

COMMONWEALTH OF PENNSYLVANIA

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Session of 1980

164th of the General Assembly

No. 47

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE RICHARD A. GEIST, member of the House of Representatives and guest chaplain, offered the following prayer:

Father, as we gather here in this state House at the most difficult of times, and with the financial future of the Commonwealth at hand, we ask that You grant us the maturity to put away childish games and work together as commonsense legislators. We, who have not the wisdom to make it through each day without making mistakes, petition You for infinte guidance in our budget process.

At this time I would ask each and every one listening to join with me, each in their own way, for a moment of silent prayer. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, June 10, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2639 By Representatives CESSAR, POTT, KNEPPER, TADDONIO, RASCO, PHILLIPS, BURD, LAUGHLIN AND ZORD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions providing for the payment of costs of any relocation of utility facilities necessitated by Federally-aided public construction projects.

Referred to Committee on CONSUMER AFFAIRS, June 11, 1980.

No. 2640 By Representatives THOMAS, YAHNER, WENGER, STUBAN, D. R. WRIGHT, WASS, KLINGAMAN, HONAMAN, PITTS, W. W. FOSTER,

A. C. FOSTER, JR., PUNT, CALTAGIRONE, DeVERTER, BROWN, BOWSER, KNIGHT, MADIGAN, PHILLIPS, WILT, GRIECO AND CHESSE

An Act amending the act of March 22, 1862 (P. L. 164, No. 164), entitled, as amended, "An act to provide for the destruction, and to prevent the spread of Canada thistles, chicory and marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," extending the act to include Johnson grass.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 11, 1980.

No. 2641 By Representatives LAUGHLIN, CESSAR, TADDONIO, DAWIDA, MURPHY, DUFFY, LEVIN, PISTELLA, KNIGHT, GRABOWSKI AND PETRARCA

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), providing for payments to school districts for the tax paid for liquid fuels used in school buses.

Referred to Committee on TRANSPORTATION, June 11, 1980.

No. 2642 By Representatives SERAFINI, W. W. FOSTER, STAIRS, GRUPPO AND KLINGAMAN

An Act relating to and regulating the practice of forestry; providing for the registering of persons practicing forestry, and for the suspension and revocation of registrations and certifications; prescribing the powers and duties of the Department of State and the courts; and prescribing penalties.

Referred to Committee on STATE GOVERNMENT, June 11, 1980.

No. 2643 By Representative DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of pedalcycles.

Referred to Committee on TRANSPORTATION, June 11, 1980.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 239 By Representatives BROWN, REED, WENGER, COCHRAN, RASCO, PRATT AND CIMINI

House urges the Federal Government deport Cuban refugees found in violation of Federal or State laws.

Referred to Committee on FEDERAL-STATE RELATIONS, June 11, 1980.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate presented the following bill for concurrence:

SB 765, PN 1811

Referred to Committee on Liquor Control, June 11, 1980

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in HB 1408, PN 2710; HB 1937, PN 2423; and HB 2383, PN 3359.

LEAVES OF ABSENCE GRANTED

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

Mr. FEE. Yes, Mr. Speaker. I request leaves of absence for the gentleman from Philadelphia, Mr. GRAY, for today's session; and for the gentleman from Erie, Mr. DiCARLO, for today's session.

(Mr. Gray's presence was noted later.)

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I have no request for leave at this time, Mr. Speaker.

The SPEAKER. Without objection, leaves will be granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' (197 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Beloff, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Gray, Greenfield, Grieco, Lynch, E. R., McCall, McClatchy, McIntyre, McKelvey, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonjac, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart.

Table listing names of members who were present or absent. Includes Cessar, Chess, Cimini, Civera, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeWeese, Davies, Dawida, Dietz, Dininni, Dombrowski, Donatucci, R., Dorr, Duffy, Dumas, Durham, Earley, Fee, Fischer, Fisher, Foster, W. W., Foster, Jr., A., Gruppo, Hagarty, Halverson, Harper, Hasay, Hayes, Jr., S., Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, E. G., Johnson, J. J., Jones, Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Livengood, Mullen, Murphy, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Oliver, Perzel, Peterson, Petrarca, Phillips, Piccola, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Rasco, Reed, Rhodes, Richardson, Rieger, Ritter, Rocks, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Wenger, White, Williams, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, Zord, Zwilk, Seltzer, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were excused: DeVerter, DiCarlo, Hayes, D. S., Helfrick, Weidner.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 890, PN 1017 By Rep. GALLEN

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "Pennsylvania Harness Racing Law," further providing for the employment of public employes.

STATE GOVERNMENT.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 2597, PN 3441; SB 640, PN 1746; HB 569, PN 3247; SB 1137, PN 1660; SB 1162, PN 1661; HB 1837, PN 3406; and HB 2535, PN 3408.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1799, PN 3403**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificates of public convenience related to taxicabs to provide for temporary authority for common carriers and changing certain certificates of public convenience.

On the question,

Will the House concur in Senate amendments?

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

Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to **HB 1799**.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—174

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

NAYS—2

Cunningham O'Donnell

NOT VOTING—21

Beloff	Giammarco	McKelvey	Smith, L. E.
Bittle	Gray	Polite	Spencer
Dumas	Harper	Rappaport	Street
Fryer	Hutchinson, W.	Reed	Williams
Gamble	Johnson, J. J.	Shadding	Wright, Jr., J.
Gatski			

EXCUSED—5

DeVerter Hayes, D. S. Helfrick Weidner
DiCarlo

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I would like the record to note that on the last vote, to concur in the Senate amendments to **HB 1799**, I would have voted "yes."

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 516, PN 1786**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for payments over.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

Alden	Foster, Jr., A.	McCall	Ritter
Anderson	Freind	McClatchy	Rocks
Armstrong	Fryer	McIntyre	Rodgers
Arty	Gallagher	McMonagle	Ryan
Austin	Gallen	McVerry	Salvatore
Barber	Gannon	Mackowski	Scheaffer
Belardi	Geesey	Madigan	Schmitt
Bennett	George, C.	Maiale	Schweder
Berson	George, M. H.	Manderino	Serafini
Borski	Gladeck	Manmiller	Seventy
Bowser	Goebel	Michlovic	Shupnik
Brandt	Goodman	Micozzie	Sieminski
Brown	Grabowski	Milanovich	Smith, E. H.
Burd	Greenfield	Miller	Smith, L. E.
Burns	Grieco	Moehlmann	Spencer
Caltagirone	Gruppo	Mowery	Spitz
Cappabianca	Hagarty	Mrkonic	Stairs
Cessar	Halverson	Mullen	Steighner
Chess	Hasay	Murphy	Stewart
Cimini	Hayes, Jr., S.	Nahill	

Civera	Hoeffel	Novak	Stuban
Clark, B. D.	Honaman	Noye	Sweet
Clark, M. R.	Hutchinson, A.	O'Brien, B. F.	Swift
Cochran	Hutchinson, W.	O'Brien, D. M.	Taddonio
Cohen	Iris	O'Donnell	Taylor, E. Z.
Cole	Itkin	Oliver	Taylor, F.
Cornell	Johnson, E. G.	Perzel	Telek
Coslett	Jones	Peterson	Thomas
Cowell	Kanuck	Petrarca	Trello
Cunningham	Klingaman	Phillips	Vroon
DeMedio	Knepper	Piccola	Wachob
DeWeese	Knight	Pievsky	Wass
Davies	Kolter	Pistella	Wenger
Dawida	Kowalyshyn	Pitts	Wilson
Dietz	Kukovich	Polite	Wilt
Dininni	Lashingner	Pott	Wright, D. R.
Dombrowski	Laughlin	Pratt	Yahner
Donatucci, R.	Lehr	Pucciarelli	Yohn
Dorr	Lescovitz	Punt	Zeller
Duffy	Letterman	Pyles	Zitterman
Durham	Levi	Rappaport	Zord
Earley	Levin	Rasco	Zwinkl
Fee	Lewis	Rhodes	
Fischer	Livengood	Richardson	Seltzer,
Fisher	Lynch, E. R.	Rieger	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—18

Beloff	Geist	McKelvey	Wargo
Bittle	Giamarco	Reed	White
Dumas	Gray	Shadding	Williams
Gamble	Harper	Street	Wright, Jr., J.
Gatski	Johnson, J. J.		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

REMARKS ON VOTE

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

Mr. GAMBLE. I was out of my seat on the vote on HB 1799. I would like to be recorded in the affirmative.

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

FINAL PASSAGE BILL CONSIDERED

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1162, PN 3436**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a plea or finding of guilty but mentally ill.

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?

MOTION TO RECOMMIT

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

Mr. LEVIN. Mr. Speaker, I would like to move that this bill, HB 1162, be recommitted to the Judiciary Committee, specifically to Mr. Fisher's Subcommittee on Crime and Corrections, with a specific direction that the subcommittee hold public hearings on the present bill.

The SPEAKER. The gentleman from Philadelphia, Mr. Levin, moves that HB 1162 be recommitted to the Committee on Judiciary. Does Mr. Levin wish to debate the motion?

Mr. LEVIN. Yes, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, I would like to explain to you the procedure by which this bill came to the floor, and the reason is I feel quite strongly that if we are going to have a committee system that is effective in any measure, this bill must be sent back.

The original bill—and if you will look at your calendar, you will see on the calendar that the original bill—includes a note that the bill intended to abolish the traditional insanity defense and make the mental state of the defendant a consideration in sentencing. That was a bill which was considered by the subcommittee and on which public hearings were held. There was at least 1 day of public hearings held here in Harrisburg, and the district attorneys of Philadelphia and Allegheny County and some law professors testified on that bill. The bill was a very complicated bill and raised serious legal questions as to its constitutionality. However, the subcommittee chose to run that risk and to support the bill. The bill then went from the subcommittee to the committee as a whole. When it got to the committee as a whole, Mr. Fisher changed his mind and decided that the bill could not sustain a constitutional test and therefore changed the bill entirely by offering an amendment to the committee, which the amendment was adopted. Unfortunately, I was not present at that committee hearing. The bill then went to the Appropriations Committee.

Now, this is a matter which I consider very, very serious. In the Appropriations Committee, the bill was then amended by Mr. Fisher. Mr. Fisher gave the Appropriations Committee what he considered to be technical amendments. They were very far from technical. They went to the heart of the bill. The Appropriations Committee accepted Mr. Fisher's amendments without any discussion or without any insight into what was happening. The bill therefore was changed in the Appropriations Committee and sent to this floor.

We are, therefore, being asked today to vote on a bill which the subcommittee in charge of this bill has never seen in its present form. We are being asked to vote on a bill which the Judiciary Committee never saw in its present form. Now, I believe that if the committee system is to have meaning and if bills are to come to this floor with

some reason, careful consideration of complicated issues, then it is essential that this bill be sent back and let the committee modify it, change it, or report it as it exists, but at least let them consider it. Thank you.

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

Mr. D. M. FISHER. Mr. Speaker, I would oppose the motion made by Mr. Levin to recommit the bill to the Judiciary Committee or to the Subcommittee on Crime and Corrections. Originally, as Mr. Levin indicated, the bill that I introduced called for the total elimination in Pennsylvania of the insanity defense. Last summer, in July or August, the Subcommittee on Crime and Corrections held a hearing here in Harrisburg, at which time we took testimony from a number of interested people in the criminal justice system around the state. It was my opinion—and I do not know whether Mr. Levin at that time shared my opinion or not, although Mr. Levin was interested in the bill; I will certainly grant him that. It was my opinion—that the total elimination of the insanity defense probably would not pass the muster of the supreme court. Since the Subcommittee on Crime and Corrections, as any standing subcommittee, cannot amend a bill, this bill was put on one of the future agendas of the Judiciary Committee, at which time I amended the bill to include basically the present language, which is the statutory scheme creating a guilty but mentally ill verdict. It was taken from the statutes of the State of Michigan. Michigan had adopted it in 1975. The bill was reported out. Unfortunately, I do not think Mr. Levin was there that day. I am sorry, I apologize to him for that.

In the Appropriations Committee certain amendments were offered. One amendment changed the definition of mentally ill. The other amendments were technical and the other amendments were technical but related to the fiscal impact because the Bureau of Corrections had some fiscal concerns about it. I do not think that the manner in which this bill has gotten to the floor violates the committee process. The bill has been on the calendar approximately 28 legislative days. We have not received, at least to my knowledge, any negative comments on the bill. I have reams of material from interested people in the criminal justice system on this. I do not think any purpose would be served by recommitting it to the Judiciary Committee and, consequently, I would request that the motion made by Mr. Levin be rejected. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, would Mr. Fisher stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. LEVIN. Mr. Speaker, are you aware that the legislature in New York, as reported by the New York Times in Monday's edition, passed a bill dealing with the problem of criminal insanity?

Mr. D. M. FISHER. Mr. Speaker, I am aware that the New York legislature has been working on legislation. I believe their bill had been pending even longer than this

piece of legislation was, but I am not aware of the specific content of the New York bill.

Mr. LEVIN. Well, then possibly I better enlighten you.

The New York legislature, in trying to solve the same problem that you addressed in our committee, finally arrived at an entirely different approach, and what they did was change the problem of court approval for release of those people who were found not guilty by reason of insanity. They took the exact opposite approach to legislation that you have offered. Now, do you now think that this body should have an opportunity to consider their approach before this bill is voted on in this House?

POINT OF ORDER

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

Mr. PICCOLA. I rise to a point of order, Mr. Speaker. I do not know what the conduct of the New York legislature has to do with the recommittal motion on HB 1162.

The SPEAKER. The Chair would ask the gentleman from Philadelphia, Mr. Levin, to please confine his debate to the reasons why HB 1162 should be recommitted. The gentleman may proceed.

Mr. LEVIN. Well, Mr. Speaker, to answer Mr. Piccola, in case he did not understand, the approach taken by the bill was one of only a number of approaches that were offered. The State of New York was considering the identical problem and arrived at a totally different solution, and I do not want to go into the details of the bill or the solution at this time if I can avoid it, but the point I was raising to Mr. Fisher was that they had reached an entirely different conclusion and that this should certainly be considered by the subcommittee before this bill is brought to the floor.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—85

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

NAYS—95

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

NOT VOTING—17

Beloff	Goodman	Johnson, J. J.	Reed
Bittle	Gray	McKelvey	Shadding
Dumas	Harper	Manderino	Street
Gatski	Hutchinson, A.	Perzel	Williams
Giammarco			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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 gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I am now forced to oppose the bill in its present form and I am going to have to give the members of the House a detailed lecture on what the problem is and what the bill is about. I am sorry to burden you that way, but it is a very complicated issue and it goes back a long time.

Back in the early 1950's, it was acknowledged by people who pleaded not guilty by reason of insanity that their defense counsel in many cases were making a mistake. The reason was very simple. If you were committed to a mental institution before 1950 or 1955, the odds were that you were going to spend the rest of your life in that institution. There was very little hope that you were going to be released. So that you actually sentenced yourself to a longer period of incarceration if you were mentally ill than if you accepted the criminal punishment for your act, even if it were murder. With the advent of the tranquilizer drugs, which occurred approximately in 1955, the mental health program dramatically changed, and by the time the 1960's rolled around and the 1970's and now we are approaching the 1980's, the mental health people have been able, with

the use of drugs, to release people who obviously were seriously mentally ill at the time they committed acts back on the public streets.

Let me just give you an example of the kind of problem. There was a very tragic situation in Philadelphia where a woman, who was totally deranged, hallucinated and believed that another woman was carrying her baby. She, therefore, on a public street, killed that woman, slit her open, delivered the baby. She took the baby home and cared for the baby. There is very little doubt with that set of circumstances that you were not dealing with a rational human being. She was acquitted on the grounds of insanity. She was committed to a mental institution. In a relatively short period of time, the doctors in the hospital certified that she was no longer dangerous either to herself or to other people and released her. There was, of course, a public outcry. The district attorneys and other people felt that this was a symptom of the kind of problem that was going to keep reoccurring in the future. People who were seriously mentally ill at the time they committed a violent act were being released, and the courts had no control over it.

What I was telling you about in New York is that when New York faced this problem and went around the same kind of complicated issues that we did in the committee on this bill, their solution was to change the Mental Health Act. Their solution basically was that in any transfer of custody of any of these people, degrees of confinement or care after release must be decided by the court; that the person would have to come back to the trying judge who found that person not guilty by reason of insanity and, before they could be released to society, that court would have to make the determination, not just the state psychiatrist or not just the mental institution.

Now, that solution to the problem of insanity was also called for in a review article by one of the judges in Philadelphia, who, in a very careful consideration of the problem, decided that there were legal problems in going in the direction that Mr. Fisher has proposed. Mr. Fisher originally proposed abolishing the insanity defense completely. That was the bill that the subcommittee heard. That is the bill that the district attorneys talked on and that is the bill which had serious constitutional problems. The issue basically was, if a person could not form an intent, did not know their act, could they be held criminally responsible? After that bill was reported by the subcommittee, Mr. Fisher changed his mind. He did not tell me he changed his mind and he did not tell other members of the subcommittee that he changed his mind. He changed his mind as to whether or not what he was presenting was constitutional. He therefore proposed an entirely new bill in which people would still be acquitted on the grounds of insanity. That has not been changed by this bill. Therefore, the exact case that I presented to you would have the same consequences - that woman would be found not guilty by reason of insanity and she would go to an institution and she would be released to the public with no further court

action. This bill does not address the problem in any manner. What this bill does is provide an entirely new category for problems for our courts, and I would hope you would just listen to what it does. It does not abolish insanity; it sets up a new category, that a person is guilty but mentally ill.

Now, we have avoided in Pennsylvania the problems that other states have had who adopted what we call the Durham Rule, which was that a person is found to be not responsible for their actions because of mental illness. We have avoided that in Pennsylvania by being what we call a strict state on insanity. People get released on insanity in Pennsylvania only if they do not know the difference between right and wrong. This bill does not change that but adds an entirely new category. What that will do to our courts I have no idea, but I would like to have a reasoned, considered opinion from people who understand the court system and the mental health system before this kind of bill is passed on the floor of the House. We have not had that in committee, and I cannot tell you with any assurance what it will do.

I do know that this bill, which is a very complicated one, provides that when these people who are found guilty but mentally ill go to institutions, you are going to require the court system, the prison system, to provide treatment for them. Now that basically is not a bad idea, but it is an idea that I wish this House would look at very carefully because you had better be ready to pay for it, because you are mandating in this bill that people who are guilty of the crime, who cannot be released of their responsibility, must go to a prison facility and then the prison facility must do something that it does not do today. That may very well be a good idea, but I do not believe there has been adequate discussion, adequate input to decide the consequences of this type of legislation on our court system, and I would hope that you would be extremely reluctant to make a dramatic change without an adequate input. Thank you.

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

Mr. D. M. FISHER. I will attempt to be brief and at the same time comment on some of the points that Mr. Levin has raised in his argument in opposition to the bill.

Initially, as has been previously stated, HB 1162 was introduced by me and other members of the House and called for the total elimination of the insanity defense in Pennsylvania. This had been a direction that a number of other legislatures around the country had been examining; specifically, the State of New York and the State of Ohio.

I introduced the bill for the purpose of trying to get as much input as possible from people in the criminal justice system on this idea. I, quite frankly, when I introduced the bill, did have some doubts in my own mind as to whether or not we could constitutionally eliminate the insanity defense. But I thought it was worth at least flushing out the comments, and we did. We heard testimony last summer from, I believe, a dozen witnesses throughout the state from various facets of the criminal justice system. We had

a Supreme Court justice testify. We had a number of district attorneys testify, both from Philadelphia and Allegheny County, and a district attorney from Crawford County. We had the public defender of Philadelphia testify. I think the conclusion was at least pretty clear from that hearing that there was some doubt as to whether or not you could eliminate the insanity defense altogether. I was urged, by those who felt that we could, to push forward with the bill into total elimination. However, I did not think it was appropriate to attempt to push something through this General Assembly when I had doubts in my own mind as to what our Supreme Court would do with it.

In the course of the testimony which we received last August, we received testimony specifically from an assistant district attorney in Allegheny County and, I believe, one other witness who testified that there should be some sort of statutory scheme by which a person could be found guilty but nevertheless categorized as mentally ill at the time and could receive treatment, but at the same time could receive sentence and could receive a period of incarceration, which was really my intent. What I was intending to do was try to create a situation in the criminal justice system where responsibility for criminal acts would be placed on a defendant and that defendants could not walk scot-free by merely coming within the purview of the McNaughton Rule.

We analyzed, through the help of staff, the statutory schemes that were being examined in these other states. In the course of our analysis—and we received help from the Office of Research Liaison—we were able to come up with the Michigan scheme, which had been enacted into their laws in 1975, establishing a separate category of a verdict called guilty but mentally ill. I believe I already commented as to the fact that the Judiciary Committee accepted my amendment to the bill creating this new category of verdict called guilty but mentally ill.

Now what will this do? Why do I think this is the preferable way to go? Why is it better than our present system and why does it go further than what apparently Mr. Levin is suggesting we should do here in Pennsylvania? Well, basically, it establishes in the definition that if a person is found guilty but mentally ill, the factfinder, whether it be the court or whether it be the jury, would have to find him guilty of the offense. So that if he is guilty of the offense, just as if a person who is completely sane was found guilty of the offense, responsibility would be placed.

Secondly, it was necessary that he not be found mentally ill under the McNaughton standard, because if a person does not know the difference between right and wrong, we have to keep the McNaughton standard for a case where there is no mens rae. So we continued specifically—and I want that to be clear on the record - we are continuing—the existing insanity defense in Pennsylvania.

But the third finding that the jury must find is that he is mentally ill under the definition which talks about the substantial capacity to appreciate the wrongfulness of one's conduct as opposed to the inability to know the difference between right and wrong.

What do I think is going to happen if this statutory scheme is adopted—and I think it is an acceptable one—what is going to happen in those cases, and this verdict is limited to those cases where the insanity defense is raised? In other words, the person who comes in and does not claim any mental illness cannot be found guilty but mentally ill, but if he raises the insanity defense, what I think is going to happen is only in the rarest of cases is a person going to be acquitted and then be in that murky area of being acquitted by reason of insanity, committed under the civil commitment processes of our Mental Health Procedures Act, and subject to early release.

We have had these cases in Pennsylvania. These cases have existed in other states. We had a case not too long ago that the people from the York County area were concerned about. This was a case in which somebody had been acquitted by reason of mental illness and had been released prematurely. I just read in the paper over the weekend about Lyman Bostock, the fine outfielder, I believe, for the Minnesota Twins and the California Angels a few years ago, who was shot in Indiana, which is a state that has a system similar to what Pennsylvania had. The gentleman who shot Bostock riding in a car was found not guilty by reason of insanity, in Indiana. Just last weekend he was released after a period of 18 months.

This could happen in Pennsylvania today, but what I say is, if we adopt this statutory scheme, most of the people who claim mental illness, most of the people who claim mental illness are going to be found guilty, and if they do have a mental health problem, I think the factfinder, the jury or the judge, is going to make that finding of mental illness.

Now, what happens after that finding is made? Well, the same thing would happen to that person as would happen to the person who was not mentally ill. He would be sentenced by the court. He could be sentenced to a period of incarceration. He could be sentenced to a period of probation. Let us assume it is a serious offense, a murder. He is sentenced to a period of incarceration for, say, not less than 10 nor more than 20 years. He would be committed under HB 1162 to the Bureau of Corrections with the finding having been made at sentence that he continued to be mentally ill. He would be committed to the Bureau of Correction, or the department of corrections or what have we, and the bureau would either be required to treat him at the bureau level if they had the facilities—and I hope in the future that the bureau will have better mental health facilities than they have now—or they could transfer that person to the mental health facilities. Once that person was cured, as opposed to the killer of Lyman Bostock and many other people, he is not going to be released. Once he is cured, he is going to be sent back to the correctional system to finish serving his sentence just like any other person who has committed a crime in this state.

I think this is a sensible statutory scheme. It is something that has worked in the State of Michigan over the last 4 years. It has been upheld by the Michigan Supreme Court,

which is not philosophically too much different than our Supreme Court as being a constitutional scheme. The prosecutors have hailed it as a good system. Defense counsel has not been overly critical of the system. I have a letter here in my files that was written to me just a month or so ago by a professor of law at the University of Pittsburgh by the name of John Burkoff, who, at the time the Michigan statutory scheme was being adopted, was a professor in Michigan. He said he started out the way the Fisher bill started out, by calling for the elimination of the insanity defense, but in the end result the Michigan legislature adopted this and he thought it was the right approach. He thinks it is the right approach for Pennsylvania.

Basically, I think this is a far preferable approach not only for the treatment of people within our criminal justice system who need treatment—and believe me, there are those who need treatment—but I think it is a far preferable approach for society in Pennsylvania which we should attempt to protect, and I think it is a statutory scheme, if we can adopt it, that will go a long way to keep people from being acquitted by reason of insanity and prematurely released to the community.

I would just like to add that as far as what Mr. Levin has alluded to, what apparently is a New York scheme, as I know it in Pennsylvania today, the problem is not the lack of court scrutiny before release, because the courts do have to approve it, but if a person is acquitted by reason of insanity and then is cured, the person cannot be held under our civil commitment procedures. That is the problem with the New York approach. That is the problem with adopting the New York approach in Pennsylvania. I suggest that the approach in HB 1162 is a far preferable approach and I would urge your support. Thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. Would the gentleman, Mr. Fisher, stand for a few questions?

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

Mr. D. R. WRIGHT. I grant you that this is a complicated issue and I simply would like some clarification in my own mind about this. As I understand you, the intent of this legislation is simply to provide a procedure for those who, by reason of mental illness, do not know the nature of their acts at the time of commission of some offense. Is that correct?

Mr. D. M. FISHER. That is correct.

Mr. D. R. WRIGHT. I am confused a little bit in that regard. On page 1, on lines 13 and 14, it begins "...that the person was mentally ill at the time of the commission of the offense and that the person knew at the time of the commission of the offense the nature and quality of his act and knew that what he was doing was wrong." That seems to me not to be the intent of this act. Is there some consistency there that I am not perceiving?

Mr. D. M. FISHER. Mr. Speaker, the language that the speaker has referred to on the first page is basically a negative statement of the McNaughton Rule. It says that if the defendant is not insane, under McNaughton. That is what the McNaughton definition is, which has been the standard adopted by the Pennsylvania Supreme Court. The mental illness definition that would fall into play under this act is the definition that is contained on page 2, lines 17 through 20, and it is known as the ALI - American Law Institute - definition of insanity. It is not as far on the continuum of the scale of insanity as the McNaughton Rule is; it falls somewhere in between.

Mr. D. R. WRIGHT. So it is your view that the section on definition on page 2 is not inconsistent then with the general rule on page 1?

Mr. D. M. FISHER. That is my opinion, Mr. Speaker.

Mr. D. R. WRIGHT. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman, Mr. Fisher, consent to a brief interrogation?

The SPEAKER. The gentleman indicates that he will. Mr. Hutchinson may proceed.

Mr. W. D. HUTCHINSON. Under the bill, would a person who is unable to distinguish right from wrong, in the sense of the McNaughton Rule, be subject to acquittal as is the present law?

Mr. D. M. FISHER. Mr. Speaker, if a person could not distinguish right from wrong under the McNaughton definition, he could still be acquitted as under the present law. That is the constitutional problem that we referred to.

Mr. W. D. HUTCHINSON. So we still have the defense of insanity if this bill becomes law in the Commonwealth of Pennsylvania, but the definition of insanity is under the strict McNaughton Rule?

Mr. D. M. FISHER. That is correct.

Mr. W. D. HUTCHINSON. If, however, a person were found by a jury or by the judge to be acting out of an irresistible impulse—that is, that he could not control his acts—does the gentleman have an opinion as to what the verdict would be in that situation?

Mr. D. M. FISHER. I think that, Mr. Speaker, the verdict in that situation would be likely to fall within the category of guilty but mentally ill.

Mr. W. D. HUTCHINSON. Then under the statutory scheme, the person who is found guilty but mentally ill could be sentenced by the court to a term in prison? Is that correct? That is one of the options?

Mr. D. M. FISHER. That is correct.

Mr. W. D. HUTCHINSON. If, either at the time he was sentenced or subsequently, it was determined by appropriate medical evidence that he was no longer mentally ill and did not require mental treatment, then he would have to go back and finish his term in prison?

Mr. D. M. FISHER. He would continue serving his sentence and would be eligible for parole just as other prisoners are in our system.

Mr. W. D. HUTCHINSON. Would the time that he had spent in the mental institution, subsequent to sentencing or indeed before, be credited against the prison term?

Mr. D. M. FISHER. Yes.

Mr. W. D. HUTCHINSON. Would the court also have the option, if he were found guilty but mentally ill, of not imposing a prison term but simply requiring treatment?

Mr. D. M. FISHER. The court could, of course, impose a period of probation, which condition of the probation would be treatment.

Mr. W. D. HUTCHINSON. Does the gentleman see any constitutional problem in that if a person were found guilty but mentally ill, that a court could say it is not within the jurisdiction of the legislature to impose a prison term on a person who does not have any intent? In other words, is there any court precedent for this type of verdict which approves as a constitutional matter the incarceration of a person who had an irresistible impulse and thus could not control his actions at the time of the crime?

Mr. D. M. FISHER. Mr. Speaker, under our case law, if the person was found guilty but mentally ill, there would have been a finding by the factfinder that there was a necessary mens rae. Otherwise, there would have been a McNaughton finding. The only judicial determination that there is not a constitutional problem is the determination that was reported in the case of the People v. MacLoud in the highest court of the State of Michigan, which found that the identical statutory scheme did not have any constitutional infirmity as you are referring to it.

Mr. W. D. HUTCHINSON. Does the gentleman know whether any petition for a writ of certiorari was filed in that case with the United States Supreme Court?

Mr. D. M. FISHER. The case was decided on March 4, 1980, and as was last researched, I believe, in the middle of May, no petition had been filed.

Mr. W. D. HUTCHINSON. And there are 90 days to file such a petition under the Federal statutes?

Mr. D. M. FISHER. I believe so.

Mr. W. D. HUTCHINSON. Does the gentleman know whether or not there is any authority in the Federal courts with respect to the constitutionality of such a statutory scheme?

Mr. D. M. FISHER. Mr. Speaker, we have not found any cases that would indicate that there is a constitutional problem in the Federal system.

Mr. W. D. HUTCHINSON. Is the Michigan case the only authority approving the constitutionality of this scheme as you are?

Mr. D. M. FISHER. That is correct, Mr. Speaker, as that is the only case we have found.

Mr. W. D. HUTCHINSON. Thank you, Mr. Speaker. That concludes my interrogation.

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

Mr. W. D. HUTCHINSON. It seems to me that the gentleman, Mr. Fisher, has done a great deal of work in this area and that he has made a reasoned effort to solve a

very serious problem. The issue, however, is a close and difficult one and I think that all of the members of the House when they vote for this should understand that even though the possibility is minimal or may be minimal that there can be no guarantee given that a state or Federal court might not say that a person who was found guilty under this statute, guilty but mentally ill, would not be entitled to release. I do not think that is likely to happen in light of the statutory scheme in the Michigan case, but there is a risk there. I am inclined to vote for the bill with some feeling of concern and trepidation. Thank you, Mr. Speaker, for your explanation.

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

Mr. STREET. Mr. Speaker, will the gentleman, Mr. Fisher, stand for a brief interrogation?

Mr. Speaker, I understood you to say earlier when talking with Mr. Levin, I believe it was, that if an individual is committed of a crime and he is found guilty under your new section of insanity, that your impression was that he should be given a sentence under that section. Is this correct? Let us say like if he committed a crime and he gets 10 to 20, 5 to 10 years, or whatever, but he should be given that sentence under this section of insanity?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. STREET. Mr. Speaker, for example, if an individual was found guilty and he was given from 5 to 10 years under this section, and he was insane and he served his 10 years and he was still insane, should he then be released to the general population again?

Mr. D. M. FISHER. Mr. Speaker, under that factual situation, if the person at the termination of his period of incarceration or at the termination of parole, I believe that the Mental Health Procedures Act would contain within it certain remedies by which if he needed continued mental treatment that he could get it.

Mr. STREET. That is my point. Then what you are saying is, at that point we would rely on this act to deal with the mental rehabilitation and all that, but what you are saying is that if a man is found guilty of a crime and committed under that act, and he is found by that same act to be cured in 18 months, he should not be released to the general population? Is this what you are saying?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. STREET. Then the problem we have here is not so much as to whether the man is insane or not. What you are trying to get to is the fact that a man should serve "X" number of years for his crime and not necessarily be cured or anything else, but he should be punished before he is put back into the general population? Is that correct?

Mr. D. M. FISHER. No, the bill is two-fold. I believe a person should be sentenced for his act and he should also be treated if he is suffering from mental illness, and that is what this bill would provide.

Mr. STREET. Mr. Speaker, do we now in our institutions have psychiatric wards or psychiatric blocks in Holmesburg or any of the rest of these prisons?

Mr. D. M. FISHER. We do not, Mr. Speaker.

Mr. STREET. Then will this new section require that we establish a psychiatric block or will this criminal be placed in the general prison population?

Mr. D. M. FISHER. It would require, Mr. Speaker, that if mental health facilities are not put in place in the state correctional institutions, that the person sentenced under this new category would be transferred to a secure mental health facility.

Mr. STREET. Will this bill require a fiscal note?

Mr. D. M. FISHER. In my opinion, it would not change the present fiscal cost for the two systems in the Commonwealth.

Mr. STREET. In your opinion it would not?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. STREET. On what do you base that opinion?

Mr. D. M. FISHER. My opinion is based on discussions with the officials of the Bureau of Corrections, officials of the Governor's Budget Office, and staff of the Appropriations Committee.

Mr. STREET. And we can now establish a new section—I just want to be clear—that we do not have in the State of Pennsylvania to sentence people under, and these people would be required to go to an institution and serve some time, but this particular provision would not require a fiscal note? Everything is in place for that to happen at this point?

Mr. D. M. FISHER. Mr. Speaker, I think they are in place. We might be changing the placements and we might be changing the figures around, but I think that everything is in place. I do recognize and I would hope—and I am sure you would join with me in this—that we would be able to provide in the future better mental health treatments in our state correctional institutions. This bill does not mandate it, but I would hope that together—not only you and I and other members concerned, but the administration—would recognize that fact in the future.

Mr. STREET. I concur with you that we need to establish better psychiatric facilities in our institutions, but would you not agree, Mr. Speaker, that the facilities should be established prior to the implementation of a piece of legislation that would send people directly to those institutions if they were found psychiatrically crippled or deficient, but they would have to go there anyhow because they have committed a crime? I mean, does it not seem like we have the cart before whatever is pulling it?

Mr. D. M. FISHER. I would not agree with that, Mr. Speaker.

Mr. STREET. Why?

Mr. D. M. FISHER. I think you have to start somewhere, and this is an approach that attempts to attack both a jurisprudential problem as well as a mental health problem. And in the event that this statutory scheme directs our corrections system to provide better services, so be it. That is what I hope to do, but I do not think we have to put the services in place first, because, quite frankly, neither you nor I may be around long enough to see that.

But I would rather perhaps urge legislatively that they start considering it, and that is what I think this bill does.

Mr. STREET. Well, thank you, Mr. Speaker. Mr. Speaker, I would like to debate the merits of this bill.

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

Mr. STREET. Not at this time. After we get to that point.

The SPEAKER. We are at that point.

Mr. STREET. Mr. Speaker, I see some other people wanting to speak, and I figure that if I listen to them, I might be able to gather some more information before I speak on the merits of this bill.

The SPEAKER. The Chair will recognize the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Would the gentleman, Mr. Fisher, consent to a brief interrogation?

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

Mr. LASHINGER. Mr. Speaker, I share some of the same concern that Messrs. Levin, Hutchinson and Street indicated a bit earlier and I just have two brief questions.

The first would revolve around the idea that this could be a new point of plea bargaining on the part of the defendant, and that instead of becoming tougher, what we might actually be doing is becoming more lenient and that this new verdict would be used in most cases as a substitute verdict for a guilty verdict, and you are going to find more and more defendants coming in and instead of rolling the dice with a guilty verdict, accepting this in a plea bargaining arrangement, and what we have actually done is become more lenient instead of actually getting tougher as you propose. Would you agree?

Mr. D. M. FISHER. Mr. Speaker, certainly I would not disagree that any verdict would not become part of plea bargaining as we know it. I do not know how we can—I guess unless we say it cannot be plea bargained, we are going to be stuck with that. But I think that a defendant and his lawyer would, unless mental illness was actually existent, be awfully hesitant to plead to a verdict of guilty but mentally ill. Now if it does exist, I think that in the long run that is an aid and that is a help not only to the defendant but to the entire correctional system. If all we are doing is warehousing people and we are not really treating them during the term of their incarceration, we are not helping the system of criminal justice in Pennsylvania. They are going to be released; they are suffering the same problems; and they are likely to go back into the same types, of course, of conduct. So, I do not know if I have answered your question, but if it is plea bargained, I think it is going to be for the better of the system.

Mr. LASHINGER. What I was getting at is that person would try to avoid the correctional system and instead work his way into the mental health system, which essentially he would do under this verdict?

Mr. D. M. FISHER. I am not sure, Mr. Speaker, that a person—I am not sure that you are going to find too many

people who are going to plea bargain their way to, say, Farview State Hospital.

Mr. LASHINGER. The second question, Mr. Speaker, relates to what Mr. Street said, and my concern about putting the cart before the horse. I know in the county facilities in Montgomery County, we have a waiting list of anywhere from seven to 10 individuals trying to get treatment in the forensic units back home. What are we going to do—the effective date on the legislation is 60 days—if it quickly moved through here and got to the Senate and we found it became law quickly? It puts the Commonwealth in a somewhat peculiar position of not having the necessary facilities to take care of the individuals who are going to be under the custody of the correctional system but actually moved into the mental health system. What I am trying to drive at, would you not agree that it is incumbent upon the administration to get that in order and that we come up with the required number of beds for that project?

Mr. D. M. FISHER. Mr. Speaker, I would agree in part and I think it is incumbent upon this administration to get that problem in order, notwithstanding whether this bill passes. I think that they should be doing more administratively and cost-wise to direct resources to the forensic care of the people in the criminal justice system. I would hope if they saw this bill on the horizon as becoming law, maybe they would recognize that obligation.

Mr. LASHINGER. Thank you, Mr. Speaker.

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

Mr. RHODES. Mr. Speaker, will the gentleman from Allegheny, Mr. Fisher, yield for a brief interrogation?

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

Mr. RHODES. Mr. Speaker, I recognize the work that has gone into this effort as much as Mr. Hutchinson does. I would like to pursue a line of questioning that Mr. Wright initiated.

Would you elaborate on your response to the inquiry in regard to the definition of mental illness or the mentally ill, on page 2, line 18, where it says the mentally ill are those who lack "...substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law"? My inquiry goes to the word "substantial." What in your mind is the difference between "lacks substantial capacity to appreciate wrongfulness" and the absolute test of the innocent by reason of insanity, namely, that he does not know the difference between right and wrong?

Mr. D. M. FISHER. Mr. Speaker, the definition which you are referring to on page 2 is better known as the ALI rule on insanity, and it is a doctrine that has been accepted in some states as their insanity test. Basically, I guess I could say if you look at the spectrum of the mind as it reflects to insanity, over on the far left-hand side would be the definition of McNaughton, and somewhere to the left of center towards McNaughton would be the definition that is contained in the ALI version which I have included here

on page 2. The ALI test as is on page 2 only requires that the defendant lack substantial capacity to appreciate the wrongfulness of his conduct or to conform it to the requirements of law. Now, this is different than being totally unable to distinguish between right and wrong. It is a factual finding. All I can say to you is that courts of Pennsylvania have considered this verdict. People have said that that should have been the rule; so we have some case law on it. Other courts have defined it; there is law there as to what it is. It is going to be up to the factfinder, but I think that they are going to be able to determine it. But it is not as far over to one side as the definition on page 1.

Mr. RHODES. Mr. Speaker, is it your anticipation that the courts of the Commonwealth and juries of the Commonwealth would in the future, if we enact HB 1162, find some individuals whom they are now finding innocent by reason of insanity as guilty but mentally ill?

Mr. D. M. FISHER. Mr. Speaker, I believe that there would be some people in that capacity because a factfinder, unsure as to the degree of testimony and having been given the option of finding the person guilty or finding the person insane, was impressed by the testimony of the psychiatrists and felt compelled not to agree to a verdict of guilty but ended up getting the jury to turn the other way. I would submit that there would be some people who would move from the McNaughton finding to the finding that is contained in this bill, yes.

Mr. RHODES. Thank you, Mr. Speaker.

Mr. Speaker, may I speak to the bill?

The SPEAKER. The gentleman, Mr. Rhodes, is in order and may proceed.

