thy name in all the earth. As we come to the closing hours of this session, we pray to Thee that Thou wouldst bless the Speaker and Members of this House and the officers of the government. We pray unto Thee, Father, that we may find rest and refreshment from waiting on Thee, realizing that Thou hast promised in Thy word that they who rely on the Lord shall renew their strength, they shall mount up on wings like the eagle, they shall run and not grow weary, they shall walk and not fail.

Lord, God of Hosts, be with us yet. Keep us with Thy power of divine grace. Bless our families at home, our relatives and friends, and all our interests.

Through Jesus Christ, our Lord, and for His sake, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Saturday, July 12, 1941.

The Clerk proceeded to read the Journal of Saturday, July 12, 1941, when, on motion of Mr. DAVID P. REESE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for one hour. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

CONGRATULATORY RESOLUTION

Mr. WEISS offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 15, 1941.

Whereas, Justine Cohen by her gracious and efficient work for the House of Representatives during the legislative Session of 1941 has merited the appreciation of the members, therefore be it

Resolved, That the thanks of the membership of the House of Representatives is hereby tendered to Justine Cohen; and that in token thereof a certified copy hereof be prepared and delivered to her in person by the Chief Clerk of the House.

REPORT AND DISCHARGE OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 957

Mr. WEISS. Mr. Speaker, I wish to report that the Committee of Conference appointed on House Bill No. 957, has failed to agree and ask that they be discharged.

The SPEAKER. The Committee having failed to agree is discharged from further consideration of House Bill No. 957.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. WEISS. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate and concur in the Senate amendments made to House Bill No. 957, Printer's No. 1146.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baughner,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Gillette,	McClester,	Schwab,
Bentzel,	Goodwin,	McDermott,	Serrill,
Boles,	Greenwood,	McDowell,	Shaffer,
Boney,	Gross,	McFall,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,

Dalrymple,	Jefferson,	Owens,	Wagner,
Dennison,	Jones, G. E.,	Petrosky,	Watkins,
DiGenova,	Jones, P. N.,	Pettit,	Weingartner.
Dix,	Keenan,	Polaski,	Weiss,
Dolon,	Kenehan,	Polen,	Welsh, E. B.,
D'Ortona,	Kline,	Powers,	Welsh, M. J.,
Duffy,	Knoble,	Prosen,	Wilkinson,
Early,	Kolankiewicz,	Rank,	Williams,
Eckels,	Komorowski,	Rausch,	Winner,
Elder,	Krise,	Readinger	Wolf.
Elliott,	Lee, E. A.,	Reagan,	Wood, L. H.,
Ely,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leisey,	Reese, R. E.,	Woodring,
Finestone,	Leonard,	Reynolds,	Woodside,
Fisher,	Lesko,	Rhea,	Wright,
Fiss,	Levy,	Riley,	Yeakel,
Fleming,	Leydic,	Rooney,	Yester.
Fletcher,	Lichtenwalter,	Rose, S.,	Young,
Flynn,	Longo,	Rose, W. E.,	Kilroy,
Foor,	Lovett	Rosenfeld,	Speaker.

NAYS—0

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.

PERMISSION TO ADDRESS HOUSE

Mr. SHEPARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I just want to make a very brief statement. In these recent days, we have heard so much criticism, especially on the part of certain newspapers because of what the Assembly has not done. It is very refreshing to read the editorial that appeared in today's Evening Public Ledger of Philadelphia.

"Thanks to the Assembly

"For those things which the present Legislature has done to benefit this city, Philadelphians are truly grateful. Republicans and Democrats have forgotten their political differences where the good of the principal municipality of the Commonwealth has been concerned. Out of a total of 2459 bills introduced in the record-breaking session of six and one-half months, less than 300 were enacted, and a good share of that number were of help to Philadelphia.

"There was generous financial treatment. Provision was made to allocate \$50,000,000 to Philadelphia in the next five years to eliminate bottleneck approaches and improve the highways around the airport and to make suitable entrances and exits at the Delaware River Bridge. Another \$1,500,000 becomes available to maintain streets, highways and bridges this year.

Then about \$2,000,000 a year will be saved city taxpayers by the State assuming the maintenance of Byberry. Millions will be saved by the permission granted to refund outstanding bonds, by new arrangements for payment of delinquent taxes and the guarantee of a balanced school budget by continuing the present tax rate of 11¼ mills. There was also the doubling of the appropriation for the Port of Philadelphia, which will get \$300,000 in the current biennium.

"Other matters besides financial which will redound to the city's advantage include the amending of the Permanent Personal Registration Act to make it workable and to brush about 140,000 fraudulent names off the voting lists. The Philadelphia Housing Authority has been authorized to act as an agent of the Federal Government for the construction, operation, maintenance and leasing of defense housing projects. The Board of Public Education can spend funds to buy milk for undernourished children. A commission has been named to study the parks and playgrounds with a view to enlarging them.

"Altogether it has been a constructive program put into force by the State for Philadelphia's advancement. The city having set its own financial house in order under Mayor Lambertson and the present Council, the State Legislature has been quick to come forward to help it hold its proud place among the cities of the Nation."

Mr. Speaker, it is indeed encouraging to find a note of appreciation appearing in some of our newspapers on behalf of the work we have tried to do here in the Assembly, and I am sure we all thank the Public Ledger for taking time to point out the advantages that have accrued to the city of Philadelphia at this session.

Mr. BROWN. Mr. Speaker, we join with Representative Shepard in congratulating the Commonwealth of Philadelphia.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE
REPORT ON HOUSE BILL No. 803

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 803.

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting certain persons from permitting or employing minors under eighteen years of age to sing dance act or exhibit in any place where wines or spirituous or malt liquors are sold or given way or any place connected therewith and prohibiting certain persons from employing minors under fifteen years of age and providing penalties for the violation of the provisions of this act.

SENATE ADOPTS CONFERENCE COMMITTEE
REPORT ON HOUSE BILL No. 1729

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1729.

An Act to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements

and flowage rights to the Federal Government over certain highways roads streets bridges and adjacent lands

SENATE ADOPTS CONFERENCE COMMITTEE
REPORT ON HOUSE BILL No. 1176

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1176.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class township of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships.

APPOINTMENT OF CONFERENCE COMMITTEE
ON HOUSE BILL No. 1727

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1727, entitled:

An Act providing that bonds notes and other evidences of indebtedness issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances.

And has appointed Messrs. Mallery, Becker and Ruth a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

Mr. BROWN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL No. 1727

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. HARKINS, LONGO and CHARLES H. BRUNNER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

SENATE RECEDES FROM ITS AMENDMENTS

The Clerk of the Senate being introduced, informed that the Senate has receded from its amendments non-concurred in by the House, to House bill numbered and entitled:

HOUSE BILL No. 931.

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and

thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county of the taxes due to vocational school districts and the separate accounting and return thereof and making further provisions with reference to the bond of tax collectors.

APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL No. 1768

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill numbered and entitled:

HOUSE BILL No. 1768.

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement or expenditure of certain moneys received or donated pursuant to the provisions of Section three hundred two of the Federal Social Security Act as amended or the Wagner-Peyser Act and making the moneys in the Administration Fund available to the Treasury Department to pay the costs incurred by said department in making disbursements from said fund and the Unemployment Compensation Fund.

And has appointed Messrs. Heyburn, H. I. Wilson and Coleman a committee of conference to confer with a similar committee of the House of Representatives (If the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL No. 1768

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. REUBEN C. COHEN, HARKINS and WOODSIDE.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 12, 1941.

Resolved, (if the Senate concur), That House Bill No. 401, Printer's No. 564, entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," appropriating to the Department of Military Affairs the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation,"

which was recalled from the Governor on May 29th for the purpose of amendment, be returned to the Governor without amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 481

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 481.

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act and imposing penalties" eliminating the power of the Advisory Health Board to make certain rules and regulations establishing a Dairy Advisory Council in the Department of Health conferring powers and imposing duties thereon providing for appeals to courts of common pleas and requiring local ordinances rules and regulations in certain cases to conform to the provisions of this act.

PERMISSION TO ADDRESS HOUSE

Mr. BAUGHER asked and obtained unanimous consent to address the House.

Mr. Speaker, on May 8th of this somewhat long drawn out Session House Bill No. 812, which I sponsored, unanimously passed the House by a vote of 177 to 0.

This Bill provides that at all elections, the American Flag should be displayed at the polling places, and imposes duties on the county board of elections to see that it is carried out.

On May the 12th, the Bill was referred to the Senate

committee on Elections where it languished until June 25th. At which time it was reported as committed and passed first reading. On June the 30th, it was recommitted, and with the present dead-lock in session, it is doomed to certain oblivion.

My purpose in sponsoring this Legislation was to again impress on all our citizens at the time they exercise their right of franchise, that this is one of the very few remaining countries in the world where every individual citizen was given an opportunity to vote for a candidate of his own choice, to vote in accordance with the dictates of his conscience, to give a free and untrammelled expression by ballot to his own political convictions without a soldier standing behind him, bayonet fixed, so that robot-like he automatically voted "Ja", or else did not survive to see his vote tallied.

I wanted the flag in these polling places, as a reaffirmation of the American way of life, as a reminder of a priceless heritage, and a source of inspiration to all those who came to ballot, that this way of life was worth living for, and dying for, if necessary. The Democratic House of Representatives thought such Legislation necessary. On the other hand, the Republican Senate thought it wasn't.

These were the gentlemen in the Senate who were very busy chasing "pinks" and "reds" and all other shades of that primary color up and down and through the Commonwealth, who were devoting themselves to this elusive pursuit, with all the unrestrained enthusiasm of a puppy chasing his tail, and accomplishing almost as much as the aforesaid puppy, and had no time to pass legislation which would reaffirm in every elector's mind in this Commonwealth our determination to maintain our American traditions. They were so busy looking for what un-Americanism might be, that they had no opportunity to express their faith in Americanism as it is today.

There is, unfortunately, no opportunity for this bill to be passed at this session, but I urge on the membership to remember that an opportunity will again arise for its passage at future sessions of the Legislature, and, while I congratulate the House in its unanimous passage of this worth while legislation, I feel that the Republican Senate has been derelict in its duties and responsibilities, and this utter disinterestedness by that body in this reaffirmation of the high principles on which our commonwealth and country are based, must be directly placed on their shoulders. These gentlemen in the Senate seem to have been very adept in wrapping themselves in the American Flag, but they proved very poor in allowing every elector in this Commonwealth to pay tribute to it at the time of exercising that greatest of all American rights, the right of franchise.

PERMISSION TO ADDRESS HOUSE

Mr. HEWITT asked and obtained unanimous consent to address the House.

Mr. Speaker, it is unfortunate for Mr. Baugher that the bill failed in the Senate to become a law, at least to be placed on the Governor's desk. I want to tell Mr. Baugher that we have seventy-seven voting precincts in the County of Indiana, and I will see personally that the American flag is displayed in each voting precinct on the next election.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 1308.

An Act to amend section one further amend section three and to reenact section six of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" by redefining "bakery" removing the exception from registration and licensing requirements requiring registered bakery products to show the fact of such registration making it unlawful for any person to sell offer for sale or have in possession with intent to sell unregistered bakery products or to import bakery products from bakeries not licensed hereunder and making possession prima facie evidence of intention to sell

SENATE BILL No. 618.

An Act to further amend section two of the act approved the third day of May one thousand nine hundred thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by permitting clubs to waive or reduce or pay dues payable by members in military service

HOUSE BILL No. 957.

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, the House and Senate calendars show that 3259 Bills have been introduced during this Session. Deducting approximately the number of House bills that appear on the Senate History would leave about 3000 introduced. It is a question whether the Members of this House have a knowledge of the provisions of more than ten per cent of these bills. The combined army of Lobbyists probably have a greater knowledge and under-

standing of the bills introduced than the Legislators themselves.

The general public whom we pretend to serve has little facility for knowing what the bills introduced into this House and Senate would do, what changes these bills would make in our laws. Only a small percentage of this vast number of bills introduced will or can become law, obviously then, most of these bills have no merit that would justify their introduction.

Heretofore there was a date set as the dead-line for the introduction of bills in the House. This was good so far as it went for it had a tendency to reduce the number of bills introduced. This custom was abandoned at the beginning of this Session. The room on the next lower floor is filled to capacity with bills, calendars and histories, tons of paper used that will and must eventually be destroyed. Each week accumulated histories of the House and Senate are published, and during the last half of all Sessions these histories are large and often serve a purpose for but a brief period of two days. Here is affected a great loss of material, to say nothing of the loss in cost of printing.

It is my opinion that there is not a Member of this General Assembly who will not readily admit there is something radically wrong with our Legislative procedure, but nothing has been done to correct this costly evil. In fact, nothing can be done under our present arrangement to stop this tremendous waste of State funds.

So long as there is an open season for the introduction of bills no Representative or Senator can be limited in the number of bills he may desire to introduce, and I can not think that anyone desires to limit or curb activities along this line in a dictatorial manner, but a democratic course of action should be established that would automatically reduce this extensive waste and at the same time prove efficient and satisfactory not only to the Members of the General Assembly, but to all the people of our great Commonwealth.

Mr. Speaker and Members of the House, at this, the closing session of the 1941 Session, I feel it my duty to again call the attention of this House to House Bill No. 1485 introduced on May 6 by the Honorable Herbert G. Gates and myself. I do this to refresh your memories and to impress upon your minds the manifest need of some change. This Bill failed to become a law. Like most other good things of the past that carried with them sweeping changes, time was needed to effect these changes. Our American people have always been slow and hesitate to step out of a beaten path, but the time has come in Legislative procedure when it would seem that some drastic change must be made and this matter must be brought to the general public if we expect the public mind to run in constructive channels of progress.

Let us briefly examine this bill. Since its introduction both I and Mr. Gates have received much favorable comment from some of the best thinkers of our State.

House Bill No. 1485 advocates an amendment to our Constitution. It provides, as I stated some weeks ago, that the procedure during the fore part of our legislative work would be the same as heretofore; we would meet on the first Tuesday of January and use a week to elect our Speaker and appoint such committees as would direct the affairs of our body and the Senate appoint standing committees and attend to other preliminary matters. We

would then adjourn for a week and this committee could work out its plans. Then, under this amendment we would come here and devote five weeks of our time to the introduction of bills, during which five weeks no bills would be released from Committee, no bills acted upon on the floor of the House or the Senate except matters that might be of an emergency nature, which would be done by concurrent resolution.

During the time of the introduction of these bills, we advocate that there be published weekly a history of these House and Senate bills and that there not only be printed in this history the titles of these bills, which you see in our histories now, but there would be also printed about these bills, each one of them, a description of what the bill would do, if it were a new act, or how it would affect or change one of the laws on our statute books.

These histories would be made available to the Senators and Representatives of the General Assembly for distribution over their districts. They could be left at libraries, and different organizations so that the people of the State might know what laws or what propositions were being made before this body to become laws in the future.

It would give the people an opportunity and a chance to analyze these things so that they might instruct the men who represent them intelligently and knowingly. After the four weeks recess, the introductory period, we would come back here and no bills might be introduced except new bills or bills for raising revenue. This would give us an opportunity in the meantime as Representatives to study these bills, and it would give our constituents at home an opportunity to have knowledge of what was before us here for consideration.

I contend, Mr. Speaker, not because I was one of two who introduced this bill.—I contend it is a constructive piece of legislation and I contend it will do many good things for our state. I contend it will, if enacted, tend to make better laws; it will give the people of our state advance knowledge of what may be enacted into law. It will reduce the cost of our legislation. It will not be necessary to waste tons of paper here and pay out enormous bills for printing. It will reduce to a minimum bills that are introduced. It will shorten our session, it will provide the members of the General Assembly with a brief statement of what each bill will do.

When we see a bill come up on third reading it will not be necessary for some one to rise and call upon the sponsors to explain it, unless some details of the bill are not clear. The matter will be clear before us. I believe it will result in the enactment of just laws in Pennsylvania, and, Mr. Speaker, it will help make the corrupt lobbyist a prehistoric animal who will only be found in our museums.

I give this short talk before this House; it is non-partisan, it is patriotic, it is for the best interests of our state and nation, it is according to Democratic ideals.

I bring this again to your attention on this, perhaps the closing day of the session, that you may take home the thoughts I have left with you and discuss them with your constituents, and I am sure you will find after proper consideration that there is outlined here a program for the Commonwealth of Pennsylvania that will make it outstanding among the states of the nation and will result in keeping our state democratic. If this is enacted

into law, I believe it will not be necessary perhaps after this war hysteria is over, to have as many of these Red laws enacted, because people will study our laws and the laws will be just; there will be no occasion for anyone to dislike his state and his national government.

I thank you, members of the House, for the attention you have given me at this time.

PERMISSION TO ADDRESS HOUSE

Mr. STAMBAUGH asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with interest to the speeches made by the preceding gentleman, and I thought perhaps I might add something that would in some way help him out of the dilemma about which he speaks and which we all think at various times clutters up the records.

Mr. Speaker, I rise at this time to recall to this House the fact that during this long, tiresome and practically unproductive session, we have talked about, considered and passed, or failed to pass, bills covering the interests of practically every minority group that has an organization of any sort whatsoever. The enumeration of the legislation presented and considered in the interest of the various minority groups would in itself require pages of manuscript for the purpose of the record. I only wish to say that the only large group that has not been directly covered and given their fair share of consideration is the Farmer Group.

The farmers of Pennsylvania have been promised much during each and every political campaign, but when the political battle of each election is past, he is relegated in the files of the average politician, and set aside as the "Forgotten man."

On January 13, 1941, the gentleman from Bedford, Mr. Foor, and I introduced House Bill No. 9.

House Bill No. 9 was a bill which returned to the farmer and the domestic user that portion of the gasoline tax which was rightly due him because of the fact that gasoline used on a farm for domestic purposes should not be taxed by the Commonwealth for highway purposes.

In looking over the record of the different states I found that Pennsylvania was the only large state in the union that does not refund to the farmers the tax on gasoline used for domestic and farm purposes. It therefore follows that the Pennsylvania farmer is working at a disadvantage due to the fact that he has an unusual and extraordinary expense to keep his machinery running when he has to pay an extraordinary tax which is not paid by the farmers of other states.

This bill, with a number of other similar bills was immediately placed in what is known as strong brine, or more commonly the pickling vat. There it was destined to take its place, with many other worthy pieces of legislation.

In speaking of pickling, we recall that there are seasons of pickling, seasons for sport, pastime, or recreation. Fall presents football and hunting; the winter season recalls basketball, ice skating and hockey. Baseball and tennis are quite in order in the spring and summer. Mountain sports, bathing, seashore recreations are in order in summer and it is during the summer period that this

great pastime of pickling takes place. We pickle tripe, we pickle sour krout, we pickle eggs, we pickle cucumbers, we pickle the pickle, and we go on pickling bills.

Let us consider this bill pickling process. Last winter we met, shook hands and made up a rather congenial mass of substance in this House known as fellowship and friendship, but at the same time we prepared the necessary ingredients to make up the brine of the pickle. And while we believe this homogeneous mass of fellowship and friendship will be lasting and preserved, we are fearful, however, that the bills that were turned into the other pickling vat will be lost forever, unless someone keeps the subjects alive during the period of time between this session and the succeeding sessions.

Yes, Mr. Speaker, the pickling process has been carried on by the majority side of this House until they themselves have gotten so deeply into the pickle that they are having difficulty in getting out. They will probably continue to wallow in the brine which they themselves prepared and into which they have fallen until the electorate of the state decides that they have had enough and they too decide to take a hand in what is going on and pickle once and for all those who have failed to carry out their promises and the desires of their constituents.

Just now, Mr. Speaker, I have been informed that the conditions have become unbearable even to those who made up the pickle and that they are about willing and ready to roll out the barrel, kick in the head and get ready for a new supply of brine to be prepared by the present minority of this house, the new mixture to be of such qualities so to be able to dissolve subversive elements, but will preserve for all times the principles of democracy as founded and established by our Revolutionary Fathers. When that is done the farmers of Pennsylvania will get their fair share of consideration—as well as all other groups.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows, viz:

SENATE BILL No. 1215.

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one"

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 1215.

A Supplement to the act, approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act No. 12A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 298

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 298.

An Act making appropriations out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities boroughs towns and townships of the first class of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of municipal roads highways and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of municipal roads highways and bridges under certain conditions and providing for the method of payment to such political subdivisions

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 298

Mr. ACHTERMAN. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 298, Printer's No. 623.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 298, entitled:

"An Act making appropriations out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, boroughs, towns and townships of the first class of the Commonwealth for maintenance, construction, reconstruction resurfacing or improvement of municipal roads, highways and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of municipal roads, highways and bridges under certain conditions and providing for the method of payment to such political subdivisions."

Respectfully submit the following bill as our report:

Edward J. Coleman
J. G. Snowden
Charles R. Mallery

(Committee on the Part of the Senate.)

Leo T. Achterman
Albert S. Readinger
Ira T. Fiss

(Committee on the part of the House of Representatives.)

