

# Legislative Journal

THURSDAY, OCTOBER 2, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 78

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

### PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnelisburg, Pennsylvania, offered the following prayer:

Almighty and Everlasting God, as we approach the noontide of this day, we pause to pay tribute to Thee as the Protector and Sustainer of each one of us. We know that Thy guiding hand and strengthening power are never far from any of us, and we express our thanks and praise to Thee for all of Thy goodness toward us. We beseech Thee to continue to bless us as a Nation and enable us to take our place in the leadership of the world. Be gracious unto the members of this House of Representatives in the work which Thou hast called them to do and multiply the deeds performed in Thy service so that Thy name may be praised and honored among all men.

Especially do we ask Thee to be with Mrs. Carol Huitt who is facing an operation this morning, as a worker of this House. We ask Thy blessing upon her and guide and strengthen us each one as doers of Thine. In Thy blessed name we pray. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, October 1, 1975, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

By Mr. M. E. MILLER, JR. and Mrs. KELLY  
**HOUSE BILL No. 1807**

An Act amending the "Public Welfare Code," approved June 21, 1967 (P. L. 31, No. 21), further providing for other medical assistance payments.

Referred to Committee on Health and Welfare.

By Messrs. LEDERER, HAMMOCK, IRVIS, OLIVER, BERSON, RICHARDSON, TAYOUN, BLACKWELL, MYERS, RHODES, M. E. MILLER, JR., WAGNER and W. D. HUTCHINSON  
**HOUSE BILL No. 1808**

An Act authorizing discharge and parole supervision of terminally ill prisoner.

Referred to Committee on Judiciary.

By Messrs. LEDERER, HAMMOCK, IRVIS, BERSON, OLIVER, RICHARDSON, TAYOUN, BLACKWELL, MYERS, ZWIKL, RHODES, WAGNER, SCIRICA

and M. E. MILLER, JR. **HOUSE BILL No. 1809**

An Act amending the Prisoner Transfer Law, approved July 11, 1923 (P. L. 1044, No. 425), limiting transfers to State correctional facilities.

Referred to Committee on Judiciary.

By Messrs. LEDERER, HAMMOCK, IRVIS, FISHER, BERSON, OLIVER, RICHARDSON, TAYOUN, BLACKWELL, MYERS, RHODES, SCIRICA, WAGNER and CUMBERLAND

**HOUSE BILL No. 1810**

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the Prisoner Transfer Law, providing for expenditure of certain savings by counties.

Referred to Committee on Judiciary.

By Messrs. LEDERER, HAMMOCK, IRVIS, FISHER, BERSON, OLIVER, RICHARDSON, TAYOUN, BLACKWELL, MYERS, RHODES, SCIRICA, WAGNER, CUMBERLAND and W. D. HUTCHINSON

**HOUSE BILL No. 1811**

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class \* \* \*" requiring certain board meetings to be held at the prison.

Referred to Committee on Judiciary.

By Messrs. KNEPPER, KELLY, TADDONIO, FISHER, RHODES and ZORD  
**HOUSE BILL No. 1812**

An Act amending the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," approved January 22, 1968 (P. L. 42, No. 8), further extending free transportation to certain disabled persons.

Referred to Committee on Transportation.

By Messrs. KNEPPER, KELLY, TADDONIO, FISHER and ZORD  
**HOUSE BILL No. 1813**

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the use of lottery fund proceeds.

Referred to Committee on Appropriations.

By Messrs. KNEPPER, KELLY, TADDONIO and RHODES  
**HOUSE BILL No. 1814**

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), adjusting the compensation of certain persons injured on or after March 17, 1968.

Referred to Committee on Labor Relations.

### SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1367

An Act relating to medical and health related malpractice insurance, prescribing the powers and duties of the Insurance Department; providing for a joint underwriting plan; the Arbitration Panels for Health Care compulsory screening of claims; collateral sources requirement; limitation on contingent fee compensation; establishing a catastrophe loss fund; and prescribing penalties.

With information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1660

An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled "An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled 'An act to promote the welfare of the people of the Commonwealth; . . .,' adding the acquisition of Temple University Hospital as an additional project and deleting the authorization for construction of one of the projects.

With information that the Senate has passed the same without amendment.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request a leave of absence for Mr. SALOOM for today's session.

The SPEAKER. Without objection, leave is granted.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call.

The roll was taken and was as follows:

YEAS—196

Table listing names of representatives who voted 'YEAS', including Abraham, Anderson, J. H., Arthurs, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Bittle, Blackwell, Bonetto, Bradley, Brandt, Brunner, Burns, Butera, Caputo, Cessar, Cimini, Geesey, Geisler, George, Giammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Grieco, Halverson, Hamilton, J. H., Hammock, Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, McGinnis, McIntyre, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Miscevlch, Moehlmann, Morris, Mrkonie, Mullen, Mullen, M. P., Musto, Myers, Novak, Noye, O'Brien, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Taddonio, Taylor, Tayoun, Thomas, Toll.

Table listing names of representatives who were present, including Cohen, Cole, Cowell, Crawford, Cumberland, Davies, Davis, D. M., DeMedio, Deverter, Dicario, DiDonato, Dietz, Dininni, Dombrowski, Dorr, Doyle, Dreibelbis, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Fryer, Gallagher, Gallen, Garzia, Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kelly, J. B., Kernick, Kistler, Klingaman, Knepper, Koiter, Kowalshyn, Kusse, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Letterman, Levi, Lincoln, Lynch, Manderino, Manmiller, McCall, McClatchy, McCue, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Pitts, Polite, Pratt, Prendergast, Pyles, Rappaport, Reed, Renninger, Renwick, Rhodes, Richardson, Rieger, Ritter, Romanelli, Ross, Ruggiero, Ryan, Salvatore, Scheaffer, Schmitt, Trello, Turner, Ustynoski, Valicenti, Vann, Vroon, Wagner, Walsh, T. P., Wansacz, Wargo, Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrilow, Wright, Yahner, Yohn, Zearfoss, Zeller, Zord, Zwilk, Fineman, Speaker.

NOT VOTING—6

Table listing names of representatives who did not vote, including Gleeson, Gring, McGraw, Pievsky, Saloom, Sullivan.

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

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

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

SENATE BILL No. 1

An Act providing for the regulation of land and water use for flood control purposes, imposing duties and conferring powers on the Department of Environmental Resources, the Environmental Quality Board, the Department of Community Affairs, municipalities and counties, providing for enforcement and penalties and making an appropriation.

And has appointed Senators KURY, MELLOW and HOLL 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.

HOUSE INSISTS ON AMENDMENTS NONCONCURRED IN BY SENATE

Mr. IRVIS moved that the House insist upon its amendments nonconcurred in by the Senate to SENATE BILL No. 1, printer's No. 1316, and that a Committee of Conference be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1

The SPEAKER. The Chair appoints as a Committee

of Conference on the part of the House: Messrs. MAN-  
DERINO, LAUDADIO and O'CONNELL.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

STATE GOVERNMENT BILLS  
ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House  
bill No. 1513, printer's No. 2189, entitled:

An Act authorizing the Department of Property and  
Supplies to acquire on behalf of the Department of Military  
Affairs a tract of land and the buildings thereon  
comprising the Valley Forge Army General Hospital Com-  
plex in Charlestown and Schuylkill Townships, Chester  
County, for use as a State Veterans' Home.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—184

Abraham	Geisler	McCue	Schmitt
Anderson, J. H.	George	McGinnis	Schweder
Arthurs	Giammarco	McIntyre	Scirica
Barber	Gillespie	McLane	Seltzer
Bellomini	Gillette	Mebus	Shelhamer
Bennett	Gleason	Milanovich	Shelton
Beren	Gleeson	Miller, M. E.	Shuman
Berlin	Goodman	Miller, M. E., Jr.	Shupnik
Berson	Green	Milliron	Sirianni
Bittle	Greenfield	Miscevich	Smith, E.
Blackwell	Grieco	Moehlmann	Smith, L.
Bradley	Halverson	Morris	Spencer
Brandt	Hamilton, J. H.	Mrkonic	Stahl
Brunner	Hammock	Mullen	Stapleton
Burns	Hasay	Mullen, M. P.	Stout
Butera	Hayes, D. S.	Musto	Taddonio
Caputo	Hayes, S. E.	Myers	Taylor
Cessar	Hepford	Novak	Tayoun
Cimini	Hill	Noye	Thomas
Cohen	Hopkins	O'Connell	Toll
Cole	Hutchinson, A.	O'Keefe	Trello
Cowell	Hutchinson, W.	Oliver	Turner
Crawford	Irvic	Pancoast	Ustynoski
Cumberland	Itkin	Parker, H. S.	Vann
Davies	Johnson, J.	Perri	Vroon
Davis, D. M.	Katz	Perry	Wagner
DeMedio	Kelly, A. P.	Petrarca	Walsh, T. P.
Dicarlo	Kelly, J. B.	Pievsky	Wansacz
DiDonato	Kernick	Pitts	Wargo
Dietz	Kistler	Polite	Westerberg
Dombrowski	Klingaman	Pratt	Whittlesey
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalyszyn	Pyles	Wilt, R. W.
Dreibelbis	Kusse	Rappaport	Wilt, W. W.
Eckensberger	LaMarca	Reed	Wojdak
Englehart	Laudadio	Renninger	Worrilow
Fawcett	Laughlin	Renwick	Wright
Fee	Lederer	Richardson	Yahner
Fischer	Lehr	Rieger	Yohn
Fisher	Letterman	Ritter	Zearfoss
Flaherty	Levi	Romanelli	Zeller
Foster, A.	Lincoln	Ross	Zord
Foster, W.	Lynch	Ruggiero	Zwikel
Fryer	Manderino	Ryan	
Gallagher	Manmiller	Salvatore	Fineman, Speaker
Garzia	McCall	Scheaffer	
Geesey	McClatchy		

NAYS—7

Deverter	Haskell	Menhorn	Weldner
Gallen	Knepper	Shane	

NOT VOTING—11

Bonetto	Gring	Rhodes	Valicenti
Dininni	O'Brien	Saloom	Whelan
McGraw	O'Donnell	Sullivan	

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

Mr. DININNI. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DININNI. I would like to be recorded in the af-  
firmative on House bill No. 1513.

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

The Chair recognizes the lady from Susquehanna, Miss  
Sirianni.

Miss SIRIANNI. Mr. Speaker, I would also like to be  
recorded in the affirmative on House bill No. 1513.

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

Agreeable to order,

The House proceeded to third consideration of House  
bill No. 1514, printer's No. 1797, entitled:

An Act amending "The Administrative Code of 1929,"  
approved April 9, 1929 (P. L. 177, No. 175), providing for  
the operation and maintenance of the Valley Forge Vet-  
erans Home by the Department of Military Affairs.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman  
from Cambria, Mr. Gleason.

Mr. GLEASON. Mr. Speaker, there was circulated  
yesterday, I believe, an amendment to House bill No.  
1514.

The SPEAKER. Is this the gentleman's amendment?

Mr. GLEASON. Yes, sir.

The SPEAKER. Does the gentleman desire to offer  
an amendment at this time?

Mr. GLEASON. I do, sir.

On the question,

Will the House agree to the bill on third consideration?

Mr. GLEASON requested and obtained unanimous con-  
sent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1414), page 2, line 10, by striking  
out "may be necessary" and inserting: are supervisory  
personnel whose duties include participation in policy  
decisions

Amend Sec. 1 (Sec. 1414), page 2, by inserting between  
lines 11 and 12: (c) All employees of the department en-  
gaged in the operation and maintenance of the home other  
than as provided in subsection (b) shall have civil ser-  
vice "classified service" status under and be subject to  
the provisions of the act of August 5, 1941 (P. L. 752,  
No. 286), known as the "Civil Service Act," including  
examinations under section 501 and the maximum proba-  
tionary period authorized under section 603 beginning  
on the effective date of this act. Provisional appointments  
under section 604 may be utilized until eligibility lists  
and examination requirements of the act can be com-  
pleted with.

Amend Sec. 1 (Sec. 1414), page 2, line 12, by striking out "(c)" and inserting: (d)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Gleason.

Mr. GLEASON. Thank you, Mr. Speaker.

House bill No. 1514, which is on the members' desks for consideration, provides for the operation and maintenance of the new Valley Forge Veterans Home.

The amendment which I am asking the House to approve is a civil service amendment. But unlike any other measures which have been produced in the past, this is not a total civil service amendment but provides that personnel in the Valley Forge Hospital, with the exception of those who are in supervisory or policymaking positions, shall be civil service personnel. I am talking here, Mr. Speaker, about nurses, nurses' aides, food people, maintenance people. This amendment requires that these service personnel, who are not involved in policymaking decisions, shall be civil service employes.

I believe that under all the circumstances, the veterans of Pennsylvania who are going to be using this home are entitled to some classified civil service consideration insofar as those employes of the home are concerned. Understand, this is not a radical civil service provision but does provide for civil service coverage for the non-policymaking employes.

I certainly do not think that the Valley Forge Veterans Home should be or should become a dumping place for either political party for patronage jobs. I believe the veterans who are going to be the clients of this institution are entitled to civil service employes. I am asking, respectfully, the House to approve this amendment.

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

Mr. DeMEDIO. Mr. Speaker, I rise in opposition to this amendment.

I do not think that this body should restrict the Department of Military Affairs in the operation of this soldiers' home. I believe that we should allow them a free hand in hiring Vietnam veterans and other qualified personnel without the civil service restrictions.

The civil service concept, although a good one, has often worked to the disadvantage of the employer and it has blanketed and protected incompetence in those who have refused to do the work that they are assigned to do.

I was told by one of the Representatives that he defines civil service as neither being very civil nor producing very much service.

I do not think that this body should restrict or confine the Department of Military Affairs in the employment of good, qualified employes by this amendment. I ask members on both sides to oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Gleason.

Mr. GLEASON. Briefly in response, Mr. Speaker, I find it somewhat incredible in these days of distrust and lack of confidence in the political system that we should engage in a debate which essentially is an attack upon the merit system for selecting employes of state government.

In response to the gentleman's point that we should not restrict the ability of the department to hire veterans, let us point out that veterans do, indeed, receive, under civil service, special consideration. I believe that the veterans of Pennsylvania are entitled to something better than the political patronage system with its inherent abuses—the patronage, the collection system, all this sort of thing. I think we ought to take the veterans' hospital out of politics and place it on a merit basis.

There have been abuses in the civil service system, but on any kind of balance, when you talk about today's corruption and problems in government, civil service is a better choice. I am asking the House to make that better choice.

Thank you.

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

Mr. ZELLER. Mr. Speaker, Mr. Gleason finds it incredible in regard to the so-called distrust and lack of confidence in regard to public officials and people holding jobs. I do, too, Mr. Speaker. I find it very incredible to hear these words from your mouth for the following reasons:

One, we have a psychological problem in this country today. We have a lot of veterans who came back from fighting a nasty war, guys who did not get a chance to get the education while the rest of them were in there getting all the gravy. They were over there in those dirty, rotten conditions and they came home and they cannot get a job because some of these college people and some of these people who are sitting back here and a bunch of draft dodgers got the jobs. They cannot get a job.

Secondly, can you imagine a person in a hospital, a veteran, and he is going to deal with people, in most cases, who are not veterans? Okay, so you have got a fellow who has been a medic, a nurse, during the war. You have got a guy who has been a maintenance man, a guy who knows the business. He can relate to these people in the hospitals. They understand each other. There is a psychological effect. They can work together.

But here you want to go and open this up to people who are not related in any way with the problem, except possibly their profession, but with no relation to the individual or the individual's problem. They cannot even talk shop. Here you are going to have the guy who needs the job, the guys and gals who need the jobs and cannot find a job today. A lot of them have a tough time passing an examination not because they do not know their work, but you take a military-type of maintenance worker who comes in to pass one of these so-called set-up—set up, we say—examinations; the guy is dead. But he can do the work. They did it on the battlefield; why can they not do it down there?