Mr. RHODES. Mr. Speaker, I recognize my distinguished colleague from Allegheny County has labored some time on this very knotty question that we face in criminal justice in Pennsylvania on the insanity plea or insanity finding. However, I rise to oppose the bill very vigorously. I raise this point because I think this bill speaks to the heart of what is meant by "guilty." If our criminal justice system is to be preserved, if we are to enact sentences and impose punishments on those we term "criminals," the meaning of "guilty" must be preserved. The common law tradition and our statutory tradition imply that there cannot be this element of mental illness in the guilty. I would argue, Mr. Speaker, that we cannot have both our cake and eat it too. If we are going to find someone guilty and at the very same time find them essentially insane or mentally ill—and my argument is that the purpose of this bill is to get those who are found now innocent but insane into a guilty but mentally ill category—Mr. Speaker, we are going to create confusion, not solve problems in our criminal justice system.

Let me address one simple, clear contradiction which I hope all the members of this House will address. This bill presumes that the criminal justice system will be able to develop treatment programs that can treat people who are "substantially lacking in capacity to determine wrongfulness". I assert, Mr. Speaker, as someone who has worked

in our criminal justice system in our prisons for 8 years, that it is beyond the capacity of the Pennsylvania corrections system to ever, ever treat anyone who is so incapacitated. It is not the capacity of a criminal justice system to treat the mentally ill, and if we create this third finding in our criminal justice system, we are going to further the chaos in our correction systems that has been initiated by the mistakes in our Mental Health Procedures Act.

The appropriate way to treat the problem of the insane who have committed crimes and who are released prematurely from the mental health system of the state is to amend the Mental Health Procedures Act, not to create a third finding of guilt or second finding of guilt in our criminal justice system. We cannot have our cake and eat it too, Mr. Speaker, and to preserve the purity of the meaning of guilt, which God knows we need in our troubled society, I urge the membership to vote "no," as much as I respect the labor that has gone into this bill. I urge our members to vote "no" on this bill. Thank you, Mr. Speaker.

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

Mr. MILLER. Would the gentleman, Mr. Fisher, stand for a brief interrogation on the bill?

Mr. Speaker, on page 3 of the bill, section 2, line 24, your additional language refers to transferring agencies, and am I to assume those are in all cases to be the county MH/MR - Mental Health/Mental Retardation - groups in the event a county prison is not able to handle the commitment under your new definition?

Mr. D. M. FISHER. No, Mr. Speaker. That would be either the Bureau of Correction or the county jail to which the person had been sentenced.

Mr. MILLER. If I might pose another question, Mr. Fisher. In view of Mr. Rhodes' most pointed remarks that our state institutions, those general lockup institutions, that we operate are today not generally equipped to handle these programs, would you assume that function would be falling back to the county jails?

Basically, you are offering a number of options in the statute for a transfer of treatment authority with court approval. In lieu of the fact that we do not have treatment programs cranked up in Correction, you have addressed that problem by offering the transfer of authority to county prisons, or with the approval of the local evaluation personnel, i.e., the county jail psychiatrist or psychologist, which you have included in the bill. Are we not subtly suggesting that these clients are going to wind up with court approval in the arena of MH/MR treatment under the present act? While you say the prerequisites of the act notwithstanding, that appears to be our only treatment alternative.

Mr. D. M. FISHER. Mr. Speaker, I think, of course, the only time that the county jail and the county facilities would come into play would be when it is a sentence of 6 months or less for which a county would be allowed to accept a sentence from the court. So if it is any sentence beyond that time limit, it would be to the state system, and you would not have the drain on the county MH/MR.

Mr. MILLER. However, by simple certification of that state evaluating personnel under your language, the individual could be transferred back to his home county. Is that correct?

I do not mean to be dilatory—

Mr. D. M. FISHER. Mr. Speaker, I believe that the bill requires the referral to the Department of Public Welfare, and it is not my intent that they be referred back to the county system, unless a determination was made that the county system was the best place for them to be.

Mr. MILLER. I appreciate that, sir, as your intent. However, your language on evaluation authority, the individual with whom you place that authority and the subsequent authorization to transfer that client, does not necessarily follow. I would suggest what may follow under the bill is very direct referral back to the county. I know of no other mechanism that is currently in place that would address that circumstance.

Mr. D. M. FISHER. Mr. Speaker, not only can I not hear you completely, but I think from what I did hear that I would disagree.

Mr. MILLER. I thank the gentleman.

On the bill specifically, the flow of the client or the person adjudicated guilty but mentally ill at the time of sentencing is one that is critical in its handling and in his potential release back into society, whether as an outpatient treatment client under the direction of the court or whether he is handled directly in our institutional system, and it is that flow of the handling of his particular case in which I find the issue clouded. I might suggest, as a spin-off on Mr. Rhodes' point, that we are not currently geared up in our state institutions to handle it; that the next direct viable option will be county sentencing commitments in the hope that those larger counties are able to offer the mental treatment services outlined in the proposed statute.

In lieu of that happening in the majority of our counties, committing and sentencing judges, on parole review or on handling review of the specific case, are going to have only one option left: the Department of Public Welfare, through the Mental Procedures Act. And it is therein I think our problems are going to come up when each of us gets hit by that news story of the very violent offender who has now shuttled through all levels of the system and is again dumped back on the community under the questionable promise or false promise that the local MH/MR service agency can rehabilitate him.

I am not certain that is the direction we are prepared to go and I would encourage each member to study that statute and measure how it affects his home district. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, just to briefly outline the point that I made initially. The original intent of the original act—which is not the act in front of you—was to solve the problem of the woman whom I told you about, the woman who killed someone on the sidewalk, took her baby

and was released in less than a year. This bill does not address that problem. It does not change the existing problem in any way. She would still be acquitted on the grounds of insanity; she would still go to a mental health facility and she would still be released in a year.

The approach, which New York has just taken and the approach which the District of Columbia has taken, is that people committed under this category can only be released subject to hearings before the trial judge and independent judgments made as to their safety to the community. We should be changing not the criminal act but the Mental Health Procedures Act for people in this category. This is the wrong direction, and I hope you will not make a mistake and go with this kind of bill without careful consideration.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Street, wish to debate the bill any further? The gentleman is in order and may proceed.

Mr. STREET. Mr. Speaker, I always like to have the last say, but it looks like you are going to reserve that for Mr. Fisher. So I will have a few brief remarks at this point.

The problem I am having with HB 1162 seems to center on the amount of time that an individual serves for a crime committed. It does not go to the fact that if a man is found guilty or not guilty because of mental insanity. It seems like to me that what we are saying and what our judicial system is saying at that point is that here is a man who has committed a crime, or a woman, if you please, that they were not responsible for at the time the crime was committed. But what we are saying is that we should hold an individual incarcerated for X number of years for a crime that was committed that the courts found that individual was not responsible for because he did not have total presence of mind while he committed that crime. So what we are doing is punishing people by way of incarceration for a crime that was committed while that individual was not in his proper frame of mind and did not in fact know what he was doing at the time the crime was committed.

I am only dealing with the findings of the court, and it seems like to me that if we do that, we undermine the very basis of our judicial system, and it seems like to me that the judicial system says a man is innocent until found guilty, and it also seems like to me that an individual is to have been found guilty beyond a reasonable doubt. And when I start defining in my mind a reasonable doubt, you are talking about here is a man who has committed a crime that he or she knew at the time that that crime was committed that they were committing. And it seems like to me, Mr. Speaker, that what we are saying is that you take an individual who has been found guilty of a crime that they did not know or were not aware of or were not fully conscious of at the time they committed and say that even under those circumstances we are going to punish this individual because the crime was committed. It does not matter whether he was of state of mind; it does not matter whether that individual knew whether he was committing

the crime; the crime has been committed, so, consequently, the individual must pay. Guilty by way of insanity. It seems like to me that that automatically says that here is an individual who needs psychiatric treatment, and an individual who needs psychiatric treatment should be put in a population, in an institution that is designed to bring about the psychiatric treatment that is necessary to make that sick person well. And if we are in fact not talking about that, then all we are talking about is punishing people for a crime whether they are guilty beyond a reasonable doubt, whether they were of sound minds at the time that they committed the crime, and it does not even matter—and I think this is important—that that individual is sentenced to an institution, serves his 5 or 10 years and then qualifies to go back into the general population, and that that individual at that point cannot be held in the institution even if he is still mentally ill and has the same capacity to commit that same crime over again. I would urge the defeat of HB 1162, because, in my opinion, it just does not make a lot of sense. Thank you.

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

Mr. ZELLER. Mr. Speaker, would Mr. Street consent to brief interrogation?

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

Mr. STREET. That was not my indication, Mr. Speaker.

The SPEAKER. The Chair is in error. The gentleman, Mr. Street, declines to be interrogated.

Mr. STREET. Thank you.

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

Mr. ZELLER. Mr. Speaker, I am sorry that Mr. Street did not consent to interrogation because if I heard him right, he said, and I quote, that under the bill as drafted, HB 1162, an individual who committed a crime—say, for instance, murder—and the guilty but mentally ill plea came in, this person would, after treatment, have to continue to serve that time out. If it was 10 years, no matter what it was, they would have to continue to serve that time. Now, if it is incorrect, I would like to hear if this is not what I heard.

Now, in effect what he is saying is he is agreeing with Mr. Fisher because Mr. Fisher admits that that is what could happen. But what he is saying additionally, I think, is that we do not have the proper facilities evidently to take care of these people. With that part, I would agree with him. But the point that I am getting at is, Mr. Levin—with all respect to him, and I am sure he would not mind being interrogated—I think, said that this bill does not do what they said. In other words, you said that a person committing a crime would be no different than under the present law, under Mr. Fisher's bill. That the person would be released after the person was found that they were cured after a year or two, given a 10-year sentence, and would be released to the streets. Now, if that is not what you said, if I remember correctly—and, with all respect, would Mr.

Levin mind an interrogation on that, because this was what you said a few minutes ago? And I wanted to find out that, you know, you said it would be like the person found mentally ill would still have to serve the time, and he says no. So I would want to find out who is right here. That is exactly what was said. Is that not what he said?

Mr. LEVIN. Mr. Speaker, is Mr. Zeller asking to interrogate me?

Mr. ZELLER. Yes, if you do not mind. The statement that you made, and I quote, is that under Mr. Fisher's bill that it be no different than present law, a person pleading guilty but mentally ill would be released after that person went to an institution and was found to be cured in a year or so, that person could be released. And you were citing the case in Philadelphia. Is that a true statement? I am not trying to be facetious.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, who is going to respond to Mr. Zeller's question. The gentleman may proceed.

Mr. LEVIN. This is one of those strange circumstances where both Mr. Street and I are both correct, although the statements seem to be very different. We are talking about the different effects of the bill. The existing law would remain in effect; the person would be found not guilty by reason of insanity; they would go to the mental health facility, and they would be released back to the community just as they do today, which is what I said. Mr. Street was addressing the problem of the person who was found guilty but mentally ill, the new category. And in that category what he was discussing was correct. That was an entirely new category which the bill superimposes on the existing law. So both of us were addressing different problems and both of us are correct.

Mr. ZELLER. Well, a continuation of the interrogation then. If this bill passes, then would not Mr. Street's comments be correct and yours wrong?

Mr. LEVIN. Yes, they can be correct if the person is found guilty but mentally ill, but they would be not correct if the person was found not guilty by reason of insanity, which will still remains the existing law.

Mr. ZELLER. Yes. In other words, you are getting back to plea bargaining and how they are going to come up with the— That I have no control over; none of us do, and I do not know how that is going to work. The only thing I see is that we have a foot in the door to make a change and I felt it was in the right direction, but the only part about it is that I felt Mr. Street is correct all the way with the exception of the facilities. I do not know whether we— I know in the prison they do not have the facilities, but there are facilities available for mentally ill people. So that part if it I do not know whether he is correct on with the exception of not being in a prison. They are not in the prison today. So with that I do support your amendment. At least it may force, it may force these conditions to be brought about, which would help the concern that Mr. Street has.

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

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not Mr. Fisher would consent to brief interrogation.

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

Mr. RICHARDSON. Presently, Mr. Speaker, do you have some idea of the number of inmates that are presently incarcerated in institutions that are cited by the courts as mentally ill or have pleaded insanity and are presently sick that are in our correctional institutions in the Commonwealth?

Mr. D. M. FISHER. Mr. Speaker, I am sorry, I could not hear, because of the noise, your question.

Mr. RICHARDSON. I asked, Mr. Speaker, whether or not you have any data or statistics on the number of inmates presently incarcerated in institutions in the Commonwealth of Pennsylvania that are either by the courts registered as being mentally insane or those persons who have gone to court and said they are mentally ill and have been sent to institutions?

Mr. D. M. FISHER. Mr. Speaker, I do not have any statistics on the number of cases in which the defense has been raised. It varies from county to county. We had testimony from an assistant DA in Crawford County who indicated, prior to his testimony, that in the five previous homicides with which he was involved, the defense was raised. I do have some statistics however.

Mr. RICHARDSON. That is the specific question I have. If you do not have those statistics, I do not want any others.

What I would like to ask you is this question: Whether or not then, in your findings in preparing this particular bill, which I feel is a bad bill, have you got any data concerning the number of individuals in the testimony that have testified before you of persons who should have been in hospitals and not institutions and are not being treated for their mental illness even though they have never been found guilty?

Mr. D. M. FISHER. Mr. Speaker, we do not have any statistics on that, but there are people who are within the state correctional institution that I, quite frankly, think are in need of treatment, and I think under this statutory scheme would more easily get it.

Mr. RICHARDSON. Where would that be, Mr. Speaker, in your bill?

Mr. D. M. FISHER. Presently they would, under our system, have to receive it at Farview State Hospital, but I would hope in the future that other facilities would be made available by this Commonwealth from our tax dollars to treat that person who presently is receiving nothing but incarceration and no help whatsoever.

Mr. RICHARDSON. Yes, but I am saying that your bill does not speak to that aspect of it. That is why I am concerned with the clause that is being used, "guilty but mentally ill."

Mr. D. M. FISHER. Mr. Speaker, it speaks to it only prospectively. It does not speak to anybody who is presently in the system today.

Mr. RICHARDSON. Well, Mr. Speaker, it seems to me that if we are going to correct the wrong that is being done, and I think that that is a very clear indication that one of the reasons why we are having such a problem at Graterford today is the fact that you will find that in many of these institutions where these persons are incarcerated that there is no special place for them to be treated or to be housed by which they can get it. And I would like to know whether or not you know what the system is for placing persons in Farview or if there are any other institutions where they would go if in fact they are declared mentally ill?

Mr. D. M. FISHER. Under the present system, under the Mental Health Procedures Act, Mr. Speaker, a petition would have to be filed by the Bureau of Correction to have the person transferred to Farview State Hospital. A hearing would be held, and if he was found to be mentally ill, under the definition of mental illness under the Mental Health Procedures Act, he would be transferred to Farview.

Mr. RICHARDSON. But in most instances, Mr. Speaker, that does not happen. We have a number of cases right in this Commonwealth at Rockview and also Dallas and Graterford where that basic information is being related to the Commissioner of Correction when nothing has happened relevant to making sure that that person is getting the adequate treatment that they are supposed to get. In your bill, how does that correct that particular problem, if you are talking about changing the definition that you are presently asking for in terms of guilty but mentally ill?

Mr. D. M. FISHER. Mr. Speaker, it does not. As I said, this deals prospectively with future cases, and unfortunately it cannot address all the ills. I hope that we will be able to address some of those ills in future actions, both administratively and legislatively, but you cannot cover everything in one piece of legislation.

Mr. RICHARDSON. One final question, and then I would like to ask for consent to address the bill, and that is, do you have any provision by which you are including in this particular bill some answer to the problem that you are saying that you do not have any information on now, but some way of dealing with the hospitals that should take care of individuals who are declared mentally ill after this bill passes or does not pass?

Mr. D. M. FISHER. Mr. Speaker, if a person is found guilty but mentally ill under this bill if it became law, there are provisions as to where and how he would be treated, yes.

Mr. RICHARDSON. What does that say, Mr. Speaker?

Mr. D. M. FISHER. Well, it says that if the facilities are not available within the Bureau of Correction, that the person who was found guilty but mentally ill and who remained mentally ill would be transferred to the Department of Public Welfare for treatment under the existing framework of the Mental Health Procedures Act.

Mr. RICHARDSON. That is my point. There are no provisions now for them, and if you are saying that this is

going to be created, who is going to create it? And if they go to the Department of Public Welfare, they do not have the adequate facilities to take care of it now.

Mr. D. M. FISHER. Well, they had some facilities. I think funding is going to be the only way it is created, and I think that regardless or whether we pass this bill, or we do not pass this bill the Department of Public Welfare has to address itself to that problem, and I would hope that you would help aid in that effort because I am concerned with that too.

Mr. RICHARDSON. Thank you very much, Mr. Speaker. I would like to ask unanimous consent to address the House.

Mr. Speaker, it seems to me that HB 1162 not only is a bad bill but has been put together very poorly. I think that it speaks to the problem as it relates to guilty but mentally ill. It raises some serious questions particularly in my mind on those individuals who are incarcerated in institutions in this Commonwealth who in fact do not get any treatment presently. If we are going to deal with changing some acts and laws, then it seems to me that one of the things that should happen is that there has got to be some way of dealing with that particular problem. That has not been cited in this particular bill.

By the language—and even though I am not a lawyer, I understand a little bit about the law—it seems to me that what you have done is to blame the victim who may be mentally ill by saying that automatically we are going to say they are guilty but mentally ill, and this is playing a word game with folks, and the word you use is “scheme,” and that is exactly what it is - it is a scheme. It does not have any provisions to really take care of a legitimate problem that is in this Commonwealth dealing with mentally ill. When this legislature changed the Mental Health Act and changed the definition of mentally ill so that folks could not be treated like they are supposed to out there in the streets, we see a number of people running around in the streets of the city of Philadelphia who are mentally ill and need some attention and who are not getting it. And I think that if there is going to be a way to change that particular provision, it seems to me that this is not the route to go, but that you should get an opportunity to hear from a number of people who in fact are dealing in this whole mental health-mental retardation area where you have violent crimes committed by those particular persons after incarcerating them inside of an institution, not giving them any treatment, then allowing them to go back out into the general overall society. To say that that person now has completed his time, but is not being treated for his particular illness, has not resolved your particular problem.

Under those grounds, Mr. Speaker, and the fact that I feel that the continuity of thought is lost, I would be opposed to the bill and ask the members of the House to do likewise. Thank you very much.

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

Mr. EARLEY. Mr. Speaker, I rise to support HB 1162 for the following reasons:

We recognize that there is, in the present system today, many persons who have been found guilty of committing offenses and many persons who have mental illnesses, and because of the failing of the present system are not being treated for that mental illness.

We also recognize that we have in effect in Pennsylvania today the McNaughton Rule which calls for not guilty by reason of insanity, and many people, who would be envisioned by that McNaughton Rule as falling within its purview, are losing such pleas because of the seriousness of the crimes which they have been accused of committing.

I see HB 1162 in two ways: One, as a beginning to address a serious need we have in this Commonwealth and filling a void that we have here.

Number one, because of the seriousness of some crimes that are committed, notwithstanding how mentally ill the person committing that crime may be, judges and juries are denying them the benefit of the McNaughton Rule and finding them guilty. Now, once they are found guilty, they are sent directly to the prison system which has practically no facilities for providing the kind of treatment that is required. To find such persons guilty but mentally ill automatically brings up the requirement of the Commonwealth utilizing all of its resources and the Department of Welfare, mental health-mental retardation and whatever other resources we have for the purpose of seeing that they themselves receive the treatment that is required. In addition to that, you will find that only in the most serious cases of mental illness, the most aggravated, the most clear-cut cases, will a person be found not guilty because of the McNaughton Rule.

We are aware that there are various grades and gradations of mental illness, and we are aware that over the years there has been extensive development in the treatment of mental illness. If a person is found not guilty by reason of the McNaughton Rule, then we lose control over them, and as in the case stated by Mr. Levin of the woman who attacked and took a child that was being carried by another woman, upon completion of that treatment, we would have no control. But we are also aware that because of the seriousness of some crimes and the emotional background of that crime, that persons who would ordinarily qualify under McNaughton are not, and therefore they will go into the prison system and the prison system does not give them the treatment. This bill fills that void. This bill is not complete because there is much, much more that needs to be done.

I recognize that we must look at the mental health laws of this state to strengthen them and see that all of those persons we find in our society who need help are able to get it, but we also must look very strenuously and very seriously and very rapidly at the correction system here. There is no reason for there not to be in place a provision for the treatment of mentally ill persons within our prisons. Since there are none and since there is no provision in the law at the present time for maintaining any kinds of controls over

those persons who commit crimes and those crimes were contributed to by their mental problems, I submit that we should put HB 1162 on the books at this time and continue to work for the additional improvements that we need in this area.

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

Mr. RICHARDSON. I have two quick questions for Mr. Fisher, if I may.

The SPEAKER. Will the gentleman, Mr. Fisher, stand for further interrogation?

Mr. RICHARDSON. You earlier said that the Department of Public Welfare in this bill is going to be mandated to in fact make sure that those who fall under this particular act will be in fact treated. What is going to be the cost of this by the Department of Public Welfare, and what is the cost of this bill if this bill is enacted to make sure that those persons are in fact treated?

Mr. D. M. FISHER. Mr. Speaker, I think the existing costs per day at Farview are somewhere in the neighborhood of \$175 a day. There, of course, is money provided in the budget for the mental hospital at Farview. I think there should be more money, and, as Mr. Early has indicated—

Mr. IRVIS. Mr. Speaker, would the gentleman yield?

POINT OF ORDER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have noticed something in the balcony which ought to be brought to the attention of the Chair. There is apparently a photographer in the balcony insisting on taking telephoto lens shots of this House of Representatives.

The SPEAKER. Will the sergeant at arms remove anyone from the gallery who is taking pictures immediately?

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, Mr. Speaker. It is probably the press in regard to my blast 2 weeks ago, trying to get a picture of—

The SPEAKER. Will the gentleman yield? The gentleman is not raising a point of order. The gentleman, Mr. Richardson, has the floor.

Mr. RICHARDSON. I have not yielded.

Mr. ZELLER. They are trying to get a picture of me voting for somebody, probably.

POINT OF ORDER

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

Mr. DAVIES. Mr. Speaker, I was going to address myself to the power or the authority of the Chair to, in

some way or other, determine who had taken the pictures at the particular time and to the possibility of their being reproduced, because I was out of my seat at the time and answered the phone, and so forth and so on, and naturally I would not want anything to be printed that could be misconstrued. I did not know whether that was in the authority of the Chair or not relative to whether those pictures were taken legally or illegally by the established rules of the House.

The SPEAKER. The Chair was unable to determine if or who was taking pictures. When it was called to the attention of the Chair that someone in the gallery was apparently taking pictures, by the time the Chair directed the sergeant at arms to take the proper action, apparently the person had run out of the balcony.

CONSIDERATION OF HB 1162 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. I raised a question to Mr. Fisher—if I can see him; he is covered by a lot of people down there—as to whether or not there is any dollar amount that is figured into this particular bill since the Department of Public Welfare is going to in fact take on the responsibility of these mentally ill persons. If you are telling me that they are sick and they are going to be treated, then it means there is going to be some costs to this Commonwealth, and I would like to know who is going to take the brunt of that responsibility?

Mr. D. M. FISHER. Mr. Speaker, there is money, as I indicated, in the budget for the treatment of individuals at the state mental hospitals, including Farview.

Mr. RICHARDSON. What budget is that? We do not have a budget. I am caught off guard.

Mr. D. M. FISHER. In last year's budget and in any recommendations that I have seen, I think the figure is included there. So whenever we get a budget, there will be money.

Mr. RICHARDSON. Thank you. My concern is that if we are not specifically giving a dollar amount to this particular bill to deal with those particular individuals who may fall under this act after it is passed, then I do not understand what we are doing. I mean I am confused because it seems to me that it says that all bills are required to have a fiscal note, and if the money for this particular bill is in the budget that has not been passed, they already have money to do it. They are not doing it now. We have inmates that I can give you records of right now who are mentally ill in institutions who are not being treated by the Department of Public Welfare, and you tell me that the money is there. How much money is it?

Mr. D. M. FISHER. Mr. Speaker, I think there is enough money in the system. I think that the system probably deserves more. I think if this bill becomes enacted into law, there will be a good basis for us to urge more, and I

think we are just going to have to fight to improve that system monetarily in future sessions. I hope you will be able to join me on that and likewise.

Mr. RICHARDSON. How much, Mr. Speaker?

Mr. D. M. FISHER. I cannot honestly estimate that. I do not know whether it is going to be an increase or not, Mr. Speaker.

Mr. RICHARDSON. Okay. Mr. Speaker, that is my whole problem. I am finished interrogating the gentleman and I want to finish my remarks for the second time on this bill.

That is my whole argument, Mr. Speaker. If there is no fiscal note attached to the bill, and we are required by the rules of this House to have a fiscal note attached, and we are saying the money is already there in the budget, and Mr. Fisher cannot delineate for us where that money is, how much money that is going to be, approximate or otherwise, then I do not understand how we can say the Department of Public Welfare is going to take care of it. What if we do not get a budget? What if the money is not in it for the Department of Public Welfare, and if you do not have something earmarked for it, what do we do?

I think this is too important and too serious for us to be laughing about it. I think that we need to find out what is going to happen relevant to those persons who do fall in this category. It is a very dangerous thing to have somebody walking around out there who is mentally ill who commits several crimes and then goes into the institution, is not treated, sent back out on the street and have the same thing done over again, and then tell me that there is possibly money in it but you do not know how much.

Mr. Speaker, I ask the members of this House to oppose this legislation. Not only is it a bad piece put together, but it does not even have the dollar amount of money that is going to be spent on making sure that these persons who do fall under this category will in fact be treated. Thank you, Mr. Speaker.

LEAVE OF ABSENCE WITHDRAWN

The SPEAKER. The gentleman from Philadelphia, Mr. Gray, indicates he is withdrawing his leave of absence for the day and asks that his name be added to the master roll.

On the question recurring,
Shall the bill pass finally?

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

YEAS—132

Alden	Fischer	McClatchy	Scheaffer
Anderson	Fisher	McKelvey	Schweder
Armstrong	Foster, W. W.	McVerry	Serafini
Arty	Foster, Jr., A.	Mackowski	Sieminski
Austin	Gallagher	Madigan	Sirianni
Belardi	Gallen	Manmiller	Smith, E. H.
Bittle	Gannon	Micozzie	Smith, L. E.
Borski	Geesey	Mochlmann	Spencer
Bowser	Geist	Mowery	Stairs
Brandt	George, C.	Mrkonic	Stuban
Brown	George, M. H.	Mullen	Sweet
Burd	Goebel	Murphy	Swift
Burns	Goodman	Nahill	Taddonio

Caltagirone	Grabowski	Noye	Taylor, E. Z.
Cessar	Grieco	O'Brien, B. F.	Taylor, F.
Chess	Gruppo	O'Brien, D. M.	Telek
Cimini	Hagarty	Peterson	Thomas
Civera	Hayes, Jr., S.	Petrarca	Trello
Clark, B. D.	Hoefel	Phillips	Wachob
Clark, M. R.	Honaman	Piccola	Wass
Cochran	Hutchinson, A.	Pitts	Wenger
Cole	Hutchinson, W.	Polite	Wilson
Cornell	Johnson, E. G.	Pott	Wilt
Coslett	Klingaman	Pratt	Wright, D. R.
Cowell	Knepper	Punt	Wright, Jr., J.
Cunningham	Knight	Pyles	Yahner
DeWeese	Kowalyshyn	Rasco	Yohn
Davies	Lehr	Reed	Zeller
Dawida	Lescovitz	Ritter	Zord
Dietz	Letterman	Rocks	Zwilk
Dorr	Levi	Rodgers	
Duffy	Livengood	Ryan	Seltzer,
Durham	Lynch, E. R.	Salvatore	Speaker
Earley	McCall		

NAYS—55

Barber	Greenfield	McMonagle	Richardson
Berson	Halverson	Maiale	Rieger
Cappabianca	Hasay	Manderino	Schmitt
Cohen	Irvis	Michlovic	Seventy
DeMedio	Itkin	Milanovich	Shupnik
Dombrowski	Jones	Miller	Spitz
Donatucci, R.	Kanuck	Novak	Steighner
Dumas	Kolter	O'Donnell	Stewart
Fee	Kukovich	Oliver	Street
Freind	Lashingier	Pievsky	Vroon
Fryer	Laughlin	Pistella	Wargo
Gamble	Levin	Pucciarelli	White
Gatski	Lewis	Rappaport	Zitterman
Gladeck	McIntyre	Rhodes	

NOT VOTING—10

Beloff	Giammarco	Johnson, J. J.	Shadding
Bennett	Gray	Perzel	Williams
Dininni	Harper		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would yield right now to Mr. Fisher for an announcement.

ANNOUNCEMENT BY MR. FISHER

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

Mr. D. M. FISHER. Mr. Speaker, at the call of the recess, I would like to call a meeting of the Subcommittee on Crime and Correction in my office in the Annex, in room 2.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, at this time I would ask that we recess until 3 o'clock. I would expect that at 3 o'clock we will have a decision as to what the schedule will be for the balance of the week. I would urge everyone to be in the Capitol Building and on the floor. Thank you, Mr. Speaker.

NO DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we will not at this time call a caucus of the Democratic Party. Although I caution the Democrats it may be necessary that we call you off the floor later on this afternoon on budgetary matters, we will not require an immediate caucus. Thank you, Mr. Speaker.

BILL SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bill, which was then signed:

HB 1799, PN 3403

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificates of public convenience related to taxicabs to provide for temporary authority for common carriers and changing certain certificates of public convenience.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. POLITE presented the Report of the Committee of Conference on **SB 985, PN 1827**.

The SPEAKER. The report will be laid over for printing under the rules.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. POLITE presented the Report of the Committee of Conference on **SB 986, PN 1828**.

The SPEAKER. The report will be laid over for printing under the rules.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO RULES COMMITTEE****HB 1677, PN 2049 (Unanimous)**

By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), increasing the number of inhabitants for determining the issuance of distributor and importing distributor licenses.

LIQUOR CONTROL.**HB 2557, PN 3356**

By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), removing certain restrictions involving outside employment of certain employes of the board.

LIQUOR CONTROL.**REMARKS ON VOTE**

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

Mr. FEE. Mr. Speaker, I voted in error on HB 1162. I would like to be recorded in the affirmative.

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

RECESS

The SPEAKER. Without objection, this House now stands in recess until 3 p.m. The Chair hears none.

AFTER RECESS

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

BILLS SIGNED BY SPEAKER

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

HB 1408, PN 2710

An Act authorizing the Department of General Services, with the approval of the Department of Health and the Governor of the Commonwealth of Pennsylvania to convey a certain lot or tract of ground situate in the Township of Mount Joy, Lancaster County, Pennsylvania.

HB 2383, PN 3081

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the use of the photo drivers' licenses for identification.

REPORT OF COMMITTEE ON COMMITTEES

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

Mr. ANDERSON. Mr. Speaker, I submit the following report of the Committee on Committees.

The following report was read:

**SUPPLEMENTAL REPORT OF
COMMITTEE ON COMMITTEES**

In the House of Representatives, June 1980

RESOLVED, That Ronald Goebel, 29th District, Allegheny County, is hereby elected a member of the Game and Fisheries Committee and the Consumer Affairs Committee vice David Sweet resigned.

Signed: John Hope Anderson, Chairman
and others

On the question,

Will the House adopt the resolution?
Resolution was adopted.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate, June 9, 1980

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 16, 1980 and when the House of Representatives adjourns this week it reconvene on Monday, June 16, 1980.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. GRAY. I would like to be recorded in the affirmative on HB 1162 and on HB 1799.

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

CONDOLENCE RESOLUTION ADOPTED

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

Mr. MICHLOVIC. Mr. Speaker, I offer a condolence resolution on the death of George E. Jenkins, a former member of the House of Representatives.

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

(For copy of resolution, see Appendix.)

MR. ANDERSON REQUESTED TO PRESIDE

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

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

CALENDAR RESUMED BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1246, PN 1878**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further regulating insurance companies, associations and exchanges and their policy provisions and further providing for the classification of risks.

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

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

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

(Members proceeded to vote.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, could we have an explanation of what this bill does? It raises it to 8 percent. Right now you can borrow at 5.

The SPEAKER pro tempore. The Chair informs the gentleman there is nothing before the House but the taking of the vote.

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

Does the gentleman, Mr. Yohn, care to explain the bill to the gentleman from Westmoreland, Mr. Hutchinson? The gentleman, Mr. Halverson?

Mr. HALVERSON. Yes, Mr. Speaker. SB 1246 is a bill which would allow the rate of interest to be charged to a policyholder when he borrows his cash value to rise from the present 6 percent to 8 percent. Now this does not affect policies that are currently in existence. On all of the old policies, the rate of interest would still remain at 6 percent —5; I am corrected; 5. Okay. On any new policies issued, however, after the effective date of this act, they would be allowed to charge up to 8-percent interest.

It further was amended in the House Insurance Committee and it provides an amendment which is felt to be necessary by the business community of this state. What it does is that currently on workmen's compensation policies, the workmen's compensation rating bureau assigns an employer a rating classification. If the employer is dissatisfied, the only place for appeal is to the courts. The amendment inserted in the House Insurance Committee would provide that an appeal would be heard by the Insurance Commissioner and they would adjudicate the classification problem. Other than that, Mr. Speaker, I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. A. K. HUTCHINSON. I would like a "no" vote on this, because right now you can borrow at 5 percent and then anybody else will have to pay 8 percent. You are borrowing your own money. Thank you.

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

Mr. HALVERSON. Just a couple of other points. In answer to Mr. Hutchinson's problem, as I indicated earlier, this bill will not affect any policy that is currently in existence. That rate is guaranteed in the policy, and this will not affect them.

This type of legislation has been passed in 48 other jurisdictions of this country. Forty-eight other states have allowed their interest rate to be increased. Insurance companies currently and in the past, say, 6 months have really faced a crunch when it comes to policyholders borrowing on their cash values. They have literally had to go and borrow money from the banks at the prime rate of interest and provide it to their policyholders at 5 percent. I really see nothing wrong with the 8-percent rate of interest and I ask for an affirmative vote.

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

Mr. GALLEN. Mr. Speaker, additionally, this provision allowing the interest rate on new policies, only new policies, to increase to 8 percent will be a benefit, great benefit, to those policyholders, most of whom are policyholders in mutual insurance companies in Pennsylvania, because their dividends will increase substantially. So it will be an increased benefit to those people who do not borrow on their insurance policies, and as Mr. Halverson pointed out, the very main feature is that Pennsylvania is somewhat unique in keeping the limit at 6 percent currently, and I want to emphasize that for all of those people—and that is most of the people who own life insurance policies—who have a 5-percent-interest-rate contract, it does not change that whatsoever. All those policies which contain a 5-percent borrowing rate will continue at 5 percent. This is only on new policies, and what it means is that Pennsylvania will have to offer contracts, as they are currently, that are different from those contracts in other states of the United States, and I support this bill, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, it ought to be made very clear that this is really a consumer bill. When you examine the contract of insurance, you examine what it costs you in the way of premiums and you also look and see what the costs would be to borrow back your loan value. This is very desirable, therefore, then to be able to borrow this back at an agreeable price. In today's market 8 percent is still very much of a bargain, and if we continue to force this at the 6-percent level, we are going to render our own Penn-

sylvania insurance companies quite uncompetitive with other states' insurance companies selling insurance in our state. As Mr. Halverson pointed out, the other states have already permitted this rate to go up, so that if we do not raise this up, too, our particular insurance companies will not be able to sell their policies in competition with these other states.

Furthermore, I think Mr. Halverson pointed out—I want to reiterate this—when people borrow money at 6 percent, they are going to borrow just as much as they can lay their hands on, and this applies particularly to the very large insured people who have very substantial cash surrender values. The more of that money which is lent out at 6 percent, the less the earnings will accrue to the other policyholders. That is why I say this is really a good consumer bill. That 8 percent that will be charged on new policies will discourage the borrowing of extensive amounts of loan values and penalize the earnings of the people involved. So I strongly urge that you take a good look at this and realize that this is a very good consumer bill, and in conjunction with this also, let us remember that the insurance companies also have two other bills pending in this legislature which call for them to assign more earnings to their cash forfeiture and surrender values. The interest assumptions will go up, too, and that is in favor of the consumer as well.

The whole thing is a package. Nobody is forced to borrow at 8 percent unless they have a new policy and they choose to borrow at 8 percent, and we are not even saying that they are going to be charged 8 percent; we are going to say it is a ceiling. I think this is a good bill. I think it is in order and I think it brings us up to the realization that the money market has changed considerably.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, I would like the members of the House to know that a life insurance policy, as I am sure everybody recognizes, is a contract between the company who issues the policy and the person who is paying the premium. Presently in every life insurance policy there is a legal cash reserve which helps to make up the body of the policy. This body of interest ranges from 4 to 6 percent in the policies that I have sold over the past 30 years. For example, on my own policies, on one policy I have borrowed at the rate of 4 percent and on another I have borrowed at 5 percent. Now, if you were to attempt to change that, that would be a violation of the contract and, of course, is not possible. It has to be guarded against.

I am very much opposed to the 8-percent rate, first of all, because it cannot be applied to the policies that are already in force, and, secondly, because it opens the door to higher interest reserve rates in future policies, which, of course, is a penalty to the consumer who buys the policy. I would be happy to answer any questions on that subject. I think I am knowledgeable and I think that the members of this House should be guarded against being exploited with a higher interest rate. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, would Mr. Vroon submit to interrogation, please?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, in your comments just a few moments ago, you indicated that this was really a good consumer bill and in doing so you made a couple of statements, and I would just like you to elaborate on them a little bit more, if you have the data available.

First of all, you spoke about how this bill would be of benefit to Pennsylvania insurance companies and you noted that Pennsylvania insurance companies are at a competitive disadvantage to other insurance companies when they are trying to sell or might try to sell insurance policies in Pennsylvania. Can you describe to me what is a Pennsylvania insurance company? Can you give me some examples of a Pennsylvania insurance company?

Mr. VROON. Any stock company that is organized and does business in Pennsylvania would be covered by this law.

Mr. COWELL. Can you give me an example of some of those insurance companies? How many are there?

Mr. VROON. I do not know how many there are, but one example is Allstate; another example is the Insurance Company of North America, Nationwide Insurance. These are all Pennsylvania insurance companies that are authorized to do business in Pennsylvania. In the case of INA, they are domiciled.

Mr. COWELL. Are you saying they are those corporate entities which are established under Pennsylvania corporate law and are not headquartered in some other state, such as Massachusetts or Connecticut, where I understand most of them are headquartered?

Mr. VROON. I did not get your question, I am sorry.

Mr. COWELL. Are you saying that those companies that you cited are established as corporate entities under Pennsylvania corporate law and are headquartered here rather than being established under Massachusetts corporate law or some other state's corporate law and in fact being headquartered in some other state?

Mr. VROON. I am talking about insurance companies not necessarily authorized to do business in Pennsylvania, but people can go outside and buy insurance from somebody else if they want. That is really not the point. It is not the point I am getting at all.

Mr. COWELL. Well, I am trying to determine what a Pennsylvania insurance company is, if you are speaking about something other than a company that might happen to sell insurance in Pennsylvania. Is there such a creature as a Pennsylvania insurance company in contrast to most of the national insurance companies that we often read about and we see their advertising and often we are approached by their salesmen?

Mr. VROON. Strictly speaking, a Pennsylvania insurance company is one that is organized and domiciled in Penn-

sylvania, but there are also people who operate in Pennsylvania who are not Pennsylvania insurance companies but they are authorized to do business in Pennsylvania.

Mr. COWELL. Okay, that I understand. Can you sight some specific examples of insurance companies that are organized and domiciled in Pennsylvania?

Mr. VROON. Insurance Company of North America is one.

Mr. COWELL. Are there any others?

Mr. VROON. Fidelity Mutual is another.

Mr. COWELL. Okay, what about some of the larger ones that we often hear about like Mass Mutual and similar type insurance companies?

Mr. VROON. No; they are authorized to do business in Pennsylvania, but they are not domiciled in Pennsylvania.

Mr. COWELL. So they are not really Pennsylvania corporations or Pennsylvania insurance corporations as we might think?

Mr. VROON. That is right.

Mr. COWELL. Do you have a figure on the percentage of the dollar value of insurance policies sold by what we, I think, now agree would be Pennsylvania insurance companies, that is, those insurance companies organized and domiciled in Pennsylvania; that is the percentage of the total dollar value of insurance policies sold in Pennsylvania?

Mr. VROON. No; I am not prepared to submit any kind of data on that account.

Mr. COWELL. Would you agree that it is probably a small figure or a small percentage?

Mr. VROON. I have no idea really.