An Act making appropriations out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities boroughs towns and townships of the first class of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of municipal roads highways and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of municipal roads highways and bridges under certain conditions and providing for the method of payment to such political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million dollars (\$8,000,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty-two out of the Motor License Fund for allocation to and expenditure in the cities (except cities of the first class) boroughs towns and townships of the first class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

The sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty-two out of the Motor License Fund for expenditure in cities of the first class of the Commonwealth upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 Sixty-five per centum of the moneys hereby appropriated for allocation to cities (except cities of the first class) boroughs towns and townships of the first class shall be allocated and apportioned among such municipalities in the ratio which the mileage of municipal roads and highways in such municipality bears to the total mileage of municipal roads and highways in all of such municipalities as of January first one thousand nine hundred forty-two

Thirty-five per centum of the moneys hereby appropriated for allocation to cities (except cities of the first class) boroughs towns and townships of the first class shall be allocated and apportioned among such municipalities in the ratio which the population of each such municipality bears to the total population in all of such municipalities as shown by the 1940 decennial census of the United States

The funds appropriated by this act shall be expended by the respective municipalities under the supervision and subject to the approval of the Department of Highways and in compliance with such rules and regulations as the Department of highways may prescribe in carrying out the provisions of this act

The funds appropriated by this act shall be used for the maintenance construction reconstruction resurfacing and improvement of municipal roads and highways and the maintenance construction and reconstruction of municipal bridges in municipalities excepting that in municipalities which do not have sufficient funds from other sources for the maintenance and repair of all the roads highways and bridges under their jurisdiction the allocations or appropriations for such municipalities shall be used in whole or in part for such maintenance and repair purposes

Section 3 Before any of the funds appropriated for municipalities by this act shall be expended for construction reconstruction resurfacing or improvement the corporate authorities of the respective municipalities shall by resolution specify the location and type of construction of the road or highway proposed to be constructed reconstructed resurfaced or improved or the bridge to be constructed or

reconstructed and shall submit the same to the Department of Highways together with estimates plans if any and specifications for the approval of said department

Section 4 Nothing in this act shall be construed to relieve any municipality from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty-two for the construction or repair of any road highway or bridge now under its jurisdiction

Section 5 The corporate authorities of each municipality not having a department or bureau of highways or streets shall appoint a foreman who may be an officer or employe of the municipality to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the corporate authorities of the municipality to appoint one or more additional foremen The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations of the Department of Highways prescribed for the work under this act The corporate authorities of each municipality shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the corporate authorities of the municipality and approved by the Department of Highways

Section 6 No payment shall be made from moneys appropriated by this act to the municipalities except on warrants drawn by the Auditor General upon the State Treasurer as provided by the act of Assembly to the treasurer of the municipality and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the proper authorities of each municipality a report on the last days of February May August and November of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways

In case any records or reports required by law are not made in the manner or at the time required no further funds shall be approved for payment by the Secretary of Highways to such municipality until such reports have been made and approved

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor rental of equipment payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road highway and bridge work performed by the municipalities under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated or appropriated under this act for Federal projects sponsored by municipalities and approved by the Department of Highways or for county-aid work relating to the improvement of roads highways and bridges

Section 7 The term "municipal roads and highways" as used in this act shall be construed to mean all roads and highways for the maintenance of which municipalities are by law responsible and shall not include any roads and highways taken over by the Commonwealth as part of the state highway system

On the question,

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

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	French,	Lovett,	Rosenfeld,
Auker,	Gallagher,	Lyons,	Royer,
Baker,	Gates,	Malloy,	Rush,
Balthaser,	Gerard,	Marks,	Sarge,
Baughner,	Gillan,	Maxwell,	Sarraf,
Bentley,	Gillette,	McClanaghan,	Scanlon,
Bentzel,	Goodwin,	McClester,	Schwab,
Boles,	Greenwood,	McDermott,	Serrill,
Boney,	Gross,	McDowell,	Shaffer,
Boorse,	Gryskewicz,	McFall,	Shaw,
Bower,	Gyger,	McIntosh,	Shepard,
Bradley,	Habbyshaw,	McKinney,	Simons,
Breth,	Haerberlen,	McLanahan,	Skale,
Bretherick,	Haines,	McLane,	Snyder,
Brown,	Hall,	McMillen,	Sollenberger,
Brunner, C. H.,	Hamilton,	McSurdy,	Sorg,
Brunner, P. A.,	Hare,	Melchiorre,	Stambaugh,
Burns,	Harkins,	Mihm,	Stank,
Burris,	Harmuth,	Modell,	Stine,
Cadwalader,	Harris,	Monks,	Stockham,
Chervenak,	Heatherington,	Mooney,	Tarr,
Chudoff,	Helm,	Moran,	Tate,
Cochran,	Hering,	Moul,	Taylor,
Cohen, M. M.,	Herman,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Munley,	Thompson, R. L.,
Cook,	Hewitt,	Nagel,	Trount,
Cooper,	Hirsch,	Nunemacher,	Turner,
Cordier,	Holland,	O'Brien,	VanAllsburg,
Corrigan,	Huntley,	O'Connor,	Verona,
Croop,	Imbrie,	O'Dare,	Vincent,
Cullen,	James,	O'Mullen,	Vogt,
Dalrymple,	Jefferson,	O'Neill,	Voldow,
Dennison,	Jones, G. E.,	Owens,	Wagner,
DiGenova,	Jones, P. N.,	Petrosky,	Watkins,
Dix,	Keenan,	Pettit,	Weingartner,
Dolon,	Kenehan,	Polaski,	Weiss,
D'Ortona,	Kline,	Polen,	Welsh, E. B.,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Wilkinson,
Eckels,	Komorowski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winner,
Elllott,	Lee, E. A.,	Readinger,	Wolf,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, D. P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Fisher,	Lesko,	Reynolds,	Woodside,
Fiss,	Levy,	Rhea,	Wright,
Fleming,	Leydic,	Riley,	Yeakel,
Fletcher,	Lichtenwalter,	Rooney,	Yester,
Flynn,	Longo,	Rose, S.,	Young,
Foor,		Rose, W. E.,	Kilroy, Speaker

NAYS—0

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.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 12, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 1090, House Bill No. 1871, Printer's No. 436, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled, "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, in-

spectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

now in the hands of the Governor, be recalled from the Governor for further consideration.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 1727

Mr. HARKINS. Mr. Speaker, I desire to submit the report of the Committee of Conference on House Bill No. 1727.

The SPEAKER. The report will lie over for printing under the rules.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy), in the Chair.

RESOLUTION

RECALLING HOUSE BILL No. 1952 FROM THE SENATE

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 15, 1941

Resolved, (if the Senate concur), That House Bill No. 1952, Printer's No. 1199, entitled "An act to amend section four of the act approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing for the appointment, compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives, and making an appropriation," which passed Third Reading and Final Passage in the Senate on July 12th,

be recalled from the Senate.

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

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, today in the hall of the House the gentleman from Philadelphia, Mr. Shepard, arose and read an editorial from the Philadelphia Evening Ledger in respect to the many great benefits that the people of Philadelphia have received at the hands of the General Assembly. In

that same newspaper is another editorial which is labeled "Time to Go Home":

"It is time for the Legislature to get out of Harrisburg. It is time for the Assemblymen who have prolonged the present session beyond all precedent to adjourn sine die and go home.

"They are doing the State, the Assembly and themselves no good. For more than six months they have delayed, lingered, waited, maneuvered and intrigued. They have passed some good legislation, but it could have been passed in half the time they have been in Harrisburg.

"They have given comfort to those enemies of democratic government who say it is weak, inefficient and fumbling."

Mr. Speaker, one of the things that both the Evening Ledger and Reverend Shepard failed to mention as one of the benefits the people of Philadelphia have gotten out of this particular session is the fact that the Reverend Shepard has a new suit. I would say, Mr. Speaker, from my observation that he is the acme of sartorial splendor, and, Mr. Speaker, I suggest that the Reverend Shepard be voted the best dressed man in the House tonight.

PERMISSION TO ADDRESS HOUSE

Mr. SHEPARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I appreciate the tribute, if it is a tribute, that was paid me by the gentleman from Lackwanna. I would urge him and the Members of the House to hurry through with the deliberations tonight, so that I may get my check and be in a position to pay for some of these clothes I am wearing.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 481.

An Act to amend sections eighteen and nineteen of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products, conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties," eliminating the power of the Advisory Health Board to make certain rules and regulations, establishing a Dairy Advisory Council in the Department of Health, conferring powers and imposing duties thereon providing for appeals to courts of common pleas and requiring local ordinances rules and regulations in certain cases to conform to the provisions of this act

HOUSE BILL No. 1729.

An Act to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in

Federal flood control works and improvement and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" prohibiting the construction maintenance or operation of facilities, works and improvements for the generation or development of power and authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements and flowage rights to the Federal Government over certain highways roads streets bridges and adjacent lands

HOUSE BILL No. 1176.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

HOUSE BILL No. 803.

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting certain persons from permitting or employing minors under eighteen years of age to sing dance act or exhibit in any place where wines or spirituous or malt liquors are sold or given away or any place connected therewith and prohibiting certain persons from employing minors under fifteen years of age and providing penalties for the violation of the provisions of this act

HOUSE BILL No. 931.

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county of the taxes due to vocational school districts and the separate accounting and return thereof and making further provisions with reference to the bond of tax collectors

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CONDOLENCE RESOLUTION

Messrs. O'NEILL, SARRAF and KEENAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, July 15, 1941.

Whereas, The House of Representatives notes with pro-

found sorrow the passing of the wife of Melvin R. Clark, associated with the Pennsylvania Railroad, who died suddenly this morning; and

Whereas, Mrs. Clark was beloved by all who knew her, because of her devotion to the betterment of the community in which she lived; and

Whereas, Those of us who knew her will miss her cheering presence and the inspiration of her personality; therefore be it

Resolved, That the House of Representatives mourns the passing of Mrs. Clark, and directs the Chief Clerk of the House to mail a copy of this resolution to Melvin R. Clark as a symbol of the House of Representative's profound sympathy for him in his great bereavement.

PERMISSION TO ADDRESS HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, an ancient once said that a prophet is not without honor except in his own country. About a week ago, we here in this House, expressed by proper resolutions felicitations upon the birthday of one who during this session we have grown to respect, admire, and love as our leader. At that time, no one anticipated that on this, his natal day, we might be here and be able to give him some warmer and more personal expression of our feelings.

I feel, Mr. Speaker, that it is quite fitting that we should pay this second tribute to the gentleman from Monroe, Mr. Achterman, upon this his birthday, because it was several months ago that this prophet of the House of Representatives stated that we would adjourn at least by July 15th, his birthday.

I think before we give this expression of our good feeling toward him, that for the benefit of the Members of the House he might answer an interrogation, and I now ask permission, Mr. Speaker, to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to ask the gentleman whether he would admit something.—I am not speaking about the conference with the Governor—this is something else. I was about to say, Mr. Speaker, we would not endeavor to tie him in with or infringe upon the gentleman from Allegheny, Dr. Sarraf.

Mr. ACHTERMAN. With that broad latitude, Mr. Speaker, I think I can say "yes".

Mr. REUBEN E. COHEN. Mr. Speaker, I should like to ask the gentleman how many years he would admit.

Mr. ACHTERMAN. At least twenty-one, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I find myself unable to question the constitutionality of that statement, because it seems to me that most people have the right to admit that they are twenty-one years of age and get away with it. I would like to ask, Mr. Speaker, whether in the number of years he has admitted he has made any division between the summers and the winters.

Mr. ACHTERMAN. Unfortunately, yes, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I am through with my interrogation. I think at this time it would be fitting and proper, without any written resolution, for this House to resolve that upon this natal day of the majority leader, Mr. Achterman, it express itself in some

manner to be indicated by the Chair, of its warmest and deepest feelings of congratulation and felicitation.

The SPEAKER. The Chair would inform the gentleman from Philadelphia that at his request a gentleman was requested to sing, "Happy Birthday" to the gentleman from Monroe, Mr. Achterman, but the gentleman from Mifflin, "Buttermilk" French, is not present in the Hall of the House.

REPORT AND DISCHARGE OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 690

Mr. ELLWOOD B. WELSH from the Committee of Conference on House Bill No. 690, submitted the following report:

Harrisburg, Pennsylvania, July, 15, 1941.

To the Members of the Senate and House of Representatives:

The conferees on the part of the Senate and the House of Representatives appointed to compose the differences between the said Senate and House of Representatives on House Bill No. 690, Senate Bill No. 472, Printer's No. 824, entitled:

"An act to further amend sections 402, 411, 703, 704, 705, 707, and 903 and to repeal section 706 of the act approved the first day of May, one thousand nine hundred twenty-nine x x x," respectfully report that the conferees have been unable to agree upon said differences and to arrive at a mutually satisfactory report, and are therefore constrained to respectfully request that they may be discharged from further consideration of said bill.

Respectfully submitted,

James E. Lovett
Elwood B. Welsh
(Committee on the part of the House)

J. G. Snowden
Thomas B. Wilson
Israel Stiefel
(Committee on the part of the Senate)

The SPEAKER. The Committee of Conference is discharged with the thanks of the House.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate and concur in the Senate amendments.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—160

Achterman,	Flynn,	Levy,	Rush,
Auker,	Foor,	Lichtenwalter,	Sarge,
Balthaser,	French,	Lyons,	Sarraf,
Baugher,	Gallagher,	Malloj,	Scanlon,
Bentzel,	Gates,	McClanaghan	Schwab,
Boles,	Gillan,	McClester	Serrill,
Boney,	Gillette,	McDermott	Shaw
Boorse,	Goodwin,	McDowell	Shepard,
Bower,	Greenwood,	McIntosh	Simons,
Bradley,	Gross,	McKinney	Skale,
Breth,	Gyger,	McLanahan	Snyder,
Bretherick,	Habbyshaw,	McMillen,	Sollenberger,
Brunner, C. H.,	Haberlen,	McSurdy,	Sorg,
Burns,	Haines,	Melchiorre,	Stambaugh,

Chervenak,	Hall,	Monks,	Stank,
Chudoff,	Hamilton,	Moul,	Stine,
Cochran,	Hare,	Muir,	Stockham,
Cohen, M. M.,	Harmuth,	Nagel,	Tarr,
Cohen, R. E.,	Harris,	O'Brien,	Tate,
Cook,	Helm,	O'Dare,	Taylor,
Corrigan,	Hering,	O'Mullen,	Thompson, E. F.,
Croop,	Herman,	O'Neill,	Trout,
Cullen,	Hersch,	Owens,	Turner,
Dalrymple,	Hewitt,	Petrosky,	VanAllsburg,
Dennison,	Hirsch,	Pettit,	Voldow,
DiGenova,	Huntley,	Polaski,	Wagner,
Dix,	Imbrie,	Powers,	Watkins,
Dolon,	James,	Prosen,	Weingartner,
D'Ortona,	Jefferson,	Rank,	Welsh, E. B.,
Duffy,	Jones, G. E.,	Rausch,	Welsh, M. J.,
Early,	Kenehan,	Readinger,	Wilkinson,
Eckels,	Kline,	Reagan,	Williams,
Elder,	Knoble,	Reese, D. P.,	Winner,
Elliot,	Kolankiewicz,	Reese, R. E.,	Wood, L. H.,
Ely,	Komorofski,	Riley,	Wood, N.,
Falkenstein,	Krise,	Rooney,	Woodring,
Finestone,	Lee, E. A.,	Rose, S.,	Woodside,
Fisher,	Lee, T. H.,	Rose, W. E.,	Yeakel,
Fiss,	Lelsey,	Rosenfeld,	Yester,
Fletcher,	Leonard,	Royer,	Young,

NAYS—40

Baker,	Heatherington,	McLane,	Rhea,
Bentley,	Holland,	Mhm,	Shaffer,
Brown,	Jones, P. N.,	Modell,	Thompson, R. L.,
Brunner, P. A.,	Keenan,	Mooney,	Verona,
Burris,	Lesko,	Moran,	Vincent,
Cadwalader,	Longo,	Munley,	Vogt,
Cordier,	Lovett,	Nunemacher,	Weiss,
Fleming,	Marks,	O'Connor,	Wolf,
Gryskewicz,	Maxwell,	Polen,	Wright,
Harkins,	McFall,	Reynolds,	

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.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1727

Mr. HARKINS. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 1727, Printer's No. 1209.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1727, entitled:

"An Act providing that bonds, notes and other evidences of indebtedness issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances."

Respectfully submit the following bill as our report:

Frank W. Ruth
 Clarence D. Becker
 Charles R. Mallery
 (Committee on the Part of the Senate.)

L. Kenneth Harkins
 Joseph A. Longo
 Chas. H. Brunner, Jr.
 (Committee on the Part of the House of Representatives.)

An Act providing that bonds notes and other evidences of indebtedness issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No bonds notes or other evidences of indebtedness heretofore issued by Authorities incorporated under the Municipality Authorities Act approved June 28 1935 (P. L. 463) as amended and supplemented shall be invalid by reason of the fact that any member of the Board or any officer of said Authority was at the time of the issuance of such bonds notes or other evidences of indebtedness a member or officer of the governing body of the incorporating municipality or municipalities or an officer thereof provided that such bonds notes or other evidences of indebtedness or otherwise valid

Section 2 Nothing contained in this act shall be construed to validate any bonds notes or other evidences of indebtedness in connection with the issuance of which any fraud or conspiracy has been committed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

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

Mr. ACHTERMAN. Mr. Speaker, I wish to call the attention of the Chair to a Printer's error, and I assume it is a printer's error, in line eleven, the third word from the end of the line, the word, "or." I presume it should be the word, "are". I presume it will be properly corrected as provided for under the law.

The SPEAKER. The Chair presumes the correction can be made under existing law. If the gentleman is satisfied the report can be acted upon without having the Correction made now.

However it might be advisable to check with the Secretary of the Commonwealth and determine whether the assumption of the Chair is correct. The Chair would like to have the advice of the gentleman from Allegheny, Mr. Harkins.

Mr. HARKINS. Mr. Speaker, the remarks of the gentleman from Monroe, Mr. Achterman, relative to the word, "or" in line eleven, page three, of House Bill No. 1727, being a Printer's error are correct. The word, "are," appears in the prior Printer's No. of this bill. Representatives of the office of the Secretary of the Commonwealth were consulted and I was informed that such Printer's errors may be corrected.

I would request that this House adopt the report of the Committee of Conference. I might inform the House that the Senators who were conferees have been informed of the proposed action of the House and they intend to make a similar statement for the record.

On the question recurring,

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

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gillan,	McClanaghan,	Sarraf,
Baughner,	Gillette,	McClester,	Scanlon,
Bentley,	Goodwin,	McDermott,	Schwab,
Bentzel,	Greenwood,	McDowell,	Serrill,
Boies,	Gross,	McFall,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Boorse,	Gyger,	McKinney,	Shepard,
Bower,	Habbyshaw,	McLanahan,	Simons,

Bradlev,	Haberien,	McLane,	Skale,
Breth,	Haines,	McMillen,	Snyder,
Bretherick,	Hall,	McSurdy,	Sollenberger,
Brown,	Hamilton,	Melchiorre,	Sorg,
Brunner, C. H.,	Hare,	Mihm,	Stambaugh,
Brunner, P. A.,	Harkins,	Modell,	Stank,
Burns,	Harmuth,	Monks,	Stine,
Burris,	Harris,	Mooney,	Stockham,
Cadwalader,	Heatherington,	Moran,	Tarr,
Chervenak,	Helm,	Moul,	Tate,
Chudoff,	Hering,	Muir,	Taylor,
Cochran,	Herman,	Mumley,	Thompson, E. F.,
Cohen, M. M.,	Hersch,	Nagel,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Nunemacher,	Trout,
Cook,	Hirsch,	O'Brien,	VanAllsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Wilkinson,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorofski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, E. A.,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Leisey,	Reese, R. E.,	Woodside,
Fisher,	Leonard,	Reynolds,	Wright,
Fiss,	Lesko,	Rhea,	Yeakel,
Fleming,	Levy,	Riley,	Yester,
Fletcher,	Lichtenwalter,	Rooney,	Young,
Flynn,	Longo,	Rose, S.,	Kilroy,
Foor,	Lovett,	Rose, W. E.,	

Speaker.

NAYS—4

Cordier, Maxwell, Rush, Weiss,

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.

QUESTION OF INFORMATION

Mr. MUIR. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Warren will state his question of information.

Mr. MUIR. Mr. Speaker, I would like to know what the original vote was on House Bill 690.

The SPEAKER. The bill has gone to the Senate.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 690.

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring

powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles and garage keepers, providing that records are admissible as evidence, imposing upon owners counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles.

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

SENATE BILL No. 298.

An Act making appropriations out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, boroughs, towns and townships of the first class of the Commonwealth for maintenance, construction, reconstruction, resurfacing or improvement of municipal roads, highways and bridges during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of municipal roads, highways and bridges under certain conditions and providing for the method of payment to such political subdivisions.

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1727

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1727.

An Act providing that bonds notes and other evidences

of indebtedness issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1727.

An Act providing that bonds notes and other evidences of indebtedness issued by Authorities incorporated under the Municipality Authorities Act as amended and supplemented shall not be invalid by reason of certain circumstances.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

QUESTION OF PERSONAL PRIVILEGE

Mr. TURNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Delaware will state his question of personal privilege.

Mr. TURNER. Mr. Speaker, I would like to know whether the chair can inform me how I am recorded as voting on the final passage of House Bills 1727 and 1728.

The SPEAKER. The gentleman is not recorded as voting.

Mr. TURNER. That is correct, sir.

EXTENDED REMARKS

Mr. TURNER. Mr. Speaker, I would like to address the House, but I do not want to take the time of the House to do so now. However, I have a statement which under ordinary circumstances I would ask unanimous consent of the House to read. I assure you there is nothing scurilous or vituperative in the address and I ask unanimous consent of the House to offer it for the Journal as though it had been delivered on the floor of the House.

The SPEAKER. Will the House give its unanimous consent to extend the remarks of the gentleman from Delaware, Mr. Turner, on the Legislative Journal? Is there objection? The Chair hears none and consent is granted.

Mr. TURNER. Mr. Speaker, in these, the closing hours of the General Assembly, the legislative fluctuations, our accomplishments, our failures, are brought into sharp focus as we realize that the records of the 1941 legislature are about to become an irrevocable part of Commonwealth history.

These have been action-packed months with grave political implications and behind the necessity for clear, constructive legislation has been the graphic urge to strengthen the processes of State government so that this Commonwealth would be equipped to assume its share of the vital requirements of National Defense.

We have been confronted with a record breaking tide of bills and resolutions and whatever our political incentives there have emerged from the legislative hopper a number of important measures which intuitively demanded the unanimous endorsement of every member of this body.

We have debated the merits of state fiscal policies, farm programs, state hospitals, anti-Red bills, veterans' legislation, milk law amendments and relief and whatever the relation of these issues to the stabilized operation of state government, we must, in all final calculations, consider the position of labor and what has been done to advance the interests and economic status of the working man in Pennsylvania.

There can be no question but that there has been deliberate procrastination by Democratic leadership in acting upon the many bills designed to broaden the standard of living for thousands of workers and give them the same protective assurances enjoyed by labor in other states.

The Democratic high command, prodded by the urgencies of political expediency, inaugurated this session by fomenting unwarranted attacks upon the James labor laws which were set up by the 1939 legislature to correct glaring abuses and malpractices possible under the Pennsylvania Labor Relations Act as written and enacted by the Democratic regime.

The Republican legislature of 1939 amended the state labor laws to conform with the actual needs of honest, conscientious working men who clearly foresaw the advantages of collective bargaining over violence and coercion as a means of settling labor disputes.

The Democratic leaders have been guilty of political demagoguery in their efforts to rip out the liberal provisions of the amended act notwithstanding the fact that the Republican changes imposed a rigid ban against sit down strikes and gave labor a more assuring economic outlook by eliminating the riots, bloodshed and property damage which threw a menacing cloud over Pennsylvania's far-flung industrial empire.

It is inconceivable, in view of the history of this session, that the Democratic party has been sincere in its attempt to parade as the big brother of the working man. We have witnessed the boisterous philanthropy of New Deal leaders in what might pass as a program to impress labor but we have yet to see actual evidence of any improvement in the status of the working man beyond the political satisfaction accruing to the Democratic party through such carefully camouflaged maneuvering.