So I think it is about time we knock off this business of saying that everything has got to be civil service. Let us take care of our veteran. Let us give our veteran a job. He needs it; he deserves it. Let us vote against this amendment.

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

Mr. McCUE. Will the gentleman, Mr. Gleason, submit to interrogation?

The SPEAKER. Will the gentleman from Cambria, Mr. Gleason, consent to interrogation?

Mr. GLEASON. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. McCUE. Mr. Speaker, Mr. Gleason referred to certain preferences that the veterans would have under civil service. I would ask the gentleman: What is the veteran's preference?

Mr. GLEASON. Well, as I understand it, Mr. Speaker, an applicant for a civil service position, after taking the examination, will receive an additional ranking on the civil service list by virtue of his having been a veteran. He receives a certain veteran's preference for state employment under the civil service law.

Mr. McCUE. Mr. Speaker, is this an addition of points to his score?

Mr. GLEASON. As far as I understand it, it is an additional 10 points to his score.

Mr. McCUE. Mr. Speaker, is there a further preference whereby among the top several scorers in a test a veteran is to be preferred over a nonveteran among these top scorers?

Mr. GLEASON. I am not sure but I think that is the case.

Mr. McCUE. Mr. Speaker, would a veteran, particularly a Vietnam veteran, be discriminated against under civil service in the hiring at Valley Forge?

Mr. GLEASON. I think it would be just the opposite; he would get the veteran's preference, being a veteran of the Vietnamese War.

Mr. McCUE. Mr. Speaker, is your conclusion then that a veteran, particularly a veteran of the Vietnamese War, would have a better chance of being employed under a civil service provision than under a non-civil service provision?

Mr. GLEASON. I would certainly think so. If it is a political patronage appointment, I do not know that his veteran's preference would be taken into consideration if there was a good friend or a relative of the patronage boss. And that is specifically the reason why I am advocating this civil service application to this hospital.

To me it is specious to say that civil service is going to harm or in any way inhibit a veteran from getting a job at this hospital. I think that is absurd.

Mr. McCUE. I thank the gentleman.

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

The yeas and nays were required by Messrs. GLEASON and DeMEDIO and were as follows:

YEAS—48

Beren	Grieco	Miller, M. E.	Taddonio
Brandt	Halverson	Noye	Ustynoski
Burns	Hayes, D. S.	O'Connell	Wagner
Cimini	Hepford	Pancoast	Weidner
Crawford	Hill	Parker, H. S.	Westerberg
Davies	Hopkins	Polite	Whelan
Deverter	Hutchinson, W.	Pyles	Whittlesey
Fawcett	Kelly, J. B.	Renninger	Wilt, R. W.
Fischer	Kistler	Scirica	Wright
Fisher	Knapper	Shane	Yohn
Foster, A.	Kusse	Smith, E.	Zearfoss
Gleason	McCue	Stapleton	

NAYS—149

Abraham	Garzia	McClatchy	Ryan
Anderson, J. H.	Geesey	McGinnis	Salvatore
Arthurs	Geisler	McIntyre	Schenffer
Barber	George	McLane	Schmitt
Bellomini	Giammarco	Mebus	Schweder
Bennett	Gillespie	Menhorn	Seltzer
Berlin	Gillette	Milanovich	Shelhamer
Berson	Gleeson	Miller, M. E., Jr.	Shelton

Bittle	Goodman	Milliron	Shuman
Blackwell	Green	Miscevich	Shupnik
Bonetto	Greenfield	Moehlmann	Sirianni
Bradley	Hamilton, J. H.	Morris	Smith, L.
Brunner	Hammock	Mrkonic	Spencer
Butera	Hasay	Mullen, M. P.	Stahl
Caputo	Haskell	Mullen	Stout
Cessar	Hayes, S.E.	Musto	Taylor
Cohen	Hutchinson, A.	Myers	Tayoun
Cole	Irvis	Novak	Thomas
Cowell	Itkin	O'Brien	Toll
Cumberland	Johnson, J.	O'Keefe	Trello
Davis, D. M.	Katz	Oliver	Turner
DeMedio	Kelly, A. P.	Perri	Valicenti
Dicarlo	Kernick	Perry	Vann
DiDonato	Klingaman	Petrarca	Vron
Dietz	Kolter	Pievsky	Walsh, T. P.
Dininni	Kowalshyn	Pitts	Wansacz
Dombrowski	LaMarca	Pratt	Wargo
Dorr	Laudadio	Prendergast	Wilt, W. W.
Doyle	Laughlin	Rappaport	Wojdak
Dreibelbis	Lederer	Reed	Worrlow
Eckensberger	Lehr	Renwick	Yahner
Englehart	Letterman	Rhodes	Zeller
Fee	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwiski
Foster, W.	Lynch	Ritter	
Fryer	Manderino	Romanelli	Fineman
Gallagher	Manmiller	Ross	Speaker
Gallen	McCall	Ruggiero	

NOT VOTING—5

Gring	O'Donnell	Saloom	Sullivan
McGraw			

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

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

YEAS—193

Abraham	Geesey	McGinnis	Schweder
Anderson, J. H.	Geisler	McIntyre	Scirica
Arthurs	George	McLane	Seltzer
Barber	Giammarco	Mebus	Shelhamer
Bellomini	Gillespie	Menhorn	Shelton
Bennett	Gillette	Milanovich	Shuman
Berlin	Gleason	Miller, M. E.	Shupnik
Berson	Gleeson	Miller, M. E., Jr.	Sirianni
Bittle	Goodman	Milliron	Smith, E.
Blackwell	Green	Miscevich	Smith, L.
Bonetto	Greenfield	Moehlmann	Spencer
Bradley	Grieco	Morris	Stahl
Brandt	Halverson	Mrkonic	Stapleton
Brunner	Hamilton, J. H.	Mullen	Stout
Burns	Hammock	Mullen, M. P.	Taddonio
Butera	Hasay	Myers	Taylor
Caputo	Hayes, D. S.	Novak	Tayoun
Cessar	Hayes, S. E.	Noye	Thomas
Cimini	Hepford	O'Brien	Toll
Cole	Hill	O'Connell	Trello
Cowell	Hopkins	O'Keefe	Turner
Crawford	Hutchinson, A.	Oliver	Ustynoski
Cumberland	Hutchinson, W.	Pancoast	Valicenti
Davies	Irvis	Parker, H. S.	Vann
Davis, D. M.	Itkin	Perri	Vron
DeMedio	Johnson, J.	Perry	Wagner
Dicarlo	Katz	Petrarca	Walsh, T. P.
DiDonato	Kelly, A. P.	Pievsky	Wansacz
Dietz	Kelly, J. B.	Pitts	Wargo
Dininni	Kernick	Polite	Weidner
Dombrowski	Kistler	Pratt	Westerberg
Dorr	Klingaman	Prendergast	Whelan
Doyle	Kolter	Pyles	Whittlesey
Dreibelbis	Kowalshyn	Rappaport	Wilt, R. W.
Eckensberger	Kusse	Reed	Wilt, W. W.
Englehart	LaMarca	Renwick	Wilson
Fawcett	Laudadio	Rhodes	Wojdak
Fee	Laughlin	Richardson	Worrlow
	Lederer		Wright
	Lehr		Yahner

Fischer	Letterman	Rieger	Yohn
Fisher	Levi	Ritter	Zearfoss
Flaherty	Lincoln	Romanelli	Zeller
Foster, A.	Lynch	Ross	Zord
Foster, W.	Manderino	Ruggiero	Zwikel
Fryer	Manmiller	Ryan	
Gallagher	McCall	Salvatore	Fineman
Gallen	McClatchy	Scheaffer	<b>Speaker</b>
Garzia	McCue	Schmitt	

NAYS—4

Deverter	Haskell	Knepper	Shane
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NOT VOTING—5

Gring	O'Donnell	Saloom	Sullivan
McGraw			

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1515, printer's No. 1798**, entitled:

A Supplement to the act of 1975 (P. L. No. ), entitled "An act providing for the capital budget for the fiscal year 1975-1976," itemizing a public improvement project to be acquired or constructed by The General State Authority \* \* \* and making an appropriation.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—190

Abraham	George	McIntyre	Schmitt
Anderson, J. H.	Giammarco	McLane	Schweder
Arthur	Gillespie	Mebus	Schra
Barber	Gillette	Menhorn	Seltzer
Bennett	Gleason	Milanovich	Shephard
Beren	Gleason	Miller, M. E.	Shelton
Berlin	Goodman	Miller, M. E., Jr.	Shuman
Bittle	Green	Milliron	Sirlanni
Blackwell	Greenfield	Miscevich	Smith, E.
Bonetto	Grleco	Moehlmann	Smith, L.
Bradley	Halverson	Morris	Spencer
Brandt	Hamilton, J. H.	Mrkonjc	Stahl
Brunner	Hammock	Mullen, M. P.	Stapleton
Burns	Hasay	Mullen	Stout
Butera	Hayes, D. S.	Musto	Taddonio
Caputo	Hayes, S. E.	Myers	Taylor
Cassar	Hepford	Novak	Tayoun
Cimini	Hill	Nove	Thomas
Cohen	Hopkins	O'Brien	Toll
Cole	Hutchinson, A.	O'Connell	Trello
Cowell	Hutchinson, W.	O'Donnell	Turner
Crawford	Irvic	O'Keefe	Ustynoski
Cumberland	Itkin	Oliver	Valcenti
Davies	Johnson, J.	Pancoast	Vann
Davis, D. M.	Katz	Parker, H. S.	Vroon
DeMedio	Kelly, A. P.	Perri	Wagner
Dicarlo	Kelly, J. B.	Perry	Walsh, T. P.
DiDonato	Kernick	Petrarca	Wansacz
Dietz	Kistler	Plevsky	Wargo
Dintinnl	Kinsaman	Pitts	Weidner
Dorr	Kolter	Polte	Westerberg
Doyle	Kowalyshyn	Prett	Whelan
Dreibelbs	Kusse	Pterdergast	Whittlesey
Eckensberger	LaMarca	Pyles	Wilson
Engelhart	Laudadio	Rappaport	Wilt, R. W.
Fawcett	Laughlin	Reed	Wilt, W. W.
Fee	Lederer	Renninger	Wojdak
Fischer	Lehr	Renwick	Worrilow
Fisher	Letterman	Rhodes	Wright
Flaherty	Levi	Richardson	Yahner

Foster, A.	Lincoln	Rieger	Yohn
Foster, W.	Lynch	Ritter	Zearfoss
Fryer	Manderino	Romanelli	Zeller
Gallagher	Manmiller	Ross	Zord
Gallen	McCall	Ruggiero	Zwikel
Garzia	McClatchy	Ryan	
Geesey	McCue	Salvatore	Fineman,
Geisler	McGinnis	Scheaffer	<b>Speaker</b>

NAYS—4

Deverter	Haskell	Knepper	Shane
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NOT VOTING—8

Bellomini	Dombrowski	McGraw	Shupnik
Berson	Gring	Saloom	Sullivan

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

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. DOMBROWSKI. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DOMBROWSKI. I was out of my seat when the last vote was taken. Had I been in my seat, I would have voted in the affirmative on House bill No. 1515.

The SPEAKER. The remarks of the gentleman will be noted for the record.

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 533, printer's No. 557**, entitled:

An Act making an appropriation to the Department of Property and Supplies to purchase on behalf of the Pennsylvania Historical and Museum Commission materials relating to the life and work of the late Louis I. Kahn.

On the question,

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

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

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I believe Mr. Rappaport is to debate this bill.

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

Mr. RAPPAPORT. Mr. Speaker, this bill appropriates the sum of \$400,000 to the Museum Commission for the acquisition of the papers of the late Louie Kahn. Several days ago, over the signature of the gentleman from Montgomery, Mr. Beren, and my own, some material on this was distributed to the floor to the members of the House.

Louie Kahn was a world-renowned architect and, like many prophets, without a lot of honor in his own country. However, because of Louie Kahn, architectural students came from all over the world to study in Philadelphia. The Delaware Valley became and is presently the world center for the study of architecture because of Louie Kahn.

As part of the memorandum that was submitted to you,

you will see a statement from the dean of the University of Texas Architectural School. He has raised the sum of \$600,000 to buy these papers. He has said that with these papers he will make Texas the world center for this work.

Armand Hammer, who is the principal of Occidental Oil Company—and, if you noticed, just pleaded guilty yesterday for an improper campaign contribution—is about to repeat what he did with the Russian art in the 1920's. In the 1920's he went over to Russia and made a deal with Lenin and bought several million dollars worth of Russian art, classic stuff, because they needed money then. He broke up the collection and sold it piecemeal in the United States. He promoted it and that is how he made his first fortune. He is prepared to do the same with this collection.

A very prominent auction house in New York, Parke Bernet, has estimated that if sold piecemeal, if broken up, this collection would bring well in excess of a million dollars.

It was Louie Kahn's wish and it is the wish of his widow that this collection stay intact in Pennsylvania.

Louie Kahn was born in Philadelphia. I am proud to say he was an alumnus of Central High School and he did his work in Philadelphia.

He never made a lot of money in the practice of architecture. Had his wife not been a school librarian, they probably would not have eaten for many years.

I might stress that this money is not to get his estate off the hook for debts. His estate does have debts, but this collection will bring more than enough to pay off every one of those debts twofold and threefold if it is sold at public auction. The Orphans Court of Philadelphia has delayed the final settling of this estate awaiting the passage of this bill, if it passes.

The collection will be owned by the Museum Commission. There are presently at least three schools in Philadelphia which are furiously competing to house this collection at their own expense.

This is a one-time expenditure. The reason the Commonwealth will acquire title is so that this collection will be open to everyone in the Commonwealth. It will be open to all students, and parts of it may very well be permanently housed in other institutions, such as Pitt.

I would ask the House to vote for this bill. This is a resource of this Commonwealth. May I point out that education is a major industry in Philadelphia. The largest single employer in the city of Philadelphia is the University of Pennsylvania, and this will continue this economic benefit to our city and to our state. Mr. Speaker, I would ask for a "yes" vote. Should any members care to interrogate me, I shall be happy to respond.

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

Mr. GALLEN. I wonder if the gentleman will be interrogated, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Rappaport, consent to interrogation?

Mr. RAPPAPORT. I shall.

The SPEAKER. The gentleman may proceed.

Mr. GALLEN. Mr. Speaker, in your experience as an attorney, what are your duties with regard to the assets of an estate and their disposal?

Mr. RAPPAPORT. It is the duty of the executors of an estate to carry out the wishes of the person who wrote the will, the testator.

Mr. GALLEN. Does he not have a responsibility to the heirs and to the creditors?

Mr. RAPPAPORT. He has a responsibility to see that taxes and creditors are paid. Once that is done, it is the wishes of the testator and of the heirs that control.

Mr. GALLEN. Is it not his duty and responsibility to the heirs of an estate to obtain the best possible result financially for those heirs?

Mr. RAPPAPORT. No, it is not. It is up to the heirs to determine what is done with the estate once the taxes and debts have been paid.

Mr. GALLEN. Do you mean that once the executor pays the taxes, his responsibilities are over?

Mr. RAPPAPORT. That is correct, as long as the heirs agree as to what he is doing. In fact, most estates do not go to the Orphans Court and are wound up by an agreement signed by all the heirs as to where the money shall go. In some cases that may not be exactly the way the testator wanted it to go, but as long as everybody in interest signs away their interests, there is no one to complain.

Mr. GALLEN. Do you know if that has been done?

Mr. RAPPAPORT. I have personally discussed this matter with both Mrs. Kahn and their only child, a daughter, and it is their express wish—to the extent that the Xeroxing of some of the material that the House received was paid for by Mrs. Kahn out of her own pocket, which she can ill afford at this point—that these papers should be kept in Pennsylvania as one collection, despite the fact that they could get considerably more money should this collection be broken up. They feel that keeping this collection in one piece for the use of students—and Louie Kahn was in essence a teacher—would be the best monument to Mr. Kahn.

Mr. GALLEN. Is it not true that the Kahn estate is bankrupt?