Mr. COWELL. Okay. One final question, Mr. Speaker: You and another gentleman who spoke before you indicated that there would be value in adopting this legislation because ultimately the dividends that would be available to policyholders would increase simply because the company was making more money on the higher interest rates. Would it not be fair to assume that most of the higher dividends that would be realized would be realized by non-Pennsylvanians because these are national corporations that have stockholders all over the country, and in fact the higher dividends that would be realized by those national stockholders would be paid for by higher rates, higher interest rates, paid for only by the Pennsylvanians that would be affected by this bill.

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

Mr. GALLEN. I was just wondering if Mr. Vroon would yield just for a few minutes. First of all, in response to some of the questions—

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Cowell, has the floor. Do you wish to be interrogated by the gentleman from Berks, Mr. Gallen?

Mr. GALLEN. I wanted him to interrogate me.

Mr. COWELL. I think Mr. Gallen was going to attempt to respond to the questions that I have asked of Mr. Vroon. If Mr. Gallen wishes to respond to the specific

questions that I have asked Mr. Vroon, I will be glad to have him do so.

Mr. GALLEN. That is what I would like to do.

Mr. VROON. I yield to Mr. Gallen for the interrogation.

The SPEAKER pro tempore. The gentleman from Berks, Mr. Gallen, may go ahead.

Mr. GALLEN. First of all, Mr. Speaker, the main part of this bill concerns life insurance companies and life insurance policies and the interest rates that can be charged on cash values. Now, first of all, yes, there are very large life insurance companies domiciled in Pennsylvania - Penn Mutual in Philadelphia, Fidelity Mutual in Philadelphia. There are many others, but these are some of the larger life insurance companies in the country that are domiciled in Pennsylvania.

In response to your other question regarding stockholders and so on, 91 percent of the life insurance sold in this country are sold by nonstock insurance companies. That is, mutual life insurance companies really control the market. Only about 9 percent of the insurance sold in this country is sold by stock life insurance companies. As a consequence, your question regarding stockholders is somewhat misleading. Now all of the leading Pennsylvania life insurance companies are mutual companies, and that means that whatever "profit" that is gleaned from their operations go to policyholders, not to any stockholders. In other words, the profits—I am using that word; it is not a good word—are returned to the policyholders not to any stockholders. There are no stockholders in most of your major life insurance companies.

Mr. COWELL. Mr. Speaker, if I can direct one other question just for clarification. I thank you first of all for clarifying that difference between stockholder and policyholder, and you are absolutely correct; I agree with you. But I go back to the intent of my statement, and that is, if we have a national insurance company where perhaps 10 percent of their policyholders reside in Pennsylvania—and I think we have some insurance companies like that, some of the largest ones.

Mr. GALLEN. I missed the question. I am sorry, I did not hear it.

Mr. COWELL. If we have a national insurance company where perhaps 10 percent of their policyholders are residents of Pennsylvania and who would be directly affected by the content of this bill, and if we assume for the moment that that 10 percent all at some point or another take out a loan against the cash value of their life insurance policy and subsequently pay 8-percent interest instead of the current 5 percent interest—again, I realize we are talking about future loans, not old loans—

Mr. GALLEN. I think your premise is incorrect. First of all, no one will be paying 8 percent as opposed to the current 5 percent, nor would they be paying 8 percent as opposed to the current 6 percent. All right? All existing policies will continue to contain that 5- or 6-percent provision. This will not alter any existing policy.

Mr. COWELL. Mr. Speaker, I understand it does not change current policies, but a gentleman who goes out and buys a policy, let us say, in September of 1980, after we have passed this bill, who buys at that time and wishes at some future date to take out a policy will pay 8 percent if we pass this bill. If we fail to pass this bill, that policy would still be available or the loan would be available at 6 percent. Correct?

Mr. GALLEN. That is correct.

Mr. COWELL. Now I am suggesting if we consider there are maybe 10 percent of the policyholders of that national insurance company who at some future date, one, buy the policy so they become policyholders, and, secondly, at some future date choose to take a loan against the cash value of that policy, that 10 percent of the policyholders of that company will be paying higher interest rates that will ultimately benefit 100 percent of the policyholders of that company, probably 90 percent of whom do not live in Pennsylvania. So once again we are going to have a situation where Pennsylvanians will pay higher interest rates that ultimately will benefit stockholders or policyholders in most cases who live across the country. Am I incorrect?

Mr. GALLEN. I am having difficulty hearing.

Mr. Speaker, in response to the gentleman's question, I did not hear the question very well, but I would like to yield to Mr. Halverson to respond to that specific question. He is right here.

The SPEAKER pro tempore. Does the gentleman, Mr. Halverson, wish to respond to that question?

Mr. HALVERSON. I heard the question, Mr. Speaker, yes. Your summation of the problem is not correct, in my opinion. If we allow the rate of interest to be increased on new policies being issued, likewise, the insurance companies doing business in the State of Pennsylvania will file for lower rates because it will cost them less to do business in the State of Pennsylvania. It would not have any benefits to a national insurance organization as I see it. It would directly affect the person who buys an insurance policy, beginning at the effective date of this act, just as those who borrow from the policy after the effective date of this act. On a new policy being issued, it would also cost them more to borrow. So as I think Mr. Vroon put it a little bit ago, usually the more sophisticated borrower are those who borrow cash values from their life insurance policies. The guy who does not have a large cash value is not the guy out usually borrowing from his life insurance policy. So, as Mr. Vroon put it, it should help the little guy.

Mr. COWELL. Mr. Speaker, one more question to any of the three who have been responding. I have heard contradictory reasons now why this is a good bill. On the one hand, we heard it was going to help some consumers because consumers were going to be paid higher dividends ultimately, those policyholders, but I just heard that really what is going to happen is that the cost of business will decrease in Pennsylvania and therefore policy rates will decrease. Now we are sort of being promised the best of all worlds. On the one hand there will be more money paid out

to the stockholders or, in this case, policyholders who own the company; on the other hand we are told that the cost of purchasing the insurance, the insurance rate, will decrease. What will it be?

Mr. HALVERSON. Okay, in answer to your question, Mr. Cowell, it will be both. The rate charged going in is what the insurance company expects, taking the mortality table into consideration, it will cost them to pay claims. The dividend that they pay is based upon their earnings. If they have better than usual experience as far as claims are concerned or if their earnings, be it the stock market, be it bonds, be it mortgages, whatever their investment portfolio might contain, if they earn more than they usually would, just like several months ago the money market was yielding 15-and-up percent interest, certainly at those times the dividends are going to be greater. As times become more lean, naturally their dividends are going to become more lean. But, basically, both will happen, and in fact it is contained right in SB 1246 that all of the benefits would be paid back to the policyholders in the form of dividends.

Mr. COWELL. Mr. Speaker, I believe that Mr. Halverson was a member of the legislature a few years ago when similar legislation was passed to increase the rate from 5 percent to 6 percent. I do not remember exactly when that occurred but I think it was not too many years ago, just a few. Can the gentleman provide us with any evidence, any specific data, that would demonstrate that the increase in interest rates at that period or at that point when it went from 4 to 5 percent had the kind of beneficial impact that has been described just now that supposedly will be realized if we permit 8-percent interest rates instead of 6-percent?

Mr. HALVERSON. I am sorry, Mr. Speaker, I do not have the evidence before me that would support that claim. I am simply indicating that common sense tells you that if you are going to allow money to be borrowed at, say, 6 percent when money is being lent on the open market and you have to pay 13, 14, and 15 percent, your cost of doing business is going to be higher and therefore you are going to have to charge more for your insurance. Likewise, if those who are borrowing are paying their actual freight, it allows then for premiums to be decreased and a general rate decrease for everybody buying insurance after the effective date of the act.

Actually, Mr. Speaker, the insurance companies would have two different rates. They would have a rate for a state where policyholders can borrow at 6 percent and they would charge a different rate in states where they could charge up to 8 percent when a policyholder borrows on his cash value.

Mr. COWELL. Mr. Speaker, I would like permission to make some comments, please.

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

Mr. COWELL. Mr. Speaker, I think it is obvious that I oppose this legislation that is now before us. For the past several months, we have had a series of higher interest bills

come before this legislature, and with all too much frequency, there have been claims made that those higher interest rates were somehow or other going to benefit consumers, and we just 15 minutes ago heard this legislation labeled as a good consumer bill. I think that is absurd and I have yet to find any consumer in Pennsylvania who agrees that any of the higher interest rate bills that we passed in the last couple of months were consumer-oriented bills, and I do not think that there ought to be any consumers in Pennsylvania who will agree that this as a consumer-oriented bill or good for consumers. I think that we have got to deal with it on its face. I think the reality is that it is an insurance-sponsored bill; it will be good for insurance companies. There might, in fact, be some arguments made, valid arguments made, on behalf of this bill if insurance companies need the assistance, but let us not try to fool anybody, particularly the consumers of Pennsylvania, by telling them that this is a good consumer bill. That is absurd. Bills like this take more money out of consumers' pocketbooks than higher taxes that are sometimes considered by the legislature, and I think that we have got to recognize it for what it is.

I would argue first of all that ultimately this legislation is going to cost Pennsylvania consumers more money. For those who are policyholders who choose to borrow against their money, the cash value of life insurance policies that they own, it is going to cost them money that ultimately, as Mr. Halverson has described, is mandated by this legislation to go out in higher dividends. And I am suggesting that in most cases those higher dividends will go to stockholders or most frequently to policyholders who live all across this country, not just in Pennsylvania; so we are going to have a small number of Pennsylvanians paying higher interest rates that will benefit many stockholders and many policyholders all over this country. There is no way you can convince a consumer in Pennsylvania this is a good bill for him or her. It simply is not.

Secondly, I would remind—and those of you who deal with insurance policies most frequently, I think will substantiate this. I would remind—you that most people who borrow against a life insurance policy, the cash value of the life insurance policies, according to the information from the insurance companies that I read, never pay back. They ultimately simply cancel the insurance policy or they continue year after year to pay the interest costs without really touching the principal. And in fact what this legislation will mandate then in the future for new policyholders, new borrowers, is that they are going to be stuck with higher and higher interest bills every year, and in fact it will make it more difficult for them to begin to pay back on the cash value that they borrowed against, and so they are going to be put further into the hole rather than helped. I think for a lot of reasons and specifically the couple that I just mentioned, this is not a consumer bill. We ought to vote against it today.

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

Mr. MURPHY. Yes, Mr. Speaker. Would Mr. Vroon please submit to interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. MURPHY. Mr. Speaker, it is my understanding that insurance agents in the state have been traditionally opposed to the higher interest rate. Is that correct?

Mr. VROON. No, that is not correct.

Mr. MURPHY. Have they not opposed it in the past?

Mr. VROON. In the past they were inclined to oppose it.

Mr. MURPHY. And on this particular bill, while they do not oppose it, they have no position on the bill?

Mr. VROON. No, they agreed to the bill.

Mr. MURPHY. Reluctantly supporting it?

Mr. VROON. I am not sure how reluctant.

Mr. MURPHY. Why in the past would the agents have not supported this bill if it would give them the competitive edge?

Mr. VROON. The agent finds it easier to sell a policy if the interest on loan values is 6 percent, obviously. The agent finds it easier to sell a policy like that.

Mr. MURPHY. So, therefore, it is to the advantage of the agent who has to sell the policy to have the lower interest rate and he would be able to sell more policies? Is that correct?

Mr. VROON. Yes. We did not call this an agent's bill; we called this a consumer bill.

Mr. MURPHY. Well, it seems to me both the agents and consumers both benefit from this thought. Is that not true?

Mr. VROON. Say that again, please?

Mr. MURPHY. It seems to me that in this particular case the agents and the consumers would both benefit by having lower interest rates.

Mr. VROON. No, not the consumer; not the consumer. Only a small number of people who borrow against their loan values, a comparatively small number, and well-to-do people, mostly, who are sophisticated enough to want to make money on that, because they will take that money out and they will invest it at something like 10 to 12 to 13 to 14 percent and make all the difference.

Mr. MURPHY. Mr. Speaker, may I please address—

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

Mr. MURPHY. Yes, this bill has been characterized as benefiting essentially wealthy people who are able to buy large insurance policies. Well, I happen to come from a personal experience where my family is not wealthy; my father was a steelworker. I went through college because my parents had the wisdom to purchase an insurance policy which they borrowed against to help finance my college education. I think there are a lot of other middle- and lower-middle income people in this state who use that insurance policy to finance things like college educations or the purchase of a home, and it is a good place to get relatively inexpensive money in a very high-interest market right now, and I do not think that we should take that away from them. Particularly, it is clear that the insurance companies

are not hurting for income. If there is one industry in this country presently that is showing great profits, it is the insurance industry. Why we would continue to give them higher interest rates to the detriment of a middle-income family who wants to finance a college education or a home is beyond me. I strongly oppose this bill and hope that you would consider to oppose it also. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vroon, for the second time.

Mr. VROON. Mr. Speaker, I did not say that there were not small people who borrowed on their life insurance to send their kids to college. I will admit to having insurance loans myself, okay, and I am not a rich man, but I am saying that by far the largest proportion of the loans that are taken out are taken by—

Mr. Speaker, can I have a little order?

The SPEAKER pro tempore. So far we have had very little order. Let us try to have more. The gentleman may proceed.

Mr. VROON. With noises like that it is bordering on disrespect for a member, Mr. Speaker, and I respectfully ask the members to desist. I cannot help what my name is, and I get a little bit sick of having people poke fun of my name. I am proud of it, but I cannot help what it is, and it happens to be something that you can poke fun of. All right, just deride a fellow member if you like and you are flirting with the violation of one of the rules of the House.

Getting back to the facts of the case here, I am just saying that the vast majority of loans that are taken out on insurance policies are taken out by sophisticated people who know what the returns of money will bring. They borrow small at the rate of 5 and 6 percent—and I am lucky enough to have a 5-percent loan—and would make something like 10 to 15 percent on that money. Now this is where the insurance companies are not necessarily hurting, but the mutual insurance companies which are owned by the policyholders, these are the people, the consumers, the people who have bought and who own the policy on their own life and they own the insurance companies in which they have invested and from which they have purchased their policies. This is what we are really getting at here, these people who are members of a mutual insurance company should not be penalized by having large amounts of money borrowed on their insurance policies by sophisticated people for the purpose of lining their pockets. The number of loans that are out for small people are comparatively small percentagewise, and that is why I say this is best for the small owner, the small people in the state who buy insurance policies from the mutual insurance companies where most of them are. I do not think anybody can refute that.

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

Mr. ZITTERMAN. Mr. Speaker, will the gentleman, Mr. Gallen, stand for a brief interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he shall.

Mr. ZITTERMAN. Mr. Speaker, is there any interest paid when, let us say for example, an insurer has a whole life policy with the cash balance accrued in that policy? Is there any interest paid on this money?

Mr. GALLEN. I missed the question, I am sorry; I really have trouble up here.

The SPEAKER pro tempore. It is just impossible for these gentlemen to hear each other. Will the House please be quiet? The gentleman may continue.

Mr. ZITTERMAN. Yes, Mr. Speaker. My question was, if the insurer of a whole life policy has a cash surrender value, theoretically that means that that money in that policy, should he cash in that policy or borrow on this, would be his money, is that correct?

Mr. GALLEN. That is correct.

Mr. ZITTERMAN. Is there any interest paid on this money that is held by the insurance company at this time?

Mr. GALLEN. Yes, there is a slight increment— I am not sure; I can remember from 20 years ago it was like 3 percent a year on the cash values, but of course that is not all. If I can be complete in my answer, I would like to come back to the fact that more than 90 percent of the life insurance sold in this state or in any other state is sold by mutual companies. Those companies are owned by their policyholders, and there are no profits. Whatever return there is comes back in the form of dividends to those policyholders.

Mr. ZITTERMAN. One more question, sir. The banking law - the banking law allows passbook loans, which is the individual passbook holder's own money, and it allows interest to be charged at about 2 percent over the actual amount that the passbook yields. Is that correct?

Mr. GALLEN. I assume you are right.

Mr. ZITTERMAN. And, thirdly, insurance companies domiciled and chartered in this Commonwealth of Pennsylvania, do they or do they not lend money to corporations and businesses outside of this Commonwealth?

Mr. GALLEN. I assume that they do if it is a good investment.

Mr. ZITTERMAN. At a generally higher rate of interest than the 6 or 8 percent. Is that correct?

Mr. GALLEN. Certainly, if that is a prevailing rate.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, may I make a few comments please?

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

Mr. ZITTERMAN. Mr. Speaker, it seems that in the past our colleagues on the House floor have said if we raise the interest rates, we are going to help the poor consumer and we are going to help the little guy buy more automobiles and we are going to help everybody have a big savings account and new car. It seems that the trend now is that we raise the automobile rate of interest and that we raise the retail rate of interest, and everyone gets in on the bandwagon, and we raise the bank rates so that no one could buy houses, and I am saying to you now that this is not a consumer bill that raises the rates from 6 to 8 percent.

One of my colleagues said, if we raise the rate to 8 percent, the policyholder now is going to reap in the profits; he is going to get additional dividends. Mr. Speaker, the only thing I can say to that is, a policyholder who holds a whole life policy with a cash surrender value of \$1,000 will yield an additional 25 cents to 27 cents, and, in turn, if he has to borrow his own money, it will cost him from \$60 to \$80, or an increase yield to the insurance companies of \$20. This bill is not a consumer bill. It is a bill that is going to increase the rates of the insurance company, and I would request a negative vote, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, I would like to interrogate the gentleman, Mr. Zitterman.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. GALLEN. Mr. Speaker, are you familiar with Prudential and Metropolitan Life? They are the largest life insurance companies in the country, is that right?

Mr. ZITTERMAN. That is correct.

Mr. GALLEN. Who owns the stock in those companies?

Mr. ZITTERMAN. They are mutual companies owned by the stockholders.

Mr. GALLEN. If the premiums are increased or rates of interest go up, who benefits?

Mr. ZITTERMAN. Mr. Speaker, in answer to your question, I have already answered that. Who profits? It is the consumer who profits 25 cents and pays \$20, Mr. Speaker.

Mr. GALLEN. The question is, who benefits from increased returns by an insurance company?

Mr. ZITTERMAN. The answer to that, Mr. Speaker, is the stockholder.

Mr. GALLEN. There are no stockholders.

Mr. ZITTERMAN. And the insured, the individual.

Mr. GALLEN. There are no stockholders. Now who benefits?

Mr. ZITTERMAN. The insured, Mr. Speaker.

Mr. GALLEN. The insured; right. That is my point, Mr. Speaker. That is all the interrogation.

Mr. ZITTERMAN. Mr. Speaker, may I have the courtesy of responding to that, please?

The SPEAKER pro tempore. After the gentleman from Berks, Mr. Gallen, has completed.

Mr. GALLEN. That is all right, he can respond. He can continue his response, Mr. Speaker.

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

Mr. ZITTERMAN. Mr. Speaker, as I replied before, it is a situation where we are throwing up a big smoke screen saying that insurance companies are mutual stock companies. If you buy a policy, you are immediately a mutual holder, and we are going to give you 25 cents in one hand and charge you \$20 in the other. That is the rationale equation, Mr. Speaker.

Mr. GALLEN. Mr. Speaker, Mr. Cowell and Mr. Zitterman have intimated that what we are discussing here when we are discussing life insurance policies is the same thing as when we are discussing automobile insurance, homeowners, or any other type of casualty coverage, that this is the same thing. It is not. Mr. Speaker, most casualty or fire insurance is sold in stock companies, profit-making companies; those companies that if they make money, the return goes to a stockholder. We are not talking about the same thing here at all. We are talking about companies that are owned by the policyholders, and that is how most life insurance in this country is set up. Most life insurance companies are owned by their policyholders.

Mr. Speaker, we are talking about putting Pennsylvania on the same level as the 48 other states with regard to interest rates that they can charge on new policies, and, Mr. Speaker, I think that it makes sense. I would agree that on the surface it would seem that an agent operating in Pennsylvania who sells insurance for a company with a 6-percent rate of interest on loans seems to have a competitive edge on an agent who is selling a policy which has an 8-percent rate of interest. You would think so, but that is not the case because your premiums are going to have to make up for that difference or the dividends are going to have to make up for that difference. So we are really not talking about something that makes a great deal of difference to the policyholder.

This is advantageous to the policyholder who does not borrow. It is somewhat disadvantageous to the policyholder who does borrow, but not so grossly so as I think the picture has been painted. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, just a very brief response to Mr. Gallen's initial remark that suggested that Mr. Zitterman and I had both intimated that there was no difference between life insurance policies and a lot of other insurance policies and some insurance companies that focus on non-life insurance policies. I understand the difference. I want that to be made clear. With that understanding that there is a difference, I still strongly oppose this measure as being anti-consumer. It will be very costly to the consumers of Pennsylvania.

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

Mr. EARLEY. Mr. Speaker, I rise to oppose SB 1246 for the following reasons: All life insurance policies of a whole life category other than term have a built-in reserve requirement. The insurance laws of this country and particularly this Commonwealth require that out of every dollar of insurance premiums paid that a certain amount of that is set aside by insurance companies as reserve. That money is invested by the insurance company on the open money market at normal rates.

The insurance laws also provide that the consumer may take advantage of that reserve by borrowing from the insurance companies to the fullest extent possible, as set forth in the policy, against those reserves.

An interest rate is charged by the insurance companies not for the purpose of making money, but for the purposes of servicing those loans. I submit, therefore, that the 6 percent presently in the law for policyholders to pay as interest against those loans which they are borrowing, which is essentially their own money, is sufficient and there is no benefit to be derived by the policyholder in this way. This is merely adding to income to the insurance company, which is unnecessary and is not within the intent of those reserve requirements of the insurance laws. I, therefore, oppose the bill and urge that we vote against it.

On the question recurring,

Shall the bill pass finally?

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

YEAS—56

Anderson	George, M. H.	Mowery	Ryan
Arty	Hagarty	Nahill	Scheaffer
Bittle	Halverson	Noye	Sirianni
Burd	Hayes, Jr., S.	O'Brien, B. F.	Smith, E. H.
Cessar	Hutchinson, W.	O'Brien, D. M.	Smith, L. E.
Cornell	Johnson, E. G.	Peterson	Spencer
Cunningham	Knepper	Phillips	Swift
Davies	Levi	Piccola	Thomas
Dietz	Livengood	Pitts	Vroon
Dininni	Lynch, E. R.	Polite	Wenger
Dorr	McClatchy	Punt	Yohn
Fisher	Mackowski	Pyles	
Foster, Jr., A.	Madigan	Rasco	Seltzer,
Gallen	Manmiller	Rieger	Speaker
Geist	Moehlmann		

NAYS—129

Alden	Fischer	Lescovitz	Salvatore
Armstrong	Foster, W. W.	Letterman	Schmitt
Austin	Fryer	Levin	Schweder
Barber	Gallagher	Lewis	Serafini
Belardi	Gamble	McCall	Seventy
Beloff	Gannon	McKelvey	Shupnik
Bennett	Gatski	McMonagle	Sieminski
Borski	Geesey	McVerry	Spitz
Bowser	George, C.	Maiale	Stairs
Brandt	Goebel	Manderino	Steighner
Brown	Goodman	Michlovic	Stewart
Burns	Grabowski	Micozzie	Street
Caltagirone	Gray	Milanovich	Stuban
Cappabianca	Greenfield	Miller	Sweet
Chess	Grieco	Mrkonc	Taddonio
Cimini	Gruppo	Mullen	Taylor, E. Z.
Clark, B. D.	Hasay	Murphy	Taylor, F.
Clark, M. R.	Hoeffel	Novak	Telek
Cochran	Honaman	O'Donnell	Trello
Cohen	Hutchinson, A.	Oliver	Wachob
Cole	Irvis	Perzel	Wargo
Coslett	Itkin	Petrarca	Wass
Cowell	Jones	Pistella	White
DeMedio	Kanuck	Pott	Wilson
DeWeese	Klingaman	Pratt	Wilt
Dawida	Knight	Pucciarelli	Wright, D. R.
Dombrowski	Kolter	Rappaport	Wright, Jr., J.
Donatucci, R.	Kowalyszyn	Rhodes	Yahner
Duffy	Kukovich	Richardson	Zeller
Dumas	Lashingier	Ritter	Zitterman
Durham	Laughlin	Rocks	Zord
Earley	Lehr	Rodgers	Zwilk
Fee			

NOT VOTING—12

Berson	Giammarco	Johnson, J. J.	Reed
Civera	Gladeck	McIntyre	Shadding
Freind	Harper	Pievsky	Williams

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REMARKS ON VOTES

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

Mr. FREIND. Mr. Speaker, on that last vote to SB 1246, I was not in my seat. Had I been in my seat, I would have voted in the affirmative.

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

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

Mr. GANNON. Mr. Speaker, on that last vote to SB 1246, I was inadvertently recorded in the negative. I would like to indicate that I intended to vote in the affirmative.

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

BILLS ON THIRD CONSIDERATION
CONTINUED

The House proceeded to third consideration of **HB 2408, PN 3136**, entitled:

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), further providing for elimination of the Savings Association Board.

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

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

The question is, shall the bill pass finally?

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

YEAS—187

Alden	Foster, W. W.	Livengood	Ritter
Anderson	Foster, Jr., A.	Lynch, E. R.	Rocks
Armstrong	Freind	McCall	Rodgers
Arty	Fryer	McClatchy	Ryan
Austin	Gallagher	McIntyre	Salvatore
Barber	Gallen	McKelvey	Scheaffer
Belardi	Gamble	McMonagle	Schmitt
Beloff	Gannon	McVerry	Serafini
Bennett	Gatski	Mackowski	Seventy
Berson	Geesey	Madigan	Shupnik
Bittle	Geist	Maiale	Sieminski
Borski	George, C.	Manderino	Sirianni
Bowser	George, M. H.	Manmiller	Smith, E. H.
Brandt	Goebel	Michlovic	Smith, L. E.
Brown	Goodman	Micozzie	Spencer

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

NAYS—0

NOT VOTING—10

Giammarco	Johnson, J. J.	Schweder	Stuban
Gladeck	Reed	Shadding	Williams
Harper	Rhodes		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

REMARKS ON VOTE

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

Mr. SCHWEDER. Mr. Speaker, my switch did not work on the last vote on HB 2408. I wish to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION
CONTINUED

The House proceeded to third consideration of **HB 2409, PN 3342**, entitled:

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), adding provisions relating to the Pennsylvania Savings Association Insurance Corporation.

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

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

The question is, shall the bill pass finally?

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

Mr. ZITTERMAN. Yes, Mr. Speaker, may I interrogate the gentleman, Mr. Smith, please?

The SPEAKER pro tempore. The gentleman, Mr. Smith, indicates that he will consent to interrogation.

Mr. ZITTERMAN. Mr. Speaker, HB 2409 refers to Act 329 which requires all state charters, savings and loans to have deposit insurance. Does this bill cause members of building and loan associations to also have that insurance, Mr. Speaker?

Mr. L. E. SMITH. I do not believe so. I do not have that bill in front of me, but I do not think it does. I think that it applies only to those uninsured savings and loan associations that we are now going to require to have insurance.

Mr. ZITTERMAN. Mr. Speaker, are you speaking of small church societies that lend money, ethnic groups, and small organizations that are chartered under Pennsylvania Law?

Mr. L. E. SMITH. Yes.

Mr. Speaker, if I may, I am sure that the gentleman remembers that last year we passed a bill requiring these people to have insurance by the end of 1980.

It is my opinion, Mr. Speaker, that under the current law the building and loans or the small savings and loans that we are talking about now have a right to pay out up to 6-percent interest on moneys lent or borrowed and deposited by a saver, Mr. Speaker.

Mr. L. E. SMITH. Well, I am sure the gentleman recalls that prior to the act we passed last year, these associations were not regulated. We did not regulate the amount of interest that they could pay on the various accounts they have. They do have some methods of attracting customers that the other regulated savings and loan associations do not have.

Mr. ZITTERMAN. Mr. Speaker, in this case it is my opinion that the savings and loans that we speak of now, that we relate to, are currently paying 6 percent on their passbook loans. Is that not correct, Mr. Speaker?

Mr. L. E. SMITH. That is possible.

Mr. ZITTERMAN. If this bill is passed, this will mean that the small ethnic savings and loans will now have to revert back to paying 5 percent or 5 1/4?

Mr. L. E. SMITH. No. If you will look at the bill, we amended the bill in committee and took out the language which would refer to the preceding four quarters and we inserted the language that says that they not be in excess of the rate on an annualized basis at which earnings were paid for, the earnings distribution period immediately preceding

June 1, 1980. So they are grandfathered in. They can pay whatever they were paying on June 1, 1980.

Mr. ZITTERMAN. However, any savings thereafter will be regulated by this act?

Mr. L. E. SMITH. I am not sure I understood the question, Mr. Speaker.

Mr. ZITTERMAN. We talked about June 1, 1980. Correct, Mr. Speaker? Then we are saying that anyone who deposits money thereafter will be regulated by a lower rate of interest, is that correct?

Mr. L. E. SMITH. They are authorized to continue to pay whatever they were paying on June 1, 1980.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—180

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

NAYS—6

Clark, B. D.	Knight	McIntyre	Rieger
Duffy	Kukovich		

NOT VOTING—11

Barber	Harper	Reed	Sirianni
Beloff	Johnson, J. J.	Rhodes	Williams
Giammarco	Knepper	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 2410, PN 3138**, entitled:

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for elimination of the Banking Board.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—188

Alden	Foster, Jr., A.	McCall	Rodgers
Anderson	Freind	McClatchy	Ryan
Armstrong	Fryer	McIntyre	Salvatore
Arty	Gallagher	McKelvey	Scheaffer
Austin	Gallen	McMonagle	Schmitt
Belardi	Gamble	McVerry	Schweder
Beloff	Gannon	Mackowski	Serafini
Bennett	Gatski	Madigan	Seventy
Berson	Geesey	Maiale	Shupnik
Bittle	Geist	Manderino	Sieminski
Borski	George, C.	Manmiller	Sirianni
Bowser	George, M. H.	Michlovic	Smith, E. H.
Brandt	Gladeck	Micozzie	Smith, L. E.
Brown	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen	Street
Chess	Gruppo	Murphy	Stuban
Cimini	Hagarty	Nahill	Sweet
Civera	Halverson	Novak	Swift
Clark, B. D.	Hasay	Noye	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hoeffel	O'Brien, D. M.	Taylor, F.
Cohen	Honaman	O'Donnell	Telek
Cole	Hutchinson, A.	Oliver	Thomas
Cornell	Hutchinson, W.	Perzel	Trello
Coslett	Irvis	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Cunningham	Johnson, E. G.	Phillips	Wargo
DeMedio	Jones	Piccola	Wass
DeWeese	Kanuck	Pievsky	Wenger
Davies	Klingaman	Pistella	White
Dawida	Knight	Pitts	Wilson
Dietz	Kolter	Polite	Wilt
Dininni	Kowalshyn	Pott	Wright, D. R.

Dombrowski	Kukovich	Pratt	Wright, Jr., J.
Donatucci, R.	Lashinger	Pucciarelli	Yahner
Dorr	Laughlin	Punt	Yohn
Duffy	Lehr	Pyles	Zeller
Dumas	Lescovitz	Rappaport	Zitterman
Durham	Letterman	Rasco	Zord
Earley	Levi	Richardson	Zwilk
Fee	Levin	Rieger	
Fischer	Lewis	Ritter	Seltzer,
Fisher	Livengood	Rocks	Speaker
Foster, W. W.	Lynch, E. R.		

NAYS—0

NOT VOTING—9

Barber	Johnson, J. J.	Reed	Shadding
Giammarco	Knepper	Rhodes	Williams
Harper			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 2411, PN 3139**, entitled:

An Act amending the "Department of Banking Code," approved May 15, 1933 (P. L. 565, No. 111), further providing for the elimination of the Banking Board and the Building and Loan Board.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Alden	Foster, W. W.	Lynch, E. R.	Rocks
Anderson	Foster, Jr., A.	McCall	Rodgers
Armstrong	Freind	McClatchy	Ryan
Arty	Fryer	McIntyre	Salvatore
Austin	Gallagher	McKelvey	Scheaffer
Barber	Gallen	McMonagle	Schmitt
Belardi	Gamble	McVerry	Schweder
Beloff	Gannon	Mackowski	Serafini
Bennett	Gatski	Madigan	Seventy
Berson	Geesey	Maiale	Shupnik
Bittle	Geist	Manderino	Sieminski
Borski	George, C.	Manmiller	Sirianni
Bowser	George, M. H.	Michlovic	Smith, E. H.
Brandt	Gladeck	Micozzie	Smith, L. E.
Brown	Goebel	Milanovich	Spitz
Burd	Goodman	Miller	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Street
Cessar	Grieco	Mullen	Stuban
Chess	Gruppo	Murphy	Sweet
Cimini	Hagarty	Nahill	Swift
Civera	Halverson	Novak	Taddonio

Clark, B. D.	Hasay	Noye	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cochran	Hoeffel	O'Brien, D. M.	Telek
Cohen	Honaman	O'Donnell	Thomas
Cole	Hutchinson, W.	Oliver	Trello
Cornell	Irvis	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Johnson, E. G.	Petrarca	Wargo
Cunningham	Jones	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeWeese	Klingaman	Pievsky	White
Davies	Knight	Pistella	Wilson
Dawida	Kolter	Pitts	Wilt
Dietz	Kowalshyn	Polite	Wright, D. R.
Dininni	Kukovich	Pott	Wright, Jr., J.
Dombrowski	Lashingier	Pratt	Yahner
Donatucci, R.	Laughlin	Pucciarelli	Yohn
Dorr	Lehr	Punt	Zeller
Duffy	Lescovitz	Pyles	Zitterman
Dumas	Letterman	Rappaport	Zord
Durham	Levi	Rasco	Zwinkl
Earley	Levin	Richardson	
Fee	Lewis	Rieger	Seltzer,
Fischer	Livengood	Ritter	Speaker
Fisher			

NAYS—0

NOT VOTING—10

Giammarco	Johnson, J. J.	Rhodes	Spencer
Harper	Knepper	Shadding	Williams
Hutchinson, A.	Reed		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

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

Mr. ZELLER. Mr. Speaker, I am really pleased to see that the press box has increased in intelligence over there. We have two Representatives sitting in it. I am very, very happy about it.

* * *

The House proceeded to third consideration of **HB 2211, PN 2812**, entitled:

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), including butyl nitrite, isobutyl nitrite and 1-nitrosoxypropane as controlled substances.

On the question,

Will the House agree to the bill on third consideration?

Mr. WACHOB offered the following amendments:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making the sale to minors of butyl nitrite and isobutyl nitrite illegal.

Amend Bill, page 1, lines 15 through 23; page 2, lines 1 through 17, by striking out all of said lines on said pages and inserting

Section 1. Title 18, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 7303.1. Sale to minor of butyl nitrite or isobutyl nitrite.

A person is guilty of a misdemeanor of the third degree if he sells, or offers to sell, to a person under the age of 18 years any substance containing either butyl nitrite or isobutyl nitrite or both.

On the question,

Will the House agree to the amendments?

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

Mr. WACHOB. This amendment in part is a technical amendment in that we are amending a different section of the code. Whereas HB 2211 would amend the Controlled Substance, Drug, Device and Cosmetic Act, this amendment would amend Title 18, Crimes and Offenses. It would also address the problem that the prime sponsor of the bill, Mr. Bittle, has in that it will still address the problem of selling such items to juveniles under the age of 18 years of age.

This amendment was suggested by, and I believe is agreed to by, the State Police, and the Department of Justice, Bureau of Drug Law Enforcement, and I would urge the support of the amendment. Thank you, Mr. Speaker.

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

Mr. BITTLE. Mr. Speaker, I was not aware that this bill was going to be called up today. I am not sure that I am totally prepared, but I am opposed to Mr. Wachob's amendment. I do not believe that in the fashion he would reduce the penalties of the bill really attacks the heart of the problem the way myself and other sponsors of this legislation on both sides of the aisle intended this problem to be attacked. His amendment, among other things, would totally remove this substance from scheduled substances. It would no longer be one of those on any of the schedules on which we place drugs that ought not be sold in the capacity in which this is being sold.

This is a serious problem in many of our school districts. It is one that we ought to address and we ought to address in the proper fashion. I do not think that reducing this to a misdemeanor and taking it off the schedule is the proper way to approach the problem and I would ask everyone to oppose the amendment.

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

Mr. WACHOB. In response to Mr. Bittle, the bill has nothing to do with schools, and the only thing that it does have to do with is juveniles and the obtaining of such chemicals. There is also something that should be pointed out, that the Department of Health regularly and routinely schedules drugs. This has not been done because the Department of Health has not been able to come up with any evidence that these drugs are in fact harmful. It is true that there are no known medicinal purposes, but there are some very valid uses for these chemicals.

In the Merck Index that lists and defines all drugs, these particular drugs, isobutyl nitrite and butyl nitrite, are listed as jet propellants. There is some industrial use for them,

and I believe that just the total ban of such substances without any evidence and without any documentation of their harmful effect is wrong for us to do.

I would agree that there is a problem in some of the urban areas where items such as these are readily accessible, and Mr. Bittle and other Representatives are addressing a very serious problem in their areas. But I believe the amendment would solve that problem because it would still make it illegal to sell these chemicals to juveniles, and I think that is the primary intent of what Mr. Bittle wanted to do through this piece of legislation, HB 2211, and this amendment would not deter or detract from the original intent of the bill.

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

Mr. FRYER. Mr. Speaker, the sponsor of the amendment is concerned about juveniles; however, I do not know why that concern does not spread itself to those who are over 18. I believe if it is harmful for juveniles, it is harmful for those over the age of 18. I believe that the gentleman has a partial solution to a problem, but I think the proposal that he makes is guilty of faulty judgment. I would urge a "no" vote on the amendment.

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

Mr. BITTLE. Mr. Speaker, I am not aware of how long the gentleman, Mr. Wachob, has been a member of the House, but I would like to call his attention to a time some years ago when angel dust became a popular thing to use, and I do not think the gentleman would seriously discuss with me whether or not angel dust is a dangerous substance.

Our Department of Health, who you say routinely places those matters on a schedule, refused to place that on a schedule after years of abuse of that drug until some of the Philadelphia legislators did it legislatively. The department never acted.

The other matter the gentleman just addressed, I have also addressed in my research, and that is that this is used in various other substances which are sold on the open market on a regular basis. I was contacted by one of the special interests who deals in these substances and asked him to name one of other uses for me. He could not name it in that telephone conversation, and it has been 2 1/2 months and he has still not named one. I would ask you to oppose the amendment and support the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Wachob, for the third and last time.

Mr. WACHOB. Mr. Speaker, may I interrogate the sponsor of the bill?

The SPEAKER pro tempore. The gentleman indicates that he will. You may continue.

Mr. WACHOB. Mr. Speaker, you did not mean to imply that the chemicals that we are discussing are angel dust, did you?

Mr. BITTLE. No; I did not. I said, do you remember angel dust and when it was placed on a schedule? It was done legislatively and not routinely by the Department of Health, as you say they do those things. They refused to put it on the schedule.

Mr. WACHOB. Also, Mr. Speaker, you are aware that the Department of Justice, Bureau of Drug Law Enforcement, and also the State Police have recommended this amendment and have suggested that this amendment be the proper course to go and not the overregulating that you are possibly using through the bill process?

Mr. BITTLE. Mr. Speaker, they may have recommended that to you. They never contacted me either in opposition to my bill or in support of your amendment.

Mr. WACHOB. Mr. Speaker, do you know how the Merck Index classifies this chemical?

Mr. BITTLE. I cannot hear you.

Mr. WACHOB. Do you know what the definition is in the Merck Index for this chemical?

Mr. BITTLE. No; I do not have any idea.

Mr. WACHOB. Can I read it to you?

Mr. BITTLE. Sure.

Mr. WACHOB. The Merck Index, which is a dictionary of all known chemicals, states that butyl nitrite does have a potential use as a chemical used in jet propellants, which, by this bill, you would be making illegal for that particular use. This legislation classifies this drug as a schedule 1, which classifies such other drugs as heroin and various other hallucinogenic drugs.

Mr. BITTLE. Marijuana.

Mr. WACHOB. And various other ones, yes.

Mr. BITTLE. Yes.

Mr. WACHOB. May I make one final statement, Mr. Speaker?

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

Mr. WACHOB. I readily agree that this is a problem in that the chemicals may be used by juveniles to their harm. In response to the gentleman from Berks who talked about if it is okay to make it illegal for people under 18, why not over 18?, well, the same can be said for other chemicals and for other beverages that we drink, also. We make laws and we pass judgments on different age groups.