Until July 7th, only ten bills which might be regarded as labor measures passed the House in six months. We are all familiar with the haggling and stalling that characterized passage of those bills. It is also noteworthy that the delay in acting upon these bills was carefully timed to affect the normal period of adjournment and throw the responsibility onto the Republican-controlled Senate.

In other words, the Democratic House reserved for its

own purpose a period of five or six months to thoroughly study and dissect the merits of these bills and then with three or four weeks to go before adjournment, suddenly dumped them into Republican laps and assumed the righteous attitude: "We have done our part for labor . . . now hurry up and do yours."

The mockery of this type of political hedge jumping is that the Democratic party doesn't care any more about labor than it does about the farmers of this state, or those on relief. Theirs has been the old shell game adapted to political intrigue. Their shameful attitude toward the anti-Red bills, with the whole state clamoring for action, has been a tacit admission that they have been motivated by politics and not the basic urge of good government.

Contrastingly, on April 10th the Senate sent to the House a bi-partisan bill liberalizing the Pennsylvania Unemployment Compensation law and embracing 22 recommendations unanimously approved by the Republican and Democratic personnel of the Joint Legislative Committee to Study Unemployment Compensation. This gave the New Deal brain trusters several months in which to act on the measure and what happened?

Reluctant to give the Republican party any credit whatsoever for the broadening provisions of this bill, the Democratic directorate deliberately scuttled it and stripped it of 20 of the original 22 recommendations. New Dealers inserted a trick clause designed to freeze persons engaged for administrative purposes and paid by the Unemployment Compensation Administration Fund so that the setup could be maneuvered to provide patronage plums for Democratic appointees. Also written into the mangled version of the bill were other impossible provisions which certainly accomplished nothing toward elevating the economic security of labor.

As a sop to the state labor vote, Democrats boosted the minimum payment ratio beyond all limit of financial sanity and interjected other provisions which inevitably would have bankrupted the unemployment compensation fund.

As a further example of the warped humanitarian impulses of the Democratic leadership we have only to examine the manner in which House Bills 863 and 864, covering occupational disease, were juggled to carry out Democratic strategy aimed at embarrassing the Republican Senate.

It was back in 1937 that the Democrats enacted an occupational disease act that proved so faulty and invalid that claims amounting to more than a million dollars have gone unpaid! In the face of pressure exerted by the Republican bloc of the House, House Bills 863 and 864 were introduced and just as quickly smothered by the Democratic committee. That was the dubious status of these measures until March 31st, when the Senate, aroused by the iron-fisted tactics of the House leadership, introduced two similar bills which were passed April 22nd, and forced the House to pass them.

It was then, and only then, that the New Deal high command suddenly remembered its obligations to labor. And so, after six months, the Democratic-controlled House has passed bills amending the Workmen's Compensation and Occupational Disease Acts ostensibly to provide increased benefits to disabled or afflicted workers. Close scrutiny of these bills discloses the fact that the stipulated increases follow the usual Democratic pattern of giving something

on paper when they are well aware that their generosity does not conform with what is financially possible for the state to do.

The increases listed under those bills not only are out of proportion and inconsistent with the balanced operation of state government but are a throwback to the same Democratic policies adopted in 1937 when the provisions of the acts were declared invalid and unconstitutional. These bills which are so impractical in stature that they defeat the basic purpose of workmen's compensation, have been rammed through the House, and if enacted would be so impossible that it would be an infringement on public confidence to expect other than a complete collapse of the compensation system now in effect.

This, of course, is not a new theoretical device for the Democratic brain trusters. With all the arrogance that has been typical of their political sharpshooting, they openly attempted to handcuff the courts of this state by restricting them from issuing injunctions in case of sit-down strikes.

Through the Williams-Lovett bill, they sought to condone the right of labor to seize or damage plants, destroy equipment and other property and indulge in terrorism to force employers to meet demands.

They turned blindly from the fact that the Republican party had sought to perpetuate higher economic standards for the working man by scrupulously observing his rights so that labor and industry together might open new channels of productive prosperity.

Republicans believe now as we did then, that collective bargaining and diplomatic adjustment of labor controversies are the real answer to industrial progress.

Democratic attempts to strangle the courts of this state, just as they have attempted to crush labor's rights by riding roughshod over liberalizing bills, is an un-American attitude that distorts the very purpose of legislative unity and exposes just how the forces of destruction work under the guise of political strategy!

Four labor bills have been introduced by Republican members of the House to make further improvements in the Labor Relations Law by giving labor more time in which to petition for elections and other beneficial changes. What has happened to these bills? Like many another Republican measure, they have languished in committee for no other reason but that they bore the Republican label.

Certainly the Republican party is not interested in credit for authorship of any bill beyond what it might accomplish in public interest and proof of this has been in Republican willingness to go along on many Democratic measures.

I think the most incongruous development of this session has been the bigoted attitude of the Democratic party in regard to Republican bills and aside from violating all the constitutional privileges intended under our free course of government it has shown conclusively that the New Dealers have no qualms about using public interests as a springboard to political autocracy.

That this could happen in the Commonwealth of Pennsylvania and in the face of the solemn obligations hinging upon every member of this body is a glaring indictment of Democratic perfidy and unfitness to participate in the legislative affairs of this state!

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTIONS RETURNING BILLS TO GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 15, 1941.

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

I have the honor to inform you that I have this day approved and signed resolutions of the House of Representatives and Senate returning to the Governor, without amendment, the following bills:

House Bill No. 107, Printer's No. 742
House Bill No. 267, Printer's No. 713
House Bill No. 280, Printer's No. 583
House Bill No. 281, Printer's No. 586
House Bill No. 291, Printer's No. 1047
House Bill No. 305, Printer's No. 737
House Bill No. 351, Printer's No. 600
House Bill No. 389, Printer's No. 339
House Bill No. 401, Printer's No. 564
House Bill No. 404, Printer's No. 1059
House Bill No. 502, Printer's No. 783
House Bill No. 581, Printer's No. 976
House Bill No. 614, Printer's No. 616
House Bill No. 611, Printer's No. 773
House Bill No. 650, Printer's No. 164
House Bill No. 727, Printer's No. 821
House Bill No. 1003, Printer's No. 591
House Bill No. 1065, Printer's No. 599
House Bill No. 1066, Printer's No. 978
House Bill No. 1068, Printer's No. 592
House Bill No. 1083, Printer's No. 614
House Bill No. 1106, Printer's No. 1046
House Bill No. 1203, Printer's No. 612
House Bill No. 1321, Printer's No. 602
House Bill No. 1334, Printer's No. 588
House Bill No. 1590, Printer's No. 572
House Bill No. 1591, Printer's No. 634
House Bill No. 1659, Printer's No. 775
House Bill No. 1722, Printer's No. 836

ARTHUR H. JAMES.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, Tuesday, July 15, 1941.
Resolved (if the Senate concur) that this Regular Session of the General Assembly adjourn sine die Tuesday, July 15, 1941 at 11:45 p.m.

PERMISSION TO ADDRESS HOUSE

Mr. McMILLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I will be very glad to read this little poem which was written by the Honorable Jacob W. Carr, of the Senate, and with a few changes I think it would fit here very well. I think that some of the boys would not be hurt by a reading of this poem.

Mr. GERARD. Mr. Speaker, did I understand the gentleman to say this was a poem written by somebody in the Senate.

Mr. McMILLEN. That is right, Mr. Speaker.

Mr. GERARD. Mr. Speaker, it appears that at last we are hearing from the Senate. I heard a resolution concurred in, and now we are ready to hear further from the Senate. I have no objection to having some statement from the Senate, and it is very lovely and nice of them to send a poem over here.

Mr. McMILLEN. I thank the gentleman from Allegheny very much.

Mr. Speaker. This poem written by Senator Carr reads as follows:

OH WELL

"Here I am, covered with rags and dirt,
Without a clean collar, without a clean shirt;
I came prepared to stay for the day
And now that I'm here I can't get away;
I left a good home and I left a good wife
To suffer a most unenjoyable life.

If I ever get back, I never will roam
From that dear loving wife and good happy home.
My Jimmie, the boy that is grandson to me,
I am longing deep down in my heart for to see.
Instead I must listen to Assemblymen rave,
Like chattering monkeys, they cannot behave.

O give me, Good Lord, the right to inquire
Why previous to death I should go through this fire;
I haven't been bad and I've tried to do well,
So why in the world should I suffer this Hell?"

Mr. LOVETT. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Westmoreland arise?

Mr. LOVETT. Mr. Speaker, I would like to amend the poem to read from the "Bible Club" instead of from Jimmie and Jacob.

QUESTION OF INFORMATION

Mr. LEVY. Mr. Speaker, I arise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. LEVY. Mr. Speaker, I would like to know if there are any more poems in the Senate?

Mr. REUBEN E. COHEN. Mr. Speaker, I suggest we have some music for our ears, because poetry has no place here.

PERMISSION TO ADDRESS HOUSE

Mr. TAYLOR asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to answer the gentleman who just spoke. He has asked whether we were going to get any more poems from the Senate. I would like to tell the gentleman that we are very shortly going to have a poem from the Senate that will be very well understood by everyone. It will only take a few minutes to recite that poem—"We're Going Home".

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, the other afternoon a few of us Members went into a movie theater and we were met by the manager. When he found out that we were Members of the assembly he asked us if we would extend his cordial greetings to Dr. Sarraf, Dr. Reese and Representative Nagel, the gentleman from Beaver, and ask them to present themselves at the box office where upon identifying themselves, they would be given free tickets of admission to the local theater called the "Senate". I think that all the Members of the House will understand why the management requests their attendance when you know the title, which is "The People vs. Dr. Kildare".

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, when I think of what I might have saved I am indeed very sorry that my friend from Allegheny, Mr. Harkins, has been so derelict in his duty. I did not know this until just now. I was down this afternoon and saw that show and paid my way in. I regret that very much. The next time he gets a message like that I hope he will deliver it promptly, but I thank the gentleman for delivering it now.

INTERROGATION

Mr. HARKINS. Mr. Speaker, I desire to interrogate the gentleman from Beaver, Mr. Nagel.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated?

Mr. NAGEL, I shall, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I would like to ask the gentleman if after the conclusion of the picture he did not arise in his chair, and make a speech condemning the medical profession.

Mr. NAGEL. Mr. Speaker, the medical profession was sufficiently condemned.

PERMISSION TO ADDRESS HOUSE

Mr. HEATHERINGTON asked and obtained unanimous consent to address the House.

Mr. Speaker, for the benefit of quite a few of the members, if they go down to the "Colonial", I think it is, they will see a picture called, "Caught in the Draft," and they will get another look at a Willkie button.

Mr. LEVY. Mr. Speaker, I might say that the Willkie button was found in a poor fish.

Mr. REUBEN E. COHEN. Mr. Speaker, it has been suggested by several of the Members here, after almost two weeks of kidding around and getting out of more or less regular habits, that before the Members of this House retire from the session they stop at the Rio Theatre out on the Hill and get lessons from a picture entitled "School for Husbands".

Mr. NAGEL. Mr. Speaker, I am just wondering whether or not we are ready to adjourn. It seems to me the speeches made on the floor of this House this evening would indicate that certain Members of our House are in collusion with the movie operators, and might be receiving pay from them. I think that we had better stay a few days longer and introduce a resolution to investigate.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT AND DISCHARGE OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 690

Mr. TATE from the Committee of Conference on Senate Bill No. 507, submitted the following report:

In the House of Representatives, July 15, 1941.
To the Members of the House of Representatives:

The conferees on the part of the House of Representatives appointed to confer with a similar committee on the part of the Senate to compose the difference between the House of Representatives and the Senate on Senate Bill No. 507, Printer's No. 292, entitled "An act to apportion the State into Congressional districts," respectfully report that the conferees have been unable to agree on a report, and further respectfully request the conferees on the part of the House be discharged from further consideration of the Bill.

JAMES H. J. TATE

WILLIAM L. SHAFFER

(Committee on the Part of the House of Representatives).

The SPEAKER. The Committee is discharged with the thanks of the House.

Ordered, That the Clerk inform the Senate accordingly.

REPORT AND DISCHARGE OF CONFERENCE ON HOUSE BILL No. 448

Mr. CORDIER from the Committee of Conference on House Bill No. 448, submitted the following report:

In the House of Representatives, July 15, 1941.
To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 448, Printer's No. 1167, entitled:

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose * * *" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court respectfully report that we have been unable to agree on a report and request to be discharged.

Robert M. Miller
C. A. R. Bartlett

(Committee on Part of the Senate)

R. J. Cordier
Francis X. McClanaghan
Wm. S. Brown

(Committee on Part of the House of Representatives)

The SPEAKER. The Committee on the part of the House is discharged with the thanks of the House.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. CORDIER. Mr. Speaker, I move that the House further insists on its non-concurrence in the amendments made and insisted upon by the Senate to House Bill No. 448, Printer's No. 1167.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, this is the last of the so called anti-Red or subversive bills. To wind this thing up in the proper spirit I will be glad at this time to join around the microphone with the gentleman from Allegheny, Mr. Brown, the gentleman from Philadelphia, Mr. McClanaghan, the gentleman from Philadelphia, Mr. O'Brien, the gentleman from Philadelphia, Mr. Levy and the gentleman from Delaware, Mr. Turner in singing "God Bless America."

MR. WOODSIDE IN THE CHAIR

SENATE MESSAGE

SENATE RECEDES FROM NON-CONCURRENCE IN AMENDMENT TO SENATE BILL No. 253

The Clerk of the Senate being introduced, informed that the Senate recedes from its non-concurrence and concurs in the amendments made and insisted upon by the House of Representatives to Senate bill numbered and entitled:

SENATE BILL No. 253.

An Act relating to members of the bureau of fire in cities of the second class: providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election

on such question: and regulating hours of service, hours of rest and annual vacations.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Woodside, for presiding.

RECESS

Mr. WOODSIDE. Mr. Speaker, I move that the House do now recess for five minutes and, Mr. Speaker, I ask for a roll call.

Mr. ACHTERMAN. Mr. Speaker, I wish to second that motion.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Woodside and Mr. Achterman and were as follows:

YEAS—111

Achterman,	Gillette,	Lesko,	Riley,
Baker,	Goodwin,	Leydic,	Rooney.
Balthaser,	Greenwood,	Lichtenwalter.	Shaffer,
Baughner,	Gross,	McClanaghan	Shaw,
Bentzel,	Gryskewicz,	McClester,	Shepard,
Boney,	Gyger,	McDermott	Skale,
Boorse,	Habbyshaw,	McFall,	Snyder,
Bower,	Hall,	McIntosh	Sollenberger,
Bradley,	Hamilton,	McLane,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Cohen, R. E.,	Featherington,	Mihm,	Stine,
Cook,	Helm,	Modell,	Stockham,
Cordier,	Herman,	Mooney,	Tarr,
Corrigan,	Hersch,	Moran,	Tate,
Croop,	Holland,	Moul,	Thompson, E. F.,
Cullen,	Imbrie,	Muir,	Verona,
Dennison,	Jefferson,	Munley,	Vincent,
Dolon,	Jones, G. E.,	Nagel,	Voldow,
D'Ortona,	Jones, P. N.,	O'Brien,	Watkins,
Eckels,	Keenan,	O'Dare,	Weingartner,
Elder,	Kline,	O'Mullen,	Welsh, E. B.,
Elliott,	Knoble,	O'Neill,	Winner,
Fisher,	Kolankiewicz,	Polen,	Woodside,
Fiss,	Komorowski,	Powers,	Yeakel,
Flynn,	Krise,	Prosen,	Yester,
French,	Lee, E. A.,	Reagan,	Yeung,
Gallagher,	Lee, T. H.,	Reese, D. P.,	Kilroy.
Gerard,	Leisey,	Reynolds,	Speaker.

NAYS—29

Auker,	Lyons,	Rhea,	Simons,
Brunner, C. H.,	McKinney,	Rose, S.,	Taylor,
Cadwalader,	McLanahan,	Royer,	Thompson, R. L.,
Cooper,	McMillen,	Rush,	Trout,
Fleming,	Petrosky,	Sarge,	Wagner.
Hewitt,	Rank,		

So the question was determined in the affirmative and the motion was agreed to.

REASON FOR VOTE

Mr. SAMUEL ROSE offered the following reason for his vote:

Since a five minute recess is asked for in this motion and since this is still Tuesday, and on the basis upon which we have been deliberating here, the five minutes that will elapse may take us up to what is actually Friday, and since my wife insists that I be back in Philadelphia this week-end, I must vote "no."

Mr. REUBEN E. COHEN. Mr. Speaker, the Pastors and Folders Choral Society have requested me as their spokesman to have the gentleman read the reason for the information of the House.

The SPEAKER. The reason will be noted in the Legislative Journal.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGE

CONGRESSIONAL REAPPORTIONMENT

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, July 15, 1941.

Moved by Senator Wade, seconded by Senators Mundy and Taylor

That it is the sense and opinion of the Senate Body that the proper solution of Congressional reapportionment is to reduce the number of districts in the County of Philadelphia from seven to six and that the House of Representatives be officially notified.

Referred to the Committee on Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1768

Mr. WOODSIDE. Mr. Speaker, I desire to submit the report of the Committee of Conference on House Bill No. 1768.

The SPEAKER. The report will lie over for printing under the rules.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1752, (Senate Bill No. 1016), entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PETROSKY. Mr. Speaker, several days ago in reading a newspaper my attention was brought to an item appearing in the paper relative to the program that is on foot at the present time for the conservation of oil and gas. In this quotation I noticed that several motorists were

arrested for smoke coming out of their exhaust, which in the natural course of the operation of an automobile would sufficiently show that the rings were worn on the pistons of the car and therefore the car used too much oil. In my mind I am practically convinced that this bill will give to the Governor the same powers under which those motorists were arrested. In the same instance may I say that I would not think that the State of Pennsylvania was so high in the category of oil producing states that we had to enter into a compact with such oil producing states as Texas, Oklahoma and so forth.

Therefore, Mr. Speaker, it is my humble opinion that the piece of legislation before us is unnecessary, and at the same time will be a direct imposition upon the people of this Commonwealth. I would therefore, Mr. Speaker and members of the House, ask you to vote against Senate Bill No. 1016 which is before us today.

Mr. WOODSIDE. Mr. Speaker, this bill is not a party issue. If the information which we obtained from the national administration in Washington is correct this bill is truly vital to the national defense. I don't know of the circumstances which surround the bill but I do know that oil and gasoline are extremely vital to our national defense program. I further know that proper control of oil and gasoline is essential to our national defense and that it is necessary for the national government to assume the task of regulating oil and gasoline. I also know that the President of the United States has directed the Secretary of the Interior to look after this problem. I further know that the Secretary of the Interior has advised this legislature that this bill is vital in order that he may carry out the provisions, which are necessary in connection with the regulation of oil and gasoline.

If the gentlemen on the other side or any of them wish to take the responsibility for defeating this bill under those circumstances they may take that responsibility but I believe that the majority on that side will go along with the request that was made by the Secretary of the Interior to this Legislature and to the Commonwealth to pass this bill as being something absolutely necessary and vital in connection with the defense program. It is not something that we have thought up here. It is something which the national administration, that is charged with the problem and the responsibility, has said to us "It is important to us for you to pass this legislation."

I say, Mr. Speaker, that the Members in this House who are interested in national defense, and I am sure all must be, will not let anything interfere with this request. I have been told that if the Secretary of the Interior feels he must immediately step up the production of oil in the coming weeks this would be the machinery by which he could do it. If he does not have this machinery they say it will take weeks or months and possibly years to set up the machinery which will do it as satisfactorily as this oil compact bill will do it. I do not know all the angles, but the gentleman who is charged with the responsibility, the man who was appointed by the President of the United States, the Commander in Chief of the Army and Navy, charged with the responsibility of dealing with this vital oil problem, says to the Commonwealth of Pennsylvania, "You should pass this bill to make my task possible." Are we going to do it or are we not?

Mr. REUBEN E. COHEN. Mr. Speaker, there have not been many occasions during this session that I have

been able to agree with the gentleman from Dauphin, Mr. Woodside. I very frankly admit that I don't know the details of this bill. I don't know what plan it embraces but I am certain of one thing, of which I satisfied myself. I do know that the national administration is vitally interested in this matter. I know that the national administration wants this bill. I understand that we in this state are the last of several states to pass enabling legislation permitting our signature to this oil compact.

For that reason, Mr. Speaker, I am urging the Philadelphia Members to vote "aye" on this bill.

Mr. ACHTERMAN. Mr. Speaker, I wish to concur in the statement made by the gentleman from Philadelphia, Mr. Cohen, in relation to the remarks made by the gentleman from Dauphin, Mr. Woodside. This is a measure which is intended to advance national defense. It is not only a measure intended for that purpose but it has been sponsored by the national administration in Washington. They are desirous of having this particular legislation. It represents our contribution toward national defense, toward the conservation of oil. I am asking the Democratic Members of this House to pass this legislation. I realize that there has been some small opposition and I have endeavored to ascertain the reason for that opposition, but I am unable to do so. I am at a loss to understand, Mr. Speaker, why one or two individuals who feel that they perhaps may be affected in some measure, should say, "No, the interests of the United States and of Pennsylvania should be submerged to our small, petty, personal interests." Because that opposition is small, because it is petty, because it involves a personal interest in conflict with the national interest, I am certain that every Democrat in this House will vote for this measure.

Mr. PETROSKY. Mr. Speaker, I certainly do not want to disagree with my floor-leader in any instance but finding myself in that position at the present time I am still insisting upon my stand against this measure. Doubt creeps into my mind relative to the great need for such legislation. May I point out if this measure were so badly needed by the national administration, why then, I ask, must we have this bill reported out of committee for final action by this body at this late date, even after a date that was almost definitely decided upon for adjournment?

I again say to you, Mr. Speaker, that no conservation is needed for the oil and gas of this state due to the fact that we do not produce sufficient, and it is my contention that Joe Pew will get a few extra votes on the Allocation Committee.