Mr. RAPPAPORT. It is not true. The value of the assets of the estate exceeds the debts by several times.

Mr. GALLEN. Could you give us any figures on that?

Mr. RAPPAPORT. No, I cannot.

Mr. GALLEN. In other words, we will take your word that the estate is not bankrupt, is that right?

Mr. RAPPAPORT. Well, I have discussed this matter with counsel for the estate, and he assures me that in the event this bill does not pass, the heirs of Louie Kahn will have to distribute between the two of them a sum approximately twice this appropriation, which means, according to estimates that they have received from people like Parke Bernet, from the curator of the architectural collection at the Metropolitan Museum in New York, that this collection will bring well over a million dollars on the open market.

Mr. GALLEN. In Mr. Kahn's will, was he specific in obviating the fact that he wanted these papers to remain in Pennsylvania? I mean, was that specified exactly in his will?

Mr. RAPPAPORT. I am not familiar with the contents of Mr. Kahn's will. However, I have personally heard him state that he wished his papers, after his death—and, as you know, he died an untimely death in the railroad station in New York City of a sudden heart attack—he stated that it was his desire that his papers be available for students and not to be framed and hung on somebody's wall, which is what will happen to them.

Mr. GALLEN. Did Mr. Kahn leave a will?

Mr. RAPPAPORT. I believe that he did, yes.

Mr. GALLEN. We are talking about spending \$450,-

000 of taxpayers' money here with the vaguest kind of information regarding the gentleman and his estate. I feel, from my limited knowledge as a curbstome lawyer, that it is the executor's duty and he can be held responsible if he does not get the top dollar both for the creditors of the estate and for the heirs. If these papers are worth so much more, then I think the executor of the estate would be negligent if he would stand still for this type of maneuver.

Mr. RAPPAPORT. Mr. Speaker, perhaps I can help the gentleman.

We have a pretty good orphans' court in Philadelphia. I personally regretted when we merged into common pleas, but good government was more important than my own sentiments.

This case has been assigned to the president judge of that court, who has been a member of that court, I believe, since 1936. I have not discussed it with him. It would be improper for him to discuss it with me or vice versa. But I know that in the event this appropriation is passed, a petition is now prepared for the court to approve it, and the president judge has indicated it will take him all of about 30 seconds to sign his name to the paper.

In other words, this is entirely proper; it is legal. I do quite a bit of orphans court work. I see no problems with it whatsoever, and if I were attorney for the executors, I would advise them that this would be carrying out the wishes of the testator. Mr. Kahn's wife and daughter enthusiastically support this, and, therefore, there is no one with standing in court to object in any way.

Mr. GALLEN. Mr. Speaker, I would like to yield for further questioning to Mr. Ryan.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I had a telephone call from a supporter of this bill and one of the questions I asked was whether or not the estate was insolvent in the event that this asset was not sold to the Commonwealth of Pennsylvania for the \$450,000. It was his opinion that it might be. I then asked this man, who had no close connection evidently with the estate, if he would find out for me what attorneys were representing the estate and who the creditors of the estate would be.

I asked my office to send down a letter. I have the wrong letter before me. There is another one up in my office somewhere. But it is my recollection that the response I got was to the effect that the bulk of the creditors of this estate are other architects, engineers, and moneys owing for services that were incurred in connection with his business. That is why I question your earlier statement that this is not an insolvent estate, and maybe I would like to rephrase that question. Absent this asset, if no value were placed on this asset, would this estate be solvent or insolvent?

Mr. RAPPAPORT. Mr. Ryan asks a much more pointed question than the gentleman from Berks.

If this estate were worthless, which is not the case—

Mr. RYAN. I did not say that.

Mr. RAPPAPORT. I know you did not, but I prefer to reemphasize that, if the gentleman will permit me.

—the estate would be insolvent. However, this asset has value whether or not this bill passes and will be sold for much more, according to estimates, than the amount of money in this bill.

Mr. RYAN. Now my question to you, Mr. Speaker, is:

If this asset is worthless—and I am not suggesting that it is; do not misunderstand me—or if we do not consider this asset as being worth \$450,000 but for the moment we put a zero dollar sign on it, is the estate insolvent?

Mr. RAPPAPORT. I do not know. My guess is that it would have a difficult time. I really do not know the answer to that question. I have not seen the estate papers and I hesitate to answer that definitely, and I have not discussed it with counsel for the estate, whose name I do know.

Mr. RYAN. It was my understanding that the estate was in deep financial trouble and that the sale of this particular asset, to whomsoever, would make available funds to pay off creditors, principally business-type creditors.

Another question that came up in discussion is: If this asset or these papers are sold to the Commonwealth of Pennsylvania, they then turn into an asset of the estate, do they not? The \$450,000 would be treated as any other asset of the estate, substituting money now for the papers involved?

Mr. RAPPAPORT. While I do not know for sure, I would guess that the gentleman is correct, Mr. Speaker.

Mr. RYAN. So the executors, in effect, are selling an asset of the estate?

Mr. RAPPAPORT. That is correct.

Mr. RYAN. And those executors could charge a fee or a commission for disposing of an asset of the estate, and the attorneys for the estate could charge based on the disposal of a \$450,000 asset? Would that also be correct?

Mr. RAPPAPORT. Theoretically it would be correct. I have not discussed this matter with counsel, but knowing who counsel is and his relationship with the decedent, I would doubt seriously that that would be the case.

Mr. RYAN. You suggested to the House that you do a fair amount of estate work, and I suggest to you that I do the same thing. And I am saying that if this were an asset of the estate and it were sold and that money were put into the estate and I, as a lawyer for the estate, were handling it, I could very properly charge a legal fee for disposing of this asset and for the handling of the estate.

Mr. RAPPAPORT. I would suggest to the gentleman, I know it is the practice of the attorney involved—it is my practice; I am sure it is the gentleman's practice—that where a charitable or public purpose is involved in the estate—and I have some fair amount of that type of work in the office—we either reduce our fee or waive it completely.

Mr. RYAN. The fact remains, though, that this \$450,000 would be subject to executors' commissions and attorneys' fees because it would be the sale of an asset of the estate, and it is up to the charitable instincts of the attorneys and the executors involved as to whether or not they would charge.

Mr. RAPPAPORT. Considering the fact that if this asset were sold on the open market it would bring twice or three times the amount of money in this bill, and that the executors, the heirs and their attorneys and accountants, et cetera, are more than willing to waive that additional compensation and indeed have been delaying the winding up of this estate awaiting this legislation, it would appear to me that their intent is quite public spirited and quite charitable and that the argument that

the gentleman is attempting to adduce just does not apply here, Mr. Speaker.

Mr. RYAN. One further thing, Mr. Speaker, if I may comment briefly on the bill.

I am opposed to the bill, Mr. Speaker. The thing that bothers me about this whole matter is that the information is sketchy. I have been led to believe that this is an insolvent estate without this asset. If in fact that is the case, then there is an obligation, in my judgment, on the executors to get the best possible price.

We hear that the asset is worth a million dollars, plus or minus, and not just the \$450,000 that is before us here today. If that is the case, then I think they have an obligation to get the greater amount of money to pay off the creditors of the estate.

Secondly, I question whether or not Mr. Rappaport's statement regarding the charitable instincts of the people involved here, of the executors and the attorneys, is binding on this piece of legislation. In other words, here the Commonwealth of Pennsylvania is going to spend \$450,000, all of which, in my judgment, is subject to executors' commissions and attorneys' fees, and I do not think that is proper under the circumstances.

The third part of my objection is: If, as Mr. Rappaport says, the late Louis Kahn was most interested in the people of the Commonwealth of Pennsylvania having these papers and if he did die testate—that is, with a will—then I see no reason that his desire could not have been carried out under the provisions of his will and he simply could have made provision that it go to the school of his choice, probably the University of Pennsylvania or some other architectural school.

The last part of my objection is: I think this is a terrible precedent that we are setting here today if we are buying papers such as this from various estates, and I suggest there were many other people in the Commonwealth now deceased whose papers and personal property could also be subject to like legislation. For these four reasons, Mr. Speaker, I oppose the bill.

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

Mrs. WHITTLESEY. Mr. Speaker, I had the occasion last week to spend an hour with the executive director of the Pennsylvania Historical and Museum Commission, Mr. Wewer, and I think all of you should be aware of the nature of that conversation.

I have a property in Haverford Township of historical interest to the entire Commonwealth. I have introduced a bill to have the Commonwealth purchase that property. I was informed by Mr. Wewer that he came to the legislature this year and to the Governor with a request for some \$10 million. We, the legislature, gave him \$5 million.

We are going into a Bicentennial year in Pennsylvania this coming year. Vast numbers of people are going to be coming into this state to see our historic sites.

We have 60 historic sites now owned by the Commonwealth, but we cannot even take care of those sites. Twelve of them are being closed because of lack of funds. Others of them will not receive necessary improvements. For example, Pennsbury Manor in Bucks County will not be painted. We have two such sites in Delaware County—Governor Printz Park and the Morton Homestead. We have one security guard at each one of those parks. We are now going to have to make do—in the Bicentennial,

mind you, with all the tourists coming from out of state—with sharing one guard between the two parks.

Vandalism at the sites is rampant. In one instance, a truck was backed up to one of the historic sites and the furniture was moved out.

We are talking about a very worthwhile principle here—the maintenance and preservation of our cultural heritage. There is no doubt in my mind that there is no end of worthwhile projects which we could undertake to preserve that heritage. However, how can we justify it? How can we afford to embark upon additional projects when we cannot even take care of the cultural projects we have already undertaken to preserve?

I urge a "no" vote on this measure. We simply cannot afford it, no matter how worthwhile.

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

Mr. MCGINNIS. Mr. Speaker, I hesitated to rise to talk against Senate bill No. 533 because of my respect for Mr. Rappaport and another gentleman on this side of the aisle who are interested in the passage of this bill.

However, I would have to call this not the Kahn papers but the Kahn job. If any of you have read this, it does not say that you are going to get all of the papers. It does not tell you what you are going to get.

I am not a lawyer, Mr. Speaker, but when someone dies, the executor of the estate must file an inventory because of the Pennsylvania inheritance tax, and they are supposed to put a price on it. What you have been told is that they do not know what it is worth; they do not know what they have. They do not know anything, except that Louie Kahn's widow is broke and we are going to give her \$450,000.

I want to tell you, when Pat McGinnis goes, Mrs. McGinnis will take the \$2.1 million they say he is worth, and Mrs. McGinnis would like the people of the United States to see all my papers; she would not want them just kept here. Of course, she may get \$53. But I say to you, Mr. Speaker, the taxpayers of the 61st legislative district do not know Louie Kahn from Joe Smith, and I am not voting \$450,000 for papers that you do not even know what you are buying. I urge a "no" vote.

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

Mr. MORRIS. Mr. Speaker, I am not going to argue with the lady, Mrs. Whittlesey. The question she raises is something that the members of this House are going to have to decide—whether it is more important to acquire the Kahn papers or perform the other functions that she was talking about in connection with historical preservations.

I do want to say this: Before coming to this House, I practiced for 20 years, almost entirely in the Orphans' Court of Philadelphia, and I think I built up a pretty high reputation as a practitioner in that court. I have never heard so many stupid—and I am going to say it this way—red herrings dragged across the path of this legislation as some of the gentlemen on the other side of the aisle have done this morning. One of them is not a lawyer, and I cannot blame him—or two of them, perhaps.

What Mr. Rappaport said is precisely true. If the executor has enough money to pay the debts of the estate—those debts, for the benefit of Mr. McGinnis, include the claims of the Commonwealth of Pennsylvania and the United States of America, the transfer inheritance tax,

the Federal and state tax, and the other taxes due—by selling the assets of the estate to pay the creditors, including the taxing authorities, and the people entitled to the estate decide they want to sell the assets for less than their market value, that is up to them. The rest of this stuff about the administration of this estate is just pure baloney.

Thank you.

MOTION TO RECOMMIT

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

Mr. GALLEN. Mr. Speaker, as of now we have so little information that I do not know if Louie Kahn died testate or intestate.

This bill was not considered by a legitimate committee in either the House or the Senate. It went to the Rules Committee in the Senate and was in the Appropriations Committee in the House. Mr. Speaker, since there are so many unanswered questions, I now move that Senate bill No. 533 be recommitted to the Committee on State Government.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask for a negative vote on the motion to recommit Senate bill No. 533.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. GALLEN and IRVIS and were as follows:

YEAS—67

Table listing names of members who voted 'YEAS' (67 total). Includes Anderson, J. H., Bittle, Brandt, Burns, Butera, Cimini, Cumberland, Davies, Deverter, Dietz, Dintini, Dorr, Fischer, Fisher, Foster, A., Foster, W., Gallen, Geesey, Grieco, Halverson, Hasay, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hutchinson, W., Kistler, Klingaman, Kusse, Lehr, Levi, Lynch, Manmiller, McCue, McGinnis, Mebus, Miller, M. E., Jr., Moehlmann, Noye, O'Connell, Pancoast, Pitte, Polite, Pyles, Ryan, Scheaffer, Seltzer, Smith, E., Smith, L., Spencer, Stahl, Thomas, Turner, Ustynoski, Vroon, Walsh, T. P., Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, W. W., Worriow, Wright, Yohn, Zeller, Zord.

NAYS—128

Table listing names of members who voted 'NAYS' (128 total). Includes Abraham, Arthurs, Barber, Bellomtni, Bennett, Beren, Berlin, Berson, Blackwell, Bonetto, Bradley, Brunner, Caputo, Cessar, Cohen, Cole, Cowell, Crawford, Davis, D. M., DeMedio, Dicarlo, DiDonato, Dombrowski, Doyle, Dreibelbis, Eckensberger, Gelsler, George, Grammarco, Gillespie, Gillette, Gleason, Gleeson, Goodman, Green, Greenfield, Hamilton, J. H., Hammock, Haskell, Hopkins, Hutchinson, A., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kelly, J. B., Kernick, Knepper, Kolter, Kowalysbyn, LaMarca, McClatchy, McIntyre, McLane, Menhorn, Milanovitch, Miller, M. E., Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Parker, H. S., Perri, Perry, Petrarca, Pievsky, Pratt, Prendergast, Ritter, Romanelli, Ross, Ruggiero, Salvatore, Schmitt, Schweder, Scirica, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirianni, Stapleton, Stout, Taddonio, Taylor, Tayoun, Tou, Trello, Vann, Wagner, Wansacz, Wargo, Wilt, R. W.

Table listing names of members who were 'NOT VOTING' (7 total). Includes Englehart, Fawcett, Fee, Flaherty, Fryer, Gallagher, Garzia, Laudadio, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, Rappaport, Reed, Renninger, Renwick, Richardson, Rieger, Wojdak, Yahner, Zwinkl, Fineman, Speaker.

NOT VOTING—7

Table listing names of members who were 'NOT VOTING' (7 total). Includes Gring, McGraw, Rhodes, Saloom, Sullivan, Valicenti, Zearfoss.

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

On the question recurring, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, various members who know that I do a bit of wood sculpturing and a bit of painting asked me if I were going to make a comment on this and I said I would hold back, because I am getting a little bit more irritated than I like to be at the microphone because I suspect that there are those members here who are voting not against Louie Kahn, not against Louie Kahn's papers, but against the fact that Louie Kahn happened to be a friend of a gentleman in government highly placed in this Commonwealth.

Oh, I know that is not true. I am well aware of the fact that nobody thought about that. I am the only one who conceived of that idea. But if there be one other person in the House who did conceive of that idea other than the majority leader, then I would speak to that person and all the rest of you need not listen.

Louie Kahn was a rare citizen of this Commonwealth. He was one of the few people of this Commonwealth legitimately labeled "great," legitimately labeled "genius." During his lifetime many of us were ignorant of his greatness, and some of us who knew of that greatness did not pursue its recognition as we should have.

There are two ways of approaching life. One is to say it is enough to have a piece of meat and a couple of potatoes, and the devil with what is on the walls and the devil with the culture. The other way of approaching life is to say that we must try and retain those cultural advances which man has made. Both are legitimate. I happen to favor the second approach.