I recognize that there is a problem in some areas of this state that we should address. I simply think that there are some known industrial uses for this chemical, and just by completely banning it, we may be providing a disadvantage to some industries who use this individual chemical. I think that the amendment process that I have proposed here is a responsible way to go in that it still deals with the problem that Mr. Bittle has and it also allows the chemical to be used for purposes that are quite legal. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—32

Austin	Grabowski	O'Donnell	Street
Barber	Hoeffel	Oliver	Sweet
Berson	Kukovich	Pistella	Wachob
Cappabianca	Maiale	Richardson	Wargo
Cohen	Michlovic	Ritter	White
DeMedio	Mrkonic	Schweder	Zeller
DeWeese	Murphy	Shupnik	Zitterman
Dumas	Novak	Stewart	Zwikl

NAYS—150

Alden	Fisher	Lescovitz	Rasco
Anderson	Foster, W. W.	Letterman	Rieger
Armstrong	Foster, Jr., A.	Levi	Rodgers
Arty	Freind	Levin	Ryan
Belardi	Fryer	Lewis	Salvatore
Bennett	Gallagher	Livengood	Scheaffer
Bittle	Gallen	Lynch, E. R.	Schmitt
Borski	Gamble	McCall	Serafini
Bowser	Gannon	McClatchy	Seventy
Brandt	Gatski	McIntyre	Sieminski
Brown	Geist	McKelvey	Sirianni
Burd	George, C.	McMonagle	Smith, E. H.
Burns	George, M. H.	McVerry	Smith, L. E.
Caltagirone	Gladeck	Mackowski	Spencer
Cessar	Goebel	Madigan	Spitz
Chess	Goodman	Manmiller	Stairs
Cimini	Gray	Micozzie	Steighner
Civera	Greenfield	Milanovich	Suban
Clark, B. D.	Grieco	Miller	Swift
Clark, M. R.	Gruppo	Mochlmann	Taddonio
Cochran	Hagarty	Mowery	Taylor, E. Z.
Cole	Halverson	Mullen	Taylor, F.
Cornell	Hasay	Nahill	Telek
Coslett	Hayes, Jr., S.	Noye	Thomas
Cowell	Honaman	O'Brien, B. F.	Trello
Cunningham	Hutchinson, A.	O'Brien, D. M.	Vroon
Davies	Hutchinson, W.	Perzel	Wass
Dawida	Itkin	Peterson	Wenger
Dietz	Johnson, E. G.	Petrarca	Wilson
Dininni	Jones	Phillips	Wilt
Dombrowski	Kanuck	Piccola	Wright, D. R.
Donatucci, R.	Klingaman	Pitts	Wright, Jr., J.
Dorr	Knight	Polite	Yahner
Duffy	Kolter	Pott	Yohn
Durham	Kowalshyn	Pratt	Zeller
Earley	Lashingner	Punt	Zitterman
Fee	Laughlin	Pyles	Zord
Fischer	Lehr	Rappaport	Zwikl

NOT VOTING—15

Beloff	Irvis	Pievsky	Rocks
Geesey	Johnson, J. J.	Pucciarelli	Shadding
Giammarco	Knepper	Reed	Williams
Harper	Manderino	Rhodes	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

The question is, shall the bill pass finally?

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

YEAS—182

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

NAYS—2

Street	Wachob
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NOT VOTING—13

Beloff	Johnson, J. J.	Pucciarelli	Rhodes
DeWeese	Knepper	Rasco	Shadding
Giammarco	Pitts	Reed	Williams
Harper			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 2241, PN 2870**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing a penalty for discrimination on account of the use of guide dogs.

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

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

The question is, shall the bill pass finally?

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

YEAS—187

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

NAYS—0

NOT VOTING—10

Beloff	Giammarco	Reed	Shadding
DeMedio	Harper	Rhodes	Williams
DeWeese	Johnson, J. J.		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 2083, PN 2639**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a parcel of land in Manheim Township, York County, in exchange for two parcels of land located in West Manheim Township, York County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—182

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

Fee Fischer	Levi Levin	Ritter Rocks	Seltzer, Speaker
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NAYS—0

NOT VOTING—15

Beloff	Irvis	Pistella	Shadding
Giammarco	Johnson, J. J.	Reed	Sieminski
Gruppo	McIntyre	Rhodes	Williams
Harper	Micozzie	Rieger	

EXCUSED—5

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

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

REMARKS ON VOTE

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

Mr. PISTELLA. Mr. Speaker, I was out of my chair during the taking of the vote on final passage of HB 2083. I wish to be recorded in the affirmative.

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

QUESTION OF INFORMATION

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

Mr. LETTERMAN. I rise to a question of information, please.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LETTERMAN. Could you or any of the leadership tell the membership what time they expect to leave today, or if they intend to be in tomorrow, so we can take care of our motel rooms?

The SPEAKER pro tempore. I am sure I can. We will try to get some information for the gentleman.

Mr. LETTERMAN. Very well. Would you please announce that when you get the information?

The SPEAKER pro tempore. The word is keep your rooms. Do not check out.

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 2109, PN 3423**, entitled:

An Act relating to the lawful conduct of bingo, prescribing penalties and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Relating to the licensure and regulation of the lawful conduct of the game of bingo; and prescribing penalties.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Legislative intent.
- Section 3. Definitions.
- Section 4. Application for license, fees.
- Section 5. Investigation; matters to be determined; issuance of license; duration of license.
- Section 6. Form and contents of license; display of license.
- Section 7. Hearing; amendment of license.
- Section 8. Persons operating and conducting games; equipment, expenses; compensation
- Section 9. Restriction upon conduct of bingo games.
- Section 10. Participation by persons under 18.
- Section 11. Frequency of game; sale of alcoholic beverages.
- Section 12. Advertising of bingo games.
- Section 13. Charge for admission and participation; amount of prizes; award of prizes.
- Section 14. Statement of receipts, expenses; additional license fees.
- Section 15. Control and supervision; suspension of licenses; inspection of premises.
- Section 16. Power of the Secretary of Revenue to establish a standard set of bingo cards.
- Section 17. Examination of books and records; examination of managers, etc; disclosure of information.
- Section 18. Power of the Secretary of Revenue to impose fines and penalties.
- Section 19. Report and recommendations.
- Section 20. Hearing of refusal, suspension or revocation of license.
- Section 21. Place of investigations and hearings; witnesses; books and documents.
- Section 22. Offenses.
- Section 23. Exemption from prosecution.
- Section 24. Disposition and appropriation of funds.
- Section 25. Severability.
- Section 26. Effective date.

Amend Bill, page 1, lines 5 through 13; and pages 2 through 4, lines 1 through 30; and page 5, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the "Bingo Licensure and Regulation Act."

Section 2. Legislative intent.

The General Assembly hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious, civic and patriotic causes and undertakings, where the beneficiaries are indefinite, is in the public interest. It hereby finds that, as conducted prior to the enactment of this act, bingo was the subject of exploitation by professional gamblers, promoters and commercial interests. It is hereby declared to be the policy of the General Assembly that all phases of the supervision, licensing and regulation of bingo, and of the conduct of bingo games, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and rigidly enforced; that the conduct of the game and all attendant activities should be so regulated and adequate controls so instituted as to discourage commercialization in all its forms, including the profits derived from the manufacture, sale and distribution of bingo supplies and equipment, and the rental of commercial premises for bingo games, so as to ensure a maximum availability of the net proceeds of bingo exclusively for application to the worthy causes and undertakings specified herein; that the only justifi-

cation for this act is to foster and support such worthy causes and undertakings; and that the mandate of this act should be carried out by rigid regulation to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

Section 3. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Authorized commercial distributor." Any person, other than an organization which is or has been during the preceding 12 months duly licensed to conduct bingo games, who or which shall sell or distribute bingo supplies and equipment to the department or to an authorized organization, if authorized by the secretary, for any consideration whatsoever, direct or indirect, for the purpose of conducting bingo therewith provided that he or it, as the case may be, shall not be:

(1) A person convicted of racketeering activity as defined in 18 Pa.C.S. § 911(h)(1) (relating to corrupt organizations) or a person against whom a proceeding is pending seeking such conviction or adjudication.

(2) A person convicted of violation of any of the provisions of 18 Pa.C.S. § 911(b) or a person against whom a proceeding is pending seeking such conviction or adjudication.

(3) A public officer, public employee or party officer who receives any consideration, direct or indirect; as owner or lessor of bingo supplies or equipment offered for the purpose of conducting bingo therewith.

(4) An operator or proprietor of a commercial hall duly licensed under this act.

(5) An entity in which any person defined in paragraph (1), (2) or (3) or a person married or immediately related to such person has greater than a 1% proprietary, equitable or credit interest or in which such a person is active or employed.

Nothing contained in this definition shall be construed to bar the secretary from authorizing any entity which is not organized for pecuniary profit and no part of the net earnings of which inure to the benefit of any officer, director, trustee, member or shareholder, from being a commercial distributor solely because a public officer, public employee or party officer, or a person married or immediately related to a public officer, public employee or party officer, is a member of, active in or employed by such entity.

"Authorized commercial lessor." Any person, other than a licensee to conduct bingo under the provisions of this act, who or which shall own or be a net lessee of premises and offer the same for leasing by him or it to an authorized organization for any consideration whatsoever, direct or indirect, for the purpose of conducting bingo therein, provided that he or it, as the case may be, shall not be:

(1) A person convicted of racketeering activity as defined in 18 Pa.C.S. § 911(h)(1) (relating to corrupt organizations) or a person against whom a proceeding is pending seeking such conviction or adjudication.

(2) A person convicted of violation of any of the provisions of 18 Pa.C.S. § 911(b) or a person against whom a proceeding is pending seeking conviction or adjudication.

(3) A public officer, public employee or party officer who receives any consideration, direct or indirect, as owner or lessor of premises offered for the purpose of conducting bingo therein.

(4) An entity in which any person defined in paragraph (1), (2) or (3) or a person married or immediately related to such person has greater than a 1% proprietary, equitable or credit interest, or in which such a person is active or employed.

Nothing contained in this definition shall be construed to bar the secretary from authorizing any entity which is not organized for pecuniary profit and no part of the net earnings of which inure to the benefit of any officer, director, trustee, member or shareholder from being a commercial lessor solely because a public officer, public employee or party officer, or a person married or immediately related to a public officer, public employee or party officer, is a member of, active in or employed by such entity.

"Authorized organization." Any bona fide religious or charitable organization or bona fide educational, fraternal, senior citizen, civic or service organization or bona fide organization of veterans or volunteer firemen, which by its charter, articles of incorporation, constitution, or act of the General Assembly, shall have among its dominant purposes one or more of the lawful purposes as defined in this act: Provided, That each such organization shall operate without profit to its members, officers, directors, trustees, or shareholders: Provided, further That each such organization has engaged in serving one or more of the lawful purposes as defined in this act for a period of five years immediately prior to applying for a license under this act or for a period of two years if such organization is affiliated with or chartered by a national organization which can meet the five year requirement.

"Bingo" or "game." A specific game of chance commonly, but not exclusively, known as bingo, lotto, beano, keno, pico or tango, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random whether or not a person who participates as a player furnishes something of value for the opportunity to participate.

"Bingo supplies and equipment." All cards, boards, sheets, markers, pads and all other supplies, devices and equipment designed for use in the play of bingo.

"Commission." The Commission on Charitable Organizations in the Department of State created by the act of August 9, 1963 (P.L.628, No.337), known as the "Solicitation of Charitable Funds Act."

"Department." The Department of Revenue.

"Division." The division of the State Lottery in the Department of Revenue created by the act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law."

"Lawful purposes." One or more of the following causes, deeds or activities:

(1) Those which shall benefit needy or deserving persons, indefinite in number, by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this Nation was founded or enhancing their loyalty to their government.

(2) Those which shall initiate, perform or foster worthy public works, or shall enable or further the erection or maintenance of public structures.

(3) Those which shall otherwise lessen the burden borne by government, or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

"Limited period bingo." The conduct of bingo by a licensed, authorized organization, for a period of not more than seven of 12 consecutive days in any one year, at a fair, festival, bazaar, carnival or similar function conducted by such licensed authorized organization. No authorized organization licensed to conduct limited period bingo shall be otherwise eligible to conduct bingo pursuant to this act in the same year.

“Net lease.” A written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any commercial premises for which the lessee pays rent to the lessor and likewise undertakes to pay substantially all of the regularly recurring expenses incident to the operation and maintenance of such leased premises.

“Net proceeds.”

(1) In relation to the gross receipts from one or more occasions of bingo, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the secretary, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the secretary.

(2) In relation to the gross rent received by an organization licensed to conduct bingo for the use of its premises by another licensee the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

In relation to either the gross receipts from one or more occasions of bingo or the gross rent received by an organization licensed to conduct bingo for the use of its premises by another licensee, the amount that shall reasonably be expended for the necessary and actual expenses herein authorized shall not exceed 25% of such gross receipts or gross rent as required by the “Solicitation of Charitable Funds Act.”

“Person.” Any individual, association, partnership, corporation, club, trust, estate, society, company, joint-stock company, receiver, trustee, assignee, referee, or any other entity acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals associated in fact, although not a legal entity.

“Secretary.” The Secretary of Revenue.

“Sell or distribute.” Shall mean, but shall not be limited to, the following activities: offering for sale bingo supplies and equipment, or receiving, handling, maintaining, storing the same on behalf of an authorized organization, and distributing or providing the same on behalf of such an organization.

Section 4. Application for license, fees.

I. To conduct bingo

(a) Each applicant for a license shall, after obtaining an identification number from the division, file a written application therefor in the form prescribed in the rules and regulations of the department, duly sworn, executed and verified in which shall be stated:

(1) The name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the division to determine whether or not it is a bona fide authorized organization.

(2) The names and addresses of its directors, officers, trustees and shareholders; the place or places where, the date or dates and the time or times when the applicant intends to conduct bingo under the license applied for.

(3) In case the applicant intends to lease premises for this purpose, the name and address of the authorized organization or licensed commercial lessor of such premises, and the capacity or potential capacity for public assembly purposes of the space to be leased and of any premises presently owned or occupied by the applicant.

(4) The amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for use of the premises of a licensed, authorized organization or commercial lessor.

(5) All other items of expense intended to be incurred or paid in connection with the holding, operation and

conducting of such games of bingo and the names and addresses of the persons to whom, and the purposes for which, they are to be paid.

(6) The specific purposes to which the entire net proceeds of such games are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such bingo game or games or for assisting therein except as otherwise provided in this act; and such other information as shall be required by the rules and regulations promulgated under this act.

(b) In each application there shall be designated an active member or members of the applicant under whose direction the game or games of bingo will be conducted and to the application shall be appended a statement executed by the member or members so designated, that he or they will be responsible for the conduct of such bingo games in accordance with the terms of the license, the rules and regulations of the department and the provisions of this act.

(c) Each application by an authorized organization for a license to conduct bingo shall be accompanied by the payment of an annual fee of \$200 plus a fee of \$10 for each bingo occasion or, if it is an application to conduct limited period bingo, the payment of a fee of \$50 plus a fee of \$10 for each bingo occasion.

II. Commercial lessor

(a) Each applicant for a license to lease premises to a licensed organization for the purposes of conducting bingo therein shall file a written application therefor in a form prescribed in the rules and regulations of the department duly sworn, executed and verified, in which shall be stated:

(1) The name and address of the applicant.

(2) The names and addresses of all of such applicants, owners, partners, directors, officers, stockholders, managers and representatives.

(3) The designation and address of the premises intended to be covered by the license sought.

(4) The lawful capacity for public assembly purposes.

(5) The cost of the premises and the assessed valuation for real estate tax purposes, or the annual net lease rent, whichever is applicable.

(6) The gross rentals received and the itemized expenses for the immediately preceding calendar or fiscal year, if any.

(7) The gross rentals, if any, derived from bingo during the last preceding calendar or fiscal year.

(8) The computation by which the proposed rental schedule was determined.

(9) The number of occasions on which the applicant anticipates receiving rent for bingo during the ensuing year or shorter period if applicable.

(10) The proposed rent for each such occasion;

(11) The estimated gross rental income from all other sources during the ensuing year.

(12) The estimated expenses itemized for the ensuing year and the amount of each item allocated to bingo rentals.

(13) A statement that the applicant in all respects conforms with the specifications contained in the definition of “authorized commercial lessor” set forth in section 3, and such other information as shall be prescribed by such rules and regulations of the department.

(b) Each application for a license to lease premises to a licensed organization for the purposes of conducting bingo therein shall be accompanied by the payment of an annual fee of \$200 plus an amount based upon the aggregate rent specified in the license and determined in accordance with the following schedule:

Aggregate rental of \$1,000 to \$2,499 ..	\$50
Aggregate rental of \$2,500 to \$4,999 ..	\$125

Aggregate rental of \$5,000 to \$9,999	\$250
Aggregate rental of \$10,000 to \$49,999	\$500
Aggregate rental of \$50,000 to \$100,000	\$2,500
Aggregate rental in excess of \$100,000	\$5,000

(c) At the end of the license period, a recapitulation, in a manner prescribed in the rules and regulations of the department, shall be made in respect of the gross rental actually received during the license period, and the fee paid therefor, and any deficiency of fee thereby shown to be due shall be paid by the licensee and any excess of fee thereby shown to have been paid shall be credited to said licensee in such manner as the secretary by rules and regulations shall prescribe.

III. Commercial Distributor

(a) Each applicant for a license to sell or distribute bingo supplies and equipment to the department or to an organization duly licensed to conduct bingo, if authorized by the secretary, shall file a written application therefor in a form prescribed in the rules and regulations of the department duly sworn, executed and verified, in which shall be stated:

- (1) The name and address of the applicant.
- (2) The names and addresses of all such applicants, owners, partners, directors, officers, stockholders, managers and representatives together with a statement of the number of shares of stock or other measure of property interest each has taken in said applicant.
- (3) The amount of gross receipts received and the itemized expenses for the immediately preceding calendar or fiscal year, if any.
- (4) The amount of gross receipts, if any, realized on the sale or distribution of bingo supplies and equipment and the itemized expenses related thereto during the immediately preceding calendar or fiscal year.
- (5) The computation by which the proposed bingo supplies and equipment price schedule was determined.
- (6) The proposed price for each item of bingo supplies and equipment.
- (7) The estimated amount of gross receipts from all other sources during the ensuing year.
- (8) The estimated expenses itemized for the ensuing year and the amount of each item allocated to the sale or distribution of bingo supplies and equipment.
- (9) A statement that the applicant in all respects conforms with the specifications contained in the definition of "authorized commercial distributor" set forth in section 3, and such other information as shall be prescribed by such rules and regulations of the department.

(b) Each application for a license to sell or distribute bingo supplies and equipment shall be accompanied by the payment of an annual fee of \$200 plus an amount based upon the gross receipts realized on the sale or distribution of bingo supplies and equipment by the applicant during the preceding calendar or fiscal year and determined in accordance with the following schedule:

Gross sales of \$1,000 to \$4,999	\$125
Gross sales of \$5,000 to \$19,999	\$500
Gross sales of \$20,000 to \$49,999	\$1,000
Gross sales of \$50,000 to \$100,000	\$2,500
Gross sales in excess of \$100,000	\$5,000

(c) At the end of the license period a recapitulation, in a manner prescribed in the rules and regulations of the department, shall be made in respect of the gross receipts actually received during the license period and the fee paid therefor, and any deficiency of fee thereby shown to be due shall be paid by the licensee and any excess of fee thereby shown to have been paid shall be credited to said licensee, in such manner as the secretary by rules and regulations shall prescribe.

Section 5. Investigation; matters to be determined; issuance of license; duration of license.

The department shall make an investigation of the qualifications and the merits of each application with due expedition after the filing of the application.

(a) If the department shall determine that the applicant is duly qualified to be licensed to conduct bingo under this act; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and the officers, directors, trustees and shareholders of the applicant are persons who have never been convicted of racketeering activity or violation of any of the provisions of 18 Pa.C.S. § 911 (relating to corrupt organizations) and against whom no proceedings are pending seeking such conviction or adjudication; that such games are to be conducted in accordance with the provisions of this act and in accordance with the rules and regulations of the department; and that the proceeds thereof are to be disposed of as provided by this act, and if the department is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games except as in this act otherwise provided; and that no prize will be offered and given in excess of the sum or value of \$250 in any single game, and that the aggregate of all prizes offered and given in all of such games conducted on a single occasion, under said license shall not exceed the sum or value of \$1,000, it shall issue a license to the applicant for the conduct of bingo: Provided, however, That the department shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where it determines that the premises presently owned or occupied by said applicant are in every respect adequate and suitable for conducting bingo games.

(b) If the department shall determine that the applicant seeking to lease a hall or premises for the conduct of bingo to an authorized organization is duly qualified to be licensed under this act; that the applicant satisfies the requirements for an authorized commercial lessor as defined in section 3; that at the time of the issuance of an initial license the department shall find and determine that there is a public need and that public advantage will be served by the issuance of such license; that the applicant has filed its proposed rent for each bingo occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in this act; and that such leasing of a hall or premises for the conduct of bingo is to be in accordance with the provisions of this act and in accordance with the rules and regulations of the department,

it shall issue a license permitting the applicant to lease said premises for the conduct of bingo to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as the department shall determine, but not to exceed one year.

(c) If the department shall determine that the applicant seeking to sell or distribute bingo supplies and equipment is duly qualified to be licensed under this act; that the applicant satisfies the requirements for an authorized commercial distributor as defined in section 3; that at the time of the issuance of an initial license the department shall find and determine that there is a public need and that public advantage will be served by the issuance of such license; that the applicant has filed its proposed price for each item of bingo supplies and equipment; that there is no diversion of the funds of the proposed recipients of bingo supplies and equipment from the lawful purposes as defined in section 3; and that such selling or distributing of bingo supplies and equipment for the conduct of bingo is to be in accordance with the provisions of this act and in accordance with the rules and regulations of the department; it shall issue a license permitting the applicant to sell or distribute said bingo supplies and equipment for the conduct of bingo to the department or if authorized by the secretary to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as the department shall determine, but not to exceed one year.

(d) No license shall be issued under this act which shall be effective for a period of more than one year. In the case of limited period bingo, no license shall be issued authorizing the conduct of such games on more than two occasions in any one day nor shall any license be issued under this act which shall be effective for a period of more than seven of 12 consecutive days in any one year. No license for the conduct of limited period bingo shall be issued in cities having a population of 1,000,000 or more.

Section 6. Form and contents of license; display of license.

(a) Each license to conduct bingo shall be in such form as shall be prescribed in the rules and regulations promulgated by the secretary, and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

(b) Each license to lease premises for conducting bingo shall be in such form as shall be prescribed in the rules and regulations of the department and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any other

information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of bingo.

(c) Each license to sell or distribute bingo supplies and equipment shall be in such form as shall be prescribed in the rules and regulations of the department and shall contain a statement of the name and address of the licensee and of the authorization to the licensee to sell or distribute such supplies and equipment to licensed authorized organizations by the secretary, the amount of permissible price approved by the department for each item of such supplies and equipment and any other information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon the premises of said licensees.

Section 7. Hearing; amendment of license.

(a) No application for the issuance of a license shall be denied by the department until after a hearing held on due notice to the applicant at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

(b) Any license issued under this act may be amended, upon application made to the department, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable if it had been so included.

Section 8. Persons operating and conducting games; equipment; expenses; compensation.

No person shall hold, operate or conduct any game of bingo under any license issued under this act except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of bingo under such license except such an active member or an active member of an organization or association which is an auxiliary to the licensee or an active member of an organization or association of which such licensee is an auxiliary or active member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. No game of bingo shall be conducted with any equipment except such as shall be owned absolutely by the authorized organization so licensed, or used without payment of any compensation therefor by the licensee. No items of expense shall be incurred or paid in connection with the conducting of any game of bingo pursuant to any license issued under this act, except those that are reasonable and are necessarily expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the secretary, janitorial services and utility supplies if any, license fees and the cost of bus transportation, if authorized by the secretary.

Section 9. Restriction upon conduct of bingo games.

The conduct of bingo games authorized by this act shall be subject to the following restrictions; but nothing herein shall be construed to prevent the secretary from imposing additional restrictions upon the conduct of bingo games:

(1) No person other than a licensee under the provisions of this act shall conduct a bingo game, shall sell or distribute bingo supplies and equipment or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

(2) No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

(3) No authorized organization licensed under the provisions of this act shall purchase or receive supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than the department, such distributor licensed under the provisions of this act as the secretary may designate or from another authorized organization.

(4) The entire net proceeds of any game or bingo and of any rental shall be exclusively devoted to the lawful purposes of the authorized organization.

(5) No prize shall exceed the sum or value of \$250 in any single game of bingo.

(6) No series of prizes or any one bingo occasion shall aggregate to more than the sum or value of \$1,000.

(7) No person except a bona fide officer, director, member, trustee or shareholder of any authorized organization shall participate in the management or operation of the game.

(8) No person ineligible to participate in the management or operation of any game or bingo shall receive any remuneration or profit.

(9) No more than 25 regular and special games may be played on any one bingo occasion.

(10) Limited period bingo shall be conducted in accordance with the provisions of this act and the rules and regulations promulgated thereunder by the secretary.

Section 10. Participation by persons under 18.

No person under the age of 18 years shall be permitted to play any game or games or bingo pursuant to any license issued under this act unless accompanied by an adult. No person under the age of 18 years shall be permitted to conduct or assist in the conduct of any game or bingo conducted pursuant to any license issued under this act.

Section 11. Frequency of game; sale of alcoholic beverages.

No game or games or bingo, except limited period bingo, shall be conducted under any license issued under this act more often than on six days in any one calendar month. No game or games of limited period bingo shall be conducted between the hours of 12 midnight and 12 noon, and no more than 60 games may be conducted on any single occasion of limited period bingo. No game or games or bingo shall be conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game or games.

Section 12. Advertising of bingo games.

A licensed authorized organization may advertise the conduct of an occasion of bingo to the general public by means

of handbill and poster, and by one sign not exceeding 60 square feet in area, which may be displayed on or adjacent to the premises owned or occupied by the licensee, and when an authorized organization is licensed to conduct bingo occasions on the premises of another licensed authorized organization or of a licensed commercial lessor, one additional such sign may be displayed on or adjacent to the premises in which the occasions are to be conducted. Additional signs may be displayed upon any firefighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "bingo", the name of the licensed authorized organization conducting such occasions, the license number of the authorized organization as assigned by the division and the date, location and time of the bingo occasion.

Section 13. Charge for admission and participation; amount of prizes; award of prizes.

Except in the conduct of limited period bingo, not more than \$1 shall be charged by any licensee for admission to any room or place in which any game or games or bingo are to be conducted under any license issued under this act, which admission fee, upon payment thereof, shall entitle the person paying the same to participate without additional charge in all regular games or bingo to be played under such license on such occasion, and no charge in excess of \$1 shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. The secretary may in his discretion fix a minimum fee. In the conduct of limited period bingo:

(1) no admission fee shall be charged;

(2) not more than 15¢ shall be charged for a single opportunity to participate in one such game; and

(3) no licensee shall sell more than three opportunities to each player participating in any one game.

Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game or bingo.

Section 14. Statement of receipts, expenses; additional license fees.

(a) Within seven days after the conclusion of any occasion of bingo, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized organization which rented its premises therefor, shall furnish to the department, and a copy to the commission, a statement subscribed by the member in charge and affirmed by him as true, under the penalty prescribed by this act, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the

use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

(b) Upon the filing of each such statement of receipts, the authorized organization furnishing the same shall pay to the department a \$10 fee.

Section 15. Control and supervision; suspension of licenses; inspection of premises.

The secretary shall have and exercise rigid control and close supervision over all games or bingo conducted under any license, to the end that the same are fairly conducted in accordance with the provisions of such licenses, the provisions of the rules and regulations promulgated by the secretary and the provisions of this act, and the secretary shall have the power and the authority to suspend any license issued by the department, and to revoke the same, and additionally, in the case of an authorized commercial lessor or commercial distributor, to impose a fine in an amount not exceeding \$5,000, after notice and hearing, for violation of any such provisions, and shall have the right of entry, by his officers and agents at all times into any premises where any game of bingo is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

Section 16. Power of the Secretary of Revenue to establish a standard set of bingo cards.

The secretary shall have the power and it shall be his duty to approve and establish a standard set of bingo cards comprising a consecutively numbered series and shall, by rules and regulations, prescribe the manner in which such cards are to be reproduced and distributed to licensed authorized organizations. The sale or distribution to a licensed authorized organization of any card or cards other than those contained in the standard set of bingo cards shall constitute a violation of this section. Licensed authorized organizations shall be required to use and maintain such cards seriatim including such use and maintenance in the conduct of limited period bingo games.

Section 17. Examination of books and records; examination of managers, etc; disclosure of information.

The secretary shall have the power to examine or cause to be examined the books and records of:

(1) Any authorized organization which is or has been licensed to conduct bingo, so far as they may relate to bingo including the maintenance, control and disposition of the net proceeds derived from bingo or from the use of its premises for bingo and to examine any manager, officer, director, trustee, agent, member, representative or employee thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for bingo or the disposition of the net proceeds derived from bingo, as the case may be.

(2) Any licensed authorized commercial lessor or applicant for such license so far as they may relate to leasing premises for bingo and to examine said lessor or any

manager, officer, director, agent, representative or employee thereof under oath in relation to such leasing.

(3) Any licensed authorized commercial distributor or applicant for such license so far as they may relate to selling or distributing bingo supplies and equipment and to examine said distributor or any manager, officer, director, trustee, agent, representative or employee thereof under oath in relation to such selling or distributing.

(4) Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act and the act of August 9, 1963 (P.L.628, No.337), known as the "Solicitation of Charitable Funds Act."

Section 18. Power of the Secretary of Revenue to impose fines and penalties.

In addition to his power to suspend or revoke licenses granted by him, the secretary is hereby authorized and empowered to impose fines upon any person participating in any way in bingo, other than as a patron, and whether licensed by the department or not, for a violation of any provision of this act or the rules and regulations promulgated by the secretary pursuant thereto, not exceeding \$5,000 for each violation, which fines shall be paid into the Commonwealth Treasury through the department. The action of the secretary in imposing any monetary fine shall be subject to appeal as provided in this act and in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure) and as approved by that appeal, or if no appeal is taken, then as imposed, may be collected in an action of assumpsit.

Section 19. Report and recommendations.

During the month of January in each year the secretary shall submit to the Governor and the General Assembly a full report of his activities for the year ending with December 31 of the preceding year together with such recommendations as he shall deem desirable. When he deems it advisable, the secretary shall make an interim report to the Governor and the General Assembly with his recommendations, in order to afford opportunity for the General Assembly to take immediate action thereon.

Section 20. Hearing of refusal, suspension or revocation of license.

If the secretary shall refuse to issue, amend or renew a license applied for under this act, or shall revoke or suspend such a license granted by him, the applicant or licensee may demand, within 30 days after notice of the said act of the secretary, a hearing before the Department of Revenue Appeals Board, and the board shall give prompt notice of a time and place for such hearing at which the board will hear such applicant or licensee in reference thereto. Pending such a hearing and final determination thereon, the action of the secretary in refusing to issue or in revoking or suspending a license will remain in full force and effect. The board may continue such hearing from time to time for the convenience of any of the parties. Any of the parties affected by such hearing may be represented by counsel and the secretary shall be represented by the Attorney General or a deputy attorney general. In the conduct of such hearing, the board shall not be bound by tech-

nical rules of evidence, but all evidence offered before the board shall be reduced to writing and such evidence, together with the exhibits, if any, and the findings of the board shall be permanently preserved and shall constitute the record of the board in such case. In connection with such hearing, the board shall have the power to administer oaths and examine witnesses and may issue subpoenas to compel attendance of witnesses and for the production of all material and relevant reports, books, papers, documents, correspondence and other evidence. The board may, if the occasion shall so require, by order, refer to one or more of its officers the duty of taking testimony in such matter as the case may require and to report thereon to the board, but no determination shall be made therein except by the board, within 30 days after the conclusion of such hearing, the board shall make a final order, in writing, setting forth the reasons for the action taken by it and a copy thereof shall be served on each of the parties affected by such order. The final order of the board may be appealed to the Commonwealth Court by any aggrieved party to the hearing pursuant to Title 42 of the Pennsylvania Consolidated Statutes (relating to judiciary and judicial procedure) and in accordance with the provisions of 2 Pa.C.S. §§ 703 (relating to scope of review) and 704 (relating to disposition of appeal).

Section 21. Place of investigations and hearings; witnesses; books and documents.

The department may conduct investigations and hearings within or without the Commonwealth and shall have the power to compel the attendance of witnesses, the production of books, records, documents and other evidence, by the issuance of a subpoena signed by the secretary.

Section 22. Offenses.

(a) Any person holding, operating or conducting bingo or a game is guilty of a misdemeanor of the first degree, except when operating, holding or conducting such bingo or game:

(1) in accordance with the terms of a valid license issued pursuant to this act; or

(2) within the confines of a home for purposes of amusement or recreation where:

(i) no player or other person furnishes anything of value for the opportunity to participate;

(ii) participation in such game does not exceed 15 players; and

(iii) the prizes awarded or to be awarded are nominal; or

(3) on behalf of a bona fide organization of persons 60 years of age or over, commonly referred to as senior citizens, solely for the purpose of the amusement and recreation of its members where:

(i) the organization has applied for and received an identification number from the division;

(ii) no player or other person furnishes anything of value for the opportunity to participate;

(iii) the prizes awarded or to be awarded are nominal;

(iv) no person other than a bona fide member of the organization participates in the conduct of any game; and

(v) no person is paid for conducting or assisting in the conduct of any game or games.

(b) Any person selling or distributing bingo supplies or equipment is guilty of a misdemeanor of the first degree except when selling or distributing such supplies or equipment:

(1) to the department:

(i) in accordance with the terms of a valid license issued pursuant to this act; and

(ii) in compliance with the purchasing requirements of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929;"

(2) to a licensed authorized organization:

(i) in accordance with the terms of a valid license issued pursuant to this act;

(ii) pursuant to the discretionary authorization of the secretary under this act; and

(iii) in compliance with the requirements of this act and of any rule or regulation of the secretary governing the manufacture, sale or distribution of bingo supplies and equipment; or

(3) to a licensed authorized organization by another organization which:

(i) is or has been duly licensed to conduct bingo games during the preceding 12 months; and

(ii) is conducted in accordance with any rule or regulation of the secretary governing such selling or distributing of bingo supplies or equipment.

(c) Any person leasing or otherwise making available for holding, operating or conducting bingo in a hall or other premises for any consideration whatsoever, direct or indirect, is guilty of a misdemeanor of the first degree, except when leasing or otherwise making available such premises to a licensed authorized organization:

(1) in accordance with the terms of a valid license issued pursuant to this act; and

(2) in compliance with the requirements of this act and any rule or regulation of the secretary governing the leasing of premises for the holding, operating or conducting of bingo.

(d) Any person who shall willfully divert or pay any portion of the net proceeds of any game of bingo to any person, except in furtherance of one or more of the lawful purposes defined in section 3 is guilty of a misdemeanor of the second degree.

(e) Any person required by this act to pay any fee, or to make a return, keep any record or supply any information, who willfully fails to pay such fee or make such return, keep such record or supply such information at the time or times required by law, rule or regulation, is guilty of a misdemeanor of the second degree.

(f) Any person who shall willfully make, or cause to be made, any record, report or return, required by this act, which is false, in whole or in part, is guilty of a misdemeanor of the second degree.

(g) Any person who shall willfully make, or cause to be made, any false statement on any application for a license under this act which bears notice that false statements made

thereon are punishable as provided herein is guilty of a misdemeanor of the third degree.

(h) Any person who shall willfully sell, or cause to be sold, any bingo card, supply or equipment or charge, or cause to be charged, any admission fee greater than that fixed under this act or any rule or regulation of the secretary is guilty of a misdemeanor of the third degree.

(i) Any person who shall willfully violate any other provision of this act or any other rule or regulation of the secretary for the administration and enforcement of this act is guilty of a misdemeanor of the third degree.

Section 23. Exemption from prosecution.

No person lawfully licensed pursuant to this act who is selling or distributing bingo supplies or equipment, conducting or participating in the conduct of bingo, or permitting the conduct of bingo upon any premises owned or leased by him, shall be liable to prosecution or conviction for violation of any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or any other law to the extent that such conduct is specifically authorized by this act, but this immunity shall not extend to any person knowingly selling or distributing bingo supplies or equipment, conducting or participating in the conduct of bingo or permitting the conduct of bingo upon any premises owned or leased by him under any license obtained or known to him to have been obtained by any false pretense or by any false statement made in any application for license or otherwise.

Section 24. Disposition and appropriation of funds.

(a) All revenues accruing from the issuance of licenses and from all other sources under the provisions of this act shall be paid into the Commonwealth Treasury.

(b) As much as may be necessary of such revenues is hereby appropriated to pay:

(1) The payment of the compensation of employees of the department when used in issuing licenses and imposing fines and penalties authorized by this act.

(2) All other expenses incurred by the department in administering this act.

(c) All revenues remaining in the Commonwealth Treasury and not required for payments under subsection (b) shall be paid into the General Fund.

Section 25. Severability.

If any clause, sentence, section, provision or part of this act, or the application thereof to any person or circumstance shall be adjudged to be unconstitutional by any court of competent jurisdiction, the remainder of this act or the application thereof to other persons and circumstances shall not be affected thereby and the General Assembly hereby declares that it would have enacted this act without the invalid clause, sentence, section, provision or part, as the case may be, had such invalidity been apparent.

Section 26. Effective date.

This act shall take effect in 90 days.

On the question,

Will the House agree to the amendments?

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

Mr. O'DONNELL. Mr. Speaker, this is a fairly extensive amendment as you can see. It goes to 17 pages, and what I would like to do is just to point out what I think are the most important facets of the amendment.

First of all, it essentially guts the bill and replaces the entire contents of the bill with the material here. There are 26 sections to the bill, and what it basically does is it regulates extensively the three phases of bingo, the three ways in which money can be derived from playing bingo: One, is running the game; two, is renting a place to have the game; and three, is supplying the equipment that is used in the game.

You have at the outset a policy decision about whether or not you are going to regulate this game in all its aspects or merely in the running of it. Those of you who are familiar with Forbes Magazine, there was some extensive research done and in an article published there, they indicated that in Philadelphia you had fairly legitimate organizations running a bingo game and paying approximately \$500,000 in rent. The real benefits of the game flowed to those people who happened to own the place.

PARLIAMENTARY INQUIRY

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

Mr. ZITTERMAN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZITTERMAN. Mr. Speaker, considering that this is a very lengthy amendment, as Mr. O'Donnell had stated, and the fact that he is actually gutting the bill and rewriting the bill, and considering that we just received this amendment this afternoon, I would like to pass over the bill until we get an opportunity to review the amendment, Mr. Speaker.

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

Mr. BURNS. I would oppose that motion to pass over the bill. I think the amendment has been before us for 2 days, and not today. At least it was on my desk for the last 2 days, and I think it is time that we looked at this issue. It is a very serious issue that is facing a lot of fraternal groups; it is facing churches; it is facing fire companies, and I think it is time that we discuss the bill in its entirety.

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

Mr. ZITTERMAN. Mr. Speaker, on the motion to pass over the bill, I think the subject would benefit from more detailed consideration of the amendment and of the policy issues that I think are involved there. I have no objection to passing over the bill and I believe that although the issue is extremely important, it is certainly not on a par with the budget or the other things that we wait for day-by-day. I believe that probably no fire companies or churches or otherwise would be hurt by a failure to consider the bill today or tomorrow or next week or whatever. I think it is a good motion.

The SPEAKER pro tempore. The House will be at ease for just a moment please.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. Does Mr. Zitterman wish to move that this bill be placed on the third consideration postponed calendar?

Mr. ZITTERMAN. Yes, Mr. Speaker. In deference to my colleague on the other side of the aisle, the Democratic side just received this amendment this afternoon, Mr. Speaker, and I would so move.

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

Mr. BURNS. Mr. Speaker, contrary to what one of the previous speakers said, Mr. O'Donnell, this is a very, very important issue. Right now it is my understanding that there is a fraternal organization from the Lancaster area presently in tax court. Roman Catholic High School, I believe, in Philadelphia is presently in the tax court because of the rules and regulations that the Federal Government has adopted concerning this particular game of bingo. I think it is important. I think the longer we wait, the more it jeopardizes the different fraternal orders, the veterans' clubs, the fire companies and the churches in the Commonwealth. I think it is something we should have dealt with weeks ago, and to further delay would be more serious.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I would support the motion to pass over, and I would say to Mr. Burns that I do not know, but could the gentleman, Mr. Burns, answer a question?

I do not have a copy of the amendment. I have not seen it and I do not know, but was it caucused on in our caucus?