Mr. WOODSIDE. Mr. Speaker, I merely want to state that many of the oil producing companies feel that this bill will not be of any particular advantage to them and in certain instances might even be harmful to them, but they recognize the value of this bill to the nation as a whole and the industry as a whole. For that reason they have all come down here to ask this Legislature to pass this bill, because they understand the problem and recognize the vital necessity of having it for national defense.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—121

Achterman, Gillette, McClester, Shepard,

Auker,	Goodwin,	McDermott,	Simons,
Baker,	Greenwood,	McFall,	Skale,
Balthaser,	Gross,	McIntosh,	Snyder,
Baughner,	Gyger,	McKinney,	Sollenberger,
Boorse,	Habbyshaw,	McLanahan,	Sorg,
Bower,	Haines,	McMillen,	Stambaugh,
Bretherick,	Hall,	McSurdy,	Stine,
Brunner, C. H.,	Hare,	Mihm,	Stockham,
Cadwalader,	Heatherington,	Modell,	Tarr,
Cohen, M. M.,	Helm,	Moran,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	O'Brien,	Thompson, E. F.,
Cooper,	Hewitt,	O'Mullen,	Thompson, R. L.,
Cordier,	Imbrie,	Polen,	Trout,
Corrigan,	Jefferson,	Powers,	Vincent,
Croop,	Jones, G. E.,	Prosen,	Voldow,
Cullen,	Jones, F. N.,	Reagan,	Wagner,
Dennison,	Kline,	Reese, D. P.,	Watkins,
Dolon,	Knoble,	Reynolds,	Weingartner,
D'Ortona,	Kolankiewicz,	Rhea,	Welsh, E. B.,
Eckels,	Komorowski,	Riley,	Wilkinson,
Elder,	Krise,	Rooney,	Winnor,
Elliott,	Lee, E. A.,	Rose, S.,	Wood, L. H.,
Finestone,	Lee, T. H.,	Rose, W. E.,	Wood, N.,
Fiss,	Leisey,	Royer,	Woodside,
Fleming,	Lesko,	Rush,	Yeakel,
Flynn,	Leydic,	Sarge,	Young,
French,	Lichtenwaller,	Shaffer,	Kilroy,
Gallagher,	Lovett,	Shaw,	Speaker.
Gerard,	Lyons,		

NAYS—14

Bentzel,	Hamilton,	McLane,	Petrosky,
Boney,	Harkins,	Munley,	Verona,
Bradley,	Keenan,	O'Neill,	Yester,
Gryskewicz,	Kenehan,		

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

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

MR. ACHTERMAN IN THE CHAIR

CONFERENCE REPORT ON SENATE BILL No. 654

Mr. READINGER presented the report of the Committee of Conference on the part of the House on Senate Bill No. 654.

The report was read by the Clerk.

The SPEAKER pro tempore. This being a Senate bill the report will be printed by the Senate, and placed in the files of the Members of the House.

CONGRATULATORY RESOLUTION

Messrs. KOLANKIEWICZ and DAVID P. REESE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, July 15, 1941.

The present prolonged session of the General Assembly has at least one pleasant aspect, in that its apparently endless extensions have operated to include the birthdays of a number of members of the House of Representatives in honor of whom the House could not otherwise have joined in congratulations and good wishes.

July 18th, which will apparently be encompassed in the present session as an actual day, if not a Legislative day, marks the birthday of the Honorable Ray E. Taylor, able member of the House from Dauphin County and well known civic and fraternal leader in the City of Harrisburg. Ray E. Taylor was born in Philadelphia, July 18, 1895, and was educated in the Philadelphia public schools, Drexel Institute and the American Institute of Banking. He served in the United States Navy during the World War, and is now engaged in the investment insurance business

in the City of Harrisburg. He has long taken an active part in public life; therefore be it

Resolved, That the House extends hearty congratulations and best wishes to their fellow member from Dauphin County and wishes him continued success throughout life; and be it further

Resolved, That a copy of this resolution be prepared by the Chief Clerk and transmitted to the Honorable Ray E. Taylor.

The SPEAKER pro tempore. The Chair congratulates the gentleman from Dauphin, Mr. Taylor, on his birthday.

The Chair recognizes the gentleman from Dauphin.

Mr. TAYLOR. Mr. Speaker, of course, today is not July 18th. There has always been some question in my mind whether I was born on July 17th or July 18th. It was somewhere around midnight between July 17th and July 18th. However, Mr. Speaker, I appreciate the sentiment expressed in the resolution, and I wish to thank the Members of the House for their vote on the resolution. I thank you very much, all of you.

The SPEAKER pro tempore. The Chair wishes to comment that, of course, today is not the gentleman's birthday, as the gentleman has indicated. It will be three days hence.

QUESTION OF INFORMATION

Mr. HARKINS. Mr. Speaker, I rise to a question of information.

The SPEAKER pro tempore. The gentleman from Allegheny will state his question of information.

Mr. HARKINS. Mr. Speaker, I rise to inquire whose birthday is today.

The SPEAKER pro tempore. The Chair is too modest to say.

Mr. MORAN. Mr. Speaker, in congratulating Mr. Taylor on his birthday, which is on the eighteenth, this being the fifteenth which I understand is Mr. Achterman's birthday, if Mr. Achterman was born on the fifteenth and Mr. Taylor was born on the eighteenth, which birthday are we celebrating today?

The SPEAKER pro tempore. The Chair hopes it will be both.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 943

Mr. PAUL A. BRUNNER. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 943, Printer's No. 1206.

The report was read by the Clerk as follows:

To the members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 943 entitled:

"An Act to re-enact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals"

Respectfully submit the following bill as our report:

George A. Deitrick
Clarence D. Becker
John J. Haluska
(Committee on the Part of Senate)

Paul A. Brunner
Kenneth G. Haines
(Committee on the Part of the House of Representatives)

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners to appropriate county moneys for the support of charitable hospitals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 That section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred thirty-one (P. L. 401) is hereby reenacted and further amended to read as follows:

Section 441 Appropriations to Hospital The board of commissioners may appropriate county moneys for the support of any hospital located within or without the limits of such county which is engaged in charitable work and extends treatment and medical attention to the residents of such county and may also appropriate moneys for the support of any home or place of detention for dependent delinquent and neglected children located within the county such appropriations may be made notwithstanding the fact that there may be no liability on the county or the institution district coextensive with or wholly within the limits of the county for the support care and maintenance of the residents of the county receiving medical attention in such hospitals or for the support of such dependent delinquent or neglected children cared for or maintained in such homes or places.

On the question,

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

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Mihm, Tarr and McDermott asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—77

Achterman,	Fiss,	Lee, T. H.,	Simons,
Auker,	Fleming,	Leisey,	Snyder,
Balthaser,	Gillette,	Leydic,	Sollenberger,
Baughner,	Greenwood,	Lichtenwalter,	Sorg,
Bentzel,	Gross,	Lyons,	Stambaugh,
Boney,	Gyger,	McClester,	Stine,
Boorse,	Habbyshaw,	McIntosh,	Stockham,
Bower,	Haines,	McKinney,	Taylor,
Bretherick,	Hall,	McMillen,	Thompson, R. L.,
Brunner, C. H.,	Hare,	McSurdy,	Trout,
Brunner, P. A.,	Helm,	O'Dare,	Wagner,
Cadwalader,	Hewitt,	Rank,	Watkins,
Cook,	Imbrie,	Reagan,	Wilkinson,
Cooper,	Jones, G. E.,	Reese, D. P.,	Winnier,
Cordier,	Jones, P. N.,	Rhea,	Wolf,
Croop,	Kline,	Riley,	Wood L. H.,
Dennison,	Knoble,	Rose, W. E.,	Wood, N.,
Eckels,	Krise,	Royer,	Woodside,
Elder,	Lee, E. A.,	Sarge,	Yeakel,
Fisher,			

NAYS—55

Baker,	Gryskewicz,	McFall,	Rush,
Bradley,	Hamilton,	McLanahan,	Shaffer.
Cohen, R. E.,	Harkins,	Mihm,	Shepard,
Corrigan,	Heatherington,	Modell,	Skale,
Cullen,	Herman,	Mooney,	Tate,
Dolon,	Hersch,	Moran,	Thompson, E. F.,
D'Ortona,	Holland,	O'Brien,	Verona,
Elliott,	Jefferson,	O'Mullen,	Vincent,
Finestone,	Kolankiewicz,	Petrosky,	Voldow,
Flynn,	Komorowski,	Polen,	Welsh, E. B.,
French,	Lesko,	Powers,	Yester,
Gallagher,	Lovett,	Reynolds,	Young,
Gerard,	McClanaghan,	Rooney,	Kilroy.
Goodwin,	McDermott,	Rose, S.,	Speaker.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the Committee of Conference was not adopted.

On the question recurring,

Will the House concur in the amendments made and insisted upon by the Senate.

Mr. GERARD. Mr. Speaker, I move that the House further insist upon its non-concurrence in the amendments made and insisted upon by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman, for presiding.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

THE SPEAKER (Elmer Kilroy) in the Chair.

CONFERENCE REPORT ON SENATE BILL No. 653

Mr. READINGER presented the report of the Committee of Conference on the part of the House on Senate Bill No. 653.

The report was read by the Clerk.

The SPEAKER. This being a Senate bill the report will be printed by the Senate and placed in the files of the Members of the House.

REPORT OF COMMITTEE OF CONFERENCE ON
SENATE BILL No. 253

Mr. SARRAF from the Committee of Conference on Senate Bill No. 253, submitted the following:

REPORT OF THE COMMITTEE OF CONFERENCE
ON SENATE BILL No. 253

In the House of Representatives, July 15, 1941.
To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 253, entitled:

"An Act relating to members of the bureau of fire in cities of the second class, providing, subject to the approval of the electors, for a three-platoon system for such members with certain exceptions, providing for an election on such question and regulating hours of service, hours of rest and annual vacations."

respectfully submit that we are unable to reach an agreement relative to the aforesaid bill.

John M. Walker
M. Harvey Taylor
(Committee on the part of Senate)
George J. Sarraf
John J. Baker
Robert D. Fleming
(Committee on the part of the House of Representatives)

The SPEAKER. The Committee is discharged with the thanks of the House.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF INFORMATION

Mr. HARKINS. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. HARKINS. Mr. Speaker, will the Chair state for the information of the Members the No. of the Senate bill which he just stated would be spread upon the Journal?

The SPEAKER. Will the gentleman yield? For the information of the gentleman and the Members of the House, the conferees were unable to agree on Senate Bill No. 253 and have been discharged with the thanks of the House.

Mr. HARKINS. Thank you, Mr. Speaker. I understood the Chair to say Senate Bill No. 653 and thought that the Chair was in error.

The SPEAKER. For the further information of the Members of the House, the Senate has receded from its non-concurrence in the amendments made by the House to Senate Bill No. 253.

Senate Bill 653, the Civil Service Bill, the report of the conferees has been presented by the gentleman from Berks, Mr. Readinger. The report on Senate Bill 653 has been ordered noted in the Journals of the House. The printing of that report will be done by the Senate, and will be acted upon at a later hour. Does that answer the gentleman's question?

Mr. HARKINS. It does, Mr. Speaker. I thought I understood the Chair to say Senate Bill 653 when I thought he really meant Senate Bill 253. I wanted it to be correct for the purpose of the Journal.

The SPEAKER. The Chair understands the gentleman's apprehension. The two numbers sound alike.

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 1768

Mr. WOODSIDE. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 1768, Printer's No. 1210.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1768, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis * * * by providing therein as to the replacement or expenditure of certain moneys received or donated pursuant to the provisions of Section three hundred two of the Federal Social Security Act as amended or the Wagner-Peyser Act and making the moneys in the Administration Fund available to the Treasury Department to pay the costs incurred by said department in making disbursements from said fund and the Unemployment Compensation Fund."

Respectfully submit the following bill as our report:

WELDON B. HEYBURN
HENRY I. WILSON
(Committee on the Part of the Senate)
REUBEN E. COHEN
L. KENNETH HARKINS
ROBERT E. WOODSIDE, JR.
(Committee on the Part of the House of Representatives)

An Act to further amend the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. of 1937 page 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement or expenditure of certain moneys received or donated pursuant to the provisions of Section three hundred two of the Federal Social Security Act as amended or the Wagner-Peyser Act and making the moneys in the Administration Fund available to the Treasury Department to pay the costs incurred by said department in making disbursement from said fund and the Unemployment Compensation Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 [Article six] Section 602 of the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. of 1937 page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

Section 602 Administration Fund There is hereby created a special fund to be known as the Administration

Fund which shall consist of all moneys or other property received by the department from the United States of America or any agency thereof including the Social Security Board or from any other source whatsoever to be used for the administration of this act The department shall pay all costs required for the administration and operation of this act out of the Administration Fund

In addition any law to the contrary notwithstanding this fund shall be subject from time to time to charges by the Treasury Department for the costs incurred by said department in making disbursements arising from payments out of the Unemployment Compensation Fund and the fund created in this section and the moneys in the Administration Fund are hereby appropriated for the payment of such charges

Section 2 Article six of the said act as amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 458) is hereby further amended by adding after section six hundred two two new sections to be known as section six hundred two and one-tenth and section six hundred two and two-tenths and to read as follows

Section 602.1 Reimbursement of Funds The Commonwealth of Pennsylvania hereby recognizes its obligation to replace and hereby pledges the faith of the Commonwealth that funds will be provided in the future and applied to the replacement of any moneys received after July one one thousand nine hundred forty-one from the Social Security Board under Title III of the Social Security Act any unencumbered balances in the Administration Fund as of that date any moneys thereafter granted to the Commonwealth pursuant to the provisions of the Wagner-Peyser Act and any moneys made available by the Commonwealth or its political subdivisions and matched by such moneys granted to the Commonwealth pursuant to the provisions of the Wagner-Peyser Act which the Social Security Board finds have because of any action or contingency been lost or have been expended for purposes other than or in amounts in excess of those found necessary by the Social Security Board for the proper administration of this act Such moneys shall be promptly replaced by moneys appropriated for such purpose from the general funds of the Commonwealth to the Administration Fund for expenditure as provided in Section six hundred two of this act The secretary shall promptly report to the Governor and the Governor to the Legislature the amount required for such replacement This section shall not be construed to relieve the Commonwealth of its obligation with respect to funds received prior to July one one thousand nine hundred forty-one pursuant to the provisions of Title III of the Social Security Act

Section 602.2 All moneys received from the Social Security Board under Title Three of the Social Security Act or the provisions of the Wagner-Peyser Act and all moneys made available by the Commonwealth or its political subdivisions and matched by moneys granted to the Commonwealth pursuant to the provisions of the Wagner-Peyser Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this Act

Section 2 The provisions of this act shall become effective immediately upon final enactment and shall be retroactive to and including the first day of July one thousand nine hundred and forty-one

On the question,

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

Mr. REUBEN E. COHEN. Mr. Speaker, I am going to ask you at this late hour, to indulge me for just a few minutes to make some remarks in connection with the conference report on House Bill 1768, which I urge you to unanimously adopt. If my remarks extend over and refer

to Senate Bill 80, I will ask you to excuse me because the two subjects are similar and one cannot make remarks concerning one without some reference to the other.

House Bill 1768 in itself is not what the Democratic party feels this administration owes to the people of Pennsylvania. However, the mechanics of the bill do accomplish one thing; it makes certain that in the future the Secretary of the Department of Labor and Industry shall not make any improvident—to be charitable—expenditures of moneys entrusted to that Department by the Government of the United States.

Mr. Speaker, we have had the situation where funds have been spent improperly and the Commonwealth of Pennsylvania must admit by the passage of this bill that such payments were made improperly, because in this bill we are compelled to pledge in the future the faith and the credit of the Commonwealth to the Federal Government that, if in the future any such funds are improperly spent, the moneys will be repaid to the Federal Government. What remains after that is that the Commonwealth itself must then proceed against any person charged with improper expenditure of money to recover the money improperly spent.

In passing may I say that it is well known that in the last few months such a sorry incident occurred, and it might be suggested now that the Attorney General should proceed to determine whether or not such funds could be recovered for the Commonwealth. We know that in the future, the Commonwealth will have to pay that money back, and if in the future we have to pay the money, may I suggest that action by the Attorney General may be warranted or possibly required.

Senate Bill No. 80, which is tied in with this bill, because they both amend the same act, was amended in this House to conform with the expression of this House on House Bill No. 868, which was introduced by the gentleman from Lackawanna, Mr. O'Neill and myself and passed by this House some time ago. In that bill and in the amendments to Senate Bill No. 80, we expressed this administration's pledge to the people of Pennsylvania and to this House and to the Senate in joint assembly in this very hall, on January 7th of this year. We expressed our ideas on the liberalization of the Unemployment Compensation Act. We asked that the minimum payment be increased, I think, from seven dollars and fifty cents to ten dollars and that the maximum payments be increased from fifteen dollars to twenty dollars. We asked that the intermediate payments be extended from fifty to sixty-six and two-thirds per cent. We asked that the waiting period be reduced from three weeks to one week. We asked that partial unemployment be compensated. We did so with full knowledge and understanding that on the basis of past experience and the experiences we are now going through, the moneys for which we are trustees, the fund over which we have control by action of this House and the Senate would not be impaired, but would be solvent, and that the moneys which we are carrying and accumulating in this state would be used for the benefit of the unemployed of Pennsylvania.

May I say at the same time it will help solve our relief problem in that we may not have to impose greater taxes. Of course, the Governor would rather reduce taxes upon industry and upon employers in Pennsylvania. The Senate countered with a very, very liberal proposition. The Senate insisted upon the seven dollars and fifty cents

minimum being increased to eight dollars and fifty cents, and insisted that the fifteen dollars maximum remain at fifteen dollars. The Senate did agree that the intermediate payments might be sixty-six and two-thirds per cent rather than fifty per cent of the weekly wage. They decided in the alternative, if they should decide to raise the maximum one dollar up to sixteen dollars, we could have that or we could get one additional week's payment, increasing it from thirteen to fourteen. We have been insisting upon sixteen payments in the year. The partial payment plan was an obnoxious idea to the Senate, they wouldn't go for it, and the only excuse that was offered by the Senate was that the Joint State Government Commission had not studied the subject, and since they had not studied it they could not go along with the idea, despite the figures produced by the House Conferees to prove their point.

The last answer which has been received on the subject was on last Sunday after a week of conferences with one of the conferees in the Senate. In his first statement the other conferee countered with a remark that I was too social minded. My answer to that was that the Joint State Government Commission did a valuable and a worthwhile piece of work, but I did not see—and I am speaking of the present members of that commission—I did not see how they could have the effrontery to come to this legislature and say that because we did not get a report from the Joint State Government Commission we cannot pass this law. I would not have the gall to come to this session of the Legislature and as a member of the Joint State Government Commission ask this House and Senate to accept as law what I found to be the law, but I would ask them to study what we had accumulated and to use their best judgment.

That was the last expression on the part of the Senate, knowing full well what labor and what both Houses in Pennsylvania have asked for, nevertheless the Senate defied labor's request and insisted that no partial payments be made, insisted upon meager and picayune benefit increases and remained adamant in insisting that the bill which they wrote should be enacted or there would be no bill. Yesterday the eulogy over the bill was pronounced in the Senate and I regretfully state that I must join in that eulogy, and I regretfully state that labor knows the bill is dead. I might as well announce it now so that there will be no doubt about it. Mr. Speaker, labor feels, I believe, that the time has come when it must go after what labor in Pennsylvania should have.

If by this time you have assumed from what I have said that I have attempted to put words into the mouth of the present Republican administration that they stood for a liberalized Unemployment Compensation Act, may I read to you a statement by the Governor of Pennsylvania made on the rostrum on which our Speaker now stands on January 7, 1941. It is in the fourth item which he recommended to Assembly and reads as follows:

"Fourth Study should be given to the Unemployment Compensation Act with the thought of reducing the waiting period, increasing the number of payments and otherwise liberalizing its terms."

If half a dollar's worth of liberalization is all that this Assembly, or all that the Republican members of the Assembly, can derive from such a statement, then the

terms "liberal" and "liberalization" are as dead as the proverbial dodo.

The Democratic party is going to pass House Bill 1768; the Democratic party mourns the fact that Senate Bill 80 with its liberal advance in benefit payments cannot be passed; the Democratic party was the father of Unemployment Compensation in Pennsylvania in December 1936, despite the fact that we were warned it could not work. We are proud of the fact that we have pledged ourselves to continue the fight to properly liberalize that act. My observation has shown me that there is a movement on foot nationally to try to get rid of such a surplus as now exists in Washington. Labor feels that the best way to get rid of such a surplus is to go out and let the people spend money, and their business can be increased with more money. In other words, you should not be frozen with a fifteen dollar maximum in the face of rising food costs. The Democratic party is insisting upon a flexible and a liberal interpretation of a social piece of legislation. We do not want anything that is stiff; we want something that can be molded to fit the economic world and meet the needs of the people of Pennsylvania. We feel, Mr. Speaker, that we have not gotten anything in this situation, but the Democratic party is not going to refuse to pass House Bill 1768 because our refusal to pass it may mean we may have difficulty with the administration in Washington in getting funds for this Commonwealth to go through with the Act and administer the Act in August. We shall not be deterred to the proper administration of the fund, but if by our criticism, if by our fighting here now and our continuance of fighting in the future, we can bring to the Assembly, if we should come back into special session, or if we can bring to future Assemblies the fact that the Unemployment Compensation Act must be built up into a flexible Act to meet the present needs or the needs of the future as they come, then I think we shall have accomplished our purpose, and we shall have been consistent in our attitude as to what is good for the people of Pennsylvania, and which can be made better for the people of Pennsylvania. If the people of Pennsylvania will follow us in that precept, I feel certain that two years hence we will have the tools, not only in the House but in the Senate, and in that little room back of this Hall, which goes much farther back than the stairway, we will be able to do with this act what every reasonable person knows should be done with it.

Mr. WOODSIDE. Mr. Speaker, House Bill No. 1768, in spite of what the gentleman said contains only those provisions that the Federal Social Security Board and the Social Security Law in Washington say are necessary to be enacted into law in Pennsylvania, in order that we can get the money to carry on the administration of our Unemployment Compensation Law.

After the adjournment of the 1939 session Congress enacted additional provisions which they said would have to be written into the laws of the various states if the moneys for administration were to be given after July 1, 1941. We are now passing a law which Congress and which the Social Security Board request, in the very wording of which it is provided that it shall be effective immediately and be retroactive to the first day of July, 1941. It has nothing to do with anything that transpired between the Secretary of Labor and Industry and the

Social Security Board. It is a provision that all the states must enact into their laws. It is a provision which was written into a book which was sent out to all the states telling them what they must enact into their law.

It does however, contain one other provision and I do not think it would be amiss to make reference to it. That is that certain employes who are over in the Treasury Department, which, if the gentleman on the other side would be really interested in civil service, would have been brought under civil service, are given a certain provision in the law, in order that the Treasury Department may keep them out of civil service. I merely state that as part of the provision which the gentlemen on the other side insists be written into this bill. They could have been and possibly should have been under civil service if the gentlemen on the other side would have been inclined to support it. All the rest of the people having to do with unemployment compensation, or practically all of them, are under civil service provisions and there is no reason why they should not be under them. The gentlemen on the other side did not prefer it that way and so at their request there was written into House Bill 1768 a provision that permits these employes to be outside of civil service.