I do not disagree with the lady, Mrs. Whittlesey. I think we have been inordinately stupid in not funding more adequately that particular agency which I had the honor to sponsor the bill to establish—the Arts Council. But I do not agree with her logic when she says, having been stupid once, let us continue the stupidity.

We have an opportunity not to purchase the Louie Kahn papers but to merely authorize their purchase by the Department of Property and Supplies for a price which is at least one-third to one-half lower than the estimates of reputable people in the marketplace.

I do not disagree with those of you who say—or at least I do not violently disagree with those of you who say—let us not waste our money on cultural things, because you are an adult as I am an adult and you were formed as I have been formed. I cannot change you and you cannot change me. But to that one person in the House who is voting "no" not because he is convinced that the Louie Kahn papers are unimportant, not because he is convinced that we ought to spend our money on economically returnable items rather than on mere cultural achieve-

ments, but because he does not like the fact or she does not like the fact that Louie Kahn happened to be a close personal friend of a prominent Pennsylvania politician now declared a presidential candidate, I would ask that one person to join me and change his or her mind and vote "yes" on this bill.

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

Mr. BEREN. Thank you, Mr. Speaker.

I join in asking for support of Senate bill No. 533 and I would like to put this in perhaps the perspective of where we are on a matter such as this, for I see this as being no different than the joint decision that we make as individual members when we consider, normally at the time we vote on appropriations, whether we are going to support our educational institutions, such as the University of Pennsylvania or Dickinson Law School, or whether we are going to support some of the psychiatric institutes that we do support, or whether we are going to support institutions that do good, such as the Berean Institute in Philadelphia, or whether we are going to support music academies and science academies, or whether we are going to purchase historical sites that have unique value. We, in our wisdom, have done all these matters.

I suggest that the uniqueness of Louie Kahn's papers and estate make it a compelling reason why we should make this important contribution to the Commonwealth of Pennsylvania now so that we not only have this asset in this state in the Bicentennial year but we have it for future architectural students. So I ask your support.

On the question recurring,  
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—103

Arthurs	Gleason	McClatchy	Reed
Barber	Gleeson	McIntyre	Renninger
Bellomini	Goodman	Rebus	Rhodes
Bennett	Green	Menhorn	Richardson
Beren	Greenfield	Milanovich	Rieger
Berlin	Hamilton, J. H.	Miller, M. E.	Romanelli
Berson	Hammock	Milliron	Ross
Blackwell	Haskell	Miscevich	Ruggiero
Bonetto	Hayes, D. S.	Morris	Schmitt
Bradley	Hutchinson, A.	Mullen, M. P.	Scirica
Brunner	Irvis	Mullen	Shane
Caputo	Itkin	Musto	Shelhamer
Cessar	Johnson, J.	Myers	Shelton
Cohen	Katz	Novak	Shupnik
Cowell	Kelly, A. P.	O'Brien	Toll
Crawford	Kelly, J. B.	O'Connell	Trello
DiDonato	Kernick	O'Donnell	Valicenti
Dombrowski	Knepper	Oliver	Vann
Englehart	Kolter	Parker, H. S.	Wargo
Fawcett	Kowalyszyn	Perri	Wilt, W. W.
Fee	LaMarca	Perry	Wojdak
Fisher	Laudadio	Petrarca	Worrlow
Flaherty	Laughlin	Pievsky	Wright
Gallagher	Lederer	Pratt	
Geisler	Manderino	Pyles	Fineman,
Giammarco	McCall	Rappaport	Speaker
Gillette			

NAYS—92

Abraham	Fryer	McGinnis	Stapleton
Anderson, J. H.	Gallen	McLane	Stout
Bittle	Garza	Miller, M. E., Jr.	Taddonio
Brandt	Geesey	Moehlmann	Taylor
Burns	George	Mrkonc	Thomas
Butera	Gillespie	Noye	Turner
Cimini	Grieco	O'Keefe	Ustynowski
Cole	Halverson	Pancoast	Vroon
Cumberland	Hasay	Pitts	Wagner
Davies	Hayes, S. E.	Polite	Walsh, T. P.
Davis, D. M.	Hill	Prendergast	Wansacz
DeMedio	Hopkins	Renwick	Weidner

Deverter	Hutchinson, W.	Ritter	Westerberg
Dicarlo	Kistler	Ryan	Whelan
Dietz	Klingaman	Scheaffer	Whittlesey
Dininni	Kusse	Schweder	Wilson
Dorr	Lehr	Seltzer	Wilt, R. W.
Doyle	Letterman	Shuman	Yahner
Dreibelbis	Levi	Sirianni	Yohn
Eckensberger	Lincoln	Smith, E.	Zearfoss
Fischer	Lynch	Smith, L.	Zeller
Foster, A.	Manmiller	Spencer	Zord
Foster, W.	McCue	Stahl	Zwick

NOT VOTING—7

Gring	McGraw	Salvatore	Tayoun
Hepford	Saloom	Sullivan	

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I want to thank the members of the House and tell you that if my mother were alive, she, who one time told us we were not going to have Sunday dinner because she had bought a particular volume of Shakespeare, would be proud of you too.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. PARKER. Mr. Speaker, may I have permission to have these remarks entered into the record, please?

The SPEAKER. The gentleman may submit the remarks for the record.

Mr. PARKER submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is regrettable that the purchase by the state of the 40,000 objects left by Louis Kahn appears to be the only way that this priceless collection can be kept intact. The Commonwealth should not be in the business of routinely financially aiding the estates of her decedents. When the subject of the assistance is a man who was Pennsylvania's greatest architect and the most influential architect of our time after Frank Lloyd Wright, then I believe that we have a responsibility to preserve his papers as a complete archive.

Mr. James L. Winokur, an expert in the arts field, asks these questions: "How much should one pay for something that is priceless? How high is up?"

The archive which we are anxious to see preserved consists of some 40,000 objects. What a bargain—\$11 apiece.

LAW AND JUSTICE BILL ON THIRD CONSIDERATION

Agreeable to order,  
The House proceeded to third consideration of House bill No. 919, printer's No. 2054, entitled:

An Act amending the act of May 29, 1956 (P. L. 1804, No. 600), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships and the regulation and maintenance thereof; \*\*\*," changing the age and service requirements for retirement by members of the police force.

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

## HOUSE BILL No. 919 RECOMMENDED

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

Mr. WOJDAK. Mr. Speaker, I move that House bill No. 919 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

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

Mr. ARTHURS. Mr. Speaker, we discussed this bill previously when we were waiting for Mr. Wojdak to come out of committee meetings yesterday.

I think that this bill should be recommitted to the committee in which it should have been in the first place, which is the Local Government Committee. It is my understanding that it is the duty of the Local Government Committee to handle and study and investigate bills that have to do with local government, that have to do with impact upon local government. This bill was not in and did not come to our committee.

I think this is a bill that is going to have a tremendous impact upon local government, and we in the Local Government Committee would do as we have done in the past and study with each local government what impact it would have.

For this reason, I am asking that it not be recommitted to the Appropriations Committee but placed in the committee in which it should have been in the first place—the Local Government Committee.

AMENDMENT TO MOTION TO RECOMMIT  
HOUSE BILL No. 919

Mr. ARTHURS. I make a motion that we recommit it, if I am in order, to the Local Government Committee rather than to the Appropriations Committee.

The SPEAKER. The question before the House is on the motion submitted by Mr. Wojdak to recommit to the Committee on Appropriations.

If the motion falls, the gentleman is free to make another motion to recommit to the Committee on Local Government.

## POINT OF ORDER

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

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

Mr. ARTHURS. Is it permissible to amend a motion to recommit? It is debatable, I believe, which committee it can go to.

## POINT OF ORDER PASSED OVER TEMPORARILY

The SPEAKER. This matter will be passed over temporarily until the Parliamentarian is able to nail down a precise answer to the gentleman's inquiry.

Mr. ARTHURS. Thank you, Mr. Speaker.

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

Mr. WOJDAK. May I make a short statement? We may be able to obviate that question.

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Mr. Speaker, there is no doubt that House bill No. 919 has stirred up some controversy among the members. Most of that controversy centers around

the actuarial soundness of the various pensions funds in certain boroughs and townships. The reason I am making the motion to have it referred to the Appropriations Committee is this: The Department of Community Affairs and its actuary and several other actuaries are in the process of completing a study. That study should be available in the next week or two, I am informed. At that point, every member will have before him its exact cost, the exact impact it would make on his particular townships or boroughs. With that type of information in front of the members, with that type of objective fact in front of them, they are better able to make their decision.

I would like to put it into the Appropriations Committee so that we could assess the bill in light of the study that will be published very shortly. There is no other conspiracy that I am up to. That is the precise reason I want it in the Appropriations Committee, Mr. Speaker.

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

Mr. ARTHURS. Mr. Speaker, I can appreciate, and there is no doubt that I can believe, what Mr. Wojdak said. But what I am saying here is that I think that we in the Local Government Committee, the committee that was established for this purpose, are not only entitled but have an obligation to have this bill in our committee, whereby we can work with our local governments along with other interested people to satisfy ourselves that either this is sound or it is not sound.

Now I know—and I am going to bring this right out—a lot of people are concerned that this bill will go into the Local Government Committee and die. Perhaps there would be a move to do this. I do not want to say anything one way or the other. But as I had told Mr. Wojdak and as I had told the police and the FOP, the Fraternal Order of Police, they have my word that I will work as hard as I can to see that this bill does come before us. And I have yet to see in the Local Government Committee this year any bill that we wanted to bring before us that was not brought before us by the chairman. It will be done. But I want to see this bill in the proper committee to go through what we feel are the proper channels.

I can appreciate the fact that Mr. Wojdak wants it to go to the Appropriations Committee, but I am sure that when it goes back to his committee, we can furnish to him this information from the local governments and he too, then, can obtain his information where he so desires.

The SPEAKER. The gentleman insists, therefore, upon his amendment to the gentleman's motion?

Mr. ARTHURS. Yes. I would like to see this, Mr. Speaker.

## POINT OF ORDER RESUMED

The SPEAKER. The Chair is advised that Mason's Manual does provide that a motion to refer back to committee is not amendable except as to committee. Therefore, the gentleman's motion to amend is in order.

The question before the House is on the motion of the gentleman, Mr. Arthurs, to amend the motion of the gentleman, Mr. Wojdak, that motion being to refer the bill in question, House bill No. 919, printer's No. 2054, to the Committee on Local Government.

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

Mr. FRYER. Mr. Speaker, I fully support the amendment of Mr. Arthurs. The Appropriations Committee did have the bill. They had a fiscal note prepared. I think that this matter properly should be before the Local Government Committee.

Our local government elected officials have not had an opportunity, through the courtesy of a public hearing, to get their input into the matter.

I believe the Appropriations Committee is a fine committee. I think, however, that it has an overload and I would like to ease that overload. So I would fully support Mr. Arthurs' motion.

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

Mr. ZELLER. Mr. Speaker, this bill had originally been assigned to the Law and Justice Committee and, while in that committee—and as a former local government official—we asked to move the bill out. We were requested at that time by members—and it was agreed—to hold the bill and have people come in and talk about it. There were not what you would call open hearings; it was an open meeting. Many people were called in, including local government people, actuarial people, all kinds of people came in. I did not even see the people who are talking on the floor. They did not even show up, and I do not understand their tremendous interest right now. It amazes me.

As a matter of fact, we aired that fully in the Law and Justice Committee and, after we aired it, it was passed. It should be in the hands of the Appropriations Committee rightfully because of the fiscal impact upon this state. That is why they want to look at it and that is why they want to do a job. It has gone through all the committee part of it.

These people who are talking here never even showed up. I am amazed at their interest. As a matter of fact, we should vote down the amendment of Mr. Arthurs to Mr. Wojdak's motion and then vote for Mr. Wojdak's motion.

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

Mr. POLITE. Mr. Speaker, I too rise to support Mr. Arthurs' motion.

This bill was in the Law and Justice Committee and it just barely moved out by one vote, so there was a lot of controversy there. I think it does belong in the Local Government Committee, and that is where it should be. I urge everyone to support the Arthurs motion.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, I rise to support the Arthurs motion. My local government officials were not asked for input, and they advise me that the cost of House bill No. 919 as now written would be \$60,000 additional the first year.

I urge that it be sent to the Local Government Committee for hearings and input from local government officials.

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

Mr. WOJDAK. Mr. Speaker, this bill, as I understand it, had hearings on three separate occasions in the Law and Justice Committee.

My intent, in referring it back to the Appropriations Committee is because of the very questions that everyone

is concerned about—the cost of this bill and how it impacts on local communities.

That study will be available very shortly. At that point the Appropriations Committee can avail itself of that information—the actuarial soundness of the various funds and how it affects local communities. I will make that information available to everyone so that the objective fact of cost is in front of everyone and everyone can make his decision.

Prior to that point, I have heard a lot of rhetoric and a lot of misinformation since there is no one, really, who knows what its impact is going to be. It is a very tremendous task to perform an actuarial study which affects some 800 to 880 local governments and local communities. That information, for everyone to make a decision, will be made available.

I might add, Mr. Speaker, that the motion Mr. Arthurs is making can always be made at a later date if his intent is not to obtain the objective fact and how it affects communities. I will provide that information. If, in fact, you are dissatisfied at that point, you can air those views here or at that time make a motion. But I think the Appropriations Committee is best equipped to determine what the impact will be on objective information given to us by the study now being completed. I would ask for a negative vote on the amendment offered by Mr. Arthurs.

The SPEAKER. The Chair has been most lenient in the debate that has taken place. We are now on a motion to recommit, which is not debatable except for the reasons for or against recommitment, but the discussion on the floor has gotten into the merits of the bill.

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

Mr. ARTHURS. Mr. Speaker, I would be more than happy to go ahead with the vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ZELLER. Mr. Speaker, I can assure and I can attest to the fact that the move here by Mr. Arthurs and Mr. Fryer is to bury this bill. And this is why I say—

The SPEAKER. The question recurs on the motion made by the gentleman, Mr. Arthurs, to amend the motion made by the gentleman, Mr. Wojdak.

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

Miss SIRIANNI. May I interrogate Mr. Wojdak?

The SPEAKER. Is it in connection with the reasons for recommitment?

Miss SIRIANNI. It is on a statement which he made.

The SPEAKER. If the lady will confine her interrogation to the reasons for recommitment, the Chair will permit the interrogation.

Miss SIRIANNI. I would like to know where his hearings were held regarding this.

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

Mr. WOJDAK. Mr. Speaker, I do not believe I indicated that hearings were held. Hearings were held by the Law and Justice Committee.

Miss SIRIANNI. You said there were three hearings, sir, I believe.

Mr. WOJDAK. There were three days of hearings by the Law and Justice Committee. I believe Mr. Zeller indicated that and I believe that is the fact.

Miss SIRIANNI. Can you tell me, sir, where they were held?

Mr. WOJDAK. I believe they were held in room 245 in the meetings of the Law and Justice Committee.

Miss SIRIANNI. Mr. Speaker, may I have permission to make one statement?

The SPEAKER. If it concerns the matter of recommendation, okay.

Miss SIRIANNI. Mr. Fryer did conduct meetings throughout the state, and this matter was brought up by township supervisors and councilmen and mayors at all the meetings throughout the State of Pennsylvania. Therefore, I rise in support of Mr. Arthurs' suggestion.

Thank you very much, sir.

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

Mr. ECKENSBERGER. Mr. Speaker, inasmuch as the Law and Justice Committee has been brought into this debate, I feel an obligation to advise the members whether or not we did, in fact, hold hearings as was stated. It depends on how you define "hearings." We did not hold what you would normally consider to be a public hearing. We did not invite the public per se to testify regarding the issues involved in the bill, but we did invite those parties whom we thought were peculiarly and uniquely interested in the issues in the bill and, on that theory, we did have hearings.

Thank you.

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

Mr. SHELHAMER. Mr. Speaker, would you reclarify what the vote is?