Mr. BURNS. Mr. Speaker, I must admit that I have not attended all of the minutes of the caucuses that we have had in the past few days. I really do not know whether it has or not. I received the amendment, I guess it was 2 days ago, when Mr. O'Donnell first proposed it. So I have had it for 2 days. At least I think it has been on my desk for that long, but I will not guarantee that.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I think that it would be accurate to state—and I just spoke to our caucus chairman briefly—that we did caucus on the bill, but the caucus chairman tells me that we have not caucused on the O'Donnell amendment. I am not familiar with the amendment. I think this does constitute an important issue on a policy matter in the Commonwealth of Pennsylvania, and I would support the motion to pass over the bill on that ground that we have an opportunity to caucus on this amendment and bring it up promptly, and not to delay it for a long period of time. We have to make the decision, but I would like to see us have an opportunity to caucus on

the amendment. I would urge the members to vote in favor of the motion.

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

Mr. ALDEN. Mr. Speaker, as Mr. Burns has said, this is a very important bill. I think I have just gotten this amendment. I have not seen it. Mr. O'Donnell says that it guts the whole bill, and I think this body should have the time to review this and look at it because this is going to have farreaching implications. I think when we vote on this we should know what is in the bill, and I think a lot of the members really do not know what this amendment says or what it does. I think that we should have the time. So I join with Mr. Zitterman in asking to have this postponed.

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

Mr. BURNS. Mr. Speaker, I would agree, since it seems that most of the members have not had time to study or at least look at or caucus on the amendment, that we pass the bill over until we have a chance to do that.

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

Mr. MURPHY. Mr. Speaker, since we have agreed to pass it over, I think it would be important that we also have a fiscal note attached to this bill, because it produces both revenues for the Commonwealth and it also would cause the Commonwealth to incur some costs. So may I suggest that since we are passing it over, that we also require a fiscal note be attached to it?

The SPEAKER pro tempore. The motion before the House is whether or not to put the bill on the third consideration postponed calendar.

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

Mr. O'DONNELL. For the information of the gentleman on the motion, a fiscal note has been requested. I do not think it has been received and circulated yet, and I do not think it would be delayed. The fiscal note should be forthcoming shortly and if the bill is held over, by the time it is considered, the fiscal note should be here.

Mr. MURPHY. Will the fiscal note show both the revenues and the costs?

Mr. O'DONNELL. The fiscal note will show everything required under rule 19.

The SPEAKER pro tempore. Before a vote is taken on the motion, would the gentleman, Mr. O'Donnell, withdraw his amendment? The amendments will not go with the bill. The bill will be put on the third consideration postponed calendar.

AMENDMENTS WITHDRAWN

Mr. O'DONNELL. Yes, Mr. Speaker, I withdraw my amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, what this is really doing is a further delay on this bill. I have no qualms about the bill itself, but the bill did go into the State Government

Committee. It came out of that committee, was referred to the Judiciary Committee and was in the Judiciary Committee for several months. The Judiciary Committee passed on the bill and the bill is now in front of us.

What is going to happen is this: This is not an amendment that Mr. O'Donnell proposes. It is an entirely new bill, and it seeks to add many, many regulations and another layer of bureaucracy on a very, very simple question. That simple question is this: There are bona fide organizations in the Commonwealth of Pennsylvania that are operating bingo illegally. These organizations have an exempt status under the Internal Revenue Service. The Internal Revenue Service by Federal Register, dated Wednesday, May 21, 1980, under "Treatment of Proceeds from Bingo Games," has stated that those states in which bingo is illegal to operate, that income from bingo games will be declared unrelated income as far as that organization is concerned, which means it will make it taxable.

This will be retroactive for at least 3 years because this regulation went into effect in 1969. It could even go beyond the 3-year period. So what you are doing is going to penalize those operators right now from having it illegal, and, therefore, I feel that to delay it further is wrong. I ask for a "no" vote.

Mr. ZITTERMEN. Mr. Speaker, the previous speaker's comments were debating the bill. My motion is to place the bill and the amendment on the third consideration postponed calendar, and may I quote that the rules of the House give Mr. O'Donnell the right to bring his amendment to this House floor. It has been so done and printed, and I am asking that this motion be carried out, Mr. Speaker.

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

The following roll call was recorded:

YEAS—107

Alden	Gallagher	McIntyre	Schmitt
Austin	Gallen	McMonagle	Schweder
Barber	Gamble	McVerry	Seventy
Beloff	Gannon	Maiale	Shupnik
Berson	Gatski	Manderino	Sirianni
Borski	George, C.	Michlovic	Smith, L. E.
Brown	George, M. H.	Milanovich	Spitz
Cappabianca	Gladeck	Miller	Stairs
Chess	Goebel	Mrkonic	Stewart
Cohen	Goodman	Mullen	Street
Cole	Grabowski	Murphy	Stuban
Cornell	Gray	Novak	Sweet
Cowell	Greenfield	O'Brien, B. F.	Swift
Cunningham	Hoeffel	O'Donnell	Taylor, F.
DeMedio	Hutchinson, W.	Oliver	Thomas
DeWeese	Irviss	Petrarca	Trello
Dawida	Knight	Piccola	Wachob
Dombrowski	Kolter	Pievsky	Wargo
Donatucci, R.	Kowalyszyn	Pistella	Wass
Duffy	Kukovich	Polite	White
Dumas	Lashinger	Pucciarelli	Wilt
Durham	Laughlin	Rappaport	Wright, D. R.
Earley	Lescovitz	Rasco	Yahner
Fee	Letterman	Richardson	Zeller
Fischer	Levin	Rieger	Zitterman
Foster, W. W.	Livengood	Ritter	Zwinkl
Fryer	McCall	Rodgers	

NAYS—82

Anderson	Dorr	Lewis	Rocks
Armstrong	Fisher	Lynch, E. R.	Ryan
Arty	Foster, Jr., A.	McClatchy	Salvatore
Belardi	Freind	McKelvey	Scheaffer
Bennett	Geesey	Mackowski	Serafini
Bittle	Geist	Madigan	Sieminski
Bowser	Grieco	Manmiller	Smith, E. H.
Brandt	Gruppo	Micozzie	Spencer
Burd	Hagarty	Moehlmann	Steighner
Burns	Halverson	Mowery	Taddonio
Caltagirone	Hasay	Nahill	Taylor, E. Z.
Cessar	Hayes, Jr., S.	Noye	Telek
Cimini	Honaman	O'Brien, D. M.	Vroon
Civera	Hutchinson, A.	Perzel	Wenger
Clark, B. D.	Itkin	Peterson	Wilson
Clark, M. R.	Johnson, E. G.	Phillips	Wright, Jr., J.
Cochran	Kanuck	Pitts	Yohn
Coslett	Klingaman	Pott	Zord
Davies	Knepper	Pratt	
Dietz	Lehr	Punt	Seltzer,
Dininni	Levi	Pyles	Speaker

NOT VOTING—8

Giammarco	Johnson, J. J.	Reed	Shadding
Harper	Jones	Rhodes	Williams

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

* * *

The House proceeded to third consideration of **HB 2159, PN 2746**, entitled:

An Act amending the act of March 28, 1974 (P. L. 228, No. 50), referred to as the Higher Education Assistance Continuation Law, further providing for coordination with Federal financial aid programs.

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

Amend Sec. 1 (Sec. 1), page 2, line 5, by inserting brackets before and after "first" and inserting immediately thereafter fifteenth

Amend Sec. 1 (Sec. 2), page 2, line 26, by striking out "] March"

Amend Sec. 1 (Sec. 2), page 2, line 26, by inserting after "1"] March 15

Amend Sec. 1 (Sec. 4), page 3, line 5, by inserting brackets before and after "first" and inserting immediately thereafter fifteenth

Amend Sec. 1 (Sec. 4), page 3, line 7, by inserting brackets before and after "first" and inserting immediately thereafter fifteenth

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Wilt.

Mr. WILT. Mr. Speaker, these are agreed-to amendments.

The SPEAKER pro tempore. The Chair was unable to hear the gentleman.

Mr. WILT. This is an agreed-to amendment, Mr. Speaker. All it does is change—

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

Mr. GREENFIELD. I just wanted you to clank that gavel so we will have a little order. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Did I understand the gentleman to say the amendments are agreed to?

Mr. WILT. Yes, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I am intrigued by the phrase "these amendments are agreed to." By whom and under what circumstances? Could the gentleman please convey that to the members of the House who are not in on the inner circles, so that we could properly and intelligently vote on the amendment?

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

Mr. GALLAGHER. Mr. Speaker, for the edification of Mr. Fryer, this amendment was agreed to in our Democratic caucus the other day, and I assume it was agreed to in Mr. Wilt's Republican caucus. Mr. Fryer is entitled and is privy to the secrecy of the Democratic caucus, and we did concur in this amendment.

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

Mr. FRYER. Mr. Speaker, the gentleman from Bucks has once again skillfully attempted to evade the question. Now, there may have not been a perfect attendance at the Democratic caucus. I am almost ashamed to give our percentage figure on attendance at caucuses. But would the gentleman explain— I see he is getting clarification on the amendment now. I appreciate that.

The SPEAKER pro tempore. Will the gentleman from Bucks, Mr. Gallagher, please explain the amendments to the gentleman from Berks?

Mr. FRYER. And the other members of the House, Mr. Speaker.

The SPEAKER pro tempore. And to the members of the House.

Mr. GALLAGHER. Mr. Speaker, I think Mr. Wilt who offered the amendment would be the proper one to read it distinctly and very clearly so that everybody understands what the amendment is.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Wilt.

Mr. WILT. I would just like to convey to the gentleman that I understand his frustrations since I am not part of an inner circle either.

This is a rather simple amendment. What the bill purports to do is to change the date from May 1 to March 1 when PHEAA - Pennsylvania Higher Education Assistance Agency - announcements will be made. Because of the Governor's message, in the year in which the new Governor is elected, the budget office expressed some

concern about not having enough time or being locked into a figure which it did not approve in a budget. So the amendment simply puts it back until March 15 rather than March 1 when the announcements will be made for PHEAA grants, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I certainly agree with that amendment. And, Mr. Speaker, I want to take this opportunity to thank all of the members, particularly Mr. Gallagher, for their great contribution to the legislative process today.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—6

Harper Jones Shadding Williams
Johnson, J. J. Reed

EXCUSED—5

DeVerter Hayes, D. S. Helfrick Weidner
DiCarlo

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

NAYS—0

NOT VOTING—7

DeMedio Harper McClatchy Williams
Dorr Johnson, J. J. Shadding

EXCUSED—5

DeVerter Hayes, D. S. Helfrick Weidner
DiCarlo

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

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

* * *

The House proceeded to third consideration of **HB 2449, PN 3297**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments:

Amend Sec. 1, page 1, line 14, by striking out "Subsection" and inserting Subsections (1), (m) and

Amend Sec. 1, page 1, line 16, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 20), page 1, by inserting between lines 17 and 18

(l) Every employment agent shall give to each applicant who signs a contract, a copy of said contract at the time of application. Nothing in the contract shall provide for a waiver of any of the provisions of this act.

(m) No employment agent shall charge a fee for its services until the applicant has accepted a position. "Accept a position" shall mean that an applicant has actually reported for work having met all of the conditions of employment[, or] and has a definite agreement with an employer concerning starting date, starting salary (including bonuses, commissions, etc.) and duties.

[For a position known to be of a duration of ten (10) weeks or less or for a position that the applicant loses within a period of ten (10) weeks after the starting date, the fee will be a maximum of ten (10%) percent of the amount earned, except if the applicant fails to report as agreed or resigns to accept employment elsewhere, then the agency shall be entitled to its full fee.]

In addition to any other rights and remedies which an applicant may have in law or equity, any fee charged by an employment agent shall be subject to the following limitations:

(1) For a position known to be of a duration of ten (10) weeks or less or for a position that the applicant loses within a period of ten (10) weeks after the starting date, the fee shall be a maximum of ten (10%) percent of the amount earned, except if the applicant fails to report as agreed or resigns to accept employment elsewhere, then the agency shall be entitled to its full fee.

(2) For a position which for any reason is not reasonably suited to the applicant's employment needs and for which the applicant was not made aware before accepting employment of the condition or conditions that make the position not suitable and the applicant resigns the position within a period of five (5) weeks after the starting date, the fee shall be a maximum of ten (10%) percent of the amount earned. A statement by the

applicant that he or she resigned because the position was not reasonably suited to his or her employment needs with an explanation of the reasons, and that he or she was not made aware of the condition or conditions which make the position not suitable, shall be prima facie evidence of such facts.

(3) When the employment agent or employer has materially misrepresented the compensation, duties, title, responsibilities or other material condition of the position and the applicant resigns the position within a period of five (5) weeks after the starting date, the fee shall be a maximum of ten (10%) percent of the amount earned.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. This amendment does not touch on the content of what Mr. McClatchy is doing in HB 2449. Rather, the purpose of the amendment is to protect the customers, the consumers, of employment agencies from being saddled with large placement fees after they have been poorly placed or misled about the employment possibility open to them.

I had been given a list of consumer complaints by the Westmoreland County Bureau of Consumer Protection over the last few years. They gave me specific examples of how individuals who went to an employment agency were misled about the type of job, about the type of hours, the type of pay, or in some instances the employment agencies were misled by the employers. The individual went for that job, perhaps was on that job for a short period of time, and then was let go or quit because of the misrepresentations, but still were stuck with paying a large fee, oftentimes a large percentage of the annual salary at that job even though they worked there a very short period of time, sometimes a matter of a few weeks.

Now, this amendment adds various sections which will protect good employment agencies and hopefully will either weed out the poor or fly-by-night or shoddy employment agencies or at the very least not saddle the customer of that type of agency with a large placement fee which is not warranted.

I think that pretty much states the intent and the content of the amendment and I would appreciate your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—125

Austin	Gallagher	Levi	Richardson
Barber	Gamble	Levin	Rieger
Belardi	Gatski	Lewis	Ritter
Beloff	Geesey	Livengood	Rodgers
Bennett	George, C.	Lynch, E. R.	Schmitt
Berson	George, M. H.	McCall	Schweder
Borski	Giammarco	McIntyre	Serafini
Bowser	Gladeck	McMonagle	Seventy
Brown	Goebel	Maiale	Shupnik
Burns	Goodman	Manderino	Sirianni
Caltagirone	Grabowski	Manmiller	Smith, E. H.
Cappabianca	Gray	Michlovic	Spitz
Chess	Greenfield	Milanovich	Stairs
Clark, B. D.	Halverson	Miller	Steighner
Cochran	Hasay	Mrkonic	Stewart

Cohen	Hoefel	Mullen	Street
Cole	Hutchinson, A.	Murphy	Stuban
Coslett	Hutchinson, W.	Novak	Sweet
Cowell	Irviss	O'Brien, B. F.	Taddonio
DeMedio	Itkin	O'Donnell	Taylor, F.
DeWeese	Jones	Oliver	Telek
Davies	Kanuck	Peterson	Trello
Dawida	Knepper	Petrarca	Wachob
Dininni	Knight	Piccola	Wargo
Dombrowski	Kolter	Pievsky	White
Donatucci, R.	Kowalshyn	Pistella	Wright, D. R.
Duffy	Kukovich	Pratt	Yahner
Earley	Lashingier	Pucciarelli	Zeller
Fee	Laughlin	Rappaport	Zitterman
Fischer	Lescovitz	Reed	Zord
Fisher	Letterman	Rhodes	Zwilk
Fryer			

NAYS—67

Alden	Freind	Micozzie	Scheaffer
Anderson	Gallen	Moehlmann	Sieminski
Armstrong	Gannon	Mowery	Smith, L. E.
Arty	Geist	Nahill	Spencer
Bittle	Grieco	Noye	Swift
Brandt	Gruppo	O'Brien, D. M.	Taylor, E. Z.
Burd	Hagarty	Perzel	Thomas
Cessar	Hayes, Jr., S.	Phillips	Vroon
Cimini	Honaman	Pitts	Wass
Civera	Johnson, E. G.	Polite	Wenger
Clark, M. R.	Klingaman	Pott	Wilson
Cornell	Lehr	Punt	Wilt
Cunningham	McClatchy	Pyles	Wright, Jr., J.
Dietz	McKelvey	Rasco	Yohn
Dorr	McVerry	Rocks	
Durham	Mackowski	Ryan	Seltzer,
Foster, W. W.	Madigan	Salvatore	Speaker
Foster, Jr., A.			

NOT VOTING—5

Dumas	Johnson, J. J.	Shadding	Williams
Harper			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RICHARDSON. Mr. Speaker, may I interrogate the prime sponsor of this bill?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hayes, who states that he will try to answer the questions for the gentleman.

Mr. RICHARDSON. Mr. Speaker, I would like to raise a couple of questions concerning these employment agencies.

**HB 2449 PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I move that we go over this bill for today. There are many Representatives on both sides of the aisle who have questions, and I do not believe that we should labor any longer this day on HB 2449, so let us pass the bill over for today.

The SPEAKER pro tempore. Without objection, the bill will be placed upon the final passage postponed calendar. The Chair hears none.

* * *

The House proceeded to third consideration of **HB 285, PN 305**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing boards of school directors to appropriate funds to volunteer fire companies.

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

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

The question is, shall the bill pass finally?

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

YEAS—184

Alden	Freind	Lynch, E. R.	Rodgers
Anderson	Fryer	McCall	Ryan
Armstrong	Gallagher	McClatchy	Salvatore
Arty	Gallen	McIntyre	Scheaffer
Austin	Gamble	McKelvey	Schmitt
Barber	Gannon	McMonagle	Schweder
Belardi	Gatski	Mackowski	Serafini
Beloff	Geesey	Madigan	Seventy
Bennett	Geist	Maiale	Shupnik
Berson	George, C.	Manderino	Sieminski
Bittle	George, M. H.	Manmiller	Sirianni
Brandt	Giammarco	Michlovic	Smith, E. H.
Brown	Gladeck	Micozzie	Smith, L. E.
Burd	Goebel	Milanovich	Spencer
Burns	Goodman	Miller	Spitz
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Gray	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Street
Cimini	Gruppo	Murphy	Stuban
Civera	Hagarty	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Hasay	Noye	Taddonio
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hoeffel	O'Brien, D. M.	Taylor, F.
Cole	Honaman	O'Donnell	Telek
Cornell	Hutchinson, W.	Oliver	Thomas
Coslett	Irviss	Perzel	Trello
Cowell	Itkin	Peterson	Vroon
Cunningham	Johnson, E. G.	Petrarca	Wachob
DeMedio	Jones	Phillips	Wargo
DeWeese	Kanuck	Piccola	Wass
Davies	Klingaman	Pievsky	Wenger
Dawida	Knepper	Pistella	Wilson
Dietz	Knight	Pitts	Wilt
Dininni	Kolter	Polite	Wright, D. R.
Dombrowski	Kowalyszyn	Pott	Wright, Jr., J.

Donatucci, R.	Kukovich	Pratt	Yahner
Duffy	Lashinger	Pucciarelli	Yohn
Dumas	Laughlin	Punt	Zeller
Durham	Lehr	Pyles	Zitterman
Earley	Lescovitz	Rasco	Zord
Fee	Letterman	Reed	Zwikl
Fischer	Levi	Rhodes	
Fisher	Levin	Ritter	Seltzer,
Foster, W. W.	Lewis	Rocks	Speaker
Foster, Jr., A.	Livengood		

NAYS—3

Borski	Rappaport	Richardson
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NOT VOTING—10

Bowser	Hutchinson, A.	Rieger	White
Dorr	Johnson, J. J.	Shadding	Williams
Harper	McVerry		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

REMARKS ON VOTE

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

Mr. GANNON. Mr. Speaker, my switch did not operate on that last vote. I would like to be recorded in the affirmative.

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

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 2256, PN 2896**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for liability for tuition of out-of-state students and making editorial changes.

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

Mr. GEORGE offered the following amendments:

Amend Title, page 1, line 6, by striking out "and" and inserting a comma

Amend Title, page 1, line 7, by removing the period after "changes" and inserting and providing a minimum number of years of instruction for certain children.

Amend Bill, page 3, by inserting between lines 11 and 12 Section 2. Section 1372 of the act is amended by adding a subsection to read:

Section 1372. Exceptional Children: Education and Training.—* * *

(7) Minimum Years of Instruction. Every exceptional child or person enrolled in a special education program on or before September 1, 1977, shall receive a minimum of eight (8) years of instruction. This does not apply to institutionalized individuals.

Amend Sec. 2, page 3, line 12, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

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

Mr. GEORGE. Mr. Speaker, in this amendment I am attempting to see to it that exceptional children will be able to take advantage of schooling for a maximum of 8 years if in fact they had been enrolled prior to September of 1977. Several times this amendment had been passed only to go over to the Senate and just lie there. I am asking that you give this consideration. Thank you.

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

Mr. COHEN. Mr. Speaker, will Mr. George repeat his explanation again?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. COHEN. Mr. Speaker, could you please repeat your explanation? Could you repeat your explanation, Mr. Speaker?

Mr. GEORGE. Yes. I am asking for schooling for those children who are considered to be exceptional who were enrolled in school and may have only been able to take advantage of 1 year or 2 years because now they have reached the age of 21 and are no longer allowed to take advantage of this important schooling, if they were enrolled prior to 1977. This way it will not open it up completely, but in the long run it will be cheaper for the people in Pennsylvania because these kids will not be allowed to take advantage of this if they are institutionalized; and, further, it is cheaper to keep them in school than to institutionalize them, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Alden	Foster, Jr., A.	Lewis	Ritter
Anderson	Freind	Livengood	Rocks
Armstrong	Fryer	Lynch, E. R.	Rodgers
Arty	Gallagher	McCall	Ryan
Austin	Gallen	McClatchy	Salvatore
Barber	Gamble	McIntyre	Scheaffer
Belardi	Gannon	McKelvey	Schmitt
Beloff	Gatsky	McMonagle	Serafini
Bennett	Geesey	McVerry	Seventy
Berson	Geist	Mackowski	Shupnik
Bittle	George, C.	Madigan	Sieminski
Borski	George, M. H.	Manderino	Sirianni
Bowser	Giammarco	Manmiller	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.
Brown	Goebel	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Burns	Grabowski	Miller	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenfield	Mowery	Stewart
Cessar	Grieco	Mrkonic	Street
Chess	Gruppo	Mullen	Stuban
Cimini	Hagarty	Murphy	Sweet
Civiera	Halverson	Nahill	Sweet
Clark, B. D.	Hasay	Novak	Taddonio
Clark, M. R.	Hayes, Jr., S.	Noye	Taylor, E. Z.

Cochran	Hoefel	O'Brien, B. F.	Taylor, F.
Cohen	Honaman	O'Brien, D. M.	Telek
Cole	Hutchinson, A.	O'Donnell	Thomas
Cornell	Hutchinson, W.	Oliver	Trello
Coslett	Irvis	Perzel	Vroon
Cowell	Itkin	Peterson	Wachob
Cunningham	Johnson, E. G.	Petrarca	Wargo
DeMedio	Jones	Piccola	Wass
DeWeese	Kanuck	Pievsky	Wenger
Davies	Klingaman	Pistella	White
Dawida	Knepper	Pitts	Wilson
Dietz	Knight	Polite	Wilt
Dininni	Kolter	Pratt	Wright, D. R.
Dombrowski	Kowalshyn	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Kukovich	Punt	Yahner
Duffy	Lashingier	Pyles	Yohn
Dumas	Laughlin	Rappaport	Zeller
Durham	Lehr	Rasco	Zitterman
Earley	Lescovitz	Reed	Zwikl
Fee	Letterman	Rhodes	
Fischer	Levi	Richardson	Seltzer,
Fisher	Levin	Rieger	Speaker
Foster, W. W.			

NAYS—3

Dorr	Pott	Zord
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NOT VOTING—7

Harper	Maiale	Schweder	Williams
Johnson, J. J.	Phillips	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RICHARDSON. Can we ask Mr. Burns to give us an explanation of the bill, Mr. Speaker?

The SPEAKER pro tempore. The lady, Mrs. George, from Bucks has agreed to submit to interrogation.

Mr. RICHARDSON. Mr. Speaker, could you tell us just very briefly what the changes in this provision for placement do on dependent and delinquent children? I am not clear on exactly what the language does in the bill.

Mrs. GEORGE. Okay. The main intent of this bill is to provide for the payment for the educational services of out-of-state children prior to our accepting them in an educational program. At the present time we have a large number of out-of-state children. We are providing their education at the taxpayers' expense here in Pennsylvania. When Pennsylvania kids are educated in other states, we provide for their education. This will guarantee a payment either by the state sending them, the school district sending them, or whoever is sending them into Pennsylvania for their education will pay for the educational costs in advance.

Mr. RICHARDSON. The other state or other town or whatever will pay for it?

Mrs. GEORGE. Yes.

Mr. RICHARDSON. Thank you very much.

HB 2256 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER pro tempore. Without objection, HB 2256 with the amendment will be placed upon the final passage postponed calendar. The Chair hears none.

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

Mrs. GEORGE. I would like to question why it is being placed on the postponed calendar?

The SPEAKER pro tempore. A motion was made to reconsider the vote by which the amendment was passed, and for that reason the bill and the amendment were put on the final passage postponed calendar.

Mrs. GEORGE. Can we have the reconsideration now, please?

The SPEAKER pro tempore. Will the lady yield for just a moment, please?

Mrs. GEORGE. Sure.

The SPEAKER pro tempore. Does the lady, Mrs. George, still object to the bill being placed on the final passage postponed calendar? Does the lady, Mrs. George, have objections to the bill being placed on the final passage postponed calendar?

Mrs. GEORGE. Yes, I do.

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

Mr. FREIND. Mr. Speaker, I would just suggest, because of a small problem with the amendment, we just pass the bill over temporarily. A new amendment is being drawn. We will be able to run the thing in about 20 minutes.

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

Mr. BURNS. It is my understanding—I do not want to speak for Mr. George—that because of a fiscal problem with the amendment, I think it is his intention to withdraw the amendment at this time and run the bill. I do not want to speak for Mr. George, but if I am—

MOTION TO WITHDRAW AMENDMENT

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

Mr. GEORGE. Mr. Speaker, I feel this amendment is probably as important an amendment as will be put forth, but I certainly do not want to lock up my colleague's bill. Therefore, I will withdraw the amendment and I will try to put it into another vehicle.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the amendment is withdrawn.

PARLIAMENTARY INQUIRY

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

Mr. COWELL. Mr. Speaker, I rise to a point of parliamentary order. To be correct in this process of withdrawing the amendment, should you not put before us the motion to reconsider the George amendment or the vote by which the amendment was adopted and let us deal with that issue and at that point Mr. George could correctly withdraw his amendment?

The SPEAKER pro tempore. The House will be at ease for a moment.

QUESTION OF INFORMATION

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

Mr. STREET. Mr. Speaker, I rise to a point of information. What is going on?

The SPEAKER pro tempore. Just be patient.

RECONSIDERATION OF VOTE ON HB 2256

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I move that the vote by which HB 2256 as amended passed third consideration on June 11, 1980, be reconsidered.

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

Mr. FREIND. I second the motion.

The SPEAKER pro tempore. It is moved by the gentleman from Schuylkill, Mr. Hutchinson, and seconded by the gentleman from Delaware, Mr. Freind, that the vote by which this bill passed third consideration as amended be reconsidered.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

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

Mr. COWELL. Mr. Speaker, again I rise to a point of parliamentary order. I think that is the proper request. If I heard you correctly, the motion that you just read to put before this House said something about the vote by which this passed third consideration with the George amendment—

The SPEAKER pro tempore. As amended.

Mr. COWELL. Has HB 2256 passed third consideration yet? I think the only vote we took was the George amendment, and that is the only thing that is being reconsidered.

The SPEAKER pro tempore. We passed it on third as amended. It has not passed final passage. We are now reconsidering the vote by which that was taken, and the

members will proceed to vote. Those in favor will vote "yes"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—7

Chess	Hutchinson, A.	Livengood	Williams
Harper	Johnson, J. J.	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

RECONSIDERATION OF VOTE
ON AMENDMENTS TO HB 2256

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I move that the vote by which amendment 7088 to HB 2256 was passed on June 11, 1980, be reconsidered.

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

Mr. FREIND. I second the motion.

The SPEAKER pro tempore. It is moved by the gentleman from Schuylkill, Mr. Hutchinson, and seconded by the gentleman from Delaware, Mr. Freind, that the vote by which amendment 7088 to HB 2256 was passed on the 11th day of June be reconsidered.

On the question,

Will the House agree to the motion?

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

Mr. GREENFIELD. Mr. Speaker, would you recognize Mr. George, please?

The SPEAKER pro tempore. We will as soon as we get undone what we have been—

The question is on the motion. Those in favor will vote "aye"; those opposed, "no."

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

Mr. GREENFIELD. Could you clarify what we are voting for at this particular moment?

The SPEAKER pro tempore. We are voting to reconsider the George amendment.

Mr. GREENFIELD. Did we not vote on that previously?

The SPEAKER pro tempore. We voted to reconsider the bill as passed on third consideration.

Mr. GREENFIELD. I am sorry, Mr. Speaker. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

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

Cimini	Hagarty	Novak	Sweet
Civera	Halverson	Noye	Swift
Clark, B. D.	Hasay	O'Brien, B. F.	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, D. M.	Taylor, E. Z.
Cochran	Hoeffel	O'Donnell	Taylor, F.
Cohen	Honaman	Oliver	Telek
Cole	Hutchinson, W.	Perzel	Thomas
Cornell	Irvis	Peterson	Trello
Coslett	Itkin	Petrarca	Vroon
Cowell	Johnson, E. G.	Phillips	Wachob
Cunningham	Jones	Piccola	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeWeese	Klingaman	Pistella	Wenger
Davies	Knepper	Pitts	White
Dawida	Knight	Polite	Wilson
Dietz	Kolter	Pott	Wilt
Dininni	Kowalshyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Lashingier	Punt	Yahner
Dorr	Laughlin	Pyles	Yohn
Duffy	Lehr	Rappaport	Zeller
Dumas	Lescovitz	Rasco	Zitterman
Durham	Letterman	Reed	Zord
Earley	Levi	Rhodes	Zwikel
Fee	Levin	Richardson	
Fischer	Lewis	Rieger	Seltzer,
Foster, W. W.	Lynch, E. R.	Ritter	Speaker

NAYS—0

NOT VOTING—7

Fisher	Hutchinson, A.	Livengood	Williams
Harper	Johnson, J. J.	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

AMENDMENTS WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, I would like to withdraw the amendment for the purpose of having it redrafted and to try to submit it through a different vehicle.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In case the members wonder where we are, we are back on page 16, where we were half an hour ago.

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

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

The question is, shall the bill pass finally?

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

YEAS—191

Alden	Foster, Jr., A.	McCall	Rocks
Anderson	Freind	McClatchy	Rodgers
Armstrong	Fryer	McIntyre	Ryan
Arty	Gallagher	McKelvey	Salvatore
Austin	Gallen	McMonagle	Scheaffer

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

NAYS—0

NOT VOTING—6

Harper	Johnson, J. J.	Shadding	Williams
Hutchinson, A.	Livengood		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **SB 1312, PN 1655**, entitled:

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," providing for a short-term camp physician license.

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

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—0

NOT VOTING—6

Harper	Ritter	Sirianni	Williams
Mackowski	Shadding		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 1440, PN 2649**, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), changing provisions relating to supervisors and township manager.

On the question,

Will the House agree to the bill on third consideration?

Mr. PRATT offered the following amendments:

Amend Title, page 1, line 5 by removing the period after "manager" and inserting and authorizing expenditures for certain recreational purposes.

Amend Bill, page 4, by inserting between lines 18 and 19 Section 4. Section 702 of the act is amended by adding a clause to read:

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

* * *

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

Amend Sec. 4, page 4, line 19 by striking out "4" and inserting 5

On the question,

Will the House agree to the amendments?

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

Mr. PRATT. Mr. Speaker, basically the amendment is very simple. It is a "may" amendment. It permits second class townships to authorize the use of Federal revenue sharing funds which the townships receive to be expended for recreational programs which are not directly run and operated by the township.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Alden	Foster, Jr., A.	McCall	Ritter
Anderson	Freind	McClatchy	Rocks
Armstrong	Gallagher	McIntyre	Rodgers
Arty	Gallen	McKelvey	Ryan
Austin	Gamble	McMonagle	Salvatore
Barber	Gannon	McVerry	Scheaffer
Belardi	Gatski	Mackowski	Schmitt
Beloff	Geesey	Madigan	Serafini
Bennett	Geist	Maiale	Seventy
Berson	George, C.	Manderino	Shupnik
Bittle	George, M. H.	Manmiller	Sieminski
Borski	Giammarco	Michlovic	Sirianni
Bowser	Gladeck	Micozzie	Smith, E. H.
Brandt	Goebel	Milanovich	Smith, L. E.
Brown	Goodman	Miller	Spencer
Burd	Grabowski	Moehlmann	Spitz
Burns	Gray	Mowery	Stairs

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

NAYS—2

Fryer Letterman

NOT VOTING—8

Cessar	Johnson, J. J.	Schweder	Williams
Harper	Lewis	Shadding	Zord

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FRYER. Mr. Speaker, I rise with mixed emotions to oppose passage of HB 1440. I would urge the members to read the bill on what the bill intends to do. In my opinion, it is a backdoor approach to raising the salaries of our township officials.

I recognize the contributions that the supervisors are making, and in many cases they are underpaid. However, if you believe in that manner, then I would suggest the approach is to raise the amount that we pay for attending a meeting. That, I submit, would be a much better idea than what this bill proposes to do.

This bill would permit township supervisors to create the following five departments: public safety, highways, health and welfare, finance, and parks and recreation. Just by coincidence, Mr. Speaker, these departments would be headed by the individual supervisors.

I congratulate the members of the House for their keen perception of this backdoor approach to raising the moneys that probably in many cases, to repeat, should rightfully come to the supervisors. However, if we use this backdoor approach, then, Mr. Speaker, we will have the other municipalities asking for like legislation. Then if we would do that in the sake of uniformity, we would be merely adding to our problems.

Mr. Speaker, I urge the members of the House to look over this legislation, and when they do, I feel that they will reach the same conclusion as I have, and that is, to vote "no" on this proposal.

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

Mr. BURNS. Mr. Speaker, I totally agree with Mr. Fryer. He has hit the nail right on the head; this is nothing more than an employment bill for unemployed supervisors. I think if supervisors want to be employed or political leaders of townships want to be employed, they can change their mode of government under the Home Rule Act that allows them to do that, to set up any kind of government they want with any kind of pay they want, but at least go before the voters and let the voters determine whether or not they need those departments, need that money and want those people to serve on the jobs. This is horrendous legislation, and I recommend most highly that we vote in the negative.

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

Mr. A. C. FOSTER. I rise in support of the bill. I would like to point out several things that occurred during the debate with which I disagree. First of all, it was suggested that the proper method of addressing this problem was simply to increase the amount of pay for each meeting attended. This bill is directed at large townships of the second class which, for whatever reason, have elected to remain townships of the second class. I am thinking, for example, of Millcreek Township in Erie County with a population of, I believe, maybe 50,000, 60,000, and similar townships around the state which, at the present time, their supervisors can be compensated only \$25 per meeting. If they have two meetings a month, their supervisors would receive all of \$50 a month, when they in fact represent more people than some legislative districts. If you simply increase the pay per month, you would then allow townships of the second class, having very few residents, to do the same thing.

I think the bill as drafted is a rational approach to those large municipalities that still remain townships of the second class. We are just asking that they receive parity with their counterparts in local government who serve on borough councils and who serve as township commis-

sioners. I think the approach is sound. It is "may" legislation. No one need adopt it if they do not wish to, and I would appreciate an affirmative vote on the bill.

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

Mr. RAPPAPORT. Mr. Speaker, in the years that I have been here as a member of this House, I have learned a great deal about the problems of second class townships. I realize that second class townships come in many sizes and varieties in this Commonwealth - from the township with 56 people in it to the second class township with 20,000 people in it. However, this General Assembly recognized that problem many years ago when we adopted Act 62, the Home Rule Act. A second class township has the option of becoming a first class township any time they want to or they can become a home rule municipality, at which point they can solve their own problems.

Frankly, Mr. Speaker, I am getting a bit tired being here and having local governments come in here to have us waste our time solving their problems when they can solve their problems themselves, especially their structural problems, as was pointed out by my good friend from Berks County. If they do not like the governmental structure, they can change it. I am not about to come here and start dictating to every township in this state how they should run their township. That is not my job. This Assembly wastes too much time doing that.

Mr. Speaker, I would urge a "no" vote on this bill, not on the exact merits of this, but on the fact that if some particular townships do not like this government structure, they can change it; they can go to the voters and get the approval, and it should not be done this way. Thank you, Mr. Speaker.

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

Mr. FRYER. In a brief rebuttal to my good friend, the gentleman from York, Mr. Foster, a reading of the bill indicates that there are only two classifications in which a cap is placed, and that is, in excess of \$1,500 for populations of less than 15,000; and \$2,700 in townships having populations in excess of 15,000.

Mr. Speaker, hearing his remarks, he stated that this was only really for a few select townships that were large in size and had many of the problems. The facts are, Mr. Speaker, that this bill, if passed, covers all of the townships of the second class in the Commonwealth of Pennsylvania. I ask for its defeat.

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

Mr. BURNS. Mr. Speaker, I represent probably one of the largest townships in the State of Pennsylvania. Currently estimated, there are 55,000 people living in the second class township of Bensalem. This township does have problems because of its largeness, but it has chosen to stay under the Second Class Township Code. I have advised that township time after time to go to home rule. For whatever reason, they do not want to; they have not done it.

But I am still opposed, I am vehemently opposed to the fact that the supervisors could, at their whim, create those particular departments, set themselves up with whatever salary they wished and run the operation in the manner described by this bill. Mr. Rappaport is absolutely correct, home rule is the way to go to solve these problems. It is the only way.

I contend that you are not only regulating for big townships, such as mine, but you are also regulating for small townships such as those that I have witnessed in places like Chester County. They could do the same thing.

I just think it is a very, very bad piece of legislation. It is one that should not be taken lightly, but it is one that should be defeated soundly.

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

Mr. GEESSEY. Mr. Speaker, I am really amazed at the previous speakers who dissented on the merits of this bill. The bill simply provides that if you work, you get paid. If you do not work, you do not get paid. I cannot believe that there is any responsible legislator in these hallowed halls who is opposed to work. It is a workfare bill. Many times have I heard the distinguished gentleman from Berks County stand on this floor begging and pleading for workfare. We are giving him workfare for the public official. We certainly hope that under these circumstances he would support such noteworthy workfare legislation. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—70

Alden	Gray	Mackowski	Ryan
Anderson	Hagarty	Maiale	Salvatore
Armstrong	Halverson	Moehlmann	Scheaffer
Belardi	Hasay	Mowery	Smith, L. E.
Beloff	Hayes, Jr., S.	Nahill	Spencer
Bennett	Honaman	Noye	Spitz
Bittle	Hutchinson, A.	O'Brien, B. F.	Stewart
Bowser	Hutchinson, W.	O'Brien, D. M.	Taylor, E. Z.
Brandt	Johnson, E. G.	Perzel	Taylor, F.
Burd	Klingaman	Peterson	Thomas
Caltagirone	Lehr	Petrarca	Wass
Coslett	Levi	Phillips	Wenger
Davies	Levin	Pitts	Wilt
Dorr	Livengood	Polite	Wright, D. R.
Duffy	Lynch, E. R.	Pratt	Yohn
Durham	McCall	Punt	
Foster, Jr., A.	McClatchy	Pyles	Seltzer,
Geesey	McIntyre	Rocks	Speaker

NAYS—122

Arty	Fisher	Laughlin	Rieger
Austin	Foster, W. W.	Lescovitz	Ritter
Barber	Freind	Letterman	Rodgers
Berson	Fryer	Lewis	Schmitt
Borski	Gallagher	McKelvey	Schweder
Brown	Gallen	McMonagle	Serafini
Burns	Gamble	McVerry	Seventy
Cappabianca	Gannon	Madigan	Shupnik
Cessar	Gatski	Manderino	Sieminski
Chess	Geist	Manmiller	Sirianni
Cimini	George, C.	Michlovic	Smith, E. H.
Civera	George, M. H.	Micozzie	Stairs

Clark, B. D.	Gladeck	Milanovich	Steighner
Clark, M. R.	Goebel	Miller	Stuban
Cochran	Goodman	Mrkonic	Sweet
Cohen	Grabowski	Mullen	Swift
Cole	Greenfield	Murphy	Taddonio
Cornell	Grieco	Novak	Telek
Cowell	Gruppo	O'Donnell	Trello
Cunningham	Hoeffel	Oliver	Vroon
DeMedio	Irvis	Piccola	Wachob
DeWeese	Itkin	Pievsky	Wargo
Dawida	Johnson, J. J.	Pistella	White
Dietz	Jones	Pott	Wilson
Dininni	Kanuck	Pucciarelli	Wright, Jr., J.
Dombrowski	Knepper	Rappaport	Yahner
Donatucci, R.	Knight	Rasco	Zeller
Dumas	Kolter	Reed	Zitterman
Earley	Kowalshyn	Rhodes	Zord
Fee	Kukovich	Richardson	Zwikl
Fischer	Lashinger		

NOT VOTING—5

Giammarco	Shadding	Street	Williams
Harper			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for presiding so ably.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is now 6 o'clock. I am going to suggest that we recess until 8 o'clock. Now, there are mixed emotions about doing this. Some of us who have been around for a while are reluctant to allow people to have the opportunity to go out and eat, because it sometimes gets late when they get back. I am going to ask though that everyone be back here at 8 o'clock. We fully expect this to be a long evening. We expect to address SB 10, the mass transit package, HB 1623, and SB 1240. So it could be a long evening. I would ask everyone to cooperate in the effort to be back here on time at 8 o'clock so that we can start up on time. Mr. Speaker, I have no further remarks.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, before the members leave—just a moment. Let me speak to the majority leader in private. I think there is something he may have neglected to do here.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. The reason that I delayed your leaving the floor is that we want you to know that HB 1623 is going to be recommitted to the committee of conference. I did not want any of you coming back and finding that out without having been notified. It will not be necessary for you to be

here in order to vote for that recommittal unless you wish to.