There was some talk about Senate Bill 80. Senate Bill No. 80 has nothing to do with it except that it amends the same law and except for the fact that the provision to which we last referred was a part of Senate Bill 80 as it finally passed the House. The situation as to Senate Bill 80 is very briefly this: it was suggested to us that the committee communicate with the Joint State Government Commission, and the committee appointed by the Joint State Government Commission to study the subject did study it diligently and well. They had before them all the union labor leaders of the state of Pennsylvania; they had before them the Chambers of Commerce and together they had practically agreed upon twenty-two points, including very liberal features of the Unemployment Compensation Law. The Senate passed that bill in accordance with the recommendations contained in the study. There were twenty-two recommendations. Some of them were merely procedural and they did not have very much effect upon the liberalization of the act except that the waiting period was reduced from three weeks to two weeks. The gentleman spoke about fifty cents a week but he passed over the question of the waiting period from three weeks to two. That is something that would benefit the working man in Pennsylvania who should happen to become unemployed for over two weeks. There are other provisions concerning liberalization but the gentlemen on the other side said, "No we don't think the laboring man of Pennsylvania wants this additional eight to nine million dollars a year that this bill would give them." Why they say that is difficult to understand. They talk about liberalization and it is recognized that this Senate bill which the Republican conferees have all signed and are prepared to pass at the present time would give the unemployed of Pennsylvania between eight and nine million dollars a year during the next two years, but the gentleman on the other side, said, "No." Now, that is all there is to it, gentlemen. The reason must be that they want to go out and make a political campaign trying to make the working man of Pennsylvania believe that the Republican

administration and the Republican Senate were not willing to liberalize the Unemployment Compensation Law, but the record stands and the fact cannot in any way be disputed that in the next year the unemployed in Pennsylvania would, if the Democrats would go along with the report that is signed by the Republican members, receive benefits of between eight and nine million dollars, and until this Assembly meets in regular session again that will mean between sixteen and eighteen million dollars to the unemployed people of Pennsylvania. You say "No, we won't agree with that. We won't agree with it because you will not accept a system which the actuaries say they don't know enough about to know what would happen under it." That is the whole story, Mr. Speaker, and the fault of keeping that approximately seventeen million dollars from the unemployed laboring men of Pennsylvania during the next two years can rest upon no one except the Democrats of this House.

MR. REUBEN E. COHEN. Mr. Speaker, if I were to file exceptions to the statement of the gentleman, I should have to say at least that the court erred in its charge to the jury. Mr. Speaker, the gentleman spoke about a reduction of the waiting period from three to two weeks. I do not think that is liberal enough, because we can make it more liberal, by which I mean we can get it to one week; that is what we asked for. May I inform the gentleman that the present practice generally in Unemployment Compensation indicates that under the three weeks waiting period it takes at least five weeks before a person receives his first check, and there has been any number—I should say hundreds or maybe thousands of instances where persons while waiting for their checks from the Unemployment Compensation Bureau had to go on relief. If we had a one week waiting period, it is true that the machinery for getting the money paid would have to be stepped up, but so many of these people would not have to go on relief and the relief fund might be saved in that respect a considerable amount of money.

As to the total amount of money that the gentleman states this bill will give, I think he is in error, but I do not want to bore him or you with figures. If any gentleman of the House wants to refer to the record in the Senate, the figures are adequately shown and conclusively proven. Let me say to the members of the House, we were not only interested in getting these increased benefits; we had other things in mind, and one of the things that we asked for, which was flatly refused by the other side, was a provision to compel an employer to come under the fund, so as to reduce the eligibility required of the person who employed others. That worked out this way in a specific instance that occurred in this Commonwealth within the past several months. It would first bring many more employers under the fund, and therefore that many more partners in this enterprise. When they do become unemployed, there would be greater certainty, and it would do away with the shameful thing that happened at Indiantown Gap, where there were three employers who received the majority of the contracts and who got together and had one joint payroll. I have a copy of one of their pay envelopes in my hand. They began work in the year 1940, within the twenty week period from the end of the year. The result was that in the year 1940, they were not covered by the act, so they made no contribution to the Unemployment Compensation Fund. Then

they finished their job before twenty weeks elapsed in 1941, so that again they were not compelled to pay any money into this fund for the benefit of the people of Pennsylvania.

We have situations where there was a payroll of many millions of dollars spreading over a period of five weeks to six months, where men were employed and discharged from employment because the job was done, and were unable to turn to the Unemployment Fund for benefits. We are quite certain now that the law as it stands today is somewhat faulty. We sought to amend that situation, and the only answer we got on that score was, "Rube, you are too social minded."

MR. LEVY. Mr. Speaker, the minority floor leader in talking on House Bill 1768 said a few times, "That's all there is to it." I only want to say to him and to the Republican party in the dying days of this session, that the record of Unemployment Compensation on the part of Governor James is only another link in the unbroken chain of broken promises.

On the question recurring,
Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

Auker.	Greenwood.	McClester.	Royer.
Achterman.	Gross.	McDermott.	Rush.
Baker.	Gryskewicz.	McFall.	Sarge.
Balthaser.	Gyger.	McIntosh.	Sarra.
Baugher.	Habbyshaw.	McKinney.	Shaffer.
Bentzel.	Haines.	McLanahan.	Shaw.
Boney.	Hall.	McLane.	Shepard.
Boorse.	Hamilton.	McMillen.	Simons.
Bower.	Hare.	McSurdy.	Skale.
Bradley.	Harkins.	Mihm.	Snyder.
Bretherick.	Heatherington.	Modell.	Sollenberger.
Brunner. C. H.	Helm.	Monks.	Sorg.
Burriss.	Herman.	Mooney.	Stambaugh.
Cadwalader.	Hersch.	Moran.	Stine.
Chudoff.	Hewitt.	Moul.	Stockham.
Cohen M. M.	Holland.	Muir.	Tarr.
Cohen R. E.	Imbrie.	Munley.	Tate.
	Jefferson.	Nagel.	Taylor.
	Jones G. E.	O'Brien.	Thompson, R. L.
Cooper.	Jones, P. N.	O'Dare.	Trout.
Croop.	Keenehan.	O'Mullen.	Verona.
Cullen.	Kilne.	O'Neill.	Vincent.
Dennison.	Knoble.	Petrosky.	Voldow.
Dolon.	Kolankiewicz.	Polaski.	Wagner.
Duffy.	Komorowski.	Polen.	Watkins.
Eckels.	Krise.	Powers.	Weingartner.
Elder.	Lee, T. H.	Rank.	Welsh E. B.
Elliott.	Lelsey.	Readinger.	Wilkinson.
Finestone.	Lesko.	Reagan.	Wood, N.
Fisher.	Levy.	Reese, D. P.	Woodside.
Fiss.	Leydic.	Reynolds.	Yeakel.
Fleming.	Lichtenwalter.	Rhea.	Yester.
Flynn.	Lovett.	Elley.	Young.
Franch.	Lyons.	Rooney.	Kilroy.
Gallagher.	Marks.	Rose, S.	Speaker.
Gerard.	McClanaghan.	Rose, W. E.	
Goodwin.			

NAYS—0

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.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

BOY SCOUTS OF AMERICA

2 Park Avenue
New York, N. Y.

July 16, 1941.

Mr. Thomas J. Callahan, Chief Clerk
House of Representatives
Harrisburg, Pennsylvania

Dear Mr. Callahan:

On behalf of the Boy Scouts of America, I express to you the sincere appreciation of our entire membership for the resolution adopted by the House of Representatives of the State of Pennsylvania in the death of our beloved National Scout Commissioner, Mr. Daniel Carter Beard. This evidence of respect and affection is most gratifying and it will afford us great pleasure to transmit copy of the duly authenticated resolution to the members of the Beard family.

Photo-offset copies will also be sent to each one of our Councils in the State of Pennsylvania.

Sincerely and cordially yours,

Boy Scouts of America
Chief Scout Executive

JEW:JRM

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member of the House, the gentleman from Fayette, Harry J. Brownfield.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT
ON SENATE BILL No. 654

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 654.

An Act to amend sections two hundred one and four hundred fifty two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended in order to establish the State Civil Service Commission as an independent administrative commission in the Executive Department and making further provisions with respect to the qualifications and expenses of the commission

REPORT OF COMMITTEE OF CONFERENCE ON
SENATE BILL No. 654

Mr. READINGER. Mr. Speaker, I desire to call up the

report of the Committee of Conference on Senate Bill No. 654, Printer's No. 619.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 654, entitled:

"An act to amend sections two hundred one and four hundred fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof * * *' as amended in order to establish the State Civil Service Commission as an independent administrative commission in the Executive Department and making further provision with respect to the qualifications and expenses of the commission."

Respectfully submit the following bill as our report:

O. J. Tallman
John M. Walker
Frank W. Ruth

(Committee on the Part of the Senate)

Albert S. Readinger
Anthony J. Petrosky
John E. Van Allsburg

(Committee on the part of House of Representatives.)

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other execu-

tive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the tenth day of May one thousand nine hundred and thirty-nine (P. L. 101) is hereby further amended to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies Department of Revenue Department of Public Assistance and Department of Commerce and by the following independent administrative boards and commissions Pennsylvania Game Commission Board of Fish Commissioners State Civil Service Commission and the Pennsylvania Public Utility Commission

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania Motor Police

Section 2 Section four hundred fifty-two of said act which was added to said act by section eight of the act approved the sixth day of June one thousand nine hundred thirty-nine (P. L. 250) is hereby amended to read as follows

Section 452 State Civil Service Commission The State Civil Service Commission is hereby created and shall consist of three members not more than two of whom shall be of the same political affiliation Of the original members all of whom shall be appointed within thirty days after the effective date of this act one shall be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter each appointment shall be for a term of six years or until a successor is appointed and qualified The members of the commission shall hold no other public position to which a salary is attached shall have qualifications for appointment and shall be removable from office as provided by law The Governor shall designate one of the members as chairman

Each member of the commission shall [be paid] receive actual traveling expenses and per diem compensation at the rate of twenty-five dollars per day for the time actually devoted to the business of the commission but no member shall be paid more than one thousand five hundred dollars per diem compensation in any one year except during the first year after the effective date of this act [when such payments shall not exceed two thousand dollars]

Section 3 This act shall become effective immediately upon its final enactment

On the question,

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

Mr. READINGER. Mr. Speaker, in commenting on

Senate Bill 654, I ask the consent of the House to comment also on Senate Bill No. 653, which is a companion bill and deals with the same subject.

The SPEAKER. If there is no objection, the gentleman will be privileged to discuss Senate Bill 654 and Senate Bill 653. The Chair hears none. The gentleman will proceed.

Mr. READINGER. Mr. Speaker, as one of the conferees on these two Senate Bills, I rise to ask the members of the House to vote for both of these bills. Senate Bill 654 sets up a State Civil Service Commission of three members and Senate Bill 653 defines the powers and duties of that Civil Service Commission.

I think there is no doubt that these two bills are a step forward in better government for Pennsylvania, but in my brief remarks tonight, I want to point out what in my opinion and in the opinion of many Members on this side of the House, constitute serious deficiencies in these two bills.

The members of this conference committee approached their task in the spirit of compromise. Senate Bill 653 is a compromise between the Republican and Democratic parties and their members. When the bill first came over from the Senate it provided for no court appeal after a hearing before the Commission. It also provided that notwithstanding any other provisions of the act the Governor, upon recommendation of the appointing authority, or the director of the Commission, could fire any person for the good of the service.

To these two items the Members on this side of the House took exception, and we tried in our conference committee to persuade the conferees on the other side to adopt our viewpoint in the matter and to allow to a dismissed or demoted or suspended employe the right of a court appeal. We also tried to persuade them to take out of the bill the right of the Governor of Pennsylvania to fire for no reason whatever except he deems it to be for the good of the service. There were other items in dispute, and in some of these the Republican conferees gave to us and on these two items that I am now speaking of we gave to them.

When I stated it to be my opinion that this bill would give Pennsylvania a much better civil service law if it included the right of the court appeal, I believe I expressed the feelings and thoughts of most of the Members on this side of the House. It is true that it will cost more money, and it would be somewhat more cumbersome.

It is true that the administration of the law would be somewhat more cumbersome if this right of appeal were given the employes, but I think that the value, not only to the employe whose status happens to be in question, but to the people of Pennsylvania, because of better service rendered by the employes, thinking and knowing that they could not be fired, suspended or demoted unfairly, offsets that cost.

As far as the right of the Governor is concerned to dismiss for no reason except that in his opinion it is for the good of the service,—as far as that right is concerned, we didn't want to concede that, but the Republican conferees insisted upon it and we finally did concede it rather than have the bill fail.

I am not going to make any threats tonight as to what will happen if the Governor does not administer that por-

tion of the act properly. We conferees cited those two things on the assumption that an impartial and a fair civil service commission will be set up and that it will function properly. We assume it to be true and we hope it will be true. We also hope that the Governor of Pennsylvania will be big enough not to use this power for political reasons, and while I say we make no threats as to what will happen if it is not carried out in a fair manner, I am serving notice now on the Governor and this civil service commission that is going to be appointed, that if they do not function properly the people will put the blame where it belongs and will act accordingly.

We sometimes forget that the main thing we are trying to get in civil service is to get better service for the people of Pennsylvania. There are some people who feel that this bill should never be enacted without that court appeal section in it, but that is not exactly so. The main thing you want to accomplish is better service for the people of Pennsylvania, and to see that the employe who performs his job properly shall have a life time job or as long as he wants to have it. So one factor greatly outweighs the other. We believe this civil service set-up is workable, and we want it to work properly, but I wanted to make these remarks in order that the record may be clear as to our intention over here, and I ask the Members to vote in support of these bills.

On the question recurring,

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

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

- | | | | |
|-----------------|----------------|---------------|------------------|
| Achterman, | Goodwin, | Marks, | Rose, S., |
| Auker, | Greenwood, | McClanaghan, | Rose, W. E., |
| Baker, | Gross, | McClester, | Royer, |
| Balthaser, | Gryskewicz, | McDermott, | Rush, |
| Baughner, | Gyger, | McFall, | Sarge, |
| Bentzel, | Habbyshaw, | McIntosh, | Sarraf, |
| Boney, | Haines, | McKinney, | Shaffer, |
| Boorse, | Hall, | McLanahan, | Shaw, |
| Bower, | Hamilton, | McLane, | Shepard, |
| Bradley, | Hare, | McMillen, | Simons, |
| Bretherick, | Harkins, | McSurdy, | Skale, |
| Brunner, C. H., | Heatherington, | Mihm, | Snyder, |
| Burris, | Helm, | Modell, | Sollenberger, |
| Cadwalader, | Herman, | Monks, | Sorg, |
| Chudoff, | Hersch, | Mooney, | Stambaugh, |
| Cohen, M. M., | Hewitt, | Moran, | Stine, |
| Cohen, R. E., | Holland, | Moul, | Stockham, |
| Cook, | Imbrie, | Muir, | Tarr, |
| Cooper, | Jefferson, | Munley, | Tate, |
| Croop, | Jones, G. E., | Nagel, | Taylor, |
| Cullen, | Jones, P. N., | O'Brien, | Thompson, R. L., |
| Dennison, | Kenehan, | O'Dare, | Trout, |
| Dolon, | Kilne, | O'Mullen, | Verona, |
| Duffy, | Knoble, | O'Neill, | Vincent, |
| Eckels, | Kolankiewicz, | Petrosky, | Voldow, |
| Elder, | Komorofski, | Polaski, | Wagner, |
| Elliott, | Krise, | Polen, | Watkins, |
| Finestone, | Lee, T. H., | Powers, | Weingartner, |
| Fisher, | Leisey, | Rank, | Welsh, E. B., |
| Flas, | Lesko, | Readinger, | Wilkinson, |
| Fleming, | Levy, | Reagan, | Wood, N., |
| Flynn, | Leydic, | Reese, D. P., | Woodside, |
| French, | Lichtenwalter, | Reynolds, | Yeakel, |
| Gallagher, | Lovett, | Rhea, | Yester, |
| Gerard, | Lyons, | Riley, | Young, |
| | | Rooney, | Kilroy, Speaker. |

NAYS—0

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.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 653

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 653

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 653

Mr. READINGER. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 653, Printer's No. 624.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 653, entitled:

“An act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof”

Respectfully submit the following bill as our report:

O. J. Tallman
John M. Walker
Frank W. Ruth
(Committee on the Part of the Senate)

Albert S. Readinger
John E. Van Allsburg
(Committee on the part of the House of Representatives.)

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political sub-divisions of the Commonwealth

in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows That a system of personnel administration is hereby established for the regulation and improvement of the civil service of certain departments and agencies of the Commonwealth

Article I

General Provisions

Section 1 Short Title This act shall be known and cited as the "Civil Service Act"

Section 2 Purpose Greater efficiency and economy in the administration of the government of this Commonwealth is the primary purpose of this Act The establishment of conditions of service which will attract to the service of the Commonwealth qualified persons of character and ability and their appointment and promotion on the basis of merit and fitness are means to this end

Section 3 Definition of Terms In this Act unless the context otherwise clearly requires

(a) "Commission" means State Civil Service Commission as created by "The Administrative Code of 1929" and its amendments.

(b) "Director" means the Personnel Director

(c) "Service of the Commonwealth" includes all offices and positions now existing or hereafter created in the Department of Public Assistance State Board of Public Assistance and county boards of assistance all offices and positions now existing or hereafter created in the Department of Labor and Industry charged with the administration of the Unemployment Compensation Law all offices and positions now existing or hereafter created under the Pennsylvania Liquor Control Board all offices and positions under the State Civil Service Commission and the Personnel Director and any other offices and positions of any department or agency to which this Act may hereafter be extended

(d) "Unclassified service" means all positions now existing or hereafter created in the service of the Commonwealth which are held by

(1) Heads of departments of the Commonwealth the first deputy heads thereof and the person appointed to administer the Federal-State employment service and the unemployment compensation work of the Department of Labor and Industry

(2) Members of boards and commissions

(3) One secretary or one confidential clerk to each state appointing authority or each member thereof as the case may be except the Commission and the Director

(4) Any person temporarily appointed or designated to render special services or to make or conduct a special

inquiry investigation or examination where such appointment or designation is certified by the Commission to be for employment for not more than six months in any twelve month period and which for reasons set forth in the minutes of the Commission should not be performed by persons in the classified service

(5) Any person employed by any other State agency or department which by law performs services directly or indirectly for the departments set forth in subsection (c) hereof

(6) Such attorneys as the Attorney General shall appoint and the Governor shall approve

(e) "Classified service" means all positions now existing or hereafter created in the service of the Commonwealth not specifically included in the unclassified service

(f) "Appointing authority" means the officers board commission person or group of persons having power by law to make appointments in the service of the Commonwealth

(g) "Position" means any office or place of employment in the service of the Commonwealth such that the duties and responsibilities thereof are exercised by one person

(h) "Class" or "class of positions" means a group of positions in the service of the Commonwealth established under this Act sufficiently similar in respect to the duties and responsibilities thereof that the same descriptive title may be used for each of such positions the same requirements as to experience knowledge and ability are demanded of incumbents the same tests of fitness may be used to choose qualified appointees and the same schedule of compensation may be made to apply with fairness under like working conditions

(i) "Permanent position" means a position in the service of the Commonwealth which is likely to be needed continuously for a period of six months or more

(j) "Extra position" means a position in the classified service which arises out of temporary pressure of extra work and will continue for a period of less than six months

(k) "Employee" means a person legally occupying a position in the service of the Commonwealth

(l) "Regular employe" means an employe who has been appointed to a position in the classified service in accordance with this Act after completing his probationary period

(m) "Entrance examination" means an examination for positions in a particular class admission to which is not limited to persons employed in the service of the Commonwealth

(n) "Promotion examination" means an examination for positions in a particular class admission to which is limited to employes in the classified service who have held a position in another class

(o) "Employment list" means a list of persons who have been found qualified by an entrance examination for appointment to a position in a particular case

(p) "Promotion list" means a list of persons who have been found qualified by a promotion examination for appointment to a position in a particular class

(q) "Eligible list" means an employment list a promotion list or a reemployment list

(r) "Eligible" means a person whose name is on an eligible list

(s) "Demotion" means a change in statute to a position in a class carrying a lower maximum salary

(t) "Furlough" means the termination of employment because of lack of funds or of work

(u) "Probationary period" means a preliminary period of employment prior to permanent appointment of an employe for the purpose of determining his fitness for permanent employment

(v) "Promotion" means a change in status to a position in a class carrying a higher maximum salary

(w) "Removal" means the permanent separation from the classified service of an employe who has been permanently appointed

Article II

Civil Service Commission and Personnel Director and Their Powers

Section 201 Qualifications and Removal of Commissioners Any person appointed as a member of the Commission shall be a citizen and legal resident of the Commonwealth for a period of not less than one year who is in sympathy with modern personnel methods and the application of merit principles to public employment No person who within one year preceding his appointment has been an officer of a political party shall be eligible to serve as a commissioner The Governor may remove any member of the Commission but only for incompetence inefficiency neglect of duty malfeasance or misfeasance in office by giving such member a statement in writing of the charges against him and affording him after notice of not less than ten days an opportunity of making written answer and upon request being publicly heard in person and by counsel A copy of the charges and answer of the Governor's findings and a transcript of the record shall be filed with the Secretary of the Commission

Section 202 Meetings of Commission The Commission shall meet at least once each month except that meetings may be omitted during two summer months The Chairman of the Commission shall cause reasonable notice to be given to each member of the Commission and to the Director of the time and place of each meeting Meetings shall be held at the call of the Chairman the Governor or any member of the Commission Two members of the Commission shall constitute a quorum at any meeting

Section 203 Duties of Commission It shall be the duty of members of the Commission as a body

(1) After public hearing as hereinafter set forth to establish adopt and amend rules either on its own motion or upon recommendation of the Director for making effective the provisions of this Act Such rules shall have the effect of law one week after the adoption thereof

(2) After public hearing as hereinafter set forth to approve modify or reject such classification plans for the classified service of the Commonwealth as the Director may present

(3) To approve modify or reject for report to the Executive Board of the Commonwealth such compensation schedules for the classified service of the Commonwealth as the Director may present

(4) Upon request or on its own motion are herein provided in cases of demotion furlough suspension and removal to conduct investigations hold public hearings render decisions on appeals and record its findings and conclusions

(5) To make investigations on its own motion and in its discretion on petition of a citizen concerning any matter touching the enforcement and effect of the provisions of this Act and to require observance of the provisions of this Act and the rules and regulations thereunder

(6) To make such investigations as may be requested by the Governor or the Legislature and to report thereon

Section 204 Legal Counsel The Attorney-General shall be legal counsel for the Commission Whenever the Attorney-General acts for the appointing authority in a particular proceeding the Commission may appoint special counsel The total compensation paid to all such special counsel for any fiscal year shall not exceed two thousand five hundred dollars

Section 205 Qualifications Appointment Compensation And Removal Of Director

(a) The Director shall be in the classified service He shall be a person who by examination shows he is familiar with the principles and methods of personnel administration and one who is in sympathy with the application of merit principles and scientific methods to public employment He shall during the first year receive an annual salary of seven thousand dollars which shall not at anytime thereafter be increased by the Commission with the approval of the Governor to more than nine thousand dollars and shall hold no other public position of profit

(b) Within ninety days after it is appointed and

thereafter within ninety days after a vacancy occurs the Commission shall hold a competitive examination in accordance with the provisions of this Act and on the basis of that examination shall establish an employment list of persons found eligible for appointment as Director. The Commission shall appoint one of the three highest ranking eligibles as the Director. The Commission shall have the same powers and duties with respect to the conduct of the examination establishment of the employment list and making an appointment therefrom that are vested in or imposed upon the Director under the provisions of this Act with respect to other positions in the classified service.