The SPEAKER. The question before the House is on the motion made by the gentleman, Mr. Arthurs, to amend the motion of the gentleman, Mr. Wojdak. We are voting on the amendment to the motion.

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

Mr. FRYER. What does a "yes" vote indicate?

The SPEAKER. A "yes" vote indicates support of the position of Mr. Arthurs; a negative vote indicates support of the position of Mr. Wojdak.

Mr. FRYER. And Mr. Wojdak's motion is to recommit to the Appropriations Committee?

The SPEAKER. Yes. We will subsequently have to vote on Mr. Wojdak's motion.

We are now voting on the amendment to that motion offered by the gentleman, Mr. Arthurs.

On the question recurring,

Will the House agree to the amendment to the motion?

The yeas and nays were required by Messrs. ARTHURS and WOJDAK and were as follows:

YEAS—84

Abraham	Foster, A.	Miller, M. E.	Smith, E.
Anderson, J. H.	Foster, W.	Milliron	Smith, L.
Arthurs	Fryer	Moehlmann	Spencer
Bennett	Gallen	Morris	Stahl
Bonetto	Garzia	Mrkonic	Stapleton
Bradley	Gleason	Noye	Stout
Brandt	Green	O'Keefe	Taddonio
Cowell	Hasay	Pancoast	Taylor
Cumberland	Haskell	Petrarca	Turner
Davies	Hayes, S. E.	Pitts	Vroon
Davis, D. M.	Hepford	Polite	Wagner
Deverter	Hopkins	Pratt	Walsh, T. P.
Dietz	Kernick	Prendergast	Wargo

Dombrowski	Kusse	Pyles	Weidner
Dorr	Lehr	Renninger	Westerberg
Doyle	Levl	Ritter	Whelan
Dreibelbis	Lynch	Ruggiero	Whittlesey
Eckensberger	McClatchy	Scheaffer	Wilt, R. W.
Fawcett	McCue	Shelhamer	Yahner
Fee	Mebus	Shuman	Yohn
Fischer	Menhorn	Sirianni	Zearfoss

NAYS—112

Barber	Gillette	Manmiller	Ryan
Bellomini	Gleason	McCall	Salvatore
Beren	Goodman	McGinnis	Schmitt
Berlin	Greenfield	McIntyre	Schweder
Berson	Grieco	McLane	Scirica
Bittle	Halverson	Mianovich	Seltzer
Blackwell	Hamilton, J. H.	Miller, M. E., Jr.	Shane
Brunner	Hayes, D. S.	Miscevich	Shelton
Burns	Hill	Mullen, M. P.	Shupnik
Butera	Hutchinson, A.	Mullen	Tayoun
Caputo	Hutchinson, W.	Musto	Thomas
Cessar	Irvis	Myers	Toll
Cimini	Itkin	Novak	Trelo
Cohen	Johnson, J.	O'Brien	Ustynoski
Cole	Katz	O'Connell	Valicenti
Crawford	Kelly, A. P.	O'Donnell	Vann
DeMedio	Kelly, J. B.	Oliver	Wansacz
Dicarlo	Kistler	Parker, H. S.	Wilson
DiDonato	Klingaman	Ferri	Wilt, W. W.
Dininni	Knepper	Perry	Wojdak
Engelhart	Kolter	Pievsky	Worrlow
Fisher	Kowalshyn	Rappaport	Wright
Flaherty	LaMarca	Reed	Zeller
Gallagher	Laudadio	Renwick	Zord
Geesey	Laughlin	Richardson	Zwitkl
Geisler	Lederer	Rieger	
George	Letterman	Romanelli	Fineman,
Giammarco	Lincoln	Ross	Speaker
Gillespie	Manderino		

NOT VOTING—6

Gring	McGraw	Saloom	Sullivan
Hammock	Rhodes		

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, may I interrogate the minority leader?

The SPEAKER. Will the minority leader permit himself to be interrogated?

Mr. BUTERA. Why of course.

The SPEAKER. The gentleman may proceed.

Mr. IRVIS. Mr. Minority Leader, in the privacy of one of our meetings, will you please tell me how you accomplished that?

Mr. BUTERA. Well, I thought that this was the ultimate in your plan this year to keep us in the dark.

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

(A roll-call vote was taken but was not recorded due to malfunction of voting machine.)

The SPEAKER. The clerk will strike the vote from the board.

Everyone in favor of the motion will say "aye"; contrary, "no."

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

Motion was agreed to.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, it would appear that I always seem to be picking on you, but I do not think we should vote without lights up there.

Mr. Speaker, I am not satisfied with the last vote either, since the lights went out.

#### VOTE RETAKEN

The SPEAKER. On the motion made by the gentleman, Mr. Wojdak, those desiring to vote in the negative will please rise in place.

Negative votes: 16.

Those in the affirmative will please rise in place.

The motion carries and the bill is recommitted.

#### URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 600, printer's No. 1785**, entitled:

An Act relating to the rights, obligations and liabilities of landlord and tenant managing agent; and powers of local code enforcement agencies in counties of the second class.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

The SPEAKER. For the benefit of the information of the membership, the machine is punching out the correct totals. It is just that the lights on the board are not working, but the machine is punching out the correct totals and the correct votes.

For what purpose does the lady, Miss Sirianni, rise?

Miss SIRIANNI. I think I have a right to see those votes.

The SPEAKER. The Chair will be very happy to let the lady come up and examine the roll-call vote.

Miss SIRIANNI. Well, I think the public has the right to see the vote.

The SPEAKER. The public will have a right to see the roll-call vote which will be published in the Journal.

Mr. ROMANELLI. Mr. Speaker, would you invite the lady up to the Speaker's platform, please, so she can see what is going on?

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, as I understand it, the lights are working on the master board and on the roll-call sheet the holes are being punched?

The SPEAKER. That is correct.

Mr. BUTERA. I think everybody realizes that, that there is a public record being taken.

Miss SIRIANNI. Apparently, the lights are not as important to you as they are to us.

#### QUESTION OF INFORMATION

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

Mr. McCUE. Will the Chair please indicate how I am recorded as voting?

The SPEAKER. I will indeed. The gentleman, Mr. McCue, is recorded in the negative.

The gentleman, Mr. Dorr, is to be recorded in the negative.

The gentleman, Mr. Dietz, is to be recorded in the affirmative.

#### PARLIAMENTARY INQUIRY

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

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. On page 3 of our rules, under "Definitions," it says: "'Roll Call Vote' shall be a vote taken and displayed by and on the electric roll call board." Is it necessary to suspend our rules to do what we are doing now?

The SPEAKER. What was that rule number?

Mr. RYAN. Page 3.

The SPEAKER. In response to the question raised by the gentleman, Mr. Ryan, the Chair believes that either a motion to temporarily waive the rules would have to be passed and adopted by this House or the Speaker could take the roll call manually.

Now the vote is being recorded accurately and punched out on the voting sheets up front. The lights at the Speaker's desk are working; the lights at the clerk's desk are working.

The Speaker would be happy to read any negative votes—as a matter of fact, read all of the names that are on the negative side—so we will make certain the votes are properly being recorded.

#### REQUEST FOR REVOTE ON HOUSE BILL No. 600

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, would you be kind enough to retake the roll call? Some of the members did not vote because of the conflict.

The SPEAKER. Yes. We will retake the last roll call.

Mr. O'CONNELL. Thank you.

The SPEAKER. Does the gentleman, Mr. Foster, desire to be recognized?

Mr. A. C. FOSTER. I would like to know if I was recorded on the last roll call.

The SPEAKER. We are going to retake that roll call.

#### RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, because of the malfunction on the exhibit boards in the hall of the House, I move that the House waive its rules requiring that the vote be exhibited on those boards for this day only so we may continue the voting session.

The SPEAKER. On the question,

Will the House agree to the motion?

Those voting in the affirmative, will please rise in place and remain standing.

(Members voting in the affirmative rose in place.)

The SPEAKER. More than 102 members having voted in the affirmative, the motion is sustained.

On the question recurring,

Shall the bill pass finally?

NEGATIVE VOTES ON HOUSE BILL No. 600

The SPEAKER. The negative votes, as recorded on the Speaker's visual machine, are: Messrs. Klingaman, Polite, Weidner, Hasay, Pyles, E. H. Smith, Vroon, Pitts, W. W. Wilt, Gallen, Spencer, Hepford, Anderson, Stahl, A. C. Foster, Dorr, Westerberg, Hill, W. W. Foster, Zord, Scheaffer, Brandt, Moehlmann, McCue and Shuman.

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

Mr. GALLEN. Mr. Speaker, two points: I think also that you should read off the names of those who are recorded as not voting.

The SPEAKER. Well, the people not voting are: Messrs. Lynch, Gring, Tayoun, Bellomini, Sullivan, McGraw, Sweeney and Saloom.

Anyone else?

The gentleman, Mr. Lynch, is not recorded. How does the gentleman desire to be recorded? The gentleman indicates he desires to be recorded "aye." We will see if his name appears on the roll-call sheets.

The gentleman, Mr. Lynch, is recorded in the affirmative.

On the question recurring,  
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—165

Abraham	Geesey	Manmiller	Ross
Arthurs	Geisler	McCall	Ruggiero
Barber	George	McClatchy	Ryan
Bellomini	Giammarco	McGinnis	Salvatore
Bennett	Gillespie	McIntyre	Schmitt
Beren	Gillette	McLane	Schweder
Berlin	Gleason	Mebus	Scirica
Berson	Gleeson	Menhorn	Shane
Blackwell	Goodman	Milanovich	Shelhamer
Bonetto	Green	Miller, M. E.	Shelton
Bradley	Greenfield	Miller, M. E., Jr.	Shupnik
Brunner	Grieco	Milliron	Stapleton
Burns	Halverson	Miscevich	Stout
Butera	Hamilton, J. H.	Morris	Taddonio
Caputo	Hammock	Mrkonic	Taylor
Cessar	Haskell	Mullen, M. P.	Thomas
Cimini	Hayes, D. S.	Mullen	Toll
Cohen	Hayes, S. E.	Musto	Trello
Cole	Hopkins	Myers	Turner
Cowell	Hutchinson, A.	Novak	Ustynoski
Crawford	Hutchinson, W.	O'Brien	Valicenti
Cumberland	Irvic	O'Connell	Vann
Davies	Itkin	O'Donnell	Wagner
Davis, D. M.	Johnson, J.	O'Keefe	Walsh, T. P.
DeMedio	Katz	Oliver	Wansacz
Deverter	Kelly, A. P.	Pancoast	Wargo
Dicarlo	Kelly, J. B.	Parker, H. S.	Whelan
DiDonato	Kernick	Perri	Whittlesey
Dietz	Kistler	Perry	Wilson
Dombrowski	Knepper	Petrarca	Wilt, R. W.
Doyle	Kolter	Pievsky	Wojdak
Dreibelbis	Kowalshyn	Pratt	WorriLOW
Eckensberger	LaMarca	Prendergast	Wright
Englehart	Laudadio	Rappaport	Yahner
Fawcett	Laughlin	Reed	Yohn
Fee	Lederer	Renninger	Zearfoss
Fischer	Lehr	Renwick	Zeller
Fisher	Letterman	Rhodes	Zwikel
Flaherty	Levi	Richardson	
Fryer	Lincoln	Rieger	Fineman,
Gallagher	Lynch	Ritter	Speaker
Garzia	Manderino	Romanelli	

NAYS—32

Anderson, J. H.	Hasay	Pitts	Smith, L.
Bittle	Hepford	Polite	Spencer
Brandt	Hill	Pyles	Stahl
Dhinnl	Klingaman	Scheaffer	Vroon
Dorr	Kusse	Seltzer	Weidner

Foster, A.	McCue	Shuman	Westerberg
Foster, W.	Moehlmann	Sirianni	Wilt, W. W.
Gallen	Noye	Smith, E.	Zord

NOT VOTING—5

Gring	Saloom	Sullivan	Tayoun
McGraw			

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

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

RECESS REQUESTED

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

Mr. GALLEN. Mr. Speaker, I think a few moments ago we took a roll call to suspend the rules. Is that correct? You did that by a stand-up vote.

The SPEAKER. That is correct.

Does the gentleman object to that? We will take the vote over again if the gentleman objects.

Mr. GALLEN. Mr. Speaker, I think it would behoove the Speaker to take a short recess and see if he can repair that machine. We are going to have all kinds of problems.

The SPEAKER. We seem to be operating satisfactorily, Mr. Gallen.

The Chair recognizes the gentleman from Blair, Mr. Wilt.

Mr. W. W. WILT. Mr. Speaker, that was my suggestion, that we take a brief lunch break and maybe this problem could be corrected. It may be just a blown fuse.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, it is going to be necessary for both sides to caucus, briefly at least, on the medical malpractice bill which has come from the Senate to determine whether or not we wish to act upon it this afternoon.

The leaders, Mr. Butera and I, have already agreed on a much shortened calendar for today. I agree with those members who are asking that we take at least, I would say, until 2 p.m. to see if we can have the machine fixed.

The SPEAKER. It is a quarter to 1. Are you suggesting that we break until 2 p.m?

Mr. IRVIS. Yes.

The SPEAKER. Okay.

Mr. IRVIS. That would give the members a chance to eat a quick lunch, get to caucus, and be prepared to come back on the floor.

REMARKS SUBMITTED FOR THE RECORD

Mr. IRVIS. Mr. Speaker, while I have the microphone and am recognized, I would like to offer these following remarks for the record, which I did not make at this microphone, in connection with the passage of House bill No. 600.

The SPEAKER. The remarks will be submitted for the record.

Mr. IRVIS submitted the following remarks for the Legislative Journal:

Mr. Speaker, during this session, we have addressed important consumer issues. As prime sponsor of House bill No. 600, the Second Class County Residential Landlord and Tenant Act, I would like to speak of a consumer relationship which, since the Middle Ages, has not been regarded as such, the transactional relationship between landlord and tenant.

Landlord-tenant law has emanated from Roman and feudal law traditions. "Property," in traditional democratic theory and the common law, has been closely tied to the establishment of sovereignty. Since the Middle Ages, the ownership of property meant sovereignty and sovereignty meant dominion. The obvious defect in present statutory law is its assumption that the landlord's sole duty is to provide the land and whatever dwelling is on it. We have not come very far from the year 1154 and the decisions of King Henry II's court. It is time to view the leasing of residential premises as a consumer transaction, and reciprocal creation of rights for one party and duties for another.

To begin, let us recognize the parties in the landlord-tenant relationship. In looking at Allegheny County, of approximately 1,580,000 residential dwelling owners and renters, about 452,000 people or 28 percent rent their residences. These are tenants. In a country founded by estate owners, since which time it has been the dream of all to own their own homes, there remains the stereotype of the tenant as a poor, uneducated transient. Yet, with skyrocketing construction costs, the dream of owning a home has become unattainable for even the upper middle class.

We must change our view of tenants. Thousands in Allegheny County do not fit the popular classification. Many business and professional people who do not want the responsibility of home maintenance move to luxury apartments. Not only do these tenants carry the burden of the highest rents and security deposits, but along with their poorer counterparts, they sign the most onerous lease agreements. Tenants cover the economic spectrum and are a rapidly expanding segment of the population. They have a right to the enactment of a comprehensive code serving to insure fairness in what is the most basic, contractual process to which they are party.

Similarly, our ideas about landlords must change. The era has passed when a tenant's landlord lived in the same building or down the street. One individual testifying in support of this bill represented a real estate firm managing over 2,000 units. This is big business. Any governmental activity pertaining to the landlord-tenant relationship must be seen as activity in oversight of a conglomerate industry. By the same token, we must recognize those neighborhood landlords who still own and manage property without a host of attorneys, agents and statisticians. Often these landlords are the elderly who own one or two units. Governmental red tape should not force them to abandon holdings which provide income keeping them above the poverty line.

House bill No. 600 recognizes the landlord and tenant in a consumer transaction. Recognition of reciprocal responsibilities underlies the bill. The landlord has an obligation to provide the tenant with a safe and habitable dwelling environment. In return, the tenant must assume the duty of proper use and maintenance of the premises.