Mr. Speaker, I want to emphasize to all the members how vastly important it is that you report back here on time and in such a frame of mind— That is what I am afraid of, that you will be ready. That is exactly my fear, you will be ready.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 1623, PN 3471**:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980; to provide supplemental appropriations from the General Fund to the various departments of the Commonwealth for the fiscal period July 1, 1979 to June 30, 1980.

On the question,

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1623 be reported back to the committee of conference.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECESS

The SPEAKER. This House now stands in recess until 8 p.m. The Chair hears none.

AFTER RECESS

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. McCLATCHY presented the Report of the Committee of Conference on **HB 1623, PN 3509**.

**CALENDAR RESUMED
BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 2358, PN 3030**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), eliminating the requirement of court approval for the construction of bridges and viaducts.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FRYER. Mr. Speaker, HB 2358 deals with the question of the court of common pleas. Presently, the county commissioners must petition the court for permission to begin construction of bridges and viaducts. The court must examine the plans, surveys, locations and estimated cost of the project, and hold a hearing, after which it may approve, modify, or disapprove the commissioner's proposal.

HB 2358 deals with counties of third to eighth class. What this proposal would do is it would eliminate the court of common pleas from this current role. One, the court is presently overburdened with their various duties and, therefore, it would hopefully lighten their load.

Secondly, it places the project with the county commissioners, as it rightfully should be. Mr. Speaker, I urge support and your vote for HB 2358.

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

Mr. ZELLER. Mr. Speaker, what Mr. Fryer says is correct. I talked to some people who had some experience, that is reading and learning a little bit about history of the rural government years ago when the biggest business going was farming, and some county commissioners were rather political in getting bridges and roads in the rural areas and therefore had to depend upon the courts to settle these issues. It is not needed today, and it sort of hinders the operation of the county commissioners, and for that reason it is a good bill. But it was strictly, years ago, needed because of the political nature of getting bridges into the areas.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives notice that he has given permission to WHTM-TV to take pictures on the floor of the House for 10 minutes starting now.

CONSIDERATION OF HB 2358 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

YEAS—181

Alden	Fryer	McIntyre	Rodgers
Anderson	Gallagher	McKelvey	Ryan
Armstrong	Gallen	McMonagle	Salvatore
Arty	Gamble	McVerry	Scheaffer

Austin	Gatski	Mackowski	Schmitt
Barber	Geesey	Madigan	Schweder
Belardi	Geist	Maiale	Serafini
Beloff	George, C.	Manderino	Seventy
Bennett	George, M. H.	Manmiller	Shupnik
Bittle	Gladeck	Michlovic	Sieminski
Borski	Goebel	Micozzie	Sirianni
Bowser	Grabowski	Milanovich	Smith, E. H.
Brandt	Gray	Miller	Smith, L. E.
Brown	Greenfield	Moehlmann	Spencer
Burd	Grieco	Mowery	Spitz
Burns	Gruppo	Mrkoncic	Stairs
Caltagirone	Hagarty	Mullen	Steighner
Cappabianca	Halverson	Murphy	Stewart
Cessar	Hasay	Nahill	Street
Cimini	Hayes, Jr., S.	Novak	Stuban
Civera	Honaman	Noye	Swift
Clark, B. D.	Hutchinson, A.	O'Brien, B. F.	Taddonio
Clark, M. R.	Hutchinson, W.	O'Brien, D. M.	Taylor, E. Z.
Cochran	Irviss	Oliver	Taylor, F.
Cohen	Itkin	Perzel	Telek
Cole	Johnson, E. G.	Peterson	Thomas
Cornell	Jones	Petrarca	Trello
Coslett	Kanuck	Phillips	Vroon
Cowell	Klingaman	Piccola	Wargo
Cunningham	Knepper	Pievsky	Wass
DeWeese	Knight	Pistella	Wenger
Davies	Kolter	Pitts	White
Dawida	Kowalyshyn	Polite	Wilson
Dietz	Kukovich	Pott	Wilt
Dininni	Lashinger	Pratt	Wright, D. R.
Dombrowski	Laughlin	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Lehr	Punt	Yahner
Dorr	Lescovitz	Pyles	Yohn
Duffy	Letterman	Rappaport	Zeller
Dumas	Levi	Rasco	Zitterman
Fee	Levin	Reed	Zord
Fischer	Lewis	Rhodes	Zwikl
Fisher	Livengood	Richardson	
Foster, W. W.	Lynch, E. R.	Rieger	Seltzer,
Foster, Jr., A.	McCall	Ritter	Speaker
Freind	McClatchy	Rocks	

NAYS—1

DeMedio

NOT VOTING—15

Berson	Gannon	Hoeffel	Sweet
Chess	Giammarco	Johnson, J. J.	Wachob
Durham	Goodman	O'Donnell	Williams
Earley	Harper	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that a recess be declared until 9 o'clock and that the members report immediately to the caucus to review the matters that we will take up this evening. For your information, the Report of the Committee of Conference on HB 1623 will be distributed in the respective caucus rooms. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I request that all Democrats go immediately for a half-hour caucus to the Democratic caucus room. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 9 p.m. The Chair hears none.

AFTER RECESS

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

SENATE MESSAGE**HOUSE BILLS CONCURRED IN BY SENATE**

The clerk of the Senate informed that the Senate has concurred in **HB 1753, PN 2143**, and **HB 2261, PN 2901**.

SENATE MESSAGE**SENATE INSISTS ON CONCURRENCE
AND APPOINTED CONFERENCE COMMITTEE**

The Senate informed that it insists on concurrence in Senate amendments to **HB 227, PN 3317**, and has appointed Messrs. ORLANDO, SCHAEFER and GEKAS, a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee), on the subject of the differences existing between the two houses in relation to said bill.

**MOTION INSISTING UPON NONCONCURRENCE
AND APPOINTMENT OF A CONFERENCE
COMMITTEE**

Mr. RYAN moved that the House insist upon nonconcurrency in Senate amendments to **HB 227, PN 3317**, and that a committee of conference be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 227, PN 3317**: Messrs. SPENCER, W. D. HUTCHINSON and BERSON.

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

HB 1753, PN 2143

An Act amending the act of June 13, 1961 (P. L. 282, No. 167), entitled "An act authorizing counties, * * * to create historic districts within their geographic boundaries; * * *" removing second class cities from the scope of the act.

HB 2261, PN 2901

An Act providing for official visitations of jails and prisons by certain officials.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO RULES COMMITTEE****HB 2547, PN 3507 (Amended)**

By Rep. L. E. SMITH

An Act amending the "Tourist Promotion Law," approved April 28, 1961 (P. L. 111, No. 50), establishing a different payment schedule for State grants.

BUSINESS AND COMMERCE.**CALENDAR RESUMED****REPORT OF COMMITTEE OF
CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 10, PN 1834**:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain fees; providing for identification markers; adding certain enforcement powers; providing for stationary scales and the weights of vehicles; changing certain penalties; providing for the distribution of certain funds; and making repeals.

On the question,
Will the House adopt the Report of the Committee of Conference?

The SPEAKER. Does the gentleman from Allegheny, Mr. Murphy, wish to debate the bill?

Mr. MURPHY. Yes, Mr. Speaker.

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

Mr. MURPHY. Mr. Speaker, I would first like to have an opportunity to interrogate a member of the conference committee. Would Mr. Dininni or Mr. McClatchy please submit to interrogation?

The SPEAKER. Is the gentleman, Mr. Dininni, in the hall of the House? Will the gentleman permit himself to be interrogated?

Mr. DININNI. Yes.

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

Mr. MURPHY. Mr. Speaker, of the estimated \$95 million produced by this piece of legislation, how much revenue is produced by the increased weight on those trucks between 73,000 and 80,000 pounds? How much revenue is produced just on those categories? They would be categories 21 through 25.

Mr. DININNI. I was off the floor. Just hold up for a few minutes until I get all my files together here.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Ritter, rise?

Mr. RITTER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny, Mr. Murphy, has the floor.

Mr. MURPHY. I will yield to Mr. Ritter.

The SPEAKER. The gentleman, Mr. Murphy, yields to the gentleman from Lehigh, Mr. Ritter.

The gentleman, Mr. Ritter, raises a point of parliamentary inquiry. The gentleman will state his point of parliamentary inquiry.

Mr. RITTER. Mr. Speaker, my inquiry is, is the committee of conference, at least on the part of the House, required under our rules to confine themselves to the differences existing between the House version and the Senate version of this particular bill? I refer specifically to rule 48, Mr. Speaker.

The SPEAKER. It is the opinion of the Chair that a report of a committee of conference presented to both bodies is a proper report as long as the majority of the members of the Houses will support the report.

Mr. RITTER. Mr. Speaker, I refer then to a decision of the House in 1941. Under a question of parliamentary inquiry as to whether a conference committee was confined only to the consideration of the questions of differences between the House and Senate, the Speaker stated that under rule 33, at that time—it is rule 48 under our rules—of the House, a conference committee is confined to consideration of the amendments which are in disagreement between the Houses. That is from the Legislative Journal of 1941, pages 5152 and 5153. Mr. Speaker, rule 48 of our House rules says that the conferees shall confine themselves to the differences which exist between the House and the Senate. This conference committee, Mr. Speaker, did not do that. And I guess under a question of parliamentary inquiry, my inquiry would be, under those circumstances what recourse do I as a member have to take some action which would prevent us from voting on this conference committee report, which I think was put together in violation of our rules?

The SPEAKER. It is the opinion of the Chair that the conference committee on SB 10 have met the requirements of rule 48, and that when a majority of the members of both Houses vote to adopt a conference committee report, they have also again accepted the report to the committee in conference.

RULING OF CHAIR APPEALED

Mr. RITTER. Mr. Speaker, I have a great deal of respect for the Chair. I think the Chair knows that. And it is not in a personal way that I do this, but I believe that rule 48 is

very clear. I believe that in the legislative manual the decision of the Speaker some years ago—but we do refer to those things from time to time—also is very clear. For that reason, Mr. Speaker, I have to challenge the ruling of the Chair.

The SPEAKER. In the 24 years that the Speaker has been a member of this House, he has voted upon many conference committee reports, some of which were very narrow in the material that was in them; others which range far afield, some which at times seem to have no connection between what this body had sent over to the other House. In the memory of the Speaker—

Mr. STREET. Point of information. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman yield until the Speaker has responded completely to the member?

Mr. STREET. If the Speaker wants to debate, I would ask him to relinquish the Chair and come down here on the floor and debate the bill with the gentleman.

The SPEAKER. The gentleman from Lehigh, Mr. Ritter, has appealed the ruling of the Chair.

The question before the House is the appeal of the ruling of the Chair. Those voting to sustain the ruling of the Chair will vote "aye;" opposed "no."

QUESTION OF INFORMATION

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Williams, rise?

Mr. WILLIAMS. Mr. Speaker, I rise for two points of information.

The SPEAKER. The gentleman will state his points.

Mr. WILLIAMS. The first point of information, Mr. Speaker, is a request for the Chair to frame the question so that we can all understand it; and, number two, to direct an inquiry to the Chair as to whether or not this appeal is debatable?

The SPEAKER. The Chair will answer the second question first. Under the rule of the House, it is debatable. Each member may be recognized one time.

On the first question, the Chair will again put the question. Those voting to sustain the ruling of the Chair will vote "aye;" those opposed to the ruling of the Chair will vote "no."

Mr. WILLIAMS. Mr. Speaker, I request to debate the question on appeal.

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. WILLIAMS. I request to debate the question on appeal.

The SPEAKER. The ruling of the Chair was that the report of the committee of conference on SB 10 is in order.

Mr. WILLIAMS. Mr. Speaker, I believe that the question framed by Mr. Ritter was absolutely clear. He cited the rule 48, which we presently have. He also cited a precedent, a ruling by a previous speaker on the same question. I believe that response of the Chair as to that basically said that we have violated the rule in the past. I do not believe

that that is a good and sound reason. Mr. Speaker, not only is the procedure proposed a clear violation of the rules, sustained by awesome precedents, but the issue in question goes right to the heart of whether or not the individual legislators, who were sent here by their constituents, will have the basic right to have the proper input, and a conference committee mechanism set up to do a specific job when those differences arise.

I believe that Mr. Ritter's objection should be sustained in order to protect the integrity of that process that we were sent here to do, especially on something like raising money or budget, an issue of that great importance. And I would urge the House to overrule the ruling of the Chair and to sustain Mr. Ritter's position.

On the question,
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—110

Alden	Foster, Jr., A.	McKelvey	Rieger
Anderson	Freind	McVerry	Rocks
Armstrong	Gallen	Mackowski	Ryan
Arty	Gannon	Madigan	Salvatore
Belardi	Geesey	Maiale	Scheaffer
Beloff	Geist	Manmiller	Serafini
Bittle	Gladeck	Micozzie	Sieminski
Bowser	Grabowski	Miller	Sirianni
Brandt	Gray	Moehlmann	Smith, E. H.
Burd	Greenfield	Mowery	Smith, L. E.
Burns	Grieco	Mullen	Spencer
Cessar	Gruppo	Nahill	Spitz
Cimini	Hagarty	Noye	Stairs
Civera	Halverson	O'Brien, B. F.	Swift
Clark, M. R.	Hasay	O'Brien, D. M.	Taddonio
Cornell	Hayes, Jr., S.	Perzel	Taylor, E. Z.
Coslett	Honaman	Peterson	Telek
Cunningham	Hutchinson, A.	Phillips	Thomas
Davies	Hutchinson, W.	Piccola	Vroon
Dietz	Johnson, E. G.	Pievsky	Wass
Diminni	Klingaman	Pitts	Wenger
Donatucci, R.	Lashingier	Polite	Wilson
Dorr	Lehr	Pott	Wilt
Durham	Levi	Pucciarelli	Wright, Jr., J.
Earley	Lewis	Punt	Yohn
Fischer	Lynch, E. R.	Pyles	Zeller
Fisher	McClatchy	Rasco	Zord
Foster, W. W.	McIntyre		

NAYS—79

Austin	Fryer	Levin	Schmitt
Barber	Gallagher	Livengood	Seventy
Bennett	Gamble	McCall	Shadding
Berson	Gatski	McMonagle	Shupnik
Borski	George, C.	Manderino	Steighner
Brown	George, M. H.	Michlovic	Stewart
Caltagirone	Goebel	Mrkonic	Street
Cappabianca	Goodman	Murphy	Stuban
Chess	Hoeffel	Novak	Sweet
Clark, B. D.	Irvis	O'Donnell	Taylor, F.
Cochran	Itkin	Oliver	Trello
Cohen	Johnson, J. J.	Petrarca	Wachob
Cole	Jones	Pistella	Wargo
Cowell	Knight	Pratt	White
DeMedio	Kolter	Rappaport	Williams
DeWeese	Kowalyszyn	Reed	Wright, D. R.
Dawida	Kukovich	Rhodes	Yahner
Dombrowski	Laughlin	Richardson	Zitterman
Duffy	Lescovitz	Ritter	Zwilk
Fee	Letterman	Rodgers	

NOT VOTING—8

Dumas	Kanuck	Schweder
Giammarco	Knepper	
Harper	Milanovich	Seltzer, Speaker

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

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

PARLIAMENTARY INQUIRY

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

Mr. ITKIN. Mr. Speaker, is it appropriate for the person occupying the Chair to stay in the Chair while his ruling is being appealed?

The SPEAKER. The Chair, for the year and a half while he has presided, has presided during the votes on the appeals of the rulings of the Chair, but the Chair has not voted on any of these questions. The Chair did not vote on the question which was just decided a moment ago.

Mr. ITKIN. Now, that is not the question I asked, Mr. Speaker. I understand what you have done over the past year and a half. I am asking now whether or not that is appropriate.

The SPEAKER. Yes.

Mr. ITKIN. Could you cite me a chapter and verse where you get that authority to maintain the Chair when it is being appealed? I guess what I am saying is, could you check that out, Mr. Speaker? I would like an answer.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I want to speed things up. As a former Speaker, I want to assure all the members that the Speaker's conduct is exemplary. The Speaker has the right to remain in the Chair when his ruling is challenged. Moreover, the Speaker has the parliamentary right to vote on that question. Even though the present Speaker did not do so, he could have done so and been within parliamentary rules. So let us get on now.

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

Mr. ITKIN. Mr. Speaker, I am waiting for a response from the Chair.

The SPEAKER. The Chair apologizes to the gentleman. The Chair thought he had responded. The Chair's response to the gentleman's inquiry is, it is the opinion of the Chair that it is proper.

Mr. ITKIN. And I ask, can you cite any rule or Mason's Manual that clearly sets forth that when there is an appeal to the ruling of the Chair, the person occupying the Chair—

The SPEAKER. Under the rules of this House, there is no rule which suggests that the Chair should not preside. The Chair, under the further request of the gentleman from Allegheny, Mr. Itkin, refers to page 184, Mason's Manual, section 232, subsection 4, and the Chair quotes: "Whether or not an appeal has been debated, the presiding officer, when making his decision on the appeal, may state the reasons for his decision without leaving the chair."

Mr. ITKIN. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Kukovich, wish to be recognized on the bill?

Mr. KUKOVICH. Yes, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Murphy, wish to be recognized again? The gentleman had the floor and he yielded to the gentleman from Lehigh, Mr. Ritter.

Mr. MURPHY. Yes, Mr. Speaker, I do.

The SPEAKER. If the gentleman, Mr. Kukovich, will yield, the Chair will recognize him when Mr. Murphy has completed his debate. The gentleman, Mr. Murphy, is in order and may proceed.

Mr. MURPHY. Yes; I had asked Mr. Dininni how much was produced in the revenues in the 21 through 25 categories of trucks.

Mr. DININNI. Mr. Speaker, as close as I can figure, it would be approximately \$6.8 million.

Mr. MURPHY. That means, Mr. Speaker, of the \$95 million we are producing in this bill, \$6.-some million comes from the heavy trucks that we are arguing about?

Mr. DININNI. No; that is not completely true. That is only new money in those classes, and I thought that was what you were referring to.

Mr. MURPHY. But those classes did not exist previously, so all the money would be new. Is that correct?

Mr. DININNI. You still have to put in the figures that we have collected from them before, and if you did that, you would come up with approximately \$40-some million.

Mr. MURPHY. How did you collect from trucks between 73,000 and 80,000 pounds before when there were no such classes?

Mr. DININNI. I just told you, if you are talking about the class between 73,280 and 80,000, it is roughly \$6.8 million.

Mr. MURPHY. How many trucks— Mr. Speaker, I do not think you answered my question. You said that was just new money, but I do not understand, if those classes did not exist before, why you would make the distinction between new and old money.

Mr. DININNI. Because you still have to figure what you would have collected from them at 73,280. Now if you go beyond that point, I am speaking of 6.8 million new dollars.

Mr. MURPHY. So, in fact, we never collected any money over the 73,281-pound class before. This \$6.2 million will be new revenues from that class? Is that correct?

Mr. DININNI. That is correct.

Mr. MURPHY. So of the total of \$95 million that this bill reflects, where really the major argument of this bill has been the heavier weights, it involves \$6.2 million then? Is that correct?

Mr. DININNI. I do not know if that is correct. That is your argument, but it is certainly not mine.

Mr. MURPHY. How could we not agree on that, Mr. Speaker, since you have just said that the revenues we are going to produce is \$6.2 million from the heavier trucks?

Mr. DININNI. Because of a lot of other factors that are involved in this Commonwealth other than that \$6.8 million in other facets of state government.

Mr. MURPHY. But if, for instance, we would be able to amend this conference committee report to eliminate those 73,000- to 80,000-pound categories 21 through 25, we would then be producing about \$88 million from this piece of legislation. Is that correct?

Mr. DININNI. In your way of figuring, that is it. But then if you take the losses of revenue, because the vehicles cannot carry 80,000 pounds, that the State of Pennsylvania and the people of Pennsylvania would suffer, it would be 5 times or 10 times that amount of money.

Mr. MURPHY. But, Mr. Speaker, by the facts and the figures that we have before us, is it not correct if we eliminated classes 21 through 25, this bill would produce about \$88 million?

Mr. DININNI. That is correct.

Mr. MURPHY. Thank you. How many trucks are involved in classes 21 through 25?

Mr. DININNI. Roughly 31,000.

Mr. MURPHY. We are talking about 31,000 trucks out of— Approximately how many trucks are estimated that pass through Pennsylvania or would have to register in Pennsylvania?

Mr. DININNI. The registered vehicles in Pennsylvania? One million forty-nine thousand.

Mr. MURPHY. Of course, the trucks that are registered in states with which we have reciprocity are not registered in Pennsylvania, so they are not included in that count? Is that correct?

Mr. DININNI. No.

Mr. MURPHY. The count would be much higher?

Mr. DININNI. That is right.

Mr. MURPHY. So we are really talking about a very small number of trucks that are relatively, while significant, not a major piece of revenue for the state compared to the overall production of the bill? Is that correct?

Mr. DININNI. Yes, except I think you are missing one point. We do have in this bill a marker fee which goes from \$2 to \$25 on all out-of-state vehicles. So there is a lot more involved to it than just the heavy vehicle which you say is controversial.

Mr. MURPHY. I understand that and I would support that.

Mr. Speaker, does this bill also do away with reciprocity with other states?

Mr. DININNI. Yes.

Mr. MURPHY. Okay. Thank you.

Mr. Speaker, I would like to address the bill, if I may.

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

Mr. MURPHY. As Mr. Dininni just said, this piece of legislation produces about \$6 million of additional new money in the higher weight categories of the approximately \$95 million of funds the bill produces. I think it is important that we look at where the \$95 million comes from, because this bill has been classified as a heavy truck bill or piece of legislation to permit heavier trucks in Pennsylvania. In fact, straight out, \$43 million of the \$95 million comes from the consumers in higher fees. It comes from the motorist, you and me and our neighbors, not from trucking interests. In fact, within the trucking interests there are additional burdens that fall upon the motoring public for 3/4-ton pickups and 1-ton pickup trucks that are included in higher fees. They produce additional revenues, too. So, in fact, we are probably talking about close to \$50 million of the revenues produced by this bill coming from the motoring public in Pennsylvania, not from the trucking industry. Of the additional \$45 million left, about \$30 million, from what I can see, comes from the trucking industry in Pennsylvania, and the rest of it coming from, as Mr. Dininni said, increased fees for out-of-state trucking interests.

I think it is important to look then at how the amount of money in revenue we are producing from this bill compares to what has happened in the past in regard to the trucking industry as compared to the Pennsylvania motorist. In 1975 when the legislature raised the fees for trucking interests and the automobile, the fees on the automobile were raised approximately 71 percent; for the trucking industry it was raised 17 percent. In 1979 the state legislature raised the gas tax 2 cents a gallon. They did not raise either the trucking fee or the diesel tax at that time. So, in fact, we have really not seen a major increase in trucking fees since the early 1970's compared to what has been happening to the Pennsylvania motoring public. Every report I have read and every piece of literature that I am sure you have received has indicated to you that the trucks on our highways are the major cause of deterioration to the roads, and yet what we have done is we have put the burden to pay for those repairs and rehabilitation of the roads onto the motoring public, not on those people who are causing deterioration.

I would like to suggest that the members of this body might look at the GAO - General Accounting Office - report from the Federal Government of 1979. It is entitled "Excessive Truck Weight: An Expensive Burden We Can No Longer Support." We have heard time and time again that the Federal Government is going to mandate 80,000 pounds anyhow, and we ought to raise the rates because they are going to be driving through this state anyhow and we ought to do something about it. Well, this report says the direct opposite. It is a GAO Federal report. It is a recommendation to the President that says that 80,000-

pound trucks are destroying the interstate system that we have spent \$96 billion on over the last 20 years. Seventy-five percent of the bridges on the interstate system are not adequately built to handle 80,000-pound trucks. They include bridges in this state and other states. We have been told time and time again that because in this bill there is a division of weights on various axles and we have an axle-weight plan in this bill, that that will protect the highways and actually cause less damage. Well, in fact, that is not in the Federal law. That varies from state to state, and in fact most states do not have the very stringent axle-weight requirements that we have in this bill. So what we are facing is trucks coming from Ohio or West Virginia or Maryland that are coming across this border. We have been told they have to stop now and reduce their weight from 80,000 pounds to below 73,000 pounds to get into this state and they cannot afford to do that. Well, they are going to have to do it anyhow, because in this bill we have axle-weight requirements that do not conform with the other states, and those trucks coming into this state are not going to conform with our standards that we are supposed to be enforcing and, therefore, they are going to have to reduce their weight or reshift the loads on their trucks to meet our state standards in any case. So that is a very fallacious argument we are talking about in regard to what other states are doing and what the Federal Government is going to mandate.

Finally, there is the whole question of what does a truck do to the roads. Look at an 80,000-pound truck, if you can imagine an 80,000-pound truck. It equals the weight of about 20 cars straight out. But studies have shown that an 80,000-pound truck improperly weighted does damage on impact to the road of up to 9,600 cars, because the weight on the one tire causes an enormous amount of damage on the road. We cannot afford that kind of damage anymore to our highway system, particularly when we are getting nothing in return, relatively speaking. We are getting \$6 million to pay for the deterioration of our road system that is absolutely a tragedy, let alone the bridge problem.

Now, Allegheny County happens to be the bridge capital of the world, but all of you also have bridges. We are seeing a wholesale weight restriction, an actual closing of bridges in Allegheny County. Roger Carrier, the district engineer, considers it a major crisis. In fact, he is contemplating transferring major sums of money out of our uncompleted interstate system so that he can repair the bridge system in Allegheny County because they are so bad. We are talking about shutting down bridges that are critical to our steel industry, to our steel industry in the Monongahela Valley and in Southside, that if those bridges shut down, the detour is going to be 20 and 30 miles for these trucks. Now, that is much more expensive than they face in having to put a 73,000-pound rather than an 80,000-pound load on a truck. That 80,000-pound load will hasten the deterioration of those bridges.

Furthermore, we have not mentioned safety yet, and safety, of course, is a critical factor. For those of us in

Allegheny County, safety was brought home very loud and clear when a number of people over the last year were killed by trucks that were poorly inspected, poorly maintained, and overweight - overweight but within the 80,000-pound category. The GAO report again points out that the stopping distance for a 73,000-pound truck and an 80,000-pound truck increased dramatically and that many 80,000-pound trucks would be over the requirements of existing brake systems on trucks.

Finally, the GAO report discusses enforcement of existing Federal and state weight laws. What kind of enforcement do we now have in Pennsylvania? It seems to me we are putting the cart before the horse. It seems to me that we should be today talking about the enforcement of existing laws before we start talking about adding to the existing weights. For the existing enforcement in Allegheny County in the western region, we have two crews, two crews who go out and enforce the weight restrictions for all our highways. That is nothing. And I hear the argument, I heard the argument 5 minutes ago, well, we have got to give them the 80,000 pounds because they are all driving with 80,000 pounds now anyhow, so what is the difference? Let them make them legal. Well, it seems to me rather than doing that, we should first enforce the existing laws and begin to tighten up on those trucks that are driving with poorly inspected vehicles and overweight. They are a danger to all of us.

In summary, I would like to suggest that there are a number but four major reasons why we should be opposed to this bill. It is a critical bill; it is important to all of us. The first is safety. Eighty-thousand-pound trucks are unsafe on the highway, given the present level of enforcement; 80,000-pound trucks are not unsafe if they have proper equipment and are properly inspected, but that proper equipment is often not there, and the inspection and the enforcement of existing laws is certainly not there in Pennsylvania presently.

Secondly, it has been clearly shown by any number of nonpartisan professional studies that 80,000-pound trucks cause an enormous amount of damage to our road system, far more in proportion than the \$6 million that we are going to get in return for this giving the whole store away.

Thirdly, this bill does not produce significant revenues. These fees should be double what they are. We have left the trucking industry go essentially untouched for the last 10 years on increases in fees and in diesel oil costs, and yet we have, on an average of every couple years, hit the motoring public in Pennsylvania with more and more and higher and higher fees and taxes. It is about time we put the burden where it belongs and adequately and honestly put the burden where it belongs - on the trucking industry.

And, finally, there is the cost benefit. It has been argued that having heavier trucks is patriotic because heavier trucks will use less fuel to carry the same load and therefore they will be able to save oil for our country. Well, that is not necessarily proven. The GAO report looked at that argument and they found that it was not conclusive that heavier

trucks do not necessarily use less oil, and particularly when you take into account the deteriorating roads that they cause, they in fact use more oil, more fuel, to transport their cargoes.

This bill is a travesty to the motoring public of Pennsylvania. You are hitting the Pennsylvania motorists again. You are asking for \$50 million from the motoring public, for what? To give the trucking industry more weight and provide more danger to the motoring public. We have been asked to use smaller and smaller cars and we are putting heavier and heavier trucks on the road. It makes for a very unsafe situation. Let us talk about enforcement; let us talk about putting the burden of paying for these highways where it belongs - on the trucking industry. I ask your support in rejecting this bill. It is a travesty to the motoring public of Pennsylvania. Thank you.

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

Mr. KUKOVICH. Would the gentleman, Mr. Dininni, stand for a few brief questions?

The SPEAKER. The gentleman indicates that he will. Mr. Kukovich may proceed.

Will the gentleman yield?

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives notice that he has given permission to Mr. Don Rupka of UPI Pictures to take pictures on the floor of the House for 10 minutes, starting now. Protect yourselves.

CONSIDERATION OF SB 10 CONTINUED

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

Mr. KUKOVICH. Mr. Speaker, there are just a few points that I would like to clarify before we vote on this bill. First of all, is it true that roughly \$95 million will be raised in revenues from this bill?

Mr. DININNI. A total of \$95.1 million, yes.

Mr. KUKOVICH. Mr. Speaker, that being the case, I have seen conflicting figures on what part of that will be raised from motorists as opposed to trucks. Can you give me the figure?

Mr. DININNI. That is a little difficult to break down. First of all, I will recite the figures that I have. The trucks themselves will be roughly \$42 million, but when you get to the title fee increases, you also have the trucks involved there the same as you do passenger automobiles. The same way when you get to the inspection sticker from 25 cents to \$1; you will also have that. And you must bear in mind, that inspection sticker will hit a lot more trucks than we ever had before, because we are now including out-of-state trucks that must carry an inspection sticker and a lot of them will be inspected, I am assuming, here in Pennsylvania besides. So it is pretty hard for me to tell you exactly to the dollar what the breakdown would be.

Mr. KUKOVICH. You are saying there is overlap between the motorist and the truck. Is that right?

Mr. DININNI. Yes.

Mr. KUKOVICH. Well, what is the minimum amount that will be derived from motorists in this bill?

Mr. DININNI. I would say \$53 million.

Mr. KUKOVICH. All right; that is your minimum. And then the other amount is in between.

Mr. DININNI. And the rest will be from the truckers, yes.

Mr. KUKOVICH. All right. So there is actually more money coming from the motorist.

Mr. DININNI. Repeat that question.

Mr. KUKOVICH. So actually in SB 10 you are receiving more money from the motorists of this state than from the truckers. Is that correct, according to your figures?

Mr. DININNI. Yes, if you are looking at it that way.

Mr. KUKOVICH. I am. Thank you.

My next problem is, I really cannot understand the formula provisions in the bill. It appears that the same basic formula stands, which, in my opinion, has had adverse consequences for the western part of the state. Now there is another formula in there. Is that true? Are there two formulas in this bill?

Mr. DININNI. I believe you are standing too close to the mike. I did not catch that last part of your question.

Mr. KUKOVICH. My question is, are there two different formulas for the disbursement of highway funds in SB 10?

Mr. DININNI. No; we have one formula that triggers in, and I am assuming that you read that back and forth and you understand it if you do come from western Pennsylvania.

Mr. KUKOVICH. Well, that is why I am asking the question. It is really not clear to me, and I am concerned about how maintenance funds are spent. Now, it appears that there is still the same basic formula that has been used in the past. That is still in existence. Is that correct?

Mr. DININNI. No; you are correct to a point. Right now at this point when you are talking about that, yes, but you must bear in mind there was more money sent to western Pennsylvania in the last year or two than was previously. But you are correct; there is a formula here that will trigger in when we reach a certain portion of the moneys that we have spent for maintenance in the past.

Mr. KUKOVICH. Okay; that is my question.

Mr. DININNI. Then it will definitely favor western Pennsylvania; no question about that.

Mr. KUKOVICH. All right. So there are two formulas. That is true.

Mr. DININNI. If you want to call it two formulas, you go ahead. As far as I am concerned, it is only one until we reach that portion of it.

Mr. KUKOVICH. All right. That being the case, at what point will that formula trigger?

Mr. DININNI. When it reaches a point of 90 percent of \$484.8 million for maintenance.

Mr. KUKOVICH. What is the likelihood of that happening in this fiscal year?

Mr. DININNI. I cannot answer for this House of Representatives. Whatever 102 people decide and whenever they decide, that is when it will take place.

Mr. KUKOVICH. So until it reaches that figure, until we appropriate more funds, that formula helping the western part of the state will not trigger. Is that not correct?

Mr. DININNI. That is correct.

Mr. KUKOVICH. Thank you, Mr. Speaker. I have no further questions. I would like to make a few comments.

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

Mr. KUKOVICH. Mr. Speaker, it has just been made clear to me, apart from the increase in the truck weight, apart from the other elements of this bill, why we should oppose SB 10. I have been told that the motorists of this Commonwealth will have to pay a much higher burden, and yet those motorists in the western part of Pennsylvania will not have their roads fixed at the formula that will provide an equitable disbursement of money in maintenance funds.

Mr. Speaker, I think if we are giving the trucking industry a break in this bill, we should certainly ask for a greater proportion of funds from that industry rather than once again hitting the consumer, hitting the typical motorist. And make no mistake about it; that is what SB 10 does. I think if you take into consideration the facts that we are not recovering a sufficient amount of funds from the trucking industry, that according to reports that we have all seen, that have all been sent out to us, that have all been on our desks, the increased weights, the increased sizes, will continue to deteriorate the roads, particularly in western Pennsylvania, and that again a fair share of money will not be coming into western Pennsylvania, I think it behooves all of us, especially those people in the western part of the state, to oppose SB 10, and I would ask you to join me in that opposition. Thank you, Mr. Speaker.

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

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

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

Mr. RITTER. Mr. Speaker, in response to a question by Mr. Kukovich, I think you said that in terms of the inspection sticker increase, the 25 cents to \$1, that a lot more money would be raised because we are going to inspect out-of-state trucks. Did I hear you say that?

Mr. DININNI. No. I think you misunderstood me, Mr. Speaker. What I was referring to, I have no way of knowing how many out-of-states will register in Pennsylvania and inspect here, so, therefore, I cannot determine how much the passenger cars and how much the trucks would be paying. That is what I really was referring to.

Mr. RITTER. I just wanted to make sure that we are not talking about inspecting out-of-state trucks.

Mr. Speaker, the reason I oppose SB 10—and I think this ought to be on the record—when this bill left here, it was supposed to generate about \$30 million, and it was supposed to do that by increasing the weight on the trucks and increasing the registration fees on those trucks; and now it has come back to us, and instead of raising \$30 million, it is now going to raise \$95 million, and I do not think it takes too much brains to figure out who is going to make up the \$65 million.

When this bill left here, we did not have any increase in fees to issue a temporary tag. When your neighbor down the street wants to buy a car for his kid and he wants to get a temporary tag, right now the dealer only has to pay \$1 and he has to pay no more than \$5. The conference committee now makes this a \$5 fee to the dealer and \$10 to the guy who is buying that temporary tag. Let us say your neighbor wants to buy a car and he wants to have a title. He only has to pay \$5 under present law. When this bill left the House, it did not have any increase in that fee, but the conference committee raised that fee now from \$5 to \$15. So he wants to buy a temporary tag for his kid's car and he wants to buy a title, and instead of having to pay \$10 for that total, he is now going to have to pay \$25, and I hope when you go home you can explain that to your constituents, you know, that we are going to go to 80,000 pounds for trucks and we are going to make up two-thirds as much money on the little guys as we are on the trucks.

And we only have to pay 25 cents for an inspection sticker fee, and when this bill left the House, it was still 25 cents because we did not deal with it. But the conference committee decided that 25 cents was not enough, and they are now going to make you pay \$1 just for the little sticker that you put on your car, and if the dealer has to pay \$1, I do not know how much he is going to charge you and me, but that is also new. The conference committee also added a new section which says that if you lose your license under a suspension or revocation, you are now going to have to pay a fee of \$25 to get that license back.

When this bill left the House, there was a provision, primarily with triaxles, that if your truck was 5 percent overweight on any one axle, that would be allowable. The present law was 1 percent. When it left the House, we raised it to 5 percent; we said provided that the overall total weight of that vehicle does not exceed the weight for which it was classified. Now, the conference committee took that 5-percent tolerance out with the proviso that it could not exceed the maximum weight, and they said it can go to 3-percent tolerance. It did not say anything about a maximum weight; it did not say anything about the classification, and my understanding is that if you are going to go to 80,000 pounds and you have a 3-percent tolerance and you do not say provided it does not exceed the maximum amount specified by law, you can go to 3-percent tolerance of 80,000 pounds, and that was not the intent of this House when it left here. The intent of this House was a 5-percent tolerance on an axle provided it did not exceed 80,000 pounds or whatever class it was registered in. Now in addition to

going to 80,000 pounds under what the conference committee did, it seems to me we are now going to go to 80,000 plus a 3-percent tolerance on top of that. That is one of the few things, Mr. Speaker, that the conference committee dealt with that we had dealt with in this House. Many of the other changes were those things that we had not dealt with.

One of the other things that the conference committee did was when this bill left this House, we had a provision in there for annual inspection, and it passed, as I recall, overwhelmingly in this House, and the conference committee decided in their wisdom that not only were they going to raise the registration sticker fee from 25 cents to \$1 but they were going to say, we still want to have semiannual inspections, and for those of us who come from those areas of the state where we have to have that ridiculous emission inspection, we are now going to get stuck with three inspections in 1 year. As I say, when this bill left the House, when that amendment was put in about annual inspections, it seems to me it passed by an overwhelming vote, and now that has been taken out and we are now back again to semiannuals.

And I agree with Mr. Kukovich and Mr. Murphy that this bill is not going to raise the money by giving it or socking it to the trucks. It is still going to raise about \$30 million or \$40 million on the trucks, and the bulk of that \$95 million is going to come from your neighbors, the guys who drive the passenger cars, small cars, and I do not think that this House intended that. I will support SB 10 when we put it back in the form it was when it left this House. I am for 80,000 pounds and I have been, and I will support that and I will support the increase in truck weights, but I do not believe—and that is why I raised the issue—I do not believe the conference committee had any right to increase title fees, temporary tags, or anything else that they did, and it is for those reasons, Mr. Speaker, that I am very much opposed to SB 10, and I would ask that the vote be in the negative.

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

Mr. COWELL. Mr. Speaker, would Mr. Dininni consent to interrogation, please?

The SPEAKER. Will the gentleman, Mr. Dininni, stand for interrogation?

Mr. DININNI. Yes.

The SPEAKER. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, on a couple of occasions already you have sought to defend this bill under interrogation from other members. Thus far nobody else has risen to speak in favor of this legislation, but prior to today there have been a variety of arguments made in defense of this bill anticipating today's debate. One of them dealt with the fact that SB 10 would provide additional revenues for local government. Now, as I read SB 10, I see that issue addressed only in one section, and that is on page 23, section 9301, where it talks about a supplemental funding for municipal highway maintenance, and it indicates that

the General Assembly shall annually appropriate, beginning with the 1980-81 fiscal year, the sum of \$5 million for local governments. Am I correct, Mr. Speaker, in understanding that that is the only place where the local government issue is addressed in SB 10, in that one section?

Mr. DININNI. Yes.

Mr. COWELL. Secondly, can you indicate, if you know or if staff knows or has the figures handy, what percentage of existing PennDOT revenues are now directed to local governments, approximately?