(c) The Director shall not be removed except for incompetence inefficiency neglect of duty malfeasance or misfeasance in office. The Commission shall furnish to the Director written notice of his intended removal setting forth the reasons for such action and shall file a copy of such written notice with the Governor. The Director shall have ten days from the receipt of such written notice to give the Commission such written answer as he may desire and shall file a copy of such written answer if any with the Governor. Such notice and answer shall be made a part of the public records of the Commission and of the Governor. Within thirty days after receipt of such notice of removal and answer thereto the Governor shall make an investigation for the purpose of fairly determining whether the Director shall continue in his position or should be removed therefrom. Within twenty days after the completion of such investigation or sooner if practicable the Governor shall make his findings and conclusions which shall be forthwith certified to and enforced by the Commission. The Governor's findings and conclusions shall constitute a part of the public records of the Commission and of the Governor.

Section 206 Powers And Duties Of Director. The Director shall be the chief executive office of the Commission and except as otherwise provided in this Act shall direct and supervise all the administrative work. He shall have power and it shall be his duty:

(1) To appoint from employment lists established under this Act such examiners investigators clerks and other assistants as may be necessary to carry out this Act and to supervise and direct this work.

(2) To attend the meetings of the Commission act as its secretary and record its official actions.

(3) To prepare and recommend to the Commission rules and amendments thereto.

(4) To establish and maintain a record of all employes in the service of the Commonwealth showing for each such person the date appointed or employed the title of the position held the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and such other data as he may consider desirable and pertinent.

(5) To administer and make effective the provisions of this Act and of the Rules made thereunder including those relating to the preparation after advice and counsel with appointing authorities and administration of classification and compensation plans the preparation and conduct of examinations the preparation of eligible lists the certification of persons qualified for employment the transfer promotion suspension demotion removal furlough leave of absence and resignation of employes the rating of employes' services the checking and certification of pay-rolls before payment the conduct of programs of employe training and working conditions affecting the health and safety of employes.

(6) To investigate the effect of the administration of this Act and of the Rules made thereunder and to report his findings and recommendations to the Commission.

(7) To appoint with the approval of the Commission one employe to be his deputy. The person selected as deputy may be one of the three remaining highest ranking persons on the eligible list for the position of Director or one of the three highest ranking persons on an eligible list established by an examination for the position

of Deputy Director which examination and ratings shall be in a like manner and under the same conditions as provided in this Act for other classes of positions. The salary of the deputy shall be established by the Commission with the approval of the Governor. In case of the absence of the Director or his inability from any cause to discharge the powers and duties of his office such powers and duties shall devolve upon his deputy.

(8) To make a biennial report in writing not later than September first of each even numbered year to the Commission concerning the administrative work of the Commission including pertinent information and recommendations.

(9) To do any act or acts required by this Act or the Rules made thereunder or which may be necessary to carry into effect their provisions and purpose.

Section 207 Cooperation By Officers And Employes Of The Commonwealth. Upon the written request of the Director all officers and employes in the service of the Commonwealth shall during the usual business hours furnish the Commission such facilities assistance and information as it may require in carrying on its functions.

Section 208 Public Hearings Before Adopting or Amending Its Rules or Approving Modifying or Rejecting Classification Plans. The Commission shall hold a public hearing at which any citizen shall have the right to appear and be heard. Public notice of such public hearing shall be given at least seven days in advance of the hearing by posting on a bulletin board maintained in or near the Commission's principal office in a place accessible to the public during business hours a statement of the time and place of the hearing and of the matter to be considered also by furnishing at least twenty copies of such notice to the Newspaper Correspondents' Office in the State Capitol and one copy of such notice to the Governor each appointing authority and each member of the General Assembly. The Commission may give further public notice of such hearings as it deems advisable.

Section 209 Oaths Testimony And Production Of Papers. Each member of the Commission the Director and any other employe or agent authorized by the Commission shall have the power to administer oaths in matters pertaining to the work of the Commission. The Commission shall have the power to secure by subpoena the attendance and testimony of witnesses and the production of books and papers. Any judge of a court of record either in term time or in vacation shall upon proper application of the Commission compel the attendance of witnesses the production of books and papers and the giving of testimony before the Commission by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before such court.

Section 210 Records Open To The Public. The minutes of the Commission shall be preserved as permanent records. The correspondence eligible lists and other papers and records of the Commission shall be preserved for seven years. On written request supported by justification acceptable to the Commission and subject to reasonable regulation all records of the Commission shall be open to public inspection during ordinary business hours except as herein specifically otherwise provided. The Director shall take all due precautions to prevent the securing in advance by any unauthorized person of questions or other material to be used in any test unless such questions or materials are available to all competitors. He shall prevent the identification by any examiner or other person where identity is concealed of papers or work of any competitor in an examination before the papers or work of all competitors in that examination have been rated. Statements of former employers of competitors in examinations shall be considered confidential and not open to inspection.

Section 211 Receiving Funds and Allocating or Apportioning Costs. The Commission shall have power to receive funds from the United States of America or any agency thereof or from any other source whatsoever for the ad-

ministration of this Act and to allocate among the departments and agencies thereunder the cost of administering this Act or any part thereof

Section 212 Service To Other State Departments or Agencies and Political Subdivisions Cooperation With Other Civil Service Agencies (a) The services and facilities of the Commission and its staff shall be available to other State departments or agencies and political subdivisions of this Commonwealth upon such terms and conditions as may be prescribed by the Rules of the Commission which Rules shall provide for the payment to and reimbursement of the Commonwealth for the reasonable cost of such services and facilities Any money payable to the Commonwealth by way of reimbursement shall be paid into the General Fund through the Department of Revenue shall be credited to the appropriation made to the Commission out of the General Fund by this act or to any subsequent appropriation made to the Commission out of the General Fund for the proper conduct of its work under this act and shall be available for the same purpose for which any such appropriation is available

(b) The Commission shall have power from time to time to enter into agreements with other public personnel agencies in this or any other State and with agencies of the federal government for the purpose of using and exchanging information and services The Commission shall have power to become a member of or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration

Article III

Classification of Positions In the Classified Service

Section 301 Establishment of Classes The Director shall within ninety days after taking office and after consultation with the Executive Board of the Commonwealth state appointing authorities and principal supervising officials classifying all of the positions in the classified service according to the duties and responsibilities of each position The plan of classification shall designate appropriate titles for each class of position and shall recommend to the Commission the qualifications to be required of persons assigned or appointed to positions in each class The completed classification plan shall be so arranged that all positions which are substantially similar with respect to authority responsibility and character of work are included within the same class that the same tests of competency may be applied to persons to be appointed to all positions in a class and that the same schedule of compensation can be made to apply with fairness under like working conditions to all positions in a class The statement which shall be known and described as "The Classification Plan" shall show for each class

(a) The title given to the class

(b) The duties and responsibilities exercised by those holding positions allocated to the class illustrated where necessary by descriptions of typical tasks

(c) The minimum qualifications required for the satisfactory performance of such duties and tasks and the exercising of such responsibilities

(d) As far as practicable the lines of promotion to and from the class

The Director shall present such classification plan to the Commission The Commission after adopting such classification plan either as presented or in modified form shall publish the classification plan

Section 302 Allocation of Position to Classes As soon as possible after the adoption of the classification plan the Director shall after affording employes a reasonable opportunity to be heard and after consultation with appointing authorities and their principal assistants allocate each position in the classified service to its proper class Each employe shall assume the classification title of his position

Section 303 Additions and Amendments to Classes The Director shall from time to time after consultation with state appointing authorities and with the approval of the Commission establish additional classes and allocate there to new positions created or positions not included in any

previously established class and may divide combine alter or abolish existing classes and reallocate positions If any proposed amendment of the classification plan will affect an existing position the employe holding such position shall have a reasonable opportunity to be heard before final action is taken

Section 304 Reporting and Classification of New Positions Appointing authorities shall promptly report to the Director the establishment of new positions in order that they may be classified and allocated No person shall be appointed to any such position until it has been properly classified as herein provided Any change in the duties of an existing position which in the judgment of the Director is material shall be interpreted as serving in effect to abolish the position and to create a new position Appointing authorities shall report material changes in the duties of positions to the Director

Section 305 Use of Classification Titles Classification titles shall be used in all records and communications of the Commission the appointing authorities the Auditor General the State Treasurer and the Budget Secretary and shall also be used in all estimates submitted to the General Assembly or to the Budget Secretary requesting the appropriation of money to pay for services and in all reports and papers relating to payments of services

Article IV

Compensation of Employes In the Classified Service

Section 401 Compensation Schedules For each class established under this Act the Director shall make a study of the rates paid for similar services elsewhere and of other information pertaining to proper rates of compensation and after consultation with state appointing authorities and their principal assistants and approval by the Commission shall report to the Executive Board of the Commonwealth for its approval modification or rejection a schedule of compensation for each class Such schedules shall show for each class a minimum salary rate a maximum salary rate and such intermediate rate or rates as the Director considers necessary and proper Subject to the approval of the Commission the Director may from time to time recommend to the Executive Board of the Commonwealth for its approval modification or rejection changes in the schedule of compensation for any class together with the reasons therefor Pending the adoption of such compensation schedules and the appropriation of funds to make payments for personal services in accordance therewith the compensation of employes in the classified service shall be in accordance with the existing law

Section 402 Rates of Pay Following the adoption of the schedule of compensation for any class the rate of compensation for any employe upon appointment to a position in the class shall be at the minimum rate prescribed for the class except that where the appointee is already in the classified service in a position in the same or another class his compensation upon appointment to the new position shall be the same as that received before such new appointment

Section 403 Changes In Compensation The rate of compensation of any employe who has not reached the maximum rate for his class may be increased upon the attainment and maintenance of the appropriate service rating as provided elsewhere in this Act In the absence of service ratings advances in compensation within the salary range for any class may be made on the recommendation of the appointing authority supported by such evidence of increased usefulness in the service as may be required by the Rules of the Commission Each such increase shall be to the next higher rate for the class except as provided in this Section and shall become effective on the first day of the month following its approval by the Governor No employe shall have his compensation increased in the class oftener than once in twelve months except that upon the request of the appointing authority approved by the Director and by the Commission and on the basis of facts demonstrating that the action is in the interest of good administration the Governor may at any time authorize an in-

crease to any rate established for the class to which the position is allocated. The Commission in its reports shall publish the facts regarding each case or class of cases in which it approves such request made by appointing authorities to increase the rate of compensation of any employe more frequently than once in twelve months or to a rate above the next higher rate for the class. In no case however shall the compensation of any employe be increased unless funds are available from which the increase may lawfully be paid nor shall the rate for any employe be increased beyond the maximum for the class.

Article V

Selection Of Employes For Entrance To Or Promotion In The Classified Service

Section 501 Examinations Requisite For Appointment And Promotion. (a) Except as otherwise provided in this Act appointments of persons entering the classified service or promoted therein shall be from eligible lists established as the result of examinations given by the Director to determine the relative merit of candidates. Such examinations shall be written and competitive and open to all persons who may be lawfully appointed to positions within the classes for which the examinations are held. Persons applying for positions or promotions in the offices designated as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of the Commonwealth for a period of not less than one year before making application and persons applying for positions or promotions in offices designated as district offices (which shall include all those whose jurisdiction is limited to a particular district) shall be citizens of the United States and shall have been legal residents of the Commonwealth for a period of not less than one year and in the district in which such office having jurisdiction thereof is located for a period of not less than six months before making application. The Director shall prepare the proper state and district employment and promotion eligible lists when necessary. Provided that after an examination has been conducted for any class of position if there is no person with such legal residence in any administrative district who has passed the examination the Director may certify and the appointing authority may make the appointment or promotion from the names of persons on an appropriate eligible list for the same class of position of administrative districts which are contiguous or nearby to the administrative district in which there is no person on the appropriate eligible list. Limitations as to age, sex, health, moral character, experience and other qualifications may be specified in the Rules of the Commission and in the announcements of the examinations. All applications for positions in the classified service shall be under oath. As far as is in the judgment of the Commission consistent with the best interest of the Commonwealth vacancies shall be filled by promotion. The Commission upon recommendation of the Director may limit competition in promotion examinations to employes in the classified service who have served not less than six months in a class or classes designated in the public notice of the examinations.

Section 502 Nature Of Examinations. The Director shall give examinations to establish employment and promotion lists. The tests in such examination shall be written and may also include oral tests or a demonstration of skill or a combination of these which shall fairly appraise and determine the merit, qualifications, fitness and ability of competitors. Such tests shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted but no applicant shall be required to be possessed of any scholastic education in order to be permitted to take any competitive examination or to be appointed or promoted to any position. No greater credit for experience gained during a provisional emergency or temporary appointment

under this act or acts repealed hereby shall be given to any person in any examination than is given in such examination for experience in the same type of work performed in a similar position not under the provisions of this act or acts repealed hereby. No question in any examination shall relate to the race, religion or political or labor union affiliation of the candidate.

Section 503 Holding Examinations And Rating Competitors. The Director shall have charge of the preparation and holding of examinations of the rating of the work of competitors and of the preparation of resulting employment and promotion lists. He may call on other persons not on the regular staff of the Commission either within or without the service of the Commonwealth for assistance. When such persons are in the service of the Commonwealth it shall be deemed a part of their official duty to act as examiners without extra compensation.

Section 504 Public Notice Of Examinations. The Director shall give public notice of all examinations for positions or promotions in the classified service of the Commonwealth at least two weeks in advance of the final date for filing applications for such examinations by posting an appropriate notice on the bulletin board maintained in or near the Commission's principal office by furnishing at least twenty copies of such notice to the Newspaper Correspondents' Office in the State Capitol and at least one copy of such notice to each office throughout the State of all the departments set forth in Article I Section 3 Subsection (c) of this act directing that such notice shall immediately be posted on a public bulletin board maintained in each such office. The Director may give such further public notice as he deems advisable. Such notice shall give the time, place and general scope of every examination, the weights to be given to each of the tests in the examination, the duties, pay, experience, education and other qualifications requisite for all positions in the class for which the examination is to be held and the manner and place in which application forms and detailed pertinent information may be obtained.

Section 505 Ratings Of Competitors. The final earned rating of a person competing in any examination shall be determined by the weighted average of earned ratings in the tests according to weights for each test established by the Director. The Director shall send notice by mail to all competitors informing them whether they have attained a place upon the list and informing those who have attained a place upon the list of their final earned ratings and of their relative standing upon the list.

Section 506 Establishment Of Employment And Promotion Lists. The Director shall establish and maintain such employment and promotion lists for the various classes of positions in the classified service as are necessary or desirable to meet the needs of the service. These lists shall contain the names of persons arranged in the order of final earned ratings who have been given at least such minimum rating or ratings as may be fixed in advance for the whole examination or for the whole examination and for any one or more of the tests.

Section 507 Duration Of Employment And Promotion Lists. Employment and promotion lists shall continue in force for at least two years from the date of their establishment and thereafter until exhausted or replaced by more recently prepared lists. The Director with the approval of the Commission may at any time correct clerical errors occurring in connection with the preparation of any employment or promotion list and revise the list accordingly but no person who has been appointed as the result of certification from such list shall be displaced by such action. Any persons whose announced rating or position on the list is changed by correcting any clerical errors shall be notified. The Commission shall have the power at any time after giving notice as required in this Act and after a public hearing to cancel the whole or any part of any employment or promotion list on account of illegality or fraud in connection therewith.

Article VI

Appointment And Promotion Of Employees In The Classified Service

Section 601 Certification Whenever a vacancy is likely to occur or is to be filled in a permanent position in the classified service the appointing authority shall submit to the Director a statement indicating the position to be filled The Director shall thereupon certify to the appointing authority the names of the three eligibles willing to accept appointment who are highest on the appropriate promotion list or employment list whichever is in existence or from the one which under the rules of the Commission has priority If the appropriate list contains less than three eligibles who are willing to accept appointment the names certified may be taken from the other appropriate list to make a certification of at least three eligibles If there are less than three eligibles on appropriate eligible lists who are willing to accept appointment the Director shall certify all the names on these lists If there is no appropriate eligible list the Director may certify from such other list or lists as he deems the next most nearly appropriate If upon inquiry by the Director any person or any promotion or employment list is found to be not available for promotion or appointment his name shall not for the time being be considered among the names from which a promotion or appointment is to be made

Section 602 Selection And Appointment Of Eligibles Unless it is found to be in the interest of the service of the Commonwealth not to fill a vacant position the appointing authority within thirty days shall appoint the person whose name is or one of the persons whose names are certified by the Director If the vacant position is to be filled from among the names of employees on the appropriate promotion list which have been submitted to the appointing authority he shall select a person provided he is among the three highest ranking persons on such list or that his final mark or grade is not more than one point below the mark or grade of the person ranking highest on such list In making the second promotion in the same class of position the appointing authority in like manner shall select a person from among the three highest ranking persons remaining on such list or he shall select a person whose final mark or grade is not more than one point below the mark or grade of the highest ranking person remaining on such list The third and any additional promotions in the same class of position shall be made in like manner If the vacant position is to be filled from among the names of persons certified from the employment list by the Director to the appointing authority he shall select a person from among the three highest ranking persons for the class of position to be filled For the second vacancy in the same class of position the appointing authority shall make selection from among the three highest ranking persons remaining on such list who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner After a name has been rejected three times by an appointing authority in favor of others on the same eligible list such name shall not again be certified to that appointing authority except upon written request from the appointing authority Appointing authorities shall promptly report to the Director the selection and appointment of eligibles whose names have been certified If an eligible whose name has been certified shall refuse to accept an appointment offered to him such refusal shall be promptly investigated by the Director and if it be found that the refusal has been made for improper or insufficient reasons the Director shall after giving ten days' notice to such person remove his name from the list

Section 603 Probationary Period (a) No appointment to a position in the classified service shall be deemed complete until after the expiration of probationary period The probationary period for each class of position shall be prescribed in the Rules of the Commission

and shall in no case be less than three months or more than nine months At such times during the probationary period and in such manner as the Director may require the appointing authority shall report to the Director his observation of the work of the employe and his judgment as to the willingness and ability of the employe to perform his duties satisfactorily and as to his dependability At any time during his probationary period after the first two months thereof the appointing authority may remove an employe if in the opinion of the appointing authority the probation indicates that such employe is unable or unwilling to perform his duties satisfactorily or that his dependability does not merit his continuance in the service Upon such removal the appointing authority shall forthwith report his action to the Director and to the employe so removed No more than three employes shall be removed successively from the same position during their probationary periods without the approval of the Director The appointing authority may remove an employe within the first two months of his probationary period only with the approval of the Director The Director with the approval of the Commission shall remove an employe during his probationary period if it is found after the employe has been given notice and an opportunity to be heard that he was appointed as a result of fraud

(b) Ten days prior to the expiration of an employe's probationary period the appointing authority shall notify the Director in writing whether the services of the employe have been satisfactory A copy of such notice shall be given to the employe If the employe's work has been satisfactory he shall at the completion of his probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided

(c) If any employe is removed from his position during or at the end of his probationary period and the Director determines that he is suitable for appointment to another position his name may be restored to the list from which it was certified

Section 604 Provisional Appointments Whenever there is great and urgent public need for filling a vacancy in any position in the classified service and the Director is unable to certify an eligible for the vacancy he may authorize the filling of the vacancy by provisional appointment If he does authorize such appointment he shall certify not more than three qualified persons with or without examination and the appointing authority shall appoint one of the persons so certified A provisional appointment shall continue only until an appropriate eligible list can be established and certification made therefrom but in no event for more than ninety days in any twelve-month period except that during the first year after the effective date of this Act provisional appointments may continue until appropriate eligible lists can be established and a person may serve in the classified service under provisional appointment until appropriate eligible lists can be established and certification made therefrom Successive provisional appointments of the same or different persons shall not be made to the same position The acceptance of a provisional appointment shall not confer upon the appointee any right of permanent tenure transfer promotion or reinstatement

Section 605 Temporary Appointments To Extra Positions When from pressure of work an extra position in the classified service must be established for a period of less than six months the appointing authority shall request the Director in writing to certify the name of a qualified person from the appropriate list of eligibles In such request the appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform

Section 606 Emergency Appointments Any appointing authority or any subordinate authorized by him may to prevent serious impairment of the public business when an emergency arises and time will not permit securing

the authorization from the Director for the appointment of a certified eligible appoint any qualified person during the emergency for a period not exceeding ten days. The existence of a vacancy of which the appointing authority has had reasonable notice or of employment conditions of which the appointing authority had previous knowledge shall not be considered an emergency. Persons thus appointed shall be known as emergency employes. Appointing authorities shall forthwith report to the Director all emergency appointments and such appointments shall not be renewed.

Section 607 Status Of Employes Holding Positions When Act Takes Effect Any employe who holds a position which is in the classified service as herein defined and which was in the classified service under the law in force immediately preceding the effective date of this Act shall if he has been appointed after appropriate competitive or competitive promotional examination and has successfully completed his probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided. Any such employe who has not completed such probationary period at the time this Act takes effect shall retain his status as a probationary employe until the expiration of that probationary period. If he successfully completes his probationary period he shall become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided. Any provisional employe holding a position in the bureau division board or department having a merit system under the law in force immediately preceding the effective date of this act shall become a provisional employe under the terms hereof.

Article VII

The Regulation Of Employes In The Classified Service

Section 701 Training Programs The Director shall devise and recommend plans for employe training programs to appointing authorities and other supervising officials and shall cooperate with them in the conduct of such programs to the end that the quality of service rendered by persons in the classified service may be continually improved.

Section 702 Health Programs The Director may develop in cooperation with appointing authorities and others health safety and recreation programs which will improve the working conditions of employes in the classified service.

Section 703 Holidays Hours of Work Attendance and Leaves The Director shall prepare and after approval by the Commission and the Executive Board of the Commonwealth shall administer regulations regarding holidays hours of work attendance and annual sick and special leaves of absence with or without pay for employes in the various classes of positions in the classified service.