In reviewing this legislation, consider how the adversary relationship between landlord and tenant accelerates

the decline of the housing stock. Some 50,000 substandard units exist in Allegheny County. Legislation can stem the tide of both urban and rural decay. We need to see the picture in broad terms. There is a tendency in this society toward the maximization of profits regardless of satisfaction of needs. This is most evident in the real estate business. The end result of neglect is the deterioration of the housing stock of Allegheny County. Repair should commence as deterioration begins. Improvement and expansion of the supply of new and rehabilitated housing units are needed. House bill No. 600 has received the Allegheny County Health and Welfare Planning Association's endorsement as a means to this end.

In getting to the merits of the bill, let me stress that it represents years of work on the part of attorneys representing realtors, tenants, and the housing code enforcement program of the Allegheny County Health Department. It is tailored to the specific needs of Allegheny County. The bill's purpose is "to simplify, clarify, modernize and revise the law governing the rental of dwelling units and the rights and obligations of landlord and tenant." Its major provisions should be noted:

1. The bill provides for the registration of those landlords who reside outside of the Commonwealth. So as to increase the accountability of absentee landlords, they must designate an agent upon whom service can be made in Allegheny County.

2. Court may refuse to enforce an unconscionable contract. Under this provision, tenants who unknowingly waive their rights will not be bound by fine print which they neither understand nor, in many cases, have explained to them.

3. General stipulations cover the terms, length, and apportionable costs of the rental agreement. The bill includes such commonsense features as the provision of a receipt upon request. There are also provisions barring practices whereby tenants are expected to assume duties accruing to the landlord. There may be no waiver of rights, confession of judgment for possession or monetary damages, tenant payment of landlord's attorney fees or waiver of debtor's exemption.

In addition, there can be no agreement for exculpation or limitation of any landlord liability. If a landlord uses an agreement containing any of these prohibited stipulations, the tenant may recover 2 months' rent or the actual damages sustained by him, whichever is greater. Other prohibitions include the imposition of liens on behalf of the landlord on the tenant's household goods, subrogation or the landlord's taking possession of a dwelling unit by willful diminution of services.

May I stress, however, that this is not a tenant bill. The tenant assumes reciprocal obligations. For example, in the case of unsanitary plumbing facilities, the tenant, as provided by this bill, may deduct rent moneys for repair. By the same token, the tenant cannot abuse or destroy the dwelling's facilities nor obstruct reasonable access by the landlord. As the landlord is to maintain fit premises, so too is the tenant to maintain that dwelling unit in compliance with obligations imposed upon him by the same codes. Termination of the rental agreement is similarly controlled by reciprocal provisions for landlord and tenant.

In addition, the interposition of a third party between landlord and tenant explains the reason for a bill pertaining solely to Allegheny County. The Health Depart-

ment, already heavily involved in handling housing complaints, rent withholding certifications and inspections, would decide whether to authorize repairs and their payment through deduction from rent. The past performance of the Health Department uniquely qualifies it as an intermediary, instrumental in calming the adversarial relationship between landlord and tenant.

In conclusion, let me state that during the present recession, people cannot afford to buy homes. So, instead, they spend the greater proportion of their shrinking dollar in rental fees. House bill No. 600 is an attempt to ensure fairness to both the landlord and tenant. In Allegheny County, representatives of all parties concerned have endorsed this attempt. I ask for your endorsement.

### SENATE MESSAGE

#### BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented for concurrence bill numbered and entitled as follows:

#### SENATE BILL No. 1007

An Act providing for the capital budget for the fiscal year 1975-1976.

Referred to Committee on Appropriations.

#### REMARKS BY MR. MORRIS

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

Mr. MORRIS. Mr. Speaker, one short observation: I dare say there are members on this side who attribute this rather minor malfunction in the voting machine to Divine Providence and His just action. But I think perhaps it would be more charitable just to say that it is the workings of Murphy's law which is, for those who do not know it, if it can happen, it will.

#### APPROPRIATIONS COMMITTEE MEETING

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

Mr. WOJDAK. Mr. Speaker, immediately upon the break, there will be an Appropriations Committee meeting in the Appropriations Committee conference room.

#### PERMISSION TO ADDRESS HOUSE

Mr. O'CONNELL requested and obtained unanimous consent to address the House.

Mr. O'CONNELL. Thank you, Mr. Speaker.

I had intended to make these points last evening. Because of the lateness of the hour, I deferred, but I think it is tremendously important that they be made at least part of the record in light of the consideration of Senate bill No. 1 and because of the situation that developed last weekend concerning that young lady Eloise.

I would just like to bring to the attention of the House and make it a part of the record that in 1972, in the great disaster of Hurricane Agnes, it was determined shortly thereafter that a great bit of the confusion came as a result of an inadequate warning system.

At that time there was a proposal made and adopted that this warning system should be brought up to date so that there would be adequate warning in all of the basins in the Commonwealth of Pennsylvania. I would like

to bring to your attention that it is 3 years thereafter and the warning system as of this very minute is totally and completely inadequate and not up to date.

I would also like to make part of the record that at that particular time, and with some assistance from the Federal Government, there was a proposal that a disaster plan be proposed and adopted. I would like to have the record show very clearly that it is 3 years after Agnes and that study is far from being completed.

I would also like to enter into the record the fact that a lot of the flood damage that was caused, particularly by this last Hurricane Eloise, was because there were proposed flood-control projects that had not been considered and had been delayed.

I would suggest that the Department of Environmental Resources review these and study the benefit or cost factors involved and, where at all practical and feasible, expedite them so that damage would be held to a minimum.

I wanted to make this part of the record in light of all of the other discussions that have taken place.

Thank you very much, Mr. Speaker.

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. For the benefit of the Democrats still here, we are going to have a caucus at 1:15 p.m. and return to the floor at 2 p.m.

#### RECESS

The SPEAKER. The Chair declares the House in recess until 2 p.m.

#### AFTER RECESS

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

#### THE SPEAKER (Herbert Fineman) IN THE CHAIR

#### COMMITTEE REPORTS

The SPEAKER. Without objection, the Chair returns to reports of committees.

The Chair hears no objection.

#### BILL REPORTED AS AMENDED AND CONSIDERED FIRST TIME AND TABLED

HOUSE BILL No. 567

By Mr. McCALL

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), temporarily changing a fee.

Reported from Committee on Liquor Control.

#### BILLS REPORTED AS COMMITTED AND CONSIDERED FIRST TIME AND TABLED

SENATE BILL No. 758

By Mr. WOJDAK

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

Reported from Committee on Appropriations.

**SENATE BILL No. 1007**

By Mr. WOJDAK

An Act providing for the capital budget for the fiscal year 1975-1976.

Reported from Committee on Appropriations.

**BILLS REREPORTED AS COMMITTED**

**HOUSE BILL No. 293**

By Mr. WOJDAK

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum purchase price per acre the commission may pay for land and providing for the purchase of certain land without restriction or limitation.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1568**

By Mr. WOJDAK

An Act amending the act of December 12, 1972 (P. L. 1280, No. 284), entitled "An act relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of broker-dealers, agents, investment advisers, and securities; and making uniform the law with reference thereto," creating an independent administrative commission.

Rereported from Committee on Appropriations.

**HOUSE 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 read as follows:

**HOUSE BILL No. 1660**

An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled "An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled 'An act to promote the welfare of the people of the Commonwealth; \*\*,' empowering the Authority to construct and acquire projects for certain State-related universities; \*\*," adding the acquisition of Temple University Hospital as an additional project and deleting the authorization for construction of one of the projects.

Whereupon,

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

**CALENDAR**

**JUDICIARY BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1387, printer's No. 2187**, entitled:

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, increasing amounts of wages, salary, vacation benefits or pensions payable to a family of a deceased employee in the absence of the appointment of a personal representative.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

**YEAS—191**

Abraham	Garzia	McClatchy	Schmitt
Anderson, J. H.	Geesey	McCue	Schweder
Arburs	Geisler	McGinnis	Scirica
Barber	George	McIntyre	Seltzer
Beilomini	Giammarco	McLane	Shane
Bennett	Gillespie	Mebus	Sheikhamer
Beren	Gillette	Menhorn	Shelton
Berlin	Gleason	Mihanovich	Shuman
Berson	Gleeson	Miller, M. E.	Shupnik
Bittle	Goodman	Miller, M. E., Jr.	Sirianni
Blackwell	Green	Milliron	Smith, E.
Bonetto	Greenfield	Miscevich	Smith, L.
Bradley	Grieco	Moehlmann	Spencer
Brandt	Holversen	Morris	Stahl
Brunner	Hamilton, J. H.	Mrkonic	Stapleton
Burns	Hammock	Mullen, M. P.	Stout
Butera	Haskell	Mullen	Taddenio
Caputo	Hayes, D. S.	Musto	Taylor
Cassar	Hayes, S. E.	Myers	Thomas
Cimini	Hepford	Novak	Toll
Cohen	Hill	Noye	Trelio
Cole	Hopkins	O'Brien	Turner
Cowell	Hutchinson, W.	O'Connell	Ustynoski
Crawford	Iris	O'Donnell	Vann
Cumberland	Itkin	O'Keefe	Vroon
Davies	Johnson, J.	Oliver	Wagner
Davis, D. M.	Katz	Pancoast	Walsh, T. P.
DeMedio	Kelly, A. P.	Perri	Wansacz
Deverter	Kelly, J. B.	Perry	Wargo
Dicarlo	Kernick	Petrarca	Weidner
DiDonato	Kistler	Pieusky	Westerberg
Dietz	Klingaman	Pitts	Whelan
Dimini	Knipper	Pratt	Whittlesey
Dombrowski	Kolter	Prendergast	Wilson
Dorr	Kowalyszyn	Pyles	Wilt, R. W.
Doyle	Kusse	Rappaport	Wilt, W. W.
Dreibelbis	LaMarca	Reed	Wojdak
Debensberger	Laudadio	Renninger	Worrlow
Engelhart	Laughlin	Renwick	Wright
Fawcett	Lederer	Richardson	Yahner
Fee	Lehr	Rieger	Yohn
Fischer	Letterman	Ritter	Zearfoss
Fisher	Levi	Romanelli	Zeller
Flaherty	Lincoln	Ross	Zord
Foster, A.	Lynch	Ruggiero	Zwick
Foster, W.	Manderino	Ryan	
Fryer	Manmiller	Salvatore	
Gallagher	McCall	Scheaffer	
Gallen			

**NAYS—3**

Hasay	Hutchinson, A.	Polite
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**NOT VOTING—8**

Gring	Parker, H. S.	Saloom	Tayoun
McGraw	Rhodes	Sullivan	Valicenti

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

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

**CONSUMER PROTECTION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House Bill No. 1512, printer's No. 1852**, entitled:

An Act amending the "Public Utility Law," approved May 22, 1937 (P. L. 1053, No. 286), providing for audits of public utilities using sliding scale of rates based on full costs by public accounting firms.

On the question,

Will the House agree to the bill on third consideration?

**BILL RECOMMITTED**

Mr. O'BRIEN moved that House bill No. 1542, be re-committed to the Committee on Mines and Energy Management.

Motion was agreed to.

## HEALTH AND WELFARE BILL, ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 25, printer's No. 1236**, entitled:

An Act establishing child protective services; providing procedures for reporting and investigating the abuse of children; establishing and providing access to a statewide central register on child abuse; investigating such reports; providing for taking protective action including taking a child into protective custody; placing duties on the Department of Public Welfare and county child welfare agencies; establishing child protective services in each county child welfare agency; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. RICHARDSON requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 8, page 22, line 17, by removing the colon after "CUSTODY"

Amend Sec. 8, page 22, lines 18 through 25, by striking out all of said lines and inserting: by a law enforcement officer or duly authorized officer of the court, or by a physician examining or treating the child or by the director, or a person specifically designated in writing by such director, or any hospital or other medical institution where the child is being treated, if there is reasonable cause to suspect that there exist an imminent danger to the life of the child if he were not so taken or retained in custody:

Amend Sec. 8, page 23, line 14, by removing the period after "HEARING" and inserting: before a judge at which time the individual or agency seeking to continue the temporary protective custody shall establish probable cause to believe that the failure to continue protective custody will present an imminent danger to the life and health of the child or the imminent danger of sexual abuse. At the hearing the court shall appoint an attorney for the child pursuant to section 23 of this act, and, pursuant to the Juvenile Act, shall additionally advise the parent, parents, guardian or guardians of the child of the right to legal counsel, at the hearing and proceedings thereafter. The court may continue the proceeding to enable a party to obtain counsel.

Amend Sec. 8, page 23, lines 19 through 30; page 24, lines 1 through 3, by striking out all of said lines and inserting:

(d) Any agency or individual who takes a child into temporary protective custody but fails to follow any provisions of subsection (b) shall be denied the immunity granted to it or him under section 11 of this act.

(e) If it is determined at the detention hearing that protective custody shall be continued, the child protective service agency shall, within 48 hours, file a petition with the court under the Juvenile Act, at which time a hearing shall be fixed to be not later than ten days from the filing of the petition, pursuant to the Juvenile Act. Prior to the filing of any petition under the Juvenile Act, the child protective service shall either (i) have exhausted unsuccessfully the provision of services to the family in order to enable the child to remain in the home of the parent, custodian or guardian, or (ii) have determined that there is imminent danger to the life and health of the child or imminent threat of sexual abuse of the child in remaining at home. The petition shall explicitly aver sufficient factual basis to show that either of these two prerequisites have been met. The summons, with the petition attached, directed to the parents, guardian, custodian or guardian ad litem, and to the child over 14 years of age, shall clearly and in understandable language notify such person of his or her right to legal counsel at the hearing.

(f) No petition under the Juvenile Act shall be filed nor temporary custody sought initially nor continued after a 72 hour detention hearing where environmental factors and factors beyond the control of the parent, guardian, or custodian, such as inadequate housing,

furnishings, income, clothing and medical care are the sole grounds for seeking temporary or permanent custody of the child.

(g) No child taken into protective custody under this act shall be detained during such protective custody except in an appropriate medical facility, foster home or other appropriate facility approved by the department for this purpose.

(h) A conference between the parent, guardian or other custodian of the child taken into temporary protective custody pursuant to this section and the case worker designated by the child protection service to be responsible for such child shall be held within 48 hours of the time that the child is taken into such custody for the purpose of (i) explaining to such parent, guardian or other custodian the reasons for the temporary detention of the child and the whereabouts of the child, and (ii) to expedite, wherever possible, the return of the child to the custody of such parent, guardian or other custodian where such custody is no longer necessary

Amend Sec. 25, page 41, line 12, by striking out "THE PROVISIONS" and inserting: any provision

Amend Sec. 25, page 41, line 14, by inserting after "ACT,": other than clause (3) of section 11 thereof

On the question,

Will the House agree to the amendments?

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

Mr. RICHARDSON. Mr. Speaker, I was trying to attract your attention before the amendments were offered. I wanted to raise some questions and also to explain how the amendments are prepared.

Mr. Speaker, I would like to, first of all, interrogate the prime sponsor of the bill or whoever is going to debate it here in the House.

The SPEAKER. Is there someone in the House who would care to respond to the interrogation of the gentleman, Mr. Richardson? This is a Senate bill, so there is no House sponsor.

Is there someone in the House who would care to respond to the interrogation of the gentleman, Mr. Richardson? Is there someone in the House who would care to respond to the interrogation of the gentleman, Mr. Richardson? Is there someone from the Health and Welfare Committee who would care to respond to the gentleman?

There does not seem to be anyone, Mr. Richardson, who desires to respond to your interrogation.

The gentleman from Lancaster, Mr. Hill, will do so. The Chair thanks the gentleman. Mr. Richardson, you may direct your interrogation to the gentleman, Mr. Hill.