Mr. DININNI. I did not bother even figuring it out, because it is a sore subject to me. I think they are getting entirely too much money. I am a firm believer of that, and I am speaking for myself, but if you look at what they are receiving versus the PennDOT budget for maintenance, they are receiving well over 35 percent.

Mr. COWELL. Did I hear you say, one, that you believe they are getting too much money, local government is getting too much money; secondly, they are getting about 35 percent relative to what PennDOT is spending on maintenance; and would I be correct in guessing that they are probably getting about 15, 16 percent of the total PennDOT revenues?

Mr. DININNI. If you are talking about total revenues, yes; that is correct.

Mr. COWELL. And if my arithmetic is correct, out of the \$95 million that would be raised by SB 10, local governments would get about 6 percent. Is that correct?

Mr. DININNI. Yes; they are getting 6 percent.

Mr. COWELL. And in your opinion as one of the conferees, that is adequate, inadequate, or too much?

Mr. DININNI. If I would have had my way, they would not have gotten that.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

Another point. I would like to go back to the interrogation conducted by Mr. Kukovich. A subject that has been raised frequently with some of us from western Pennsylvania is that SB 10 or legislation like SB 10 can provide additional dollars for the maintenance of highways in western Pennsylvania and that there would be inserted into SB 10 a special formula that would take into account some of the unique problems that we have in western Pennsylvania in terms of climate or terrain, et cetera. Again am I correct in reading SB 10 that that issue is addressed on page 21, beginning with line 23, where it talks about a formula for distribution, and paragraph (2) talks about that special formula?

Mr. DININNI. That is correct.

Mr. COWELL. And did I understand you to say to Mr. Kukovich that despite the fact that that formula is being inserted into SB 10, in fact, that formula will not become operational, that second phase of the formula—you used the words “being triggered in”—that second phase of the formula that would take into account some of the unique problems of western Pennsylvania would not be triggered in, would not mean additional dollars for the counties of western Pennsylvania or other hard-hit counties under the

revenue estimates that currently exist even with SB 10 being enacted?

Mr. DININNI. That is correct, and if this House would have had the courage some time ago to properly fund PennDOT, you would be still, right now, today, getting the bulk of this money. You have to bear in mind—and I am going to answer two questions, because the Chair did not recognize me in answering Mr. Ritter—without SB 10 you have got to look—and I am sure you have a printout sheet the same as I have, so if you want it for the record, that is fine; but you have it in front of you, but you do not have a printout showing what you would receive in Allegheny County without SB 10, and that would be the printout that I wish that you could see, because we are all taking a cut, yet western Pennsylvania is still getting the lion's share of the money. And I have no objections; I have none whatsoever, because I realize you have bad roads, but to do the job right we need a couple hundred million, not \$95 million, and the sooner we face up to that responsibility, the sooner the western Pennsylvania highways are going to really get back in first-class shape, and if we had had the courage last year, it would have been done today.

To get back to the one question that was raised even prior to yours, when SB 10 left here before, it was only \$30 million. I did not ask for inflation to set in to the tune of \$26 million, \$27 million on PennDOT. I did not ask for the Governor's office, the front office, when we appropriated out of the General Fund an additional \$57 million for PennDOT, which is not there this year. I did not ask for the shortfall in the gasoline consumption in the State of Pennsylvania for 1979-80 to be \$33 million. I did not ask for that. I did not ask for the projection for 1980-81 to be another \$68-million shortfall, for a total of \$193 million. Yet we are only giving PennDOT \$95 million and \$5 million of that is going to local government, and you are asking what is happening to western Pennsylvania? That is what is happening to western Pennsylvania. When we give them sufficient funds, you will find that you will benefit real healthy by that formula.

Mr. COWELL. Mr. Speaker, I would like to believe that we are going to benefit real healthy from that formula in western Pennsylvania. On the floor of this House last summer, a little bit later in the summer than we are right now, we talked about another formula. I think that was going to come about as a result of an amendment offered by Mr. Sweet. Was that amendment ever put into effect? Was that formula—

The SPEAKER. The Chair has been very lenient and let the debate go far afield. There are many other members of the House who would like to be recognized. The Chair would ask the gentleman, Mr. Cowell, to please confine his remarks to the conference committee report before us. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I will not prolong that particular issue, but I would have to disagree with the Chair. We are talking about the confidence that members can have in a formula that is elaborated or enunciated in

this legislation. We have had a bad experience with formulas, and I have no reason to believe we would have a better experience with the formula that is enunciated in SB 10, but I will not carry that on. Thank you, Mr. Speaker.

Mr. Speaker, may I make a couple of comments?

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

Mr. COWELL. Mr. Speaker, there are a lot of reasons why we should vote against SB 10. I find it somewhat curious that nobody yet has risen on the floor of this House to speak in favor of SB 10, although Mr. Dininni has been called upon to defend it on several occasions here in the last half hour, but nobody has had the courage to stand up and say this is a good bill and this is why we need to pass it this evening or sometime in the near future, and I think that is indicative of how uneasy people are with this kind of bad legislation.

Mr. Murphy from Allegheny County articulated quite well a couple of the major problems. Heavier trucks are going to mean more damage to our roads, and heavier trucks are going to mean greater threats, greater hazards to motorists who increasingly are turning to other, smaller vehicles for their transportation needs. I might add that increasingly some of those motorists have to buy smaller automobiles because they cannot even afford the interest rates that some of the very supporters of SB 10 have shoved down their throats. So they are buying smaller cars than they otherwise might buy.

There are a couple of other points, though. One, we have a responsibility to local governments to help with the maintenance of their roads. I strongly disagree with the chairman of the Transportation Committee, Mr. Dininni, who says he believes local governments are getting too much. I think they are not getting enough, and I think, frankly, most of the members of this House believe that local governments are not getting a fair share of their revenues, particularly of SB 10. This legislation says that the legislature shall annually appropriate \$5 million, but it is important to note that this legislation does not make such an appropriation. So this legislation, SB 10, simply expresses some intention at some later date to appropriate \$5 million, but it does not do so. So even with SB 10 local governments are not guaranteed any additional dollars from the revenues that will be generated by this legislation. That is a debate for another day and another bill, but there is no guarantee they will get anything as a result of SB 10.

Additionally, I think what we are doing is setting up a scenario for blackmail, particularly for the western Pennsylvania counties and other most needy counties around the Commonwealth, because what we are going to be told at some later date is, if you want that formula to be fully effected, if you want to generate the additional revenues for your county provided for in that subsection (b) that we talked about with Mr. Dininni, you are going to have to vote for another tax increase a little bit later on this year, and you are going to be under the gun, particularly those folks from those counties, to support that additional tax

increase on top of the additional taxes, additional fees that we are going to find in SB 10. And I do not think that we should be setting ourselves up; I do not think we should be setting up the taxpayers, the automobile owners of the Commonwealth for that kind of fee increase, because it again will be primarily the automobile owners and the automobile operators who will have that additional tax shoved down their throats sometime later on, most likely by this administration and by the very people who are supporting SB 10.

And finally, so frequently we have heard the argument that, well, we have really got to give the trucking industry the 80,000 pounds as a trade-off for the additional revenues that will be generated. That is not true. Mr. Murphy and other speakers have already indicated that what we are going to be getting, what the Commonwealth will be getting as a trade-off, its end of the trade-off, in return for the 80,000 pounds is peanuts. It is certainly not going to compensate for the additional roadway damage that will occur. And it is important to note that we are taking probably \$40 million to \$50 million from other automobile owners and operators in this Commonwealth, and we are giving nothing in return to them. There is no trade-off for the automobile operator, and there never is. It is not necessary that we go through any kind of trade-off process now with the trucking industry. I urge that we defeat SB 10.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives notice that he has given permission to Vince Mannino of UPI to photograph for 10 minutes, starting now. Gentlemen, beware.

CONSIDERATION OF SB 10 CONTINUED

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

Mr. TRELLO. Mr. Speaker, I also rise to oppose SB 10. SB 10 reminds me of a poker game where a guy with a pair of deuces thinks just by raising the ante he is going to drop a guy out who has a pair of aces. Well, that is not so. You know, the former Secretary of the State of Illinois, and I quote, states that a truck traveling at just 5 percent overweight—that is about 76,944 pounds—on a highway that is built to last 20 years will reduce the life of that highway to only 8 years. That is eliminating 12 years of the life of that highway. This bill is like throwing good money after bad. You are going to raise \$95.1 million, but the damage that is going to be caused to our now deteriorated roads and bridges will amount to about \$200 million, and just how do you plan to make that up? Just recently the Federal Government had spot checks on 26,000 trucks, and they found that 42 percent of them had faulty brakes or other faulty equipment and ordered them off the road immediately.

Also, you know this is another one of those consumer bills, I take it. Not too long ago our President said that we should limit everything to 7 percent because of the rate of

inflation and everything else. Right now you are raising the price of transferring a title by 200 percent; you are raising the cost of a temporary plate by 400 percent; and you are also raising the price of an inspection sticker by also 400 percent. You know, we have a slogan in this state that says, you have a friend in Pennsylvania. Well, I will tell you what. With this kind of friends your constituents back home do not need any enemies, because this is not a bill for the big truckers because your average motorist is footing the bill for SB 10.

I would also like to close in saying, Mr. Speaker, there must be other ways than we have been doing in the past to continually tax our constituents back home for big brother and big business. We have passed legislation for higher interest rates on automobiles, higher interest rates on mortgages, and now we are going to tell them they are going to have to pay 200, 300 percent more just to have their car transferred, inspected, or whatever. Do yourself a favor and show them back home that you do have a friend in Pennsylvania, and vote "no" on SB 10.

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

Mr. PETRARCA. Will Mr. Dininni consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Dininni, indicates that he will, and Mr. Petrarca may proceed.

Mr. PETRARCA. Mr. Speaker, is it not true that with a special permit 130,000 pounds could traverse the Turnpike?

Mr. DININNI. Yes; that is my understanding; that is correct.

Mr. PETRARCA. And also, 100,000 is no trouble. They can get on in Ohio and in Philadelphia. But you know yourself, they get on at all entrances to the Turnpike.

Mr. DININNI. It is my understanding that they let them on the Turnpike up to 100,000 pounds; yes.

Mr. PETRARCA. Right.

First of all, there is a lot of SB 10 we all do not like, but most of us are opposing it because of the heavy weights. Now, it was just about 8 months ago when I talked to Dr. Larson at a transportation meeting, and I, too, opposed 80,000 pounds. I said our bridges were falling down our trend is to compact cars, and you want to go to 80,000 pounds. But then when you look into it, every state around Pennsylvania has 80,000 pounds, including Maryland now; every state. Forty-three states out of 50 have 80,000 pounds, and I know for a fact if Volkswagen would have demanded 80,000-pound weights to come into Pennsylvania, we would have given it to them. Now, Vic Westenberg, who was past chairman of the Transportation Committee, told me in my research that we never enforced the 73,280 pounds, and if we would put 80,000 pounds on, we would actually be coming down 80,000—thanks, Mr. Manderino. Every time I disagree with Mr. Manderino, he has to clown around, and he is wrong this time, too. If we would adhere to 80,000 pounds and become the 44th state, we would actually be bringing the weight down 80,000. Those trucks out there are going 130,000, 120,000, 100,000.

Just this evening there were two trucks that wrecked on Interstate 30. They were both overweight and they are not over 6,000 pounds overweight.

I am interested in our industries. U. S. Steel in Vandergrift called me. George Collins said, Joe, we need the 80,000 pounds. They had a strike, and the independent truckers were feeding Vandergrift from the Irwin Works, and once they had an order from Cleveland, Ohio, the truckers would not come in. We almost had to shut the plant down. So I am saying, if we are going to be competitive with other states down south, we should go for the 80,000 pounds. This reminds me of the horseracing bill. Every time it came up in Pennsylvania, someone put the sprags to it. They talk about the topography of Pennsylvania. It is worse than West Virginia, and they have the 80,000 pounds. So I am saying to Allegheny Ludlum, to Wean United, to Alcoa, let us keep industry in Pennsylvania. And that is the reason I am voting for 80,000 pounds. I am against the number three and four raising of the fees on the pickup trucks, but we could get a bill that is germane to this and amend that out. And, Mr. Speaker, I want you to amend those two out. Thank you.

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

Mr. MICHLOVIC. Will the gentleman, Mr. Dininni, stand for interrogation?

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

Mr. MICHLOVIC. Mr. Speaker, the section of the bill referring to out-of-state truckers and out-of-state trucking vehicles is supposed to generate \$11.4 million additional in SB 10. Is that correct?

Mr. DININNI. Yes.

Mr. MICHLOVIC. Thank you, Mr. Speaker. Now, of that \$11.4 million, how much is attributed to the raise in the sticker fee, the ID sticker fee from \$2 to \$25?

Mr. DININNI. Well, if you multiply, \$23 takes it up to your \$11.4 million.

Mr. MICHLOVIC. I am sorry, Mr. Speaker. I did not hear that. Could you repeat it, please?

Mr. DININNI. If you multiply \$23 per vehicle, then it comes to \$11.4 million. I am only giving you the difference from the \$2 to the \$25.

Mr. MICHLOVIC. Okay, that is the difference from \$2 to \$25. How many vehicles are you multiplying that by?

Mr. DININNI. I did not hear the question.

Mr. MICHLOVIC. How many vehicles did you multiply it by?

Mr. DININNI. I will give it to you in a minute.

Mr. MICHLOVIC. Thank you.

Mr. DININNI. Mr. Speaker, just a little under 500,000.

Mr. MICHLOVIC. Okay; thank you, Mr. Speaker. Of those 500,000, how many of those trucks are out-of-state trucks that will be added to the rolls of registered trucks in Pennsylvania because we will be eliminating the reciprocal agreements under SB 10?

Mr. DININNI. I cannot answer that offhand.

Mr. MICHLOVIC. Okay; am I correct then in assuming that of the \$11.4 million, not one dollar was estimated to be additional fuel taxes that would be generated by out-of-state truckers with the elimination of the reciprocal trucking agreements? Is that correct?

Mr. DININNI. If that were the case, yes.

Mr. MICHLOVIC. Okay; thank you, Mr. Speaker. That ends my interrogation.

The SPEAKER. Does the gentleman wish to debate the bill?

Mr. MICHLOVIC. Yes, I do.

The SPEAKER. The gentleman, Mr. Michlovic, is in order and may proceed.

Mr. MICHLOVIC. Mr. Speaker, the line of my interrogation of Mr. Dininni leads to an important point, and that is that there is a very crucial source of revenue that is not estimated in this bill that should be, and that is, the reason for my entire amendment, which basically still remains in SB 10, and that source of revenue is the liquid fuels taxes that would be generated by out-of-state truckers who would be added to the tax rolls of Pennsylvania that are not there now from these reciprocal states. As I said in those arguments last summer, the truckers from those states are getting a free ride. They drive through this state and they do not pay any liquid fuels taxes, and we do not catch them because they are under a reciprocal agreement. They do not have to file with the Department of Revenue and file for an ID sticker. But once they do file, we then are able to keep track of them. We are then able to charge them the motor carrier tax, which in essence is the enforcement end of the liquid fuels tax. If they do not buy fuel in Pennsylvania and they buy it from New Jersey or New York, they are taxed by the motor carriers tax for the appropriate amount of taxes that they should have paid by virtue of the mileage that they traveled in Pennsylvania. Our estimates of that amount of revenue generated just from that source, Mr. Speaker, last summer was \$40 to \$50 million. That is the entire amount that the motorists of Pennsylvania are being charged in this SB 10; yet, not one dollar, not one cent, is estimated in the revenue estimates of this bill. I submit to you, Mr. Speaker, that we should not be charging those motorists—a number of individuals before me have indicated we are overcharging. We should not be charging them—anything, because the revenues are there. By the elimination of the reciprocal agreements and making the out-of-state motorists pay their fair share of taxes in this state, we can generate that \$40 million or \$50 million and we can do it harmlessly, without forcing ourselves to tax the everyday motorist.

There is one other argument I would like to add in terms of the costs of heavy trucks in this bill, and I remind you again, Mr. Murphy's line of questioning about the mere \$6 million being generated by the most controversial aspect of this entire bill, and that is, the design factor that we have to place in our roads and in our bridges because of that additional 7,000 pounds. We have to over-design our roads; in

fact, many of our bridges and roads cannot take that additional 7,000 pounds, and the repair work that we have to do because of the 7,000 pounds adds substantially to the costs of that design, plus the cost of the materials in it. So I submit to you that there are many, many dangers in this bill and I would urge every member of the House to vote against SB 10. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. For what reason does the gentleman from Allegheny, Mr. Itkin, rise?

Mr. ITKIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, the House is now in violation of rule 15.

The SPEAKER. The Chair will cite from the rules of the House, rule 55. "When a question is under debate or before the House, no motion shall be received but the following, which shall take precedence in the order named:"

The question before the House is the adoption of the report of the Committee on Conference. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Dininni please stand for brief interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, I heard earlier in the evening the report that the Federal Government is going to be responsible for establishing an 80,000 truck-weight limit within the United States. Do you have any information relative to that, Mr. Speaker?

Mr. DININNI. I made no such statement.

Mr. LAUGHLIN. All right, Mr. Speaker, thank you. Are you familiar with the time and place when the Federal Government has raised the weight limits in this country for the purpose of energy conservation and so on?

Mr. DININNI. No.

Mr. LAUGHLIN. Mr. Speaker, the date was 1975, and it was established in order to meet the problems that arose out of the Arab boycott dealing with oil. Mr. Speaker, at that time there was a request to raise the limit to 80,000 pounds, but do you know whether or not there was a mandatory provision on that particular legislation?

Mr. DININNI. No; I do not.

Mr. LAUGHLIN. Mr. Speaker, the Federal Government has never insisted upon that type of a weight-load limit. When they raised the amount to 80,000 pounds, they specifically gave states rights the opportunity to operate weights of a lower limit on their highways. Is that not correct, sir?

Mr. DININNI. I would not go that far to say lower weights, because there are 44 other states that have 80,000 pounds. I do not know where you get the story that they say lower, because we were at 73,000, and the bulk of them were 73,280. So if you say lower, none of the states would be up to 80,000 pounds if you were correct.

Mr. LAUGHLIN. Mr. Speaker, what I said to you is, did the Federal Government permit those states that wish to operate below the 80,000-pound limit, did they in fact allow that? Now you must admit that the fact that Pennsylvania has a 73,280 limit, the Federal Government did permit this. Is that correct, sir?

Mr. DININNI. Yes.

Mr. LAUGHLIN. All right, Mr. Speaker, that is what I asked originally before you answered it in the manner in which you did. Now, Mr. Speaker, in this legislation there are also axle weight-load limits. Is that correct?

Mr. DININNI. I did not hear that one.

Mr. LAUGHLIN. Is there not, within this legislation, new axle weight-load limits for the State of Pennsylvania?

Mr. DININNI. Yes; I wanted to bring that out before, but since you raised a question for the vehicles carrying between 73,280 and 80,000 pounds, in reality, as we all know, it is the axle weight that hurt our highways, and what we are doing for this class is lowering the axle weight from 36,000 pounds down to 34,000 pounds in order that we would force the truck owners and the truck builders to build that truck in such a manner that the load would be distributed so that they would not break the law as far as the 34,000. But right now on the 73,280, it is 36,000 pounds.

Mr. LAUGHLIN. Mr. Speaker, by your answer I can draw the conclusion that what you are saying is that with the new distribution of weight load on the axle, there will be less damage to the highways. Is that correct?

Mr. DININNI. That is what I am saying; yes.

Mr. LAUGHLIN. Mr. Speaker, let us apply your same formula to the deck of a bridge. Mr. Speaker, with this legislation of not only heavier trucks but larger trucks in length, we are now permitting up to 60 feet. Mr. Speaker, with a bridge that is 200 feet long—and many of them in our state—

The SPEAKER. Has the gentleman completed his interrogation?

Mr. LAUGHLIN. No, Mr. Speaker, I have not.

The SPEAKER. The Chair has been listening, and it would appear that the gentleman is debating the bill. The Chair would ask the gentleman to please complete his interrogation and then the Chair will recognize him to debate the bill.

Mr. LAUGHLIN. Fine, Mr. Speaker. My question to Mr. Dininni—and it is a part of the interrogation—is that with a bridge that is 200 feet in length and we then have the occasion of three of these trucks that are at 80,000 pounds moving across that bridge at the same time, Mr. Speaker, does your application of weight on axle affect the stress structure of that bridge?

Mr. DININNI. Yes; it would be less than— The same thing would apply on a bridge as it does on a highway. You know that and I know it.

Mr. LAUGHLIN. Mr. Speaker, on a highway the weight can be applied on a structure that is laid in place and has a certain—

The SPEAKER. The Chair would ask the gentleman to please not argue with Mr. Dininni.

Mr. LAUGHLIN. Mr. Speaker, I am not arguing with Mr. Dininni.

The SPEAKER. The point of interrogation is an inquiry of information from a member.

Mr. LAUGHLIN. That is exactly what I am after, Mr. Speaker.

The SPEAKER. Then the gentleman will please confine his inquiry to questions which he wants responded to.

Mr. LAUGHLIN. All right, Mr. Speaker, the gentleman has responded to the effect that it would be the same weight. In fact, Mr. Speaker, with three of those trucks on a 200-foot bridge in length, we would have an additional approximately 20,000 pounds of stress added to that bridge. We would, in fact, be endangering those bridges in the State of Pennsylvania that are already in deplorable condition.

The SPEAKER. The Chair believes the gentleman is debating the bill. Will the gentleman— If the gentleman has completed his interrogation, the Chair will recognize him to debate the bill.

Mr. LAUGHLIN. Mr. Speaker, has the Federal Government restricted the amount of money that is made available this year to the State of Pennsylvania for which we raise matching funds?

Mr. DININNI. Yes.

Mr. LAUGHLIN. And that restriction, Mr. Speaker, has what type of an effect on the amount of money that will be made available in other areas?

POINT OF ORDER

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

Mr. GALLEN. Mr. Speaker, I rise to a point of order.

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

Mr. GALLEN. Mr. Speaker, I think that the gentleman should ask questions to which he does not know the answer, not questions to which he does know the answer. He asked Mr. Dininni a question to which he very well knows the answer, and then, Mr. Speaker, I think the gentleman is dilatory.

The SPEAKER. The Chair has asked the gentleman, Mr. Laughlin, to please confine his interrogation to questions the member can respond to, and the Chair will then recognize him to debate the bill. The gentleman may proceed.

Mr. LAUGHLIN. Mr. Speaker, in all honesty, I asked the questions for clarification of the information that I have, since Mr. Dininni is the chairman of the Transportation Committee and I would presume that he would have access to the information that would answer the questions. I am not asking questions that I have already presumed him to answer, sir.

Mr. WILLIAMS. Mr. Speaker, point of information.

The SPEAKER. A point of information is not a proper interruption of debate. The Chair will recognize the gentleman when the interrogation has been completed.

POINT OF ORDER

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

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

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

Mr. WILLIAMS. Mr. Speaker, on the point that is raised as to whether Mr. Laughlin knows the answer or not, I do not know the answer and I would like this interrogation to include—

The SPEAKER. The gentleman is not stating a point of order. The gentleman is arguing with the Chair.

Mr. WILLIAMS. No; Mr. Speaker, I do not know what your ruling was and my point of order was to get a ruling so I can get an answer to the questions he is asking.

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

Mr. LAUGHLIN. Mr. Speaker, I will not belabor the point with Mr. Dininni much further, if you will respond directly, Mr. Dininni.

Mr. Speaker, within this legislation there is a provision that provides for moneys to go back to local municipalities that are similar to the highway liquid fuel funds that we return to municipalities each year. And the figure that was originally quoted in this bill, I would like for you to clarify for me. Was it, in fact, \$18 million that was originally designed as a percentage which is the normal percent to go back to the local municipalities?

Mr. DININNI. Is that a question?

Mr. LAUGHLIN. Yes, Mr. Speaker. Was the figure originally in the legislation and is it the norm for us to return approximately 18 percent of the moneys collected from local liquid fuels back to those local communities?

Mr. DININNI. I will trust your answer on that one.

Mr. LAUGHLIN. Thank you, Mr. Speaker. I believe that figure is accurate.

Mr. Speaker, in this legislation we are returning, according to the figures that I see here, \$5 million by comparison to the approximate \$16 million that they would be entitled to. That is far lower than what our local municipalities were looking for in the way of help.

Mr. Speaker, I have no further questions of Mr. Dininni, but I would like to make a brief statement.

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

Mr. LAUGHLIN. Mr. Speaker, the State of Pennsylvania has been visited by disasters over the past 8 to 10 years that I have served in the House of Representatives. They have come in the form of floods, tornadoes, and other devastation throughout the state. On these occasions it has always been said that this was a visitation of the Lord on the people of Pennsylvania and not the responsibility of anyone else in this state or any other party. Mr. Speaker, this year Pennsylvania is having visited upon it and its highways death and destruction that will be given not by the Super Being, but it will be given by this legislature. It will

be given by members of this legislature both in the House and in the Senate who are prepared to vote for 80,000-pound trucks on our highways.

I cannot condemn Governor Thornburgh and say that this is Governor Thornburgh's legislation; not totally, because the Governor has said that this is not his legislation. He has said instead that he will accept this bill in place of what he originally proposed. Mr. Speaker, because of that reason and because of the problems that we have had in the state with the practice of voting for bills that have caused nothing but grief and trouble for our people, we are once again here tonight at this late hour passing or considering legislation that will once again cause nothing but problems for the people of this state again.

Mr. Speaker, I cannot figure exactly the number of deaths that will occur because of heavier trucks being permitted to travel on these roads, but I know this, that according to all the figures that we have, approximately one out of every 10 fatalities in the State of Pennsylvania is caused by large trucks. Now, Mr. Speaker, when you figure that the large trucks represent 1 percent of the total vehicles on the highway, you can see the distribution of devastation as opposed to the number of trucks visiting there.

Mr. Speaker, I ask the House tonight, and I as a member of this House am prepared, to vote for a greater funding of the Department of Transportation. I am willing to vote for higher fees that are necessary to fund the Department of Transportation. I listened on the floor of this House to members who said they were concerned about potholes causing accidents and causing the death of a number of people. Mr. Speaker, large trucks are going to deal a much heavier toll, and for that reason I ask the membership tonight to vote "no" on this package and get a new conference committee that will take 80,000-pound trucks out and give us back a fee bill that will fund transportation properly. Thank you.

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

Mr. DUFFY. I would like to ask Mr. Dininni a question.

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

Mr. DUFFY. Mr. Speaker, we have been lead to believe that with this increase in truck weight to 80,000 pounds, they are going to buy a great many more scales to put out on the road to weigh overweight trucks. Now how many scales are in existence right now in the State of Pennsylvania?

Mr. DININNI. Well, basically, I wanted to answer that question which someone else raised not pertaining to the scales but enforcement. Right now we only have, I believe it was, only two. But right now at this time we have— Just one minute and I will answer that. There will be 30 by the end of this month.

Mr. DUFFY. In other words, how many do we have right now that we own?

Mr. DININNI. I cannot answer exactly but it is between, I would say, seven and 10 of them, but by the end of the

month there will be 30 teams in operation in the State of Pennsylvania.

Mr. DUFFY. In other words, they are going to buy around 20 more sets of scales?

Mr. DININNI. Yes.

Mr. DUFFY. Is that right?

Mr. DININNI. Yes.

Mr. DUFFY. Thank you.

May I make a statement, Mr. Speaker?

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

Mr. DUFFY. You know we have been lead to believe that if they raise the truck weight to 80,000 pounds that we are going to have much better enforcement. I believe they should have enforced the 72,000 pounds over the years. We probably would have had many, many fewer tragedies. And it is hard for me to believe that even with 30 sets of scales in the State of Pennsylvania that we can do a good job in the way of safety; and the people that are against the increased weight in these trucks are for safety. This is what our people want, and I think we deserve it. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

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

Mr. ITKIN. Mr. Speaker, in view of all the discussion relative to the problems in dealing with 80,000-pound trucks contained in SB 10, at this time I shall make a motion to recommit SB 10 to the conference committee, with explicit instructions to remove those increased classes, classes 21 to 25, in the bill.

The SPEAKER. The gentleman from Allegheny, Mr. Itkin, moves that SB 10 be recommitted to the committee of conference. Those who want to recommit would vote "aye"; those opposed would vote "no."

The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. I just wanted to say I oppose the motion. I would ask everyone to give this bill a fair chance.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—69

Austin	Fryer	Laughlin	Rodgers
Brown	Gallagher	Lescovitz	Schmitt
Caltagirone	Gamble	Letterman	Seventy
Cappabianca	Gatski	Livengood	Shupnik
Chess	George, C.	Manderino	Steighner
Clark, B. D.	Goebel	Michlovic	Stewart
Cochran	Goodman	Milanovich	Street
Cole	Grabowski	Mrkonic	Stuban
Cowell	Hoeffel	Murphy	Sweet
DeMedio	Hutchinson, A.	Novak	Taylor, F.
DeWeese	Irvis	O'Donnell	Trello
Dawida	Itkin	Pistella	Wachob
Dombrowski	Johnson, J. J.	Pratt	Wargo
Duffy	Knight	Reed	Williams
Dumas	Kolter	Rhodes	Wright, D. R.
Fee	Kowalshyn	Richardson	Yahner
Fischer	Kukovich	Ritter	Zwikl

Fisher

NAYS—114

Alden	Geesey	Maiale	Scheaffer
Anderson	Geist	Manmiller	Serafini
Armstrong	George, M. H.	Micozzie	Shadding
Arty	Giammarco	Miller	Sieminski
Belardi	Gladeck	Moehlmann	Sirianni
Beloff	Gray	Mowery	Smith, E. H.
Berson	Greenfield	Mullen	Smith, L. E.
Bittle	Grieco	Nahill	Spencer
Borski	Gruppo	Noye	Spitz
Brandt	Hagarty	O'Brien, B. F.	Stairs
Burns	Hasay	O'Brien, D. M.	Swift
Cessar	Hayes, Jr., S.	Oliver	Taddonio
Cimini	Honaman	Perzel	Taylor, E. Z.
Civera	Hutchinson, W.	Peterson	Telek
Clark, M. R.	Johnson, E. G.	Phillips	Thomas
Cornell	Jones	Piccola	Vroon
Coslett	Klingaman	Pievsky	Wass
Cunningham	Knepper	Pitts	Wenger
Davies	Lashingier	Polite	White
Dietz	Lehr	Pott	Wilson
Dininni	Levi	Pucciarelli	Wilt
Donatucci, R.	Lewis	Punt	Wright, Jr., J.
Dorr	Lynch, E. R.	Pyles	Yohn
Earley	McClatchy	Rappaport	Zeller
Foster, W. W.	McIntyre	Rasco	Zitterman
Foster, Jr., A.	McKelvey	Rieger	Zord
Freind	McMonagle	Rocks	
Gallen	McVerry	Ryan	Seltzer,
Gannon	Mackowski	Salvatore	Speaker

NOT VOTING—14

Barber	Cohen	Kanuck	Madigan
Bennett	Durham	Levin	Petrarca
Bowser	Halverson	McCall	Schweder
Burd	Harper		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

The SPEAKER. Does the gentleman from Allegheny, Mr. Gamble, wish to debate the bill?

Mr. GAMBLE. Yes, sir.

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

Mr. GAMBLE. Mr. Speaker, I just looked around in the delegation and found that I was the only one from Allegheny who has not spoken on this matter, except for Mr. Goebel.

I just want to sum it up very briefly that I, too, am against SB 10. Every year we load the salt onto the roads. Last year we legalized studs that everyone knows hurts the roads or deteriorates the roads. Every year PennDOT does not take care of the berms of the roads, so tonight we are going to increase a truck weight to 80,000 pounds and next spring we are going to look at each other and say, my, what happened to the roads again? It is a simple solution. We have got to quit deteriorating the roads with the laws that we pass here in Harrisburg. I urge a "no" vote on SB 10. Thank you.

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

Mr. MICHLOVIC. To debate the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order. The gentleman from Allegheny, Mr. Michlovic, is recognized to speak on the bill for the second time. The gentleman may proceed.

Mr. MICHLOVIC. There is one other important point that I forgot in my first presentation on SB 10, and that was the impact of this bill on the ability of our railroads to save energy in the Commonwealth of Pennsylvania. Railroad lobbyists have indicated that in their minds, at least, the major reason for changing the allowable length of these rigs from 55 to 60 feet is to eliminate their ability to piggyback these trucks on railroad cars. And it seems odd that just a month or two after trying to provide legislation to encourage the railroads in this state to do that kind of thing, to save energy and to save gas, we are making a horrible mistake here by lengthening the trucks and thereby decreasing the amount of railroad traffic automatically that will be allowed in the Commonwealth of Pennsylvania.

I also fear that the additional length of these rigs is also going to cause another burden on this Commonwealth of Pennsylvania. We already know how much damage is caused by a lengthy rig turning a corner and how many sidewalk curbs are destroyed by a long rig. How many more are going to be destroyed by rigs handled by inexperienced drivers who are not tested going around corners? We are going to be suffering a lot more from these longer rigs and heavier rigs than we even dare imagine. I urge a "no" vote on SB 10. Thank you, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Trello, rise?

Mr. TRELLO. Mr. Speaker, I feel that having this bill before us with that 80,000-pound weight leaves me with a very bad taste in my mouth. At this time I would like to make a motion to suspend all the rules for the purpose of amending this conference report.

The SPEAKER. Those voting to suspend the rules will vote "aye"; opposed "no."

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. STREET. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. STREET. Inquiry. Mr. Speaker, a motion to suspend all the rules, I do not know what that does.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—49

Barber	Fee	Letterman	Ritter
Brown	Gatski	Livengood	Rodgers
Caltagirone	George, C.	McCall	Seventy
Cappabianca	Goebel	Michlovic	Steighner
Chess	Grabowski	Milanovich	Stewart
Clark, B. D.	Hoeffel	Novak	Stuban
Cochran	Hutchinson, A.	O'Donnell	Sweet
Cole	Irvis	Pistella	Taylor, F.
Cowell	Kanuck	Pratt	Trello
DeMedio	Knight	Reed	Williams
DeWeese	Kukovich	Rhodes	Wright, D. R.
Dawida	Laughlin	Richardson	Yahner
Duffy			

NAYS—128

Alden	Fryer	McKelvey	Rocks
Anderson	Gallen	McMonagle	Ryan
Armstrong	Gamble	McVerry	Salvatore
Arty	Geesey	Mackowski	Scheaffer
Belardi	Geist	Madigan	Schweder
Beloff	George, M. H.	Maiale	Serafini
Berson	Gladeck	Manderino	Sieminski
Bittle	Goodman	Manmiller	Sirianni
Borski	Gray	Micozzie	Smith, E. H.
Bowser	Greenfield	Miller	Smith, L. E.
Brandt	Grieco	Moehlmann	Spencer
Burd	Gruppo	Mowery	Spitz
Burns	Hagarty	Nahill	Stairs
Cessar	Halverson	Noye	Swift
Cimini	Hasay	O'Brien, B. F.	Taddonio
Civera	Hayes, Jr., S.	O'Brien, D. M.	Taylor, E. Z.
Cohen	Honaman	Oliver	Telek
Cornell	Hutchinson, W.	Perzel	Thomas
Coslett	Johnson, E. G.	Peterson	Vroon
Cunningham	Johnson, J. J.	Petrarca	Wass
Davies	Jones	Phillips	Wenger
Dietz	Klingaman	Piccola	White
Dininni	Knepper	Pievsky	Wilson
Dombrowski	Kolter	Pitts	Wilt
Donatucci, R.	Kowalshyn	Polite	Wright, Jr., J.
Dorr	Lashinger	Pott	Yohn
Durham	Lehr	Pucciarelli	Zeller
Earley	Levi	Punt	Zitterman
Fischer	Levin	Pyles	Zord
Fisher	Lewis	Rappaport	
Foster, W. W.	Lynch, E. R.	Rasco	Seltzer,
Foster, Jr., A.	McClatchy	Rieger	Speaker
Freind	McIntyre		

NOT VOTING—20

Austin	Gannon	Mrkonic	Shupnik
Bennett	Giammarco	Mullen	Street
Clark, M. R.	Harper	Murphy	Wachob
Dumas	Itkin	Schmitt	Wargo
Gallagher	Lescovitz	Shadding	Zwikl

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. PERZEL. I present remarks for insertion in the Legislative Journal.

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

Mr. PERZEL presented the following remarks for the Legislative Journal:

In reference to SB 10, I would like it to be duly noted that I am in favor of increasing the truck weights from 73,000 pounds to 80,000 pounds because from all the information I have been able to gather, both the ports of New York and Baltimore accept canisters which contain 80,000 pounds. The port of Philadelphia has an undue restraint of 73,000, causing us to lose a lot of shipping trade to both New York and Baltimore.

I would like to voice my objections particularly for the increase of fees for certificate of title, which will increase from \$5 to \$15 and, also, the new fee to the Vehicle Code of \$25 for the reinstatement of a person's driver's license following a suspension or revocation.

I am also against the request for written information relative to registrations, titles and security interests on motor vehicles being changed from \$2.50 to \$5.

Mr. Speaker, if I could do what I would really like to do, I would only vote for the truck increase from 73,000 pounds to 80,000 because in my heart I believe the increased business to the port of Philadelphia will give not only more jobs to the dock workers but would also increase the amount of truck traffic in and out of Philadelphia, creating more jobs. Also, our rail system will be able to benefit from the additional increase in trade because of the increased weight.

Mr. Speaker, I thank you for giving me the opportunity to express my opinion on Senate Bill 10.

REMARKS ON VOTES

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

Mr. MURPHY. Mr. Speaker, my vote was not recorded on that. I would like to be recorded in the affirmative, to suspend the rules.

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

For what purpose does the gentleman from Allegheny, Mr. Itkin, rise?

Mr. ITKIN. I was in my chair, Mr. Speaker, if you believe it or not, and I was not recorded on the last vote to suspend the rules. I think we ought to have another vote on that.

On the question recurring,

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

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

YEAS—105

Alden	Gallen	McIntyre	Rodgers
Anderson	Gannon	McKelvey	Ryan
Armstrong	Geesey	Mackowski	Salvatore
Arty	Geist	Madigan	Scheaffer
Belardi	George, M. H.	Maiale	Schweder
Beloff	Giammarco	Manmiller	Serafini
Berson	Gladeck	Micozzie	Sieminski
Bittle	Goodman	Moehlmann	Sirianni
Bowser	Gray	Mowery	Smith, E. H.
Brandt	Greenfield	Nahill	Smith, L. E.
Burd	Grieco	Noye	Spencer
Burns	Gruppo	O'Brien, B. F.	Spitz
Cimini	Hagarty	O'Brien, D. M.	Taylor, E. Z.
Civera	Halverson	Peterson	Thomas
Cornell	Hasay	Petrarca	Vroon
Coslett	Hayes, Jr., S.	Phillips	Wass
Cunningham	Honaman	Piccola	Wenger
Davies	Hutchinson, W.	Pievsky	White
Dietz	Johnson, E. G.	Pitts	Wilt
Dininni	Johnson, J. J.	Polite	Yohn
Donatucci, R.	Jones	Pucciarelli	Zeller
Dorr	Klingaman	Punt	Zitterman
Durham	Lashingner	Pyles	Zord
Earley	Lehr	Rappaport	
Foster, W. W.	Lewis	Rhodes	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Rieger	Speaker
Freind	McClatchy	Rocks	

NAYS—85

Austin	Fryer	Levin	Schmitt
Barber	Gallagher	Livengood	Seventy
Borski	Gamble	McCall	Shupnik
Brown	Gatski	McVerry	Stairs
Caltagirone	George, C.	Manderino	Steighner
Cappabianca	Goebel	Michlovic	Stewart
Cessar	Grabowski	Milanovich	Street
Chess	Hoeffel	Miller	Stuban
Clark, B. D.	Hutchinson, A.	Mrkonic	Sweet
Clark, M. R.	Irvic	Mullen	Swift
Cochran	Itkin	Murphy	Taddonio
Cohen	Kanuck	Novak	Taylor, F.
Cole	Knepper	O'Donnell	Telek
Cowell	Knight	Oliver	Trello
DeMedio	Kolter	Pistella	Wachob
DeWeese	Kowalshyn	Pott	Wargo
Dawida	Kukovich	Pratt	Williams
Dombrowski	Laughlin	Rasco	Wilson
Duffy	Lescovitz	Reed	Wright, D. R.
Fee	Letterman	Richardson	Yahner
Fischer	Levi	Ritter	Zwikl

NOT VOTING—7

Bennett	Harper	Perzel	Wright, Jr., J.
Dumas	McMonagle	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, at this time I would like to move that the rules of the House be suspended to permit us to continue the business of the evening beyond 11 o'clock, which is the required hour for adjournment without suspension.

The SPEAKER. The majority leader, Mr. Ryan, moves that rule 15 be suspended in order that the House may continue after 11 p.m.