Section 704 Service Standards and Ratings In cooperation with appointing authorities the Director shall establish and may from time to time amend standards of performance and output for employes in each class of positions in the classified service or for groups of classes and a system of service ratings based upon such standards. In such manner and with such weight as may be provided in the Rules service ratings shall be considered in determining salary increases and decreases within the limits established by law and by the compensation plan and as a factor in promotion examinations provided that all applicants for promotions in the same class of position are credited on an equal basis according to their individual service rating and as a factor in determining the order of furlough when forces must be reduced because of lack of funds or work and the order in which names are to be restored on employment lists and as a means of discovering employes who should be promoted demoted transferred or removed. In such manner and at such time as the Rules may require each appointing authority shall report to the Director the service ratings of employes under his jurisdiction or such information as the Director may

request as a basis for determining such service ratings. Upon request any employe shall be informed of his service rating and may be informed of the service ratings of other employes in the same class.

Section 705 Transfers and Assignments An appointing authority may at any time assign a classified employe under his jurisdiction from one position to another in the same class. In every case the appointing authority shall give written notice of his action to the Director according to the Rules of the Commission. Transfer of a classified employe from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made subject to such Rules and with the approval of the Director and of both appointing authorities concerned. Any transfer of an employe from a position in one class to a position in a class for which a higher maximum rate of compensation is prescribed shall be deemed a promotion and may be accomplished only in the manner hereinbefore provided for the making of promotions. No person shall ever be transferred from a position in the unclassified service to a position in a classified service unless he is appointed to such latter position after certification of his name from an eligible list in accordance with the provisions of this Act.

Section 706 Demotions An appointing authority may demote to a vacant lower rated position in the same class any employe in the classified service who does not satisfactorily perform the duties of the position to which he was appointed or promoted and who is able to perform the duties of the lower position. In case of such demotion the employe shall have all rights of appeal as provided in this Act. No employe shall be demoted because of his race religion or political partisan or labor union affiliation. A demotion may also be made by an appointing authority with the approval of the Director upon the written petition of the employe stating the reasons therefor and supported by such evidence as the Director may require to show that the employe is able to perform the duties of the class of position to which he petitions that he be demoted. The compensation of an employe demoted shall in no case exceed the maximum rate for the class to which is demoted.

Article VIII

Separation of Employes From the Classified Service

Section 801 Temporary and Permanent Separations An employe may be temporarily separated from the classified service through furlough leave of absence or suspension and may be permanently separated through rejection on probation retirement resignation or removal.

Section 802 Furlough In case a reduction in force is necessary in the classified service the order of the furlough shall be in conformity with the established Rules of the Commission which shall give major weight to seniority and due weight to service ratings and other relevant factors. The appointing authority shall promptly report to the Director the names of employes furloughed together with the date the furlough of each is effective and the character of his services. Under the rules a permanent employe furloughed shall for a period of one year be given preference for reemployment in the same class of position in the department from which he was furloughed and shall be eligible for appointment to a position of a similar class in other agencies under this act provided that in case of a promotion of another employe such preference shall not be effective if it necessitates furloughing such other employe.

Section 803 Suspension An appointing authority may for good cause suspend without pay for disciplinary purposes an employe holding a position in the classified service. Such suspension shall not exceed in the aggregate thirty working days in one calendar year. No person shall be suspended because of his race religion or political partisan or labor union affiliation. What shall constitute good cause for suspension may be stated in the Rules. An appointing authority shall forthwith report to the Director in writing every suspension together with the reason or reasons therefor and shall send a copy of such report to

the suspended employe Such a report shall be made a part of the Commission's public records

Section 804 Removal During Probationary Period The appointing authority may remove an employe from the classified service at any time after two months from the date of his appointment and before the expiration of the probationary period. The appointing authority shall furnish the Director with a statement in writing of the cause of the removal. The persons so removed shall be considered permanently separated from his position but the Director may if he considers such action appropriate place the name of the person thus removed on the employment list of the appropriate class for future certification to other appointing authorities.

Section 805 Retirements The Director with the approval of the Commission may recommend to the Governor the retirement of any employe in the classified service who in his judgment has become unfitted for the efficient performance of the duties of his position owing to advanced age or to physical or mental disability. Any such employe so retired shall have all rights of appeal as provided in this Act for employes removed.

Section 806 Resignation The Rules of the Commission shall state what shall constitute resignation from the classified service. Absence from duty for five consecutive working days without notice to the appointing authority may be regarded as an abandonment of a position and in effect a resignation. No person who has voluntarily resigned from the service shall be restored to his position within six months from the effective date of his resignation. No resignation of any person in the classified service shall be effective unless accepted by the appointing authority within fifteen days after the actual date of the making thereof. No person about to be appointed to any position in the service of the Commonwealth shall in advance of or at the time of such appointment sign or execute a resignation dated or undated. No resignation shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation in his handwriting. Any person who resigns from the classified service may ask the Commission in writing within fifteen days after such resignation for a public hearing stating his reasons. If on investigation there appears to be good evidence that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and without just cause the Commission shall grant him within thirty days a public hearing as hereinafter provided in the case of removal or demotion and shall treat the separation as though it were a removal.

Section 807 Removal (a) No person in the classified service shall be removed except for just cause which shall not be his race religion or political partisan or labor union affiliation. To all persons in the classified service except provisional temporary and emergency employes or probationary employes who have served longer than two months written notice of intended removal setting forth the reasons for such action and effective date thereof must be furnished. They shall have ten days from the receipt of such written notice to give the appointing authority such written answer as the person about to be removed may desire. In every case of such intended removal a copy of the statement of reasons therefor with the full written answer thereto if any shall be furnished to the Commission by the appointing authority within ten days from the receipt of the written answer and shall be made a part of the public records of the Commission. Within thirty days after receipt of such notice of removal from an appointing authority the Commission upon the request of the appointing authority or of the removed employe or upon its own behalf shall initiate an investigation which shall include a public hearing. Such investigation and hearing may be conducted by the Commission or by anyone designated by the Commission. The investigation and hearing shall be for the purpose of fairly determining whether the employe involved merits continuance in his position or should be removed therefrom or otherwise disciplined for the good of the service. At the hearing the Commission or

those acting for the Commission shall not be required to follow technical rules of evidence or court procedure but shall diligently seek all of the evidence and information bearing on the merits of the case. Where an investigation is conducted at the request of the removed employe the Commission within ten days after the completion of such investigation and hearing or sooner if practicable shall make its findings and conclusions which shall be forthwith certified to the appointing authority. If the Commission finds that the action complained of was taken by the appointing authority for any political partisan religious or racial reason or because of labor-union affiliation the employe shall be reinstated to his position without loss of pay. In all other cases the final decision shall not be reviewable by any court but if such final decision is in favor of the employe the appointing authority shall reinstate him with the payment of so much of the salary or wages lost by him as the Commission may in its discretion order. The Commission may in its discretion order that the name of any person whose removal from the classified service has become final and binding be placed at the head of the appropriate eligible list or that he be transferred provided that such action is taken not later than thirty days after the appointing authority has certified his decision to the Commission.

(b) Charges against any employe in the classified service asking for his removal for a violation of law or for any cause enumerated in the Rules may be filed by any citizen or taxpayer with the appropriate appointing authority and with the Director. Charges so filed shall at the discretion of the Commission be recorded in its minutes be investigated and determined in the manner provided in this Section.

(c) Notwithstanding the provisions of this Act the Governor may upon recommendation of the appointing authority suspend or remove the Director and any employe if he deems such action to be the best interests of the public service.

(d) Demoted or furloughed employes shall have such rights of notice and hearing similar to those provided under this section for removed employes as shall be prescribed in the rules of the commission.

Article IX

Prohibitions Penalties And Enforcement

Section 901 Director's Certificate Of Legality Of Employment The director shall periodically certify to the Auditor General lists of employes in the service of the Commonwealth who have been appointed and employed in accordance with the provisions of this act.

Section 902 False Statements Made Under Oath Constitute Perjury Any false statement made under oath either orally or in writing in any application or other paper filed with the Commission or in any proceeding before the Commission or in any investigation conducted by or under the direction of the Commission or by the Director or in any proceedings arising under this Act shall be perjury and punishable as such. Any person failing to disclose a material fact or in any manner conceals any information in order to obtain employment or promotion under this Act shall in addition to any other penalty herein provided be removed from all eligible lists and if appointed or promoted he shall be summarily removed.

Section 903 Certain Acts Made Misdemeanors Any person who wilfully by himself or in collusion with one or more other persons defeats deceives or obstructs any person in respect to his right of examination appointment or employment according to this Act or according to any Rules made thereunder or who corruptly or falsely marks rates grades estimates or reports upon the tests or proper standing of any person tested or certified pursuant to the provisions of this Act or aids in so doing or who wilfully makes any false representations concerning the same or concerning the persons tested or who wilfully furnishes to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined

or certified or who impersonates any person or permits or aids in any manner any other person to impersonate him in connection with any examination or request to be examined certified or appointed or who furnishes any false information about himself or about any other person in connection with any request to be examined certified or appointed or who makes an appointment to office or selects any person for employment contrary to this Act or to any Rules made thereunder or who refuses to comply therewith or who wilfully or through culpable negligence violates any of the provisions of this Act or of any Rules made thereunder shall for each offense be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not exceeding three thousand dollars (\$3,000.00) or to serve imprisonment for a period not exceeding 3 years or both in the discretion of the court.

Section 904 Prohibition of Political Activity No person in the classified service shall be a member of or delegate or alternate to any political convention nor shall he participate at any such convention except in the performance of his official duty or as a visitor nor shall he serve as a member of or attend the meetings of any committee of any political party or take an active part in political management or in political campaigns or use his office or position to influence political movements or to influence the political action of any officer or employe in the service of the Commonwealth nor shall he circulate or seek signatures to any nominations or other petition required by any primary or election law nor shall he seek or accept election nomination or appointment as an officer of a political club or organization or serve as a member of a committee of any such club or organization nor shall he in any manner participate in or interfere with the conduct of any election or the preparation thereof at the polling place or with the election officers while counting the votes or returning the election material to the place provided by law for that purpose save only for the purpose of making and depositing his own ballot as speedily as it reasonably can be done nor shall he be within the polling place or within fifty feet thereof except for the purpose of carrying out official duties and of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw.

Section 905 Prohibition of Assessments No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the classified service for any political purpose whatever. No person in the classified service shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political purpose whatever. No person in the service of the Commonwealth shall remove suspend furlough demote or promote or in any manner change the official status or compensation of any other person in the classified service or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political purpose. No person shall take part in preparing any political assessment subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the classified service and no person shall knowingly send or present directly or indirectly in person or by letter any political assessment subscription

or contribution to or request its payment by any person in the classified service.

Section 906 Removal and Disqualification of Officers and Employes Any person holding a position in the service of the Commonwealth who violates any of the provisions of this Act or of the Rules made thereunder shall be immediately separated from the service. It shall be the duty of the appointing authority of the State agency in which the offending persons is employed to remove him at once in accordance with the provisions of this Act. Any person removed under this Section shall for a period of one year be ineligible for reappointment to any position in the service of the Commonwealth.

Article X

Schedule

Section 1001 Transfer of Records All lists of eligibles previously established or certified which have not been replaced by later lists or eligibles on the effective date of this Act and all books papers records documents supplies materials and equipment relating to or used in connection with any merit system in the service of the Commonwealth in effect on the effective date of this Act are hereby transferred from the department board or agency heretofore charged with the administration of such merit system to the Commission on the effective date of this Act.

Such lists of eligibles shall be used for appointments by the Commission in the same manner as hereinbefore provided until examinations shall have been held by the Commission and new lists of eligibles prepared pursuant thereto. All persons whose names remain on any existing list of eligibles shall be retained thereon for at least one year from the date when the list was established and thereafter until the list is replaced by a more recently prepared list. If any applicants have been filed for an examination or any examinations have been held but no lists of eligibles established in connection with any merit system in the service of the Commonwealth in effect on the effective date of this Act such applications and examinations transferred to the Commission shall have the same force and effect as if the applications had been filed with or the examinations held by the Commission.

Section 1002 Employment Board Abolished The Employment Board in the Department of Public Assistance is hereby abolished and the terms of all of its members in office are hereby terminated on the effective date of this Act.

Section 1003 Appropriation The sum of two hundred fifty thousand dollars (\$250,000) or so much thereof as may be found necessary is hereby specifically appropriated out of the General Fund to the State Civil Service Commission for the biennial period ending the thirty-first day of May one thousand nine hundred forty-three for the payment of salaries wages and other compensation of the Commission the Director and experts statisticians clerks stenographers and other assistants and employes for the payment of traveling expenses for advertising postage stationery equipment printing supplies and for any other expenses necessary for the proper conduct of the work of the Commission and of the Director. In addition to the aforesaid amount as much money as may be necessary is hereby appropriated to the commission from the State Stores Fund to meet such portion of the above expenses of the commission as may be attributed to the work of the commission with respect to the Pennsylvania Liquor Control Board and as much as may be necessary is hereby appropriated to the commission from the Administration Fund to meet such portion of the above expenses of the commission as may be attributable to the work of the commission with respect to the Department of Labor and Industry. Such additional amounts shall from time to time be transferred from the aforesaid special funds to the General Fund shall be credited to the aforesaid appropriation made from the General Fund and are hereby appropriated to the commission for the aforesaid purposes.

Section 1004 Effective Date Of This Act This Act shall become effective immediately upon its final enactment except that any department commission board agency or

person charged with administering the merit systems in the service of the Commonwealth in effect on the effective date of this act shall individually continue until thirty days after the Director of the Civil Service Commission is appointed as herein provided to administer for their respective appointing authorities such merit system in accordance with the provisions of this Act and during this time wherein in this Act certain powers and duties pertaining to examinations eligible lists appointments promotions demotions furloughs suspensions removals and appeals are imposed on the Director and the Commission such powers and duties shall be imposed individually upon such department commission board agency or person herein referred to

Section 1005 Repealer The following laws or parts of laws are hereby repealed

Section two of the Act approved the twentieth day of December one thousand nine hundred thirty-three (P. L. 89 1933-34) entitled "An Act appropriating the moneys in the State Stores Fund" as added by the Act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1316)

Section two hundred eight of the Act approved the fifth day of December one thousand nine hundred thirty-six (P. L. 2897) entitled "An Act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" and the amendments thereto

Section three hundred two of the Act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An Act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" and the amendments thereto

Section 2504-A and 2505-A of the Act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and

employees in certain department and prescribing the manner in compensation of the deputies and employees of certain departments both shall be determined" as added by the twenty-fourth day of June one thousand and thirty-seven (P. L. 2003)

Section four clause k and section seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2003) entitled "An Act public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this Act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Board of Trustees of the Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091)

Section seven clause a of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependents children aged persons blind persons and other persons requiring relief providing for the administration of this Act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by the Act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091) to the extent that it is inconsistent with this act

All other acts and parts of acts inconsistent with this Act are hereby repealed

On the question,

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

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—140

Achterman,	Goodwin,	Marks,	Rose, S.
Auker,	Greenwood,	McClanaghan,	Rose, W. E.
Baker,	Gross,	McClester,	Royer,
Balthaser,	Gryskewicz,	McDermott,	Sarge,
Baughner,	Cyger,	McFall,	Sarrafi,
Bentzel,	Habbyshaw,	McIntosh,	Shaffer,
Boney,	Haines,	McKinney,	Shaw,
Boorse,	Hall,	McLanahan,	Shepard,
Bower,	Hamilton,	McLane,	Simons,
Bradley,	Hare,	McMillen,	Skale,
Bretherick,	Harkins,	McSurdy,	Snyder,
Brunner, C. H.,	Heatherington,	Mihm,	Sollenberger,
Burris,	Helm,	Model,	Sorg,
Cadwalader,	Herman,	Monks,	Stambaugh,
Chudoff,	Mooney,	Moran,	Stine,
Cohen, M. M.,	Herscht,	Moul,	Stockham,
Cohen, R. E.,	Hewitt,	Mulr,	Tarr,
Cook,	Holland,	Munley	Tate,
Cooper,	Imbrie,		Taylor,
	Jefferson,		

5935

J. E.,	Nagel	Thompson, R. L.,
es, P. N.,	O'Brien,	Trout,
enehan,	O'Dare,	Verona,
Kline,	O'Mullen,	Vincent,
Knoble,	O'Neill,	Voldow,
Kolankiewicz,	Polaski,	Wagner,
Komorofski,	Polen,	Watkins,
Krise,	Powers,	Weingartner,
Lee, T. H.,	Rank,	Weish, E. B.,
Lelsey,	Readinger,	Wilkinson,
Lesko,	Reagan,	Wood, N.,
Levy,	Reese, D. P.,	Woodside,
Leydic,	Reynolds,	Yaakel,
Lichtenwalter,	Rhea,	Yester,
Lovett,	Riley,	Young,
Lyons,	Rooney,	Kilroy, Speaker

NAYS—2

Petrosky. Rush.

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.

REASONS FOR VOTE

Mr. PETROSKY filed the following reasons for his vote:

The provision in this act that is found on page 44, beginning with lines 24 to 28, inclusive, relegate unwarranted powers to the Governor, and this in my opinion nullifies any effective Civil Service Law.

The other provisions in this act are good, but they become unworkable due to this clause in this Act; therefore, I must vote in the negative in the interest of the people of the Commonwealth.

Mr. RUSH filed the following reasons for his vote:

I am voting "No" on Senate Bill 653 because of the provisions contained in Section 807, paragraph (c) of this Bill and I quote, "Notwithstanding the provisions of this Act the Governor may upon recommendation of the appointing authority suspend or remove the Director and any employe if he deems such action to be best interests of the public service," unquote. This provision destroys the intent of Civil Service because it gives one person, the Governor, and I don't care whether he be Democrat or Republican the right to dismiss a Director or any employe on a flimsy excuse "that it is to the best interest of the public service" this provision make the Civil Service employes nothing more than a political football and therefore I am voting "no" on Senate Bill 653. It is not a real Civil Service Bill.

SENATE MESSAGES

SENATE CONFERENCE COMMITTEE DISCHARGED ON SENATE BILL No. 507

The Clerk of the Senate being introduced, informed that the Committee of Conference on the part of the Senate is discharged from further consideration of Senate Bill numbered and entitled:

SENATE BILL No. 507.

An Act to apportion the State into congressional districts.

SENATE INSISTS ON NON-CONCURRENCE—SENATE BILL No. 507

The Clerk of the Senate being introduced, informed

that the Senate further insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

Mr. ACHTERMAN. Mr. Speaker, I move that the House further insists on its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1768

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1768.

An Act to further amend the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. of 1937 page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement or expenditure of certain moneys received or donated pursuant to the provisions of Section three hundred two of the Federal Social Security Act as amended or the Wagner-Peyser Act and making the moneys in the Administration Fund available to the Treasury Department to pay the costs incurred by said department in making disbursements from said fund and the Unemployment Compensation Fund

SENATE RECEDES FROM AMENDMENTS TO HOUSE BILL No. 448

The Clerk of the Senate being introduced, informed that the Senate recedes from its amendments, non-concurred in by the House of Representatives, and concurs in House Bill No. 448, entitled:

An Act to further amend clause (e) of section and to amend the first paragraph of section nine of act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for regulating assistance to certain classes of persons named and defined as dependent children aged and blind persons and other persons requiring relief for the administration of this act by the Department of Public Assistance and county boards of as hereby created for this purpose authorizing the Department of Public Assistance to cooperate with accept and disburse moneys received from the States Government for assistance to such persons providing for the liquidation of the State Emergency Board Boards of Trustees of the Mothers'

Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 15, 1941.

On August thirteenth, fourteenth, fifteenth and sixteenth the American Legion, Department of Pennsylvania and the Forty and Eight will hold their annual conventions in the City of Altoona.

August fifteenth will be a most appropriate day upon which to celebrate the first monthly anniversary of the adjournment sine die of this session of the Legislature and there is no better place than Altoona.

Altoona is the center of the rural district of Pennsylvania as well as close to its geographical center. It is the home of the world's largest car shops which are now working at peak capacity, bringing to the City a prosperity that will be richly reflected in the entertainment afforded to visiting Legionnaires and their friends.

The Senators and Members of the House from the County of Blair are desirous of having the Senators and Members of the House of Representatives present in Altoona during these conventions and extend to them a most cordial invitation to attend; therefore be it

Resolved (if the House concurs), That the Senators and Members of the House of Representatives of this session of the Legislature shall take advantage of the invitation of the Senators and Members from the County of Blair and attend the convention in Altoona on August thirteenth, fourteenth, fifteenth and sixteenth as a fitting and proper celebration of this adjournment of this session, if by that time they are thoroughly rested.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1768.

An Act to further amend the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. 1937, page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the re-

placement or expenditure of certain moneys received or donated pursuant to the provisions of section three hundred two of the Federal Social Security Act as amended or the Wagner-Peyser Act and making the moneys in the Administration Fund available to the Treasury Department to pay the costs incurred by said department in making disbursements from said fund and the Unemployment Compensation Fund

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, July 15, 1941.

Resolved (if the Senate concur), That House Bill No. 1952, Printer's No. 1199, entitled:

"An Act to amend section four of the act approved the first day July one thousand nine hundred and nineteen (P. L. 717) entitled 'An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies' by providing for the appointment compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives and making an appropriation,"

which passed third reading and final passage in the Senate on July 12th, be recalled from the Senate.

Accordingly, the original bill is herewith returned.

Mr. ACHTERMAN. Mr. Speaker, I move that the House recede from its non-concurrence in the amendments made and insisted upon by the Senate and concur therein to House Bill No. 1952, Printer's No. 1199.

Mr. WOODSIDE. Mr. Speaker, being a floor leader, and as the provisions of the bill relate to floor leaders, I ask that I be not recorded on this bill.

Mr. ACHTERMAN. Mr. Speaker, I ask to be excused from voting on this bill for the reason that I have an interest in the outcome of it.

The SPEAKER. If there is no objection the gentleman from Dauphin, Mr. Woodside, and the gentleman from Monroe, Mr. Achterman, will be excused from voting on this bill. The Chair hears none.

Mr. HARKINS. Mr. Speaker, I desire to interrogate the majority floor leader, the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I would like to inquire

of the gentleman from Monroe for the purpose of information for the Members whether or not this is the bill which provides for certain clerks to assist the floor leaders.

Mr. ACHTERMAN. That is correct, Mr. Speaker.