Mr. RICHARDSON. Mr. Speaker, we have in front of us Senate bill No. 25—the printer's number is 1236—and I specifically want to go to page 22 of the bill, section 8 (a) (1). Mr. Speaker, I am raising the question as to the vagueness under the standard of the Juvenile Act. Specifically, under section 8 (a) (1) of the bill, it is proposed that a child may be taken into protective custody pursuant to section 11 of the Juvenile Act. My question is: What standard is used under section 11 of the Juvenile Act to determine whether or not a child is to be taken into protective custody?

Mr. HILL. Mr. Speaker, of course I do not have the act before me, but I agreed to respond to his question with the purpose of making a statement at this point.

Mr. RICHARDSON. Well, I would just like for you to answer the question right now. You can make a statement after you answer the question.

Mr. HILL. I will not answer the question because the question refers to an act which I do not have before me.

Mr. RICHARDSON. Would you accept the fact then, Mr. Speaker, if I told you that section 11, subsection (3), provides that a child may be taken into custody "By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings, and that his removal is necessary"?

Mr. HILL. You are reading the act, and you will have to take from the act what the act says; not from me.

Mr. RICHARDSON. Okay. What I am saying to you then is, could you please then define for me what "imminent danger from his surroundings" means?

Mr. HILL. I think if you read the entire bill, you will find the very answers to the questions that you are asking. I cannot point them out at this moment.

Again I would like to say that I rose here simply because I would like to make a statement to Mr. Richardson because I did see there were a few amendments passed around, not only by Mr. Richardson but by a few others as well.

If I would be permitted to make a statement, I would like to make that.

The SPEAKER. The Chair will recognize the gentleman in due course. The gentleman, Mr. Richardson, at the moment has the floor and has sought to have someone respond to interrogation.

The Chair would suggest to the gentleman, Mr. Richardson, that he proceed to make his statements without the benefit of interrogating anyone.

Mr. RICHARDSON. Mr. Speaker, I feel that that is not normal, and I think that if someone is knowledgeable about the bill from the committee, maybe we could probably get down to the real nuts and bolts of this particular issue. I believe that this bill is a very much discussed bill, not only here but throughout Philadelphia, and we are very concerned about it and there are some vaguenesses that have to be pointed out. It would seem to me that in the interest of trying to pass legislation correctly, perhaps we will get someone who would certainly look at the information that has been put into the bill, seeing its vagueness, and maybe then can understand the amendments and why they are being offered today.

The SPEAKER. The Chair cannot force anyone to respond to the gentleman's interrogation. No one has indicated that they care to respond to the interrogation. The Chair would suggest to the gentleman that he proceed.

#### AMENDMENTS DIVIDED

Mr. RICHARDSON. Mr. Speaker, then I will go to the amendments and ask that they be divided. Amendment 1 would fall in place with "Amend Sec. 8, page 22, line 17, . . ." down to the first section where it says "Amend Sec. 8, page 23 . . ." That would be amendment No. 1.

The SPEAKER. I am not certain that I have that amendment that the gentleman is referring to in front of me. Is this the amendment that starts by citing, "Amend Sec. 8, page 23, lines 23 through 30 . . . "?

Mr. RICHARDSON. No; it does not.

The SPEAKER. Will the gentleman send a correct amendment to the desk?

Is this the one that begins, "Amend Sec. 8, page 22, line 17 . . . "?

Mr. RICHARDSON. That is what I read. That is correct.

The SPEAKER. Now where does the gentleman propose that that amendment be divided?

Mr. RICHARDSON. At the end of the words where it says, ". . . in custody:".

The SPEAKER. After the word "custody"?

Mr. RICHARDSON. Yes; that is the first amendment.

The SPEAKER. All right. Now that amendment has to do with "section 8, page 22, lines 18 through 25, by striking out all of said lines and inserting"?

Mr. RICHARDSON. Correct.

#### MOTION TO RECOMMIT

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

Mr. VALICENTI. Mr. Speaker, I move that this bill be recommitted to the Health and Welfare Committee. The questions that Mr. Richardson may have or the amendments that he has can probably be taken up in the committee, and I think that if we do recommit this, maybe we can come up with a lot of answers that I know the people from Allegheny County want for the simple reason that it is going to cost them at least a million dollars more to implement this thing. I so move that we recommit this to the Health and Welfare Committee.

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

Mr. DiCARLO. Mr. Speaker, what I would like to do at this time is oppose Mr. Valicenti's motion to recommit. Unfortunately, there have been some problems in the discussion of the Health and Welfare Committee, but the individuals who have worked with the problem of child abuse for the last year and a half have looked at the problem; all interested parties have gotten together. We feel that the bill we have in front of us is the best possible piece of legislation that can be passed. We realize that problems do exist in Pennsylvania in the area of child abuse. We feel that this is a good piece of legislation, and I urge you to vote against Mr. Valicenti's motion to recommit.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I would like to support Mr. DiCarlo's position in opposing recommitment of this bill. This bill has been studied and restudied. We not only have it before us this year, but we had it before us last session. I think the bugs have been worked out of it. The Health and Welfare Committee has given adequate time and discussion to the bill and has given ample opportunity for anybody who wanted to offer further amendments to do so.

I do not think we can afford to hold this bill up any longer. We need to consider the children in this case. These are the people who we want to protect by passing this bill, and I urge a defeat of the recommitment motion.

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

Mr. McLANE. Mr. Speaker, I, too, support Mr. DiCarlo's motion to oppose Mr. Valicenti's motion to recommit this bill. Last year the legislature, in its wisdom, passed a child abuse bill which was later vetoed by the Governor. But the current situation in this state is that there is no child abuse legislation, and the children, as Mrs. Crawford said, are the ones who continually are abused and neglected and nothing gets done.

To recommit this at this time would be to simply turn

our backs on those kids once more and walk away from the problem that is currently probably one of the biggest diseases in this Commonwealth.

Thank you.

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

Mr. SHELHAMER. Mr. Speaker, many of us in the House find ourselves in a quandary on this. We hear on one hand speaker after speaker coming to the microphone and saying that they have studied this problem and they know it well. On the other hand, we have a gentleman on the floor who has asked repeatedly for someone to answer his interrogation, and they seem unable to answer his questions.

Now it seems to me that somewhere in the middle there is a vast lack of communication, and I am sure there are many of us like I am—I am not knowledgeable in this area. We would like to hear the answers to these questions, and if those who spoke are knowledgeable, I would suggest they answer Mr. Richardson's interrogation so that our questions can be answered in this area.

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, I would like to inquire if a fiscal study has been made of this bill and if there is a fiscal note available.

The SPEAKER. The calendar does not indicate that there is any fiscal note attached or that it has been to the Appropriations Committee.

Mr. CAPUTO. Mr. Speaker, my study of the bill indicates this bill will cost Allegheny County at least a million and a half dollars, and under the rules of the House. I think it must go to the Appropriations Committee for a fiscal study. I would move, therefore, that this bill be referred to the Committee on Appropriations for such a study.

The SPEAKER. There is a motion pending on the floor to recommit this bill to the Health and Welfare Committee.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, would the gentleman from Allegheny, Mr. Valicenti, withdraw his motion, and would the gentleman from Allegheny, Mr. Caputo, withdraw his motion so that I may make a motion to table the bill?

MOTION WITHDRAWN

The SPEAKER. Does the gentleman from Allegheny, Mr. Valicenti, withdraw his motion to recommit this matter to the Health and Welfare Committee?

Mr. VALICENTI. I will withdraw my motion, Mr. Speaker.

The SPEAKER. The motion is withdrawn.

Does the gentleman from Allegheny, Mr. Caputo, withdraw his motion?

Mr. CAPUTO. Yes, Mr. Speaker.

The SPEAKER. All right. There is no motion before the House at the moment.

SENATE BILL No. 25 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that we table Senate bill No. 25.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LABOR RELATIONS BILLS  
ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 659, printer's No. 938, entitled:

An Act amending the act of June 2, 1915 (P. L. 762, No. 340), entitled "State Workmen's Insurance Fund Law," broadening the State Workmen's Insurance Fund's permissible coverages; permitting said Fund to join in an insurance pool; and making editorial corrections.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

Abraham	Geesey	McCue	Schweder
Anderson, J. H.	Geisler	McGinnis	Seirica
Arthur	George	McIntyre	Seltzer
Barber	Gillespie	McLane	Shane
Bellomint	Gillette	Mebus	Shelhamer
Bennett	Gleason	Menhorn	Shuman
Beren	Gleeson	Milanovich	Shupnik
Berlin	Goodman	Millron	Sirianni
Berson	Green	Miller, M. E.	Smith, E.
Bittle	Greenfield	Miller, M. E., Jr.	Smith, L.
Blackwell	Grieco	Miscevich	Spencer
Bonetto	Halverson	Moehlmann	Stahl
Bradley	Hamilton, J. H.	Morris	Stapleton
Brandt	Hammock	Mrkonic	Stout
Brunner	Hasay	Mullen	Taddonio
Burns	Haskell	Mullen, M. P.	Taylor
Butera	Hayes, D. S.	Musto	Tayoun
Caputo	Hayes, S. E.	Novak	Thomas
Cassar	Hepford	Noye	Toll
Cimini	Hill	O'Brien	Trello
Cohen	Hopkins	O'Connell	Turner
Cole	Hutchinson, A.	O'Keefe	Ustynoski
Cowell	Hutchinson, W.	Oliver	Valicenti
Crawford	Irvis	Pancoast	Vann
Cumberland	Itkin	Parker, H. S.	Vroon
Davis	Johnson, J.	Perri	Wagner
Davis, D. M.	Katz	Perry	Walsh, T. P.
DeMedio	Kelly, A. P.	Petrarca	Wansacz
Deverter	Kernick	Pivsky	Wargo
Dicarlo	Kistler	Pitts	Weidner
DiDonato	Klingaman	Polite	Westerberg
Dietz	Knepper	Pratt	Whelan
Diminni	Kolter	Prendergast	Whittlesey
Dombrowski	Kowalyshyn	Pyles	Wilson
Dorr	Kusse	Rappaport	Wilt, R. W.
Doyle	LaMarca	Reed	Wilt, W. W.
Dreibelbis	Laudadio	Reanninger	Wojdak
Skensberger	Laughlin	Renwick	Worrielow
Engelhart	Lederer	Rhodes	Wright
Fawcett	Lehr	Richardson	Yahner
Fee	Letterman	Ritter	Yohn
Fischer	Levi	Romanelli	Zearfoss
Fisher	Lincoln	Ross	Zeller
Flaherty	Lynch	Ruggiero	Zord
Foster, W.	Manderino	Ryan	Zwick
Fryer	Manmiller	Salvatore	
Gallagher	McCall	Scheaffer	
Gallen	McClatchy	Schmitt	Fineman,
Garzia			Speaker

NAYS—0

NOT VOTING—11

Foster, A.	Kelly, J. B.	O'Donnell	Shelton
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Giammarco Gring      McGraw Myers      Rieger Saloom      Sullivan

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

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

**QUESTION OF PERSONAL PRIVILEGE**

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

Mr. A. C. FOSTER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. A. C. FOSTER. Mr. Speaker, I was not recorded on the vote on Senate bill No. 659. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 660, printer's No. 989, entitled:

An Act amending the act of July 1, 1937 (P. L. 2532, No. 470), entitled "Workmen's Compensation Security Fund Act," combining the stock workmen's compensation security fund and the mutual carrier and reciprocal exchange workmen's compensation security fund into a single workmen's compensation security fund.

On the question,

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

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

**YEAS—194**

- |                 |                 |                    |              |
|-----------------|-----------------|--------------------|--------------|
| Abraham         | Garzia          | McCall             | Schmitt      |
| Anderson, J. H. | Geesey          | McClatchy          | Scirica      |
| Arthurs         | Geisler         | McCue              | Seltzer      |
| Barber          | George          | McGinnis           | Shane        |
| Bellomini       | Giammarco       | McIntyre           | Shelhamer    |
| Bennett         | Gillespie       | McLane             | Shelton      |
| Beren           | Gillette        | Mebus              | Shuman       |
| Berlin          | Gleason         | Menhorn            | Shupnik      |
| Berson          | Gleason         | Milanovich         | Sirianni     |
| Bittle          | Goodman         | Miller, M. E.      | Smith, E.    |
| Blackwell       | Green           | Miller, M. E., Jr. | Smith, L.    |
| Bonetto         | Greenfield      | Milliron           | Spencer      |
| Bradley         | Grieco          | Miscevich          | Stahl        |
| Brandt          | Halverson       | Mochlmann          | Stapleton    |
| Brunner         | Hamilton, J. H. | Morris             | Stout        |
| Burns           | Hammock         | Mukonic            | Taddonio     |
| Butera          | Hasay           | Mullen, M. P.      | Taylor       |
| Caputo          | Haskell         | Mullen             | Tayoun       |
| Cessar          | Hayes, D. S.    | Musto              | Thomas       |
| Cimini          | Hayes, S. E.    | Novak              | Toll         |
| Cohen           | Hepford         | Noye               | Trelio       |
| Cole            | Hill            | O'Brien            | Turner       |
| Cowell          | Hopkins         | O'Connell          | Ustynoski    |
| Crawford        | Hutchinson, A.  | O'Keefe            | Valicenti    |
| Cumberland      | Hutchinson, W.  | Oliver             | Vann         |
| Davies          | Irvic           | Pancost            | Vroon        |
| Davis, D. M.    | Ikin            | Parker, H. S.      | Wagner       |
| DeMedio         | Johnson, J.     | Perri              | Walsh, T. P. |
| Deverter        | Katz            | Perry              | Wansacz      |
| Dicarlo         | Kelly, A. P.    | Putrarea           | Wargo        |
| DiDonato        | Kelly, J. B.    | Pievsky            | Weidner      |
| Dietz           | Kernick         | Pitts              | Westerberg   |
| Dininni         | Kistler         | Polite             | Whelan       |

- |              |           |             |             |
|--------------|-----------|-------------|-------------|
| Dombrowski   | Klingaman | Pratt       | Whittlesey  |
| Dorr         | Knepper   | Prendergast | Wilson      |
| Doyle        | Kolter    | Pyles       | Wilt, R. W. |
| Dreibelbis   | Kowalshyn | Rappaport   | Wilt, W. W. |
| Eckensberger | Kusse     | Reed        | Wojdak      |
| Englehart    | LaMarca   | Renninger   | Worrilow    |
| Fawcett      | Laudadio  | Kenwick     | Wright      |
| Fee          | Laughlin  | Rhodes      | Yahner      |
| Fischer      | Lederer   | Richardson  | Yohn        |
| Fisher       | Lehr      | Ritter      | Zearfoss    |
| Fisherty     | Letterman | Romanelli   | Zeller      |
| Foster, A.   | Levi      | Ross        | Zord        |
| Foster, W.   | Lincoln   | Ruggiero    | Zwick       |
| Fryer        | Lynch     | Ryan        |             |
| Gallagher    | Manderino | Salvatore   | Fineman,    |
| Ganten       | Manaulier | Scheaffer   | Speaker     |

**NAYS—0**

**NOT VOTING—8**

- |        |           |        |          |
|--------|-----------|--------|----------|
| Gring  | Myers     | Rieger | Schweder |
| McGraw | O'Donnell | Saloom | Sullivan |

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

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

**PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 778, printer's No. 840, entitled:

An Act making an appropriation to the State Court Administrator for the National Conference of Chief Justices and State Court Administrators.

On the question,

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

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

The question is, shall the bill pass finally?