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

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—136

Auker,	Goodwin,	Marks,	Riley,
Baker,	Greenwood,	McClanaghan,	Rooney,
Balthaser,	Gross,	McClester,	Rose S.,
Baughner,	Gryskewicz,	McDermott,	Royer,
Bentzel,	Cyger,	McFall,	Rush,
Boney,	Haines,	McIntosh,	Sarga,
Boorse,	Hall,	McKinney,	Sarraf,
Bower,	Hamilton,	McLanahan,	Shaffer,
Bradley,	Hare,	McLane,	Shepard,
Bretherick,	Harkins,	McMillen,	Simons,
Brunner, C. H.,	Heatherington,	McSurdy,	Skale,
Burris,	Helm,	Mihm,	Snycer,
Cadwalader,	Herman,	Modell,	Sollenberger,
Chudoff,	Hersch,	Monks,	Sorg,
Cohen, M. M.,	Hewitt,	Mooney,	Stambaugh,
Cohen, R. E.,	Holland,	Moran,	Stins,
Cook,	Imbrie,	Moul,	Stockham,
Cooper,	Jefferson,	Muir,	Tarr,
Croop,	Jones, G. E.,	Munley,	Tate,
Cullen,	Jones, P. N.,	Nagel,	Taylor,
Dennison,	Kenehan,	O'Brien,	Thompson, R. L.,
Dolon,	Kilne,	O'Dare,	Trout,
Duffy,	Knoble,	O'Mullen,	Vercna,
Eckels,	Kolankiewicz,	O'Neill,	Vincent,
Elder,	Komorofski,	Petrosky,	Voldow,
Elliott,	Krise,	Polaski,	Wagner,
Finestone,	Lee T. H.,	Polen,	Watkins,
Fisher,	Lelsey,	Powers,	Weingartner,
Fiss,	Lesko,	Rank,	Wilkinson,
Fleming,	Levy,	Readinger,	Wood, N.,
Flynn,	Leydic,	Reagan,	Yeakel,
French,	Lichtenwalter,	Reese, D. P.,	Yester,
Gallagher,	Lovett,	Reynolds,	Young,
Gerard,	Lyons,	Rhea,	Kilroy, Speaker

NAYS—0

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.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 653.

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof

SENATE BILL No. 654.

An Act to amend sections two hundred one and four hundred fifty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing

the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended in order to establish the State Civil Service Commission as an independent administrative commission in the Executive Department and making further provision with respect to the qualifications and expenses of the commission

SENATE BILL No. 1016.

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

SENATE BILL No. 253.

An Act relating to members of the bureau of fire in cities of the second class providing subject to the approval of the electors for a three-platoon system for such members with certain exceptions providing for an election on such question and regulating hours of service hours of rest and annual vacations

SENATE BILL No. 1114.

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter; and making an appropriation.

SENATE BILL No. 1190.

An Act making an appropriation to the Department of Public Instruction for the cost of improving repairing operating and maintaining the Thaddeus Stevens Industrial School at Lancaster Pennsylvania

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 507

The Clerk of the Senate being introduced, informed that the Senate further insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts

And has appointed Messrs. Taylor, Wade and Mundy a committee of conference to confer with a similar committee of the House of Representatives (if the House of

Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House appoint a Conference Committee on the part of the House to confer with a similar committee on the part of the Senate on the subject of the differences existing between the two Houses in relation to Senate Bill No. 507.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Dauphin will state his question of parliamentary inquiry.

Mr. WOODSIDE. Mr. Speaker, if this motion is carried, will it be in order to immediately make a motion to instruct the conference committee?

The SPEAKER. The motion to instruct should be submitted at this time.

Mr. WOODSIDE. Mr. Speaker, would that take the form of an amendment to the motion that has already been made, or should it be made as an independent motion? Did I understand the Speaker to say the Chair would entertain that motion now?

The SPEAKER. The Chair will entertain that motion now.

Mr. WOODSIDE. Mr. Speaker, I move that the conferees be instructed to agree with the Senate conferees on a congressional apportionment bill in which all of the congressional districts outside of the County of Philadelphia be left as they now are under existing law and that the county of Philadelphia be reapportioned as provided for in this bill (S. B. No. 507) as it passed the Senate.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Monroe will state his question of information.

Mr. ACHTERMAN. Mr. Speaker, do I understand that we first vote on the amendment offered by the gentleman from Dauphin, Mr. Woodside?

The SPEAKER. For the information of the gentleman from Monroe, Mr. Achterman, it is not an amendment; it is a separate motion. That stands by itself as offered by the gentleman from Dauphin, Mr. Woodside.

Mr. ACHTERMAN. Mr. Speaker, do I understand that we first vote on the separate motion offered by the gentleman from Dauphin, Mr. Woodside?

The SPEAKER. That is correct.

Mr. ACHTERMAN. Mr. Speaker, I rise for the purpose of asking the membership of this House to defeat the motion offered by the gentleman from Dauphin. I realize that it is very fine and courteous, and also con-

siderate of the gentleman really to do the work of the conferees. Of course, my thought of conferees leaving this House for the purpose of meeting with a similar committee on the part of the Senate is that their job is one involving the entire state of Pennsylvania. Instead, this motion would restrict the activities of the committee to the City of Philadelphia alone. I am certain that when this House considered the Wade bill, when it considered the bill introduced by myself, when it considered the O'Connor bill, and I believe other bills, they approached the problem on a broad basis and arrived at a conclusion, and that conclusion, Mr. Speaker, now appears in the bill.

What the gentleman from Dauphin proposes doing is to restrict the committee of this House, so that when it approaches the Senate committee, it has only limited authority to act. When the gentleman does that I do not see why he does not go all the way; I do not see why he does not take the trouble and the time to redistrict the City of Philadelphia and save a considerable amount of labor, and I am sure help the conferees. As a matter of fact, Mr. Speaker, I do not understand why the gentleman from Dauphin does not say, "Now, let me go ahead and I'll tell you how we'll redistrict the City of Philadelphia. There apparently is no problem anywhere else in the state. I have a rather thorough knowledge of the City of Philadelphia, and I will take care of that problem." Does this House wish to limit the power of its committee so that when it returns it will not be able to return with the story of the State of Pennsylvania but only that of the City of Philadelphia? It is indeed a rare occasion, Mr. Speaker, when such little confidence is placed in a committee as would be placed in the committee now about to be appointed if it were limited as the gentleman from Dauphin desires.

I have always in the past had full confidence in the personnel of this House that was named on committees, and I do not believe, Mr. Speaker, that you will appoint a committee now to confer with a Senate committee in which we do not have full confidence.

May I say in regard to the City of Philadelphia being the place needing redistricting, that I am surprised the Republican membership of this House has not long since taken the trouble to introduce a bill covering the subject. Such an extraordinary motion, such an exceptional idea of limiting and restricting conferees of this House is unprecedented in my time here, and I am saying that this motion should be defeated, if for no other reason than to state to the world that this House has absolute confidence in its membership and confidence in the Speaker, who designates from its membership, its conferees. I am asking the membership to defeat the motion.

Mr. WOODSIDE. Mr. Speaker, this is not a matter of confidence in conferees that is before us. This is a matter of trying to get a Congressional reapportionment bill and to give the House an opportunity to express its own opinion on what a Congressional reapportionment bill should be at this time. We all know that for months there has been a hopeless deadlock between the House and the Senate on the question of a Congressional reapportionment bill. We are drawing to the close of the session, we are at the eleventh hour and I think the fifty-ninth minute, and it is in the interest of getting through a reapportionment bill and permitting the Members of this House to express their opinion on it that this extraordinary motion, as the gentleman has

called it, was made. It was my understanding that in the Senate last night there was passed a motion which expressed the opinion of the Senate on the question of taking one Congressman out of the City of Philadelphia, and that motion was passed with only two dissenting votes. I think a record of that was sent over to this House and referred to some committee, but under any circumstances I think this House should have an opportunity, and the individual members of this House should have an opportunity, to say whether or not they want a Congressional reapportionment bill passed at this time, and whether or not they want to take a Congressman from the City of Philadelphia. I might state further that I have gone as far as the gentleman has suggested I might go in the motion, and suggested that the reapportionment of Philadelphia be made in a particular way.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin seems to indicate that apparently the membership of this House has never had an opportunity to express its desires in the matter of reapportionment. However, may I say to the gentleman that this House did have the opportunity to express itself on both sides of the question. As a matter of fact when the Wade bill, that is, Senate Bill No. 507, came to this House we voted to amend it by a vote of 115 to 59. There was never any doubt in the mind of anyone as to the desire of the membership of this House.

I might say to the gentleman in answer to the question he has raised that the membership of this House has expressed itself in accordance with the bill as it is now amended, and I am asking the membership to vote down the motion offered by the gentleman from Dauphin and to sustain its position as stated on May 28th.

Mr. BRETHERICK. Mr. Speaker. I don't know of any matter that has come before this General Assembly which cries out more loudly for a satisfactory adjustment than Congressional reapportionment. The people and the Press of the state of Pennsylvania have been clamoring for a satisfactory reapportionment bill. I was a member of the conference committee on the part of the House and numerous conferences were held with the Members of the Senate in an effort to reach a satisfactory solution. Notwithstanding the efforts, I would say, of all the members of that committee no satisfactory solution apparently could be arrived at. Personally I think the Senate last night reached a solution for this House. I think they reached a solution which is the most satisfactory solution that has been suggested up to this time; a solution which would especially appeal to the rural Members of this Legislature.

As you gentlemen know, under the new census there is to be one Congressman for each three hundred thousand and five persons in a Congressional district. In the city of Philadelphia today there are seven congressmen. The suggestion made by the gentleman from Dauphin, if carried out by the conference committee, would reduce the number of congressmen in Philadelphia from seven to six. I wonder if you gentlemen happen to know just what the figures are for Philadelphia. The congressman from the second district, Mr. McGranery, is short some sixty-one thousand, in other words he has sixty-one thousand less than the three hundred thousand and five required by the last census.

Mr. Sachs in the first district is forty-six thousand short.

Mr. Bradley in the third district is twenty-eight thousand short.

Mr. Sheridan in the fourth district is twenty-six thousand short.

Mr. Smith in the fifth district is five thousand short.

Mr. Meyers in the sixth district is six thousand short.

Only in one district, and that is the seventh district, which incidently is represented by a Republican congressman, is the number over and above the three hundred thousand and five. It is in excess of that number by some five thousand.

Gentleman, let us stop sparring about this thing. We are going to be here indefinitely unless we pass a Congressional reapportionment bill. We owe it to the people of the state of Pennsylvania to pass a reapportionment bill before we leave the hall of the House. I do not think that we as representatives in this General Assembly have a right to adjourn without solving this very important problem. We have had a lot of discussion concerning this Congressional reapportionment bill and you have had presented to you a very simple and satisfactory solution. I have read to you that six of the seven congressmen of the city of Philadelphia are not up to the congressional quota of three hundred thousand and five.

I appeal to the members of the House to make it possible for us to go away from here, let us pass a Congressional reapportionment bill that will be fair, and you will be passing a fair reapportionment bill if you will take one district from the city of Philadelphia, because if you take one from Philadelphia you will have six congressional districts and you will then have representation on the basis of three hundred twenty-two thousand five hundred sixteen which is considerably less than many of the Congressional districts which now exist in the rural sections of the state of Pennsylvania. Gentlemen, there is nothing unfair about it and I urge you as Members of the Legislature to go along with the suggestion and vote to instruct the conference committee to take one district from the city of Philadelphia. As you probably know the Achterman amendments provide for merging Lehigh and Berks counties. In Lehigh they have one hundred seventy-seven thousand three hundred ninety-five; in Berks county they have two hundred forty-one thousand eight hundred sixty, so that if you adopt the Achterman amendments you would have a Congressional district of something like four hundred nineteen thousand two hundred and fifty-five. A rural section of Pennsylvania is going to be represented by one congressman for four hundred nineteen thousand citizens. I tell you, gentlemen, that is not fair.

Let us look at the other suggestion made by the gentleman from Monroe, Mr. Achterman. He suggests merging Bucks and Montgomery counties. Bucks county has one hundred seven thousand six hundred and fifty-eight and Montgomery county has two hundred eighty-eight thousand eight hundred and fifty-six. That will make a congressional district of three hundred ninety-six thousand and five hundred and fourteen, which is an excess of ninety-six thousand over the requisite number for Congressional representation. If it is fair to have an excess of one hundred and nineteen thousand two hundred and fifty-five in one district and ninety-six thousand five hundred and fourteen in another district, then certainly it is not unfair to reduce Philadelphia's representation to six districts so that they will only have one for each three hundred twenty-two thousand. I think you can see the fairness

and the logic of the request made by the gentleman from Dauphin, Mr. Woodside, and to you Members from the rural sections certainly, I think if you want adequate representation in the rural sections of Pennsylvania you ought to go along with this proposition and reduce Philadelphia's representation from seven to six. I am going to ask you to vote accordingly.

The yeas and nays were required by Mr. Woodside and Mr. Norman Wood.

Messrs. Woodside, Snyder and Norman Wood requested a verification of the roll.

The roll was verified and was as follows:

YEAS—63

Auker,	Gyger,	Lyons,	Snyder,
Boorse,	Habbyshaw,	McClester,	Sollenberger,
Bower,	Haines,	McKinney,	Sorg,
Bretherick,	Hall,	McMillen,	Stambaugh,
Brunner, C. H.,	Hare,	McSurdy,	Stockham,
Cadwalader,	Helm,	Muir,	Taylor,
Cook,	Hewitt,	O'Dare,	Thompson, R. L.,
Cooper,	Imbrie,	Rank,	Trout,
Dennison,	Jones, G. E.,	Reagan,	Wagner,
Eckels,	Kilne,	Reese, D. P.,	Watkins,
Elder,	Knoble,	Rhea,	Weingartner,
Fisher,	Krise,	Riley,	Wilkinson,
Fliss,	Lee, T. H.,	Rose, W. E.,	Wood, N.,
Fleming,	Lelsey,	Royer,	Woodside,
Greenwood,	Leydic,	Sarge,	Yeakel,
Gross,	Lichtenwalter,	Simons,	

NAYS—79

Achterman,	Gerard,	McFall,	Reynolds,
Baker,	Goodwin,	McIntosh,	Rooney,
Balthaser,	Gryskewicz,	McLanahan,	Rose, S.,
Baughner,	Hamilton,	McLane,	Rush,
Bentzel,	Harkins,	Mihm,	Sarrat,
Boney,	Heatherington,	Modell,	Shaffer,
Bradley,	Herman,	Monks,	Shaw,
Burriss,	Hersch,	Mooney,	Shepard,
Chudoff,	Holland,	Moran,	Skale,
Cohen, M. M.,	Jefferson,	Moul,	Stine,
Cohen, R. E.,	Jones, P. N.,	Munley,	Tarr,
Croop,	Kenehan,	Nagel,	Tate,
Cullen,	Kolankiewicz,	O'Brien,	Verona,
Dolon,	Komorowski,	O'Mullen,	Vincent,
Duffy,	Lesko,	O'Neill,	Voldow,
Elliot,	Levy,	Petrosky,	Welsh, E. B.,
Finestone,	Lovett,	Polaski,	Yester,
Flynn,	Marks,	Polen,	Young,
French,	McClanaghan,	Powers,	Kilroy,
Gallagher,	McDermott,	Readinger,	Speaker.

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

On the question recurring,

Will the House agree to the motion to appoint a Committee of Conference?

It was agreed to.

CONFERENCE COMMITTEE ON SENATE BILL No. 507 APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House Messrs. ACHTERMAN, McCLANAGHAN, and BREATHERICK.

Mr. BREATHERICK. Mr. Speaker, I ask to be excused from serving on the committee and I ask the Speaker to appoint someone else instead.

The SPEAKER. If there is no objection the Chair withdraws its previous appointment and appoints Messrs. TATE, SHAFFER and CHARLES H. BRUNNER.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. KEENAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Allegheny will state his question of personal privilege.

Mr. KEENAN. Mr. Speaker, having come in late, when the vote on the motion of Mr. Woodside was being verified, I would like to state if I had been here I would have voted "no." I would like to have the record so show.

The SPEAKER. The remarks of the gentleman on his question of personal privilege will be spread upon the Journal of the House.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

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

The SPEAKER (Elmer Kilroy in the Chair).

BILLS SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 448.

An Act to further amend clause (e) of section seven and to amend the first paragraph of section nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining eligibility for assistance providing for appeals from certain decisions of the Department of Public Assistance to common pleas courts and imposing powers and duties on common pleas court

HOUSE BILL No. 1952.

An Act to amend section four of the act approved the first day July one thousand nine hundred and nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing for the appointment compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives and making an appropriation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

CONFERENCE COMMITTEE DISCHARGED

The Clerk of the Senate being introduced, informed that the new Committee of Conference on the part of the Senate is discharged from further consideration of Senate Bill numbered and entitled:

SENATE BILL No. 507.

An Act to apportion the State into congressional districts.

REPORT OF JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATION OF CIVIL SERVICE IN DIVISION OF UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE

The SPEAKER. The Chair lays before the House the Report to the General Assembly of the Joint Legislative Committee on the Administration of Civil Service in the Division of Unemployment Compensation and Employment Service, in compliance with the Act of June 27, 1939, P. L. 1120.

(For report see Appendix to the Legislative Journal.)

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 15, 1941.

Whereas, The General Assembly having failed to date to pass a Congressional Re-apportionment Bill, and,

Whereas, it is imperative that some study be made in order that the same stalemate shall not re-occur, be it therefore,

Resolved, (if the House of Representatives concur) that a Committee of ten members be named, five by the President Pro Tempore and five by the Speaker of the House, to study this problem and report to the next regular or special session of the legislature with recommendations for a re-apportionment of the Congressional districts of the State of Pennsylvania.

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

On the question,

Will the House concur in the resolution of the Senate? It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE TO WAIT UPON SENATE

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 15, 1941.

Resolved, That a committee of three members of the House be appointed by the Speaker to wait upon the Senate and inform that body that the House has completed the business of the Session and is now ready to adjourn, sine die, this 15th day of July, 1941 at 11:45 o'clock.

The SPEAKER. The Chair appoints as a Committee

to wait upon the Senate Messrs. READINGER, BAKER and HALL.

COMMITTEE TO WAIT UPON GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 15, 1941.

Resolved, That a committee of three members of the House be appointed by the Speaker to wait upon his Excellency, the Governor of the Commonwealth, and inform him that the House of Representatives has completed the business of this session and is now ready to adjourn sine die, and to inquire whether there are any further communications he may wish to make to the House.

The SPEAKER. The Chair appoints as a committee, to wait upon the Governor Messrs. ACHTERMAN, LOVETT and HABBYSHAW.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, just a short while ago, the Pennsylvania State Senate defeated the Congressional Reapportionment Bill. It is not my intention, Mr. Speaker, to throw this House into debate at this hour, but there were certain remarks made in the Senate in relation to the House amendments and referred to as the amendments offered by myself, which of course, was the truth, and I am not in any manner feeling ashamed of the amendments I offered. However, I have no particular pride of authorship in the amendments. The amendments that I offered and the bill as it left the House represented the thought of the greater portion of the Congressmen of Pennsylvania and was not my personal thought in the matter.

May I also say, Mr. Speaker, that after our first conference committee was discharged, I met with the various Senate leaders in conference to see whether we could arrive at some conclusion other than offered in the measure. Certain propositions were advanced which were acceptable to me, and may I add in connection therewith that I so advised the Senate, and inquired whether they would be able to pass them, only to be subsequently advised that they would not be able to accept their own proposition.

Under those circumstances this House should be advised that the plan that we offered was not the only plan we were willing to accept but unfortunately we found the Senate in the position that they would accept but one plan. It is for that purpose, Mr. Speaker, that I rise, not for the purpose of inciting debate, but to clarify the statements that were made on the floor of the Senate, which I feel should be clarified.

NOTIFICATION THAT SENATE IS READY TO ADJOURN SINE DIE

The Committee on the part of the Senate being introduced, informed that the Senate is ready to adjourn sine die at 11:45 p. m. this day.

The SPEAKER. The Chair thanks the Committee of the Senate.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, at this time I want to pay my personal respects to a man who has guided this House through possibly the most memorable session of the General Assembly. Our road has been difficult and our problems many. The fact that we have a divided House made the problem far more difficult. I know that the Speaker, at various times, both before this House and in private, has expressed his high appreciation of the man. I myself wish to express the same appreciation for his aid and his assistance to me in my problems.

CONGRATULATORY RESOLUTION

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 15, 1941.

No greater tribute can be bestowed upon any person than the confidence of his associates and their appreciation of his merit.

The leaders on both sides, and every member of the House, know and respect the integrity and the good judgment of "Eddie" Moore, whose only "boss" is parliamentary law which he serves faithfully and well, without fear or favoritism. With him the conduct of the business of the legislature in an orderly and expeditious manner is an obsession, and the planning and directing of proceedings to accomplish a desired result is his greatest joy; therefore, be it

Resolved, That the House of Representatives of 1941-42, hereby express its profound appreciation of the privilege of being served by so able, experienced and well read a parliamentarian, so faithful, diligent and trustworthy an official, and so congenial, helpful and friendly a gentleman, as S. Edward Moore, Parliamentarian Extraordinary of the House of Representatives; and be it further,

Resolved, That this resolution be spread upon the Legislative Journal, and that a copy thereof be certified by the Chief Clerk and presented to our Parliamentarian.

REPORT OF COMMITTEE TO WAIT ON SENATE

Mr. READINGER. Mr. Speaker, your committee appointed to inform the Senate that the House is ready to adjourn sine die at 11:45 p. m. this day has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

PRESENTATION TO SPEAKER

The CHIEF CLERK (Thomas J. Callahan). Mr.

Speaker, in accordance with an old custom, I have the privilege and the great pleasure of presenting this beautiful gavel to you. May it always be to you a symbol of the genuine friendship of the Members and officers of the House and of their appreciation of your capable, fair and honest administration during the session of 1941. Your strong hand has been put to the severest test. I hope there will be enough of the gavel left to open the session of the Senate in 1943 in your capacity as Lieutenant Governor.

The SPEAKER. Thanks, Tom. At the start of the session, I told some of my close associates that I hoped to leave Harrisburg with a perfect gavel. Tom, you have made that possible and I appreciate it. Eddie Moore has counted the number of gavels I have broken. That is his secret and mine.

As for your sincere thought as to my elevation to the office of Lieutenant Governor, I also thank you, and I assure you and the Members of this House that if that time should arrive, I will convene the Senate with this gavel, and incidently return it to you as a souvenir with my deepest appreciation. Thank you, Tom.

THANKS EXTENDED

The SPEAKER. The Chair desires to extend the thanks of the members to the gentleman who has been watching the clock so patiently and also the officer who has been with him.

REPORT OF COMMITTEE TO WAIT ON GOVERNOR

Mr. ACHTERMAN. Mr. Speaker, your committee appointed to inform His Excellency the Governor that the House of Representatives is ready to adjourn sine die at 11:45 p. m. this day has performed that duty and has been advised that the Governor has no further communications.

The SPEAKER. The Committee is discharged with the thanks of the House.

ADJOURNMENT SINE DIE

The SPEAKER. This being the day and hour fixed by concurrent resolution adopted by the Senate and House of Representatives as the time when the General Assembly shall adjourn sine die, I now declare this 134th Regular Session of the House of Representatives adjourned without day.