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

**YEAS—123**

- |            |                 |                    |              |
|------------|-----------------|--------------------|--------------|
| Arthurs    | Gillette        | McCall             | Salvatore    |
| Barber     | Gleason         | McIntyre           | Schmitt      |
| Bellomini  | Gleeson         | McLane             | Schweder     |
| Bennett    | Goodman         | Menhorn            | Scirica      |
| Beren      | Greenfield      | Milanovich         | Shane        |
| Berlin     | Hamilton, J. H. | Miller, M. E.      | Shelhamer    |
| Berson     | Hammock         | Miller, M. E., Jr. | Shupnik      |
| Blackwell  | Hayes, D. S.    | Morris             | Sirianni     |
| Bonetto    | Hepford         | Mullen             | Smith, E.    |
| Brunner    | Hill            | Mullen, M. P.      | Spencer      |
| Butera     | Hopkins         | Musto              | Stapleton    |
| Caputo     | Hutchinson, A.  | Novak              | Taylor       |
| Cohen      | Hutchinson, W.  | Noye               | Tayoun       |
| Cole       | Irvic           | O'Brien            | Toll         |
| Cowell     | Johnson, J.     | Oliver             | Trelio       |
| Cumberland | Katz            | Parker, H. S.      | Ustynoski    |
| DeMedio    | Kelly, A. P.    | Perry              | Valicenti    |
| Dicarlo    | Kelly, J. B.    | Petrarca           | Vann         |
| DiDonato   | Kernick         | Pievsky            | Vroon        |
| Dininni    | Kistler         | Pratt              | Wagner       |
| Dombrowski | Klingaman       | Prendergast        | Walsh, T. P. |
| Doyle      | Kolter          | Rappaport          | Wansacz      |
| Englehart  | Kowalshyn       | Reed               | Wargo        |
| Fawcett    | LaMarca         | Renninger          | Whelan       |
| Fee        | Laudadio        | Rhodes             | Wojdak       |
| Fisher     | Laughlin        | Richardson         | Worrilow     |
| Fisherty   | Lederer         | Rieger             | Yohn         |
| Gallagher  | Lincoln         | Ritter             | Zearfoss     |
| Garzia     | Lynch           | Romanelli          |              |
| Geisler    | Manderino       | Ross               | Fineman,     |
| Giammarco  | Manmiller       | Ruggiero           | Speaker      |
| Gillespie  |                 |                    |              |

NAYS—70

Abraham	Fryer	Mebus	Smith, L.
Anderson, J. H.	Gallen	Milliron	Stahl
Bittle	Geesey	Miscevich	Stout
Brandt	George	Moehlmann	Taddonio
Burns	Green	Mrkonic	Thomas
Cessar	Grieco	O'Connell	Turner
Cimini	Halverson	O'Donnell	Weldner
Crawford	Hasay	O'Keefe	Westerberg
Davies	Haskell	Pancoast	Whittlesey
Davis, D. M.	Hayes, S. E.	Pitts	Wilson
Deverter	Itkin	Polite	Wilt, R. W.
Dietz	Knepper	Pyles	Wilt, W. W.
Dorr	Kusse	Renwick	Wright
Dreibelbis	Lehr	Ryan	Yahner
Eckensberger	Levi	Scheaffer	Zeller
Fischer	McClatchy	Seltzer	Zord
Foster, A.	McCue	Shuman	Zwilk
Foster, W.	McGinnis		

NOT VOTING—9

Bradley	McGraw	Perri	Shelton
Gring	Myers	Saloom	Sullivan
Letterman			

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

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

HOUSE BILL No. 1731 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I believe Mr. Anderson has amendments to this bill which are not, as yet, on the floor and circulated.

The SPEAKER. This is the last bill to be considered today.

The gentleman from York, Mr. Anderson, indicates that he is offering amendments to House bill No. 1731 which he has not yet received from the Legislative Reference Bureau.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, we will wait until we get those amendments.

The SPEAKER. This bill will be temporarily passed over.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, since we are jumping from page 6 to page 18 and back to page 5, I would like to ask you if someone could tell me what Senate bill No. 778 is going to cost us. I would appreciate it very much if somebody could tell us—Mr. Wojdak or somebody.

The SPEAKER. A hundred thousand dollars.

Mr. ZELLER. Thank you, sir.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1681, printer's No. 2190, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing civil service coverage for security guards in counties of the second class.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

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

YEAS—156

Abraham	Gallagher	McCall	Ryan
Anderson, J. H.	Garzia	McClatchy	Salvatore
Arthurs	Geisler	McCue	Schmitt
Barber	George	McGinnis	Schweder
Bellomini	Giammarco	McLane	Scirica
Bennett	Gillette	Menhorn	Shane
Beren	Gleason	Milanovich	Shelhamer
Berlin	Gleeson	Milliron	Shupnik
Bittle	Goodman	Miscevich	Spencer
Blackwell	Green	Morris	Stahl
Bonetto	Greenfield	Mrkonic	Stapleton
Bradley	Grieco	Mullen, M. P.	Stout
Brunner	Hamilton, J. H.	Mullen	Taddonio
Burns	Hammock	Musto	Taylor
Butera	Hayes, D. S.	Novak	Tayoun
Caputo	Hepford	O'Brien	Toll
Cessar	Hopkins	O'Connell	Trelo
Cimini	Hutchinson, A.	O'Donnell	Turner
Cohen	Hutchinson, W.	Oliver	Ustynoski
Cole	Irvis	Pancoast	Valicenti
Cowell	Itkin	Parker, H. S.	Vann
Cumberband	Johnson, J.	Perri	Wagner
Davies	Katz	Perry	Walsh, T. P.
Davis, D. M.	Kelly, A. P.	Petrarca	Wansacz
DeMedio	Kelly, J. B.	Plevsky	Wargo
Dicarlo	Kernick	Polite	Westerberg
DiDonato	Kistler	Prait	Whelan
Dininni	Klingaman	Prendergast	Whittlesey
Dombrowski	Knepper	Pyles	Wilson
Dorr	Kolter	Rappaport	Wright
Doyle	Kowalshyn	Reed	Yahner
Dreibelbis	LaMarca	Renninger	Yohn
Eckensberger	Laudadio	Renwick	Zearfoss
Englehart	Laughlin	Rhodes	Zeller
Fawcett	Lederer	Richardson	Zord
Fee	Lehr	Ritter	Zwilk
Fischer	Levi	Romanelli	
Flaherty	Lincoln	Ross	Fineman, Speaker
Foster, A.	Manderino	Ruggiero	
Fryer	Manmiller		

NAYS—35

Brandt	Halverson	Miller, M. E., Jr.	Smith, E.
Crawford	Hasay	Moehlmann	Smith, L.
Deverter	Haskell	Noye	Thomas
Dietz	Hayes, S. E.	O'Keefe	Vroon
Fisher	Hill	Pitts	Weldner
Foster, W.	Kusse	Scheaffer	Wilt, R. W.
Gallen	Lynch	Seltzer	Wilt, W. W.
Geesey	Mebus	Shuman	Worrlow
Gillespie	Miller, M. E.	Sirlanni	

NOT VOTING—11

Berson	McGraw	Rieger	Sullivan
Gring	McIntyre	Saloom	Wojdak
Letterman	Myers	Shelton	

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

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

REMARKS BY MR. GLEASON

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Gleason.

Mr. GLEASON. Mr. Speaker, in connection with the passage of the last bill before we get to the next one, I think the members of the House ought to realize just what they have done.

On the one hand, they voted against civil service at Valley Forge Hospital; on the other hand, they just voted for civil service for prison guards.

The SPEAKER. Nothing like consistency.

**BUSINESS AND COMMERCE BILL  
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of House bill No. 1668, printer's No. 2092, entitled:

An Act to facilitate the use of electronic funds transfer systems by providing that credits to accounts in financial institutions designated by recipients shall satisfy legal requirements for payments by cash or checks.

On the question,

Will the House agree to the bill on third consideration?

Mr. BENNETT requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Bill, page 1, by inserting between lines 13 and 14:

Section 2. Every such request, as described in section 1, shall be effective provided that:

(i) the written agreement shall set forth all terms and conditions under which such transfers are to be made and the terms and conditions as to the method or methods to be used by which a wage-earner may withdraw such request and terminate the agreement; and

(ii) no funds transferred pursuant to a request as described in section 1, shall be transferred by any employer or other person to any account unless the party authorizing the transfer of such funds shall have received a separate written record of each such transfer at or prior to the time thereof.

Amend Sec. 2, page 1, line 14 by striking out "2." and inserting: 3.

Amend Sec. 3, page 1, line 16, by striking out "3." and inserting: 4.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, House bill No. 1668 is a bill that was referred to the Committee on Business and Commerce, and during the meeting there was some question by the members of that committee as to whether certain items ought to be written into a contract. Those items are now spelled out in these amendments.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

**YEAS—195**

Abraham	Geesey	McCue	Schweder
Anderson, J. H.	Geisler	McGinnis	Scirica
Arthurs	George	McIntyre	Seltzer
Barber	Giammarco	McLane	Shane
Bellomini	Gillespie	Mebus	Shelhamer
Bennett	Gillette	Menhorn	Shelton
Beren	Gleason	Milanovich	Shuman
Berlin	Gleeson	Miller, M. E.	Shupnik
Berson	Goodman	Miller, M. E., Jr.	Siranni
Bittle	Green	Milliron	Smith, E.
Blackwell	Greenfield	Miscevich	Smith, L.
Bonetto	Grieco	Moehlmann	Spencer
Bradley	Halverson	Morris	Stahl
Brandt	Hamilton, J. H.	Mrkonjc	Stapleton
Brunner	Hammock	Mullen	Stout
Burns	Hasay	Mullen, M. P.	Taddonio
Butera	Haskell	Musto	Taylor
Caputo	Hayes, D. S.	Novak	Tayoun
Cessar	Hayes, S. E.	Noye	Thomas
Cimini	Hepford	O'Brien	Toll
Cohen	Hill	O'Connell	Trello
Cole	Hopkins	O'Donnell	Turner
Cowell	Hutchinson, A.	O'Keefe	Ustynoski
Crawford	Hutchinson, W.	Oliver	Valicenti
Cumberland	Irvis	Pancoast	Vann
Davis	Itkin	Parker, H. S.	Vroon
Davis, D. M.	Johnson, J.	Perri	Wagner
DeMedio	Katz	Perry	Walsh, T. P.
Deverter	Kelly, A. P.	Petrarca	Wansacz
Dicarlo	Kelly, J. B.	Pievsky	Wargo
DiDonato	Kernick	Pitts	Weidner
Dietz	Kistler	Polite	Westerberg
Dininni	Klingaman	Pratt	Whelan
Dombrowski	Knepper	Prendergast	Whittlesey
Dorr	Kolter	Pyles	Wilson
Doyle	Kowalyshyn	Rappaport	Wilt, R. W.
Dreibelbis	Kusse	Reed	Wilt, W. W.
Eckensberger	LaMarca	Renninger	Wojdak
Englehart	Laudadio	Renwick	Worrirow
Fawcett	Laughlin	Rhodes	Wright
Fee	Lederer	Richardson	Yahner
Fischer	Lehr	Ritter	Yohn
Fisher	Levi	Romanelli	Zearfoss
Flaherty	Lincoln	Ross	Zeller
Foster, A.	Lynch	Ruggiero	Zord
Foster, W.	Manderino	Ryan	Zwikel
Fryer	Manmiller	Salvatore	
Gallagher	McCall	Scheaffer	Fineman, Speaker
Gallen	McClatchy	Schmitt	
Garzia			

**NAYS—0**

**NOT VOTING—7**

Gring	McGraw	Rieger	Sullivan
Letterman	Myers	Saloom	

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

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

**CHARLES STRINK WELCOMED**

The SPEAKER. The Chair is pleased to welcome Mr. Charles Strink of Kittanning, Pennsylvania. He is the regional manager of Clear Channels Cable TV Company and he is the guest of the gentleman from Armstrong, Mr. McCue.

**LABOR RELATIONS BILL  
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of House bill No. 1731, printer's No. 2205, entitled:

An Act requiring that flag protection be provided against following trains occupying the same track.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

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

Mr. McCLATCHY. Mr. Speaker, I am under a little bit of confusion regarding this bill and I wonder if Mr. Valicenti would submit to interrogation.

The SPEAKER. Will the gentleman from Allegheny, Mr. Valicenti, consent to interrogation?

Mr. VALICENTI. Yes, sir.

The SPEAKER. The gentleman may proceed.

Mr. McCLATCHY. Mr. Speaker, I understand that this legislation has already been put into effect by the Public Utility Commission. Is that correct?

Mr. VALICENTI. No, not to my knowledge.

Mr. McCLATCHY. Not to your knowledge? I thought this was brought out in the conversation in the committee meeting.

Mr. VALICENTI. To be frank with you, Mr. Speaker, I did not attend that meeting. To be truthful, I did not attend that meeting.

Mr. McCLATCHY. I wonder if Mr. Hamilton would answer that question.

Mr. VALICENTI. You will have to ask him.

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

Mr. HAMILTON. Yes, it is my understanding that the Public Utility Commission regulations went into force last Saturday for the same thing.

Mr. McCLATCHY. For the same thing. Then it is already a matter of record that this is being done.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays were taken and were as follows:

YEAS—147

Abraham	George	McGinnis	Schmitt
Arthurs	Giammarco	McIntyre	Schweder
Barber	Gillespie	McLane	Shane
Bellomini	Gillette	Menhorn	Shelhamer
Bennett	Gleason	Milanovich	Shelton
Berlin	Gleeson	Miller, M. E.	Shuman
Berson	Goodman	Miller, M. E., Jr.	Shupnik
Bittle	Green	Milliron	Smith, L.
Blackwell	Greenfield	Miscevich	Spencer
Bonetto	Halverson	Morris	Stapleton
Bradley	Hammock	Mrkonic	Stout
Brunner	Haskell	Mullen, M. P.	Taddonio
Burns	Hayes, D. S.	Mullen	Taylor
Caputo	Hayes, S. E.	Musto	Tayoun

Cassar	Hepford	Novak	Toll
Cohen	Hutchinson, A.	O'Brien	Treilo
Cole	Hutchinson, W.	O'Donnell	Ustynoski
Cowell	Irvis	O'Keefe	Valicenti
Davis, D. M.	Itkin	Oliver	Vann
DeMedio	Johnson, J.	Perri	Walsh, T. P.
Dicarlo	Kelly, A. P.	Perry	Wansacz
DiDonato	Kernick	Petrarca	Wargo
Dininni	Kistler	Pievsky	Whelan
Dombrowski	Klingaman	Pratt	Whittlesey
Doyle	Kolter	Prendergast	Wilson
Dreibelbis	Kowalyszyn	Rappaport	Wilt, W. W.
Eckensberger	LaMarca	Reed	Wojdak
Engelhart	Laudadio	Renwick	Worriow
Fee	Laughlin	Richardson	Wright
Fischer	Lederer	Rieger	Yahner
Fisher	Letterman	Ritter	Yohn
Flaherty	Levi	Romanelli	Zearfoss
Fryer	Lincoln	Ross	Zeller
Gallagher	Manderino	Ruggiero	Zwikel
Gallen	Manmiller	Ryan	
Garzia	McCall	Salvatore	Fineman,
Geesey	McClatchy	Scheaffer	Speaker
Geisler			

NAYS—49

Anderson, J. H.	Foster, W.	McCue	Seltzer
Beren	Grieco	Mebus	Sirianni
Brandt	Hamilton, J. H.	Moehlmann	Smith, E.
Butera	Hasay	Noye	Stahl
Cimini	Hill	O'Connell	Thomas
Crawford	Hopkins	Pancoast	Turner
Cumberland	Katz	Parker, H. S.	Vroon
Davies	Kelly, J. B.	Pitts	Wagner
Deverter	Knepper	Polite	Weidner
Dietz	Kusse	Pyles	Westerberg
Dorr	Lehr	Renninger	Wilt, R. W.
Fawcett	Lynch	Seirca	Zord
Foster, A.			

NOT VOTING—6

Gring	Myers	Saloom	Sullivan
McGraw	Rhodes		

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

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

MR. PHILIP SMITH WELCOMED

The SPEAKER. The Chair is pleased to welcome to the House Mr. Philip Smith, a guest of the gentlemen from Butler, Messrs. Arthurs and Green.

ADJOURNMENT

Mr. GILLESPIE moved that this House do now adjourn until Tuesday, October 14, 1975, at 1 p.m., e.d.t.

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

Motion was agreed to, and (at 2:52 p.m., e.d.t.) the House adjourned.