PARLIAMENTARY INQUIRY

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

Mr. MURPHY. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MURPHY. Since we voted on the last bill after 11 o'clock, is it therefore invalid?

The SPEAKER. The gentleman is in error.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—166

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

NAYS—21

Brown	Goebel	Murphy	Schmitt
Caltagirone	Knight	Novak	Stewart
Cohen	Kukovich	Pistella	Street
DeWeese	Laughlin	Richardson	Wachob
Dawida	McMonagle	Ritter	Williams
Fryer			

NOT VOTING—10

Chess	Letterman	Rhodes	Seventy
Dumas	Michlovic	Schweder	Shadding
Harper	Pratt		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **SB 1240, PN 1875**, entitled:

A Supplement to the act of (P. L. , No.), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt, and for the public schools for the fiscal period July 1, 1980 to June 30, 1981, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980," itemizing appropriations required from the Motor License Fund for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

On the question,

Will the House agree to the bill on third consideration?

Mr. McCLATCHY offered the following amendments:

Amend Sec. 1, page 2, line 1, by striking out "1979." and inserting 1980."

Amend Sec. 2, page 3, line 30, by inserting after "(1955

Amend Sec. 2, page 4, line 6, by inserting after "(1955

Amend Sec. 3, page 7, line 19, 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 Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I do not have a copy of the amendment. Would the gentleman at least explain what the amendment is?

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

Mr. McCLATCHY. Mr. Speaker, these are technical amendments that were missed by the Legislative Reference Bureau in the drafting of this bill. It amends section 1, page 2, line 1, for instance, by striking out "1979.", and inserting "1980." On page 3, line 30, by inserting after quotation mark, parenthesis, quotation mark, and then the date 1955. It is a citing of past acts. The same is true of the next line. The last line is a striking out of the number "3." and inserting a number "4." Again, it is mere corrections

that were omitted or printed wrong when the Legislative Reference Bureau produced this bill.

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

The following roll call was recorded:

YEAS—171

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

NAYS—16

Cohen	Goebel	Murphy	Seventy
DeWeese	Grabowski	Novak	Stewart
Dawida	Knight	Pratt	Street
George, C.	Kukovich	Richardson	Yahner

NOT VOTING—10

Bennett	Harper	Pucciarelli	Shadding
Dumas	Laughlin	Rappaport	Smith, E. H.
Giammarco	Pitts		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question,

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

Mr. O'DONNELL offered the following amendment:

Amend Sec. 2, page 2, line 30, by striking out all of said line and inserting
construction activities including but not limited to the design, right-of-way acquisition, and construction of Public Utility Commission ordered projects 71,300,000

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

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

Mr. O'DONNELL. Mr. Speaker, although this amendment has a number after it, that number is already in the bill. This has no financial effect whatsoever. The purpose of the language of this amendment is to clarify for the Secretary of Transportation that he indeed does have the power to go ahead with certain repairs which have been ordered by the PUC - Public Utility Commission - on certain critical bridges in the Commonwealth. The secretary is apparently in the position of getting two contrary sets of legal advice. One says that he has to comply with the Public Utility Commission orders concerning bridges and to make repairs, especially on bridges that are critical. He is also getting legal advice to the effect that he cannot go ahead with repairs unless a capital budget bill is passed and those items are put in line by line. Now, he is in a difficult position of getting contrary orders from his attorney and from the PUC. To clarify that and to put the secretary in a position where the legislature has clearly indicated to him that he does have the legal capacity to go ahead and make the repairs on bridges as ordered by the PUC, that is the purpose of this amendment; that is all the language does. It does not change any appropriations.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the amendment.

The SPEAKER. Does the gentleman, Mr. Laughlin, wish to be recognized on the amendment?

Mr. LAUGHLIN. No, Mr. Speaker, I merely wanted to be recorded on the McClatchy amendment. I will address that when the vote is taken.

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

Mr. GLADECK. Yes, will the gentleman, Mr. O'Donnell, stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. Mr. Gladeck may proceed.

Mr. GLADECK. Could you tell me, Mr. Speaker, if that \$71 million goes for PUC order projects after January 1 of this year? In other words, if there was a PUC order project that was ordered after January 1, would that be included into that?

Mr. O'DONNELL. Any PUC ordered project, I believe, would be included.

Mr. GLADECK. It would be included?
 Mr. O'DONNELL. Yes.
 Mr. GLADECK. Okay; thank you very much.
 The SPEAKER. The Chair recognizes the majority leader.
 Mr. RYAN. Will the gentleman consent to interrogation?
 The SPEAKER. The gentleman, Mr. O'Donnell, indicates that he will. Mr. Ryan may proceed.
 Mr. RYAN. Mr. Speaker, would the gentleman advise me what happens if the PUC orders work to be done that would cost more money than is available in our budget or changes any of our budget line items?

Mr. O'DONNELL. Mr. Speaker, it is difficult to respond to the hypothetical question because I do not believe that that has anything to do with the situation at hand. The issue is not whether or not the money is there; the issue merely is whether or not the secretary has the legal power to go ahead. If the money is there or not there, it will be treated in an appropriation. However they prorate it over work that needs to be done, and it will be prorated in that same fashion. The question is whether or not the secretary has the authority to make the repairs. There is no attempt to give a priority to PUC-ordered work. It is merely to establish that he has the legal authority to do so. There is no priority language there at all.

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

The following roll call was recorded:

YEAS—96

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

NAYS—99

Alden	Foster, Jr., A.	McKelvey	Scheaffer
Anderson	Freind	McVerry	Serafini
Armstrong	Gallen	Mackowski	Sieminski
Arty	Gannon	Madigan	Sirjanni
Belardi	Geesey	Manmiller	Smith, E. H.
Bittle	Geist	Micozzie	Smith, L. E.
Bowser	Gladeck	Miller	Spencer
Brandt	Grieco	Mochlmann	Spitz
Burd	Gruppo	Mowery	Stairs
Burns	Hagarty	Nahill	Swift
Cessar	Halverson	Noye	Taddonio

Cimini	Hasay	O'Brien, D. M.	Taylor, E. Z.
Civera	Hayes, Jr., S.	Perzel	Telek
Clark, M. R.	Honaman	Peterson	Thomas
Cornell	Hutchinson, W.	Phillips	Vroon
Coslett	Johnson, E. G.	Piccola	Wass
Cunningham	Kanuck	Pitts	Wenger
Davies	Klingaman	Polite	Wilson
Dietz	Knepper	Pott	Wilt
Dininni	Lashingier	Punt	Wright, Jr., J.
Dorr	Lehr	Pyles	Yohn
Durham	Levi	Rasco	Zord
Earley	Lewis	Rocks	
Fischer	Lynch, E. R.	Ryan	Seltzer,
Fisher	McClatchy	Salvatore	Speaker
Foster, W. W.			

NOT VOTING—2

Harper Shadding

EXCUSED—5

DeVerter Hayes, D. S. Helfrick Weidner
 DiCarlo

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

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

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

CONSTITUTIONAL POINT OF ORDER

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

Mr. RITTER. Mr. Speaker, I raise the question of constitutionality of this bill. When this bill came from the Senate, it was a nonpreferred appropriation for the Armstrong County—

The SPEAKER. Will the gentleman yield? The Chair will put the question. Then the Chair will recognize the gentleman.

The gentleman from Lehigh, Mr. Ritter, raises the constitutionality of SB 1240. Those who believe it is constitutional will vote "aye"; those who believe it is unconstitutional will vote "no."

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

Mr. RITTER. Mr. Speaker, when this bill came from the Senate, it was a nonpreferred appropriation for fiscal year 1979 and 1980, and it was an appropriation to the Association for the Blind of Armstrong and Indiana Counties, a nonpreferred appropriation for fiscal year 1979 and 1980, and it has now been changed to a general appropriation bill for fiscal year 1980 and 1981. Article III, section 1, of the Constitution says that no law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Mr. Speaker, the original purpose of this bill has been changed, and I therefore say that the bill is unconstitutional and would ask for a vote to sustain that.

REMARKS ON VOTE

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

Mr. McMONAGLE. Mr. Speaker, on the Conference Committee Report on SB 10, I was recorded as not being present. I was in my seat and I would have voted in the negative.

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

On the question,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—116

Alden	Freind	McIntyre	Scheaffer
Anderson	Gallen	McKelvey	Serafini
Armstrong	Gannon	McVerry	Shupnik
Arty	Geesey	Mackowski	Sieminski
Belardi	Geist	Madigan	Sirianni
Beloff	Gladeck	Maiale	Smith, E. H.
Bittle	Goebel	Manmiller	Smith, L. E.
Borski	Grabowski	Micozzie	Spencer
Bowser	Gray	Miller	Spitz
Brandt	Greenfield	Moehlmann	Stairs
Burd	Grieco	Mowery	Street
Burns	Gruppo	Nahill	Swift
Cessar	Hagarty	Noye	Taddonio
Cimini	Halverson	O'Brien, B. F.	Taylor, E. Z.
Civera	Hasay	Oliver	Telek
Clark, M. R.	Hayes, Jr., S.	Peterson	Thomas
Cornell	Honaman	Phillips	Vroon
Coslett	Hutchinson, W.	Piccola	Wass
Cunningham	Johnson, E. G.	Pievsky	Wenger
DeMedio	Kanuck	Pitts	White
Davies	Klingaman	Polite	Wilson
Dietz	Knepper	Punt	Wilt
Dininni	Kowalyszyn	Pyles	Wright, Jr., J.
Donatucci, R.	Lashingier	Rappaport	Yohn
Dorr	Lehr	Rasco	Zeller
Durham	Levi	Rieger	Zord
Earley	Lewis	Rocks	
Fisher	Lynch, E. R.	Ryan	Seltzer,
Foster, W. W.	McCall	Salvatore	Speaker
Foster, Jr., A.	McClatchy		

NAYS—72

Austin	Fryer	Letterman	Richardson
Barber	Gallagher	Levin	Ritter
Berson	Gamble	Livengood	Rodgers
Brown	Gatski	McMonagle	Schmitt
Caltagirone	George, C.	Manderino	Schweder
Cappabianca	George, M. H.	Michlovic	Seventy
Chess	Goodman	Milanovich	Steighner
Clark, B. D.	Hoeffel	Mrkonic	Stewart
Cochran	Hutchinson, A.	Mullen	Stuban
Cohen	Irvis	Murphy	Taylor, F.
Cole	Itkin	Novak	Trello
Cowell	Johnson, J. J.	O'Donnell	Wachob
DeWeese	Jones	Petrarca	Wargo
Dawida	Knight	Pistella	Williams
Dombrowski	Kolter	Pott	Wright, D. R.
Duffy	Kukovich	Pratt	Yahner
Fee	Laughlin	Pucciarelli	Zitterman
Fischer	Lescovitz	Reed	Zwilk

NOT VOTING—9

Bennett	Harper	Perzel	Shadding
Dumas	O'Brien, D. M.	Rhodes	Sweet
Giammarco			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, this bill, as I read it now, relates to the general appropriation bill for 1980 and 1981. My parliamentary inquiry is: Is this bill now available for further amendments to the general appropriation bill for this coming fiscal year?

The SPEAKER. In response to the parliamentary inquiry by the gentleman from Lehigh, Mr. Ritter—and the Chair will phrase the inquiry as he understood it to be—the question being: Is SB 1240 a viable vehicle to offer amendments to the general appropriation bill of 1980-81? Was that the question?

Mr. RITTER. That is correct, Mr. Speaker.

The SPEAKER. The Chair's ruling is it is.

Mr. RITTER. Mr. Speaker?

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

Mr. RITTER. Mr. Speaker, if this is available for amendments as the general appropriation bill for this coming fiscal year, I would ask then, as a matter of courtesy, that this bill be held so that those members who have amendments or want to have amendments prepared will have an opportunity to do so. We are talking about the spending of billions of dollars of taxpayers' money for next year. I think the members are entitled to offer those amendments. I am sure that some are being prepared or have been prepared, and I think as a matter of courtesy—and we have done that before—that this bill be held and tabled until those amendments could be prepared.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. The bill has been called up; the bill has been caucused upon; there are no members prepared; there are not even amendments ordered. I would disagree. I respectfully suggest to the Chair and to the House that we get on with the business of what is before us, which is SB 1240 on final passage.

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

Mr. RITTER. Mr. Speaker, this bill was never explained to us that it was available for amendments. It was never told to us that we could consider this to be a general appro-

priation bill for the 1980-81 fiscal year, not until this very minute. So, Mr. Speaker, the fact that it might have been caucused on, the fact that it was called up, the fact that it was on the calendar for 4 days, does not really make that much difference, because no one, I am sure, was aware that this vehicle was here. Now that they know it and all of us know it, I think that the democratic process requires that we have an opportunity to have some input into what the spending program is going to be for this Commonwealth. If we put it in a Senate bill, it will go back to them for concurrence.

The SPEAKER. The Chair would suggest that the gentleman from Lehigh, Mr. Ritter, move that SB 1240 be passed over. Does the gentleman care to make such a motion?

MOTION TO PASS OVER SB 1240

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

Mr. RITTER. Mr. Speaker, I move that SB 1240 be passed over.

The SPEAKER. It is moved by the gentleman from Lehigh, Mr. Ritter, that SB 1240 be passed over.

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

The following roll call was recorded:

YEAS—67

Austin	Fryer	McCall	Schweder
Barber	Gamble	McMonagle	Seventy
Beloff	Gatski	Milanovich	Shupnik
Brown	George, C.	Mrkonic	Steighner
Caltagirone	George, M. H.	Mullen	Stewart
Cappabianca	Hoeffel	Murphy	Street
Chess	Hutchinson, A.	Novak	Stuban
Clark, B. D.	Irvis	O'Donnell	Taylor, F.
Cochran	Itkin	Petrarca	Trello
Cohen	Knight	Pistella	Wachob
Cowell	Kolter	Pratt	Wargo
Cunningham	Kowalyszyn	Pucciarelli	Williams
DeMedio	Kukovich	Reed	Wright, D. R.
DeWeese	Laughlin	Richardson	Yahner
Dawida	Lescovitz	Ritter	Zeller
Duffy	Letterman	Rodgers	Zwinkl
Fee	Livengood	Schmitt	

NAYS—119

Alden	Gallen	McKelvey	Rieger
Anderson	Gannon	McVerry	Rocks
Armstrong	Geesey	Mackowski	Ryan
Arty	Geist	Madigan	Salvatore
Belardi	Gladeck	Maiale	Scheaffer
Berson	Goebel	Manderino	Serafini
Bittle	Goodman	Manmiller	Sieminski
Bowser	Grabowski	Michlovic	Smith, E. H.
Brandt	Grieco	Micozzie	Smith, L. E.
Burns	Gruppo	Miller	Spencer
Cessar	Hagarty	Moehlmann	Spitz
Cimini	Halverson	Mowery	Stairs
Civera	Hasay	Nahill	Swift
Clark, M. R.	Hayes, Jr., S.	Noye	Taddonio
Cole	Honaman	O'Brien, B. F.	Taylor, E. Z.
Cornell	Hutchinson, W.	O'Brien, D. M.	Telek
Coslett	Johnson, E. G.	Oliver	Thomas
Davies	Johnson, J. J.	Perzel	Vroon
Dietz	Jones	Peterson	Wass
Dininni	Kanuck	Phillips	Wenger

Dombrowski	Klingaman	Piccola	White
Donatucci, R.	Knepper	Pievsky	Wilson
Dorr	Lashinger	Pitts	Wilt
Durham	Lehr	Polite	Wright, Jr., J.
Earley	Levi	Pott	Yohn
Fischer	Levin	Punt	Zitterman
Fisher	Lewis	Pyles	Zord
Foster, W. W.	Lynch, E. R.	Rappaport	
Foster, Jr., A.	McClatchy	Rasco	Seltzer,
Freind	McIntyre	Rhodes	Speaker
Gallagher			

NOT VOTING—11

Bennett	Dumas	Greenfield	Sirianni
Borski	Giammarco	Harper	Sweet
Burd	Gray	Shadding	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

YEAS—165

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

NAYS—29

Bennett	Fischer	Kowalyszyn	Stewart
Brown	Fryer	Kukovich	Street
Caltagirone	Gatski	Laughlin	Stuban
Cappabianca	George, C.	Letterman	Taylor, F.
Chess	Grabowski	O'Donnell	Wachob
Cochran	Hoeffel	Richardson	Williams
Cohen	Kolter	Schmitt	Yahner
DeWeese			

NOT VOTING—3

Dumas	Harper	Shadding
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EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **SB 881, PN 1650**, entitled:

An Act amending the act of January 22, 1968 (1967 P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Assistance Law of 1967," adding and further providing for definitions and program authorizations, making an editorial change, further providing for project grants, further providing for intergovernmental cooperation, providing for State subsidies, authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, empowering each authority to function outside of the metropolitan area under certain terms and conditions, imposing a requirement to submit a reorganization plan, providing sanctions for failure to submit a reorganization plan and making appropriations, and making certain transfers and repeals.

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

Amend Sec. 3 (Sec. 204), page 25, line 20, by removing the period after "DEFICIT" and inserting: Provided, however, That if amount of moneys actually appropriated by the General Assembly is greater or lesser than the lump sum appropriation request, the individual calculated grants shall be

prorated among all recipients in accordance with the provisions of this article using a ratio determined by applying the actual lump sum appropriation to the lump sum appropriation request.

Amend Sec. 3 (Sec. 204), page 28, lines 17 through 23, by striking out "IF AMOUNT OF MONEYS ACTUALLY" in line 17 and all of lines 18 through 23

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

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

Mr. PITTS. This is an agreed-to amendment. It merely takes one section of the bill and inserts it in another section of the bill to clarify that, in the matter of predictable funding and use of the formula, if amounts of moneys actually appropriated by the General Assembly is greater or lesser than the lump sum appropriation request, the individual calculated grants shall be prorated among all recipients in accordance with the provisions of this article, using the ratio determined by applying the actual lump sum appropriations to the lump sum appropriation request, in accordance with the needs driven formula. I urge adoption of the amendment.

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

The following roll call was recorded:

YEAS—188

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

Duffy	Laughlin	Pyles	Zeller
Durham	Lehr	Rappaport	Zitterman
Earley	Lescovitz	Rasco	Zwikl
Fee	Letterman	Reed	
Fischer	Levi	Richardson	Seltzer,
Fisher	Levin	Rieger	Speaker
Foster, W. W.	Lewis		

NAYS—1

Williams

NOT VOTING—8

Dumas	Johnson, J. J.	Rhodes	Sirianni
Harper	Miller	Shadding	Zord

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question,

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

Mr. PITTS offered the following amendments:

Amend Sec. 3 (Sec. 403), page 87, line 19, by striking out "PRIOR TO JUNE 30, 1980." and inserting within ninety days of the date of final enactment of this section.

Amend Sec. 3 (Sec. 403), page 88, line 1, by inserting after "SHALL" continue to

Amend Sec. 3 (Sec. 403), page 88, line 2, by inserting a period after "FUNDS"

Amend Sec. 3 (Sec. 403), page 88, lines 2 and 3, by striking out "FOR FISCAL YEAR 1980-1981."

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, this amendment, I believe, is agreed to also. It merely adds a 90-day provision from the date of final enactment of this bill to provide time for the member governments to come back with their recommendation for board reorganization. It is not our intent to withhold any funds from SEPTA - Southeastern Pennsylvania Transportation Authority - during that 90 days. We merely state that they must come back as member governments with a recommendation to the General Assembly as far as board reorganization within 90 days. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Alden	Freind	McCall	Rodgers
Anderson	Fryer	McClatchy	Ryan
Armstrong	Gallagher	McIntyre	Salvatore
Arty	Gallen	McKelvey	Scheaffer
Austin	Gamble	McMonagle	Schmitt
Barber	Gannon	McVerry	Schweder
Belardi	Gatski	Mackowski	Serafini
Beloff	Geesey	Madigan	Seventy
Bennett	Geist	Maiale	Shupnik
Berson	George, C.	Manderino	Sieminski
Bittle	George, M. H.	Manmiller	Sirianni

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

NAYS—0

NOT VOTING—5

Dumas	Johnson, J. J.	Rhodes	Shadding
Harper			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

Messrs. MANDERINO, PITTS, DeMEDIO, LETTERMAN, FRYER, DIETZ, E. R. LYNCH, E. H. SMITH, PETRARCA, GRUPPO, SIEMINSKI, WASS, ZELLER, STUBAN, COLE, DAVIES, A. K. HUTCHINSON, D. R. WRIGHT, FEE, McCALL, KOLTER, PRATT, TAYLOR, SWIFT, CIMINI, GRIECO, E. G. JOHNSON and Mrs. CLARK offered the following amendments:

Amend Sec. 3 (Sec. 202), page 15, by inserting between lines 12 and 13 "County transportation system" shall mean and include buses, vans or other transit vehicles purchased, maintained and operated by any county and used to provide free or reduced rate transportation within the county to persons sixty-five years of age or older.

Amend Sec. 3 (Sec. 202), page 16, line 17, by striking out "TRANSPORTATION SERVICE" and inserting , contract for the rendering,

Amend Sec. 3 (Sec. 203), page 24, lines 6 through 30; page 25, lines 1 through 6, by striking out all of said lines on said pages and inserting

(5) To make grants from the State Lottery Fund to transportation companies, county transportation systems and local transportation organizations to pay estimated transit losses resulting from providing:

(i) Free service or local common carrier mass transportation systems to persons sixty-five years or older when such passage is on fixed route public transportation services during nonpeak riding hours and on holidays and weekends. The losses resulting from granting service on mass transportation systems shall be reimbursable at seventy-five percent of such system's average fare multiplied by the number of trips made by senior citizens participating in such free transit program. Transit systems that currently receive a program reimbursement based upon a percentage of average fare greater than seventy-five percent shall receive their current amount of senior citizen program reimbursement until such time as the amount of reimbursement for these systems equals seventy-five percent of the average fare times the number of senior citizens trips: Provided, however, That reimbursement for the fiscal year 1980-1981 shall be calculated using the average fares as of January 1, 1980.

(ii) Free or reduced fare on shared ride county transportation systems for persons sixty-five years or older:

(A) In case of free service on such county systems, the county shall be reimbursed at seventy-five percent of the cost incurred or to be incurred in operating and maintaining such system, with the remainder of any such cost being paid by the county.

(B) In case of reduced fare services on such county systems, the county shall be reimbursed at the same rate and under the same conditions as provided in subparagraph (iii).

(iii) Reduced fare services on local common carrier mass transportation systems to persons sixty-five years of age or older when such passage is on shared ride public or contract transportation services during regular hours of operation. On shared public transportation, losses are reimbursable only if the elderly person pays 25¢ or twenty-five percent of the cost of the individual fare, whichever is greater.

(iv) In no case shall the reimbursements for each succeeding year exceed the prior year's reimbursements increased by a percentage equal to the percentage increase in granting costs for all local transportation organizations, county transportation systems and transportation companies for the most recently completed State fiscal year as compared to the fiscal year immediately preceding such year.

(v) The department shall promulgate such rules and regulations as are necessary to carry out the purposes of this subparagraph. In accordance with section 2203-A(27) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," no such regulation shall take effect until they are submitted to the Department of Aging for comment.

Amend Bill, page 88, by inserting between lines 26 and 27

Section 406. Demand Response Entitlement Grants.—

(a) Except for grants made for reduced fare service on local common carrier transportation systems in counties of the first and second class, the grants authorized under Article II, section 203(5)(ii) and (iii) shall be suspended for the fiscal years 1980-1981 and 1981-1982. In lieu of payment of such grants authorized under subparagraphs (ii) and (iii), the grants for such fiscal years shall be made directly to counties in such amount and for such purposes as is hereinafter provided:

(1) For the fiscal years 1980-1981 and 1981-1982 only, grants from the State Lottery Fund shall be made directly to all counties, except counties of the first and second class. The total amount to be granted by the department for each fiscal

year shall be computed by multiplying the following dollar amount fixed for a person sixty-five years of age or older by the total number of all such elderly persons residing in all counties other than in counties of the first and second class; for the fiscal year 1980-1981, the dollar amount of the multiplier shall be \$9.50 per elderly person; and for the fiscal year 1981-1982, the dollar amount of the multiplier shall be \$4.75 per elderly person. Each county entitled to receive a grant under this paragraph shall have five years from the effective date of this act to apply for and receive such grant.

(2) The department, after determining the total dollar amount of the grant for each fiscal year, shall then apportion each such fiscal year amount by a fraction for each county, the numerator of which shall be the total number of persons sixty-five years of age or older residing within a particular county other than counties of the first and second class, and the denominator of which is the total number of persons sixty-five years of age or older residing in all of the counties other than counties of the first and second class. The amount thus apportioned for each county shall then be the grant entitlement for said county for each of said fiscal years, except that no county, by virtue of application of its apportionment fraction, shall receive less than a minimum of \$25,000 or a maximum of \$400,000 in the fiscal year 1980-1981 or less than a minimum of \$12,500 or a maximum of \$200,000 for the fiscal year 1981-1982. To aid the department in computing apportionment fractions, it shall be the duty of the Secretary of Aging to furnish to the department the latest statistical data then available on persons sixty-five years of age or older residing in such counties.

(3) Counties other than counties of the first and second class may obtain their share of the fiscal year grants by filing for each fiscal year with the department an application on a form prescribed by it. The department shall require with such application a transportation plan plus such other information as the department may require to establish to the satisfaction of the department that the county plans to provide an integrated transportation system on a free or reduced rate basis for those persons sixty-five years of age or older residing in such county. The grants made by the department shall be utilized by the county as follows:

(i) In counties where local mass transportation systems which provide shared ride public services now operate or where transportation services are established under the provisions of this section, losses resulting from providing such services shall be reimbursed from the counties' allocation using the reimbursement criteria outlined in Article II, section 203(5); and

(ii) Expenditures incurred or to be incurred in the planning, developing and establishing of local transportation systems in a county for persons sixty-five years or older; or

(iii) Expenditures incurred or to be incurred for the expansion or extension of now existing local mass transportation systems within a county for the purpose of providing transportation services for the elderly in those geographical areas of the county which are not serviced at all or are inadequately serviced by such system; or

(iv) Expenditures incurred or to be incurred by the county for the planning, developing and establishing of a county transportation system and for the purchase ownership, operation and maintenance of buses, vans or other passenger-type vehicles used for transporting within the county persons sixty-five years of age or older; or

(v) The grants made to counties for categories (ii), (iii) and (iv) may be used as matching funds to obtain State or Federal aid for the establishing, expanding or acquiring transportation systems in order to provide transportation for the elderly.

(b) The department shall have the authority to promulgate such rules and regulations as may be necessary to implement

the purposes of this section. These rules and regulations shall include provisions to prevent the duplication of existing transportation services. Such regulations, in accordance with the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," shall not take effect until the same are submitted to the Department of Aging for comment.

(c) Upon the termination of the fiscal year 1981-1982, no further grants shall be made directly to the counties under this paragraph: Provided, however, That no county receiving a fiscal year grant under this paragraph shall forfeit such grant or be denied subsequent fiscal year grants solely on the basis that the county has failed within either the fiscal year 1980-1981 or 1981-1982 to fully and completely implement its transit system for the elderly, it being the intent of the General Assembly to provide each county five years from the effective date of this act in which to phase in and make operational some type of transit system for the elderly. In the event that any county fails within such five years to provide some type of an operational transit system for the elderly, any unspent and unencumbered grant moneys made to the counties for the fiscal years 1980-1981 or 1981-1982 shall be returned through the Department of Transportation for deposit in the State Lottery Fund for use in the grant program provided in section 203(5) or for other senior citizens programs.

Amend Sec. 3 (Sec. 406), page 88, line 27, by striking out "406" and inserting 407

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment offered here is an amendment that will allow counties to begin in the rural areas to provide a rural transportation system for senior citizens and others within the county. The amendment that had been circulated previously by myself and the amendment that Mr. Pitts had circulated have been to an extent integrated into an amendment which is before us now.

This amendment gives each county the opportunity to set up a system with an entitlement that is given to each county based on the number of senior citizens in the county. In the first year, the entitlement runs \$9.50 per senior citizen and the second year it is half that amount. That amount of money can be used to match Federal funds, can be used to match local funds, and the plan does not necessarily require that. The amount of money sent back to the counties must be used by them in a proposal plan to the Department of Transportation within 5 years from the enactment and effective day of this act. It can be taken down by the counties within the first 2 years. It can be taken down after planning, which may take the first year, but there is a 5-year time in which it can come down. The Pitts amendment provided for nonduplication of services of this same nature in any given area. It provided for a guarantee that the existing reimbursement for these kinds of reduced fare systems would be guaranteed to those agencies now providing such service.

There was also integrated from the Pitts amendment the requirement that the Department of Transportation write rules and regulations that would insure an integration of transportation services that might be set up by the county commissioners with present and existing services.

Mr. Speaker, I know how interested members at this hour are in this program, and that is the reason I thought I would outline it for you. In any event, Mr. Speaker, I urge the adoption of the amendment since many members on both sides of the aisle had cosponsored both the Manderino amendment and the Pitts amendment.

The Chair has indicated that a first copy of this amendment will sit on the table over here for any of the members who might want to join in sponsorship again to the coordinated amendment. Thank you, Mr. Speaker.

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

Mr. PITTS. This is the compromised amendment for rural transportation. In addition to what Mr. Manderino described, the bill also establishes a cap for reimbursement for senior citizens' free rides at 75 percent of average fare plus a percentage increase over the previous year's expenditures and an inflationary increase similar to the one for operational funding.

I urge adoption of the amendment. Those in rural areas who would like credit for sponsoring rural transportation, this is the amendment that you will want to sign up here in front. Thank you, Mr. Speaker.

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

Mr. WHITE. I, too, rise in support of the Manderino-Pitts amendment. We think that it is an appropriate vehicle for solution to the rural transportation problem as it relates to senior citizens. And to my friend, particularly Mr. Hefty Fryer, I want him to know that Philadelphia, too, is very much concerned about what happens to our country friends. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

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

NAYS—3

Geesey	Geist	Grabowski
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NOT VOTING—4

Dumas	Harper	Rhodes	Shadding
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EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

Mr. O'DONNELL offered the following amendments:

Amend Sec. 3 (Sec. 304), page 45, line 25 by inserting after "HEARINGS.—" (a)

Amend Sec. 3 (Sec. 304), page 46, by inserting between lines 7 and 8 (b) Whenever a decrease in service is proposed a public hearing shall be conducted in accordance with this section in the area affected by the proposed decrease in service.

On the question,

Will the House agree to the amendments?

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

Mr. O'DONNELL. This amendment is very short. It was distributed some time ago, so just to call it back to your mind, there is a provision in the bill that requires public hearings under certain circumstances. The purpose of this amendment and the language of the amendment says that the public hearing shall be held in the area affected when there is a decrease in service as opposed to having the hearings downtown somewhere that the folks really cannot get to.

For the purposes of the record, I just want to make clear that seasonal adjustments in routing or emergency adjustments in the level of service are not anticipated to be covered by this at all.

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

Mr. PITTS. Mr. Speaker, if it is the sponsor's intent that the emergency conditions requiring deviations for periods of

90 days or less are accepted from this, I will support the amendment. Is that the sponsor's intention?

Mr. O'DONNELL. Yes, it is, Mr. Speaker.

Mr. PITTS. Let the record show that that is the intent of the sponsor. I support the amendment.

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

Mr. WHITE. I, too, rise in support of the amendment. It speaks to a particular problem that we have had with the Mass Transit Authority in the southeastern region with regards to reduction in services in various neighborhoods. We think that by affording the public the appropriate opportunity to voice their favor or their objections to any proposed reduction in service by SEPTA is a good step in the right direction, and we support the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

NAYS—0

NOT VOTING—14

Austin	Geesey	Rhodes	Telek
Clark, M. R.	Goodman	Shadding	
Dietz	Harper	Street	Seltzer,
Dumas	Johnson, E. G.	Swift	Speaker

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

Mr. O'DONNELL offered the following amendment:

Amend Sec. 3 (Sec. 329), page 71, line 22 by inserting after "OF" age, sex,

On the question,

Will the House agree to the amendment?

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

Mr. O'DONNELL. This amendment extends the anti-discrimination provisions of the statute to prohibit discrimination in hiring on the basis of age and sex as well as the other standards contained in the bill.

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

Mr. PITTS. Mr. Speaker, I support the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

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

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

NAYS—2

Geesey	Street
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NOT VOTING—9

Austin	Greenfield	Hutchinson, A.	Shadding
Dumas	Harper	Rhodes	Telek
Gray			

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

REMARKS ON VOTES

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

Mr. DIETZ. Mr. Speaker, I was temporarily out of my seat when the vote was taken on A6584 to SB 881. Had I been in my seat, I would have voted in the affirmative.

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

The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, I, too, was out of my seat. I would like to be voted in the affirmative on the amendment 6584 to SB 881. Thank you.

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

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

Mr. PERZEL. Mr. Speaker, in looking at the computer printout on SB 10, I noticed that I am not recorded as voting. I would like to be recorded in the affirmative.

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

CONSIDERATION OF SB 881 CONTINUED

On the question recurring,

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

Mr. ITKIN offered the following amendment:

Amend Sec. 3 (Sec. 203), page 24, line 23, by inserting after "PERCENT." Any funding which exceeds the amount of reimbursable losses as supplied by the State lottery during the 1980-1981 fiscal year shall in subsequent fiscal years be supplied by the General Fund.

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

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

Mr. ITKIN. Mr. Speaker, as the House is probably aware, SB 881 is going to take a substantial amount of additional funds out of the lottery not only for this year, this forthcoming year, but for every future year as these programs get developed. The amendment I am offering to the bill would allow whatever is taken out of the lottery fund this year to be continually taken out of the lottery fund, but that as the cost of SB 881 increases and its effect on the lottery fund would become greater, that we would take any additional moneys over and above the projected cost of SB 881 from the lottery fund this year out of the general fund in subsequent years. In this way we can assure that we will start to provide these services to senior citizens, at the same time without concern that in future years as the cost of SB 881 increases, we will not deplete the lottery fund. I think it is very, very important that we preserve the integrity of the fund so that we can provide the funds for other useful purposes for senior citizens.

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

Mr. RAPPAPORT. Mr. Speaker, I would urge the defeat of this amendment. I think the whole subject of the amount of money in the lottery fund has to be addressed as an issue by itself. This amendment speaks to future years. I would suggest that we worry about that when the time comes. The lottery may pick up, new games may be introduced, there may be a lot of money in that fund in years to come, and I am sure that we can face that issue when the time comes. Therefore, I urge the defeat of this amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—37

Austin	Goebel	Micozzie	Shupnik
Brown	Grabowski	Mrkonic	Spitz
Caltagirone	Hutchinson, A.	Murphy	Steighner
Chess	Irvis	Novak	Street
Cowell	Itkin	Pistella	Sweet
DeMedio	Knight	Pratt	Swift
Dawida	Kukovich	Rhodes	Trello
Duffy	McVerry	Schmitt	Wachob
Fee	Michlovic	Seventy	Wargo
Gamble			

NAYS—154

Alden	Fryer	Livengood	Ritter
Anderson	Gallagher	Lynch, E. R.	Rocks
Armstrong	Gallen	McCall	Rodgers
Arty	Gannon	McClatchy	Ryan
Barber	Gatski	McIntyre	Salvatore
Belardi	Geesey	McKelvey	Scheaffer
Beloff	Geist	McMonagle	Schweder
Berson	George, C.	Mackowski	Serafini
Bittle	George, M. H.	Madigan	Sieminski
Borski	Giammarco	Maiale	Sirianni
Bowser	Gladeck	Manderino	Smith, E. H.
Brandt	Goodman	Manmiller	Smith, L. E.
Burd	Gray	Milanovich	Spencer

Burns	Greenfield	Miller	Stairs
Cappabianca	Grieco	Moehlmann	Stewart
Cessar	Gruppo	Mowery	Stuban
Cimini	Hagarty	Mullen	Taddonio
Civera	Halverson	Nahill	Taylor, E. Z.
Clark, M. R.	Hasay	Noye	Taylor, F.
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cohen	Hoeffel	O'Brien, D. M.	Thomas
Cole	Honaman	O'Donnell	Vroon
Cornell	Hutchinson, W.	Perzel	Wass
Coslett	Johnson, E. G.	Peterson	Wenger
Cunningham	Johnson, J. J.	Petrarca	White
DeWeese	Jones	Phillips	Williams
Davies	Kanuck	Piccola	Wilson
Dietz	Klingaman	Pievsky	Wilt
Dininni	Knepper	Pitts	Wright, D. R.
Dombrowski	Kolter	Polite	Wright, Jr., J.
Donatucci, R.	Kowalshyn	Pott	Yahner
Dorr	Lashinger	Pucciarelli	Yohn
Durham	Laughlin	Punt	Zeller
Earley	Lehr	Pyles	Zitterman
Fischer	Lescovitz	Rappaport	Zord
Fisher	Letterman	Rasco	Zwinkl
Foster, W. W.	Levi	Reed	
Foster, Jr., A.	Levin	Richardson	Seltzer,
Freind	Lewis	Rieger	Speaker

NOT VOTING—6

Bennett	Dumas	Oliver	Shadding
Clark, B. D.	Harper		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

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

Cohen	Hutchinson, W.	Oliver	Trello
Cole	Irvis	Perzel	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Johnson, E. G.	Phillips	Wargo
Cowell	Johnson, J. J.	Piccola	Wass
Cunningham	Jones	Pievsky	Wenger
DeMedio	Kanuck	Pistella	White
DeWeese	Knepper	Pitts	Williams
Davies	Knight	Polite	Wilson
Dawida	Kolter	Pott	Wilt
Dietz	Kowalshyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Lashinger	Punt	Yahner
Dorr	Laughlin	Pyles	Yohn
Duffy	Lehr	Rappaport	Zeller
Durham	Lescovitz	Rasco	Zitterman
Earley	Letterman	Reed	Zord
Fee	Levin	Rhodes	Zwinkl
Fisher	Lewis	Richardson	
Foster, W. W.	Livengood	Rieger	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Ritter	Speaker

NAYS—12

Chess	Geesey	Levi	Smith, L. E.
Dininni	Grabowski	Mowery	Street
Fischer	Klingaman	Peterson	Swift

NOT VOTING—3

Dumas	Harper	Shadding	
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EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

* * *

The House proceeded to third consideration of **HB 2254**, **PN 2929**, entitled:

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), adding definitions, authorizing grants to provide free and reduced fare local transportation for persons sixty-five years of age or older and making an appropriation.

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

The **SPEAKER**. The Chair recognizes the gentleman from Chester, Mr. Pitts, who offers the following amendment.

Mr. **PITTS**. Mr. Speaker, Mr. Manderino has the amendment. It is identical to the one adopted.

The **SPEAKER**. The Chair recognizes the minority whip, Mr. Manderino, who offers the following amendment, which will be read by the clerk.

Mr. **PITTS**. Mr. Speaker, I would suggest that— There was a reconsideration motion on my amendment that was inserted in HB 2254, and we are going to have to withdraw that in order to put the compromise amendment in.

Mr. **MANDERINO**. Mr. Speaker, recall that I have a reconsideration motion filed which should be taken up at this time.

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 2254

The **SPEAKER**. The Chair recognizes the minority whip. Mr. **MANDERINO**. Mr. Speaker, I move that the vote by which the Pitts amendment No. 6397 to HB 2254, which passed on the 20th day of May, be reconsidered.

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

Mr. **IRVIS**. I second the motion.

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

The following roll call was recorded:

YEAS—191

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

NAYS—1

Fisher

NOT VOTING—5

Armstrong
Dumas

Harper

Hutchinson, W. Shadding

EXCUSED—5

DeVerter
DiCarlo

Hayes, D. S.

Helfrick

Weidner

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

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

AMENDMENTS WITHDRAWN

The SPEAKER. Does the gentleman, Mr. Pitts, now wish to withdraw the amendment?

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the information of the House, the gentleman, Mr. Pitts, withdraws amendment No. 6397.

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

Amend Sec. 2, page 2, line 3 by striking out "Section 3 of the act" and inserting The definition of "transportation organization" in section 3 of the act is amended and the section

Amend Sec. 2, page 2, by inserting between lines 9 and 10 "County transportation system" shall mean and include buses, vans or other transit vehicles purchased, maintained and operated by any county and used to provide free or reduced rate transportation within the county to persons 65 years of age or older.

* * *

Amend Sec. 2, page 3, by inserting between lines 3 and 4 "Transportation organization" means any political subdivision or any mass transportation or port authority or airport authority now or hereafter organized under the law of Pennsylvania or pursuant to an interstate compact or otherwise empowered to render transportation service, contract for the rendering or assist in the rendering of transportation service in the Commonwealth of Pennsylvania, even though it may also render transportation service in adjacent states, or any combination of two or more of such entities.

Amend Bill, page 3, lines 9 through 30; page 4, lines 1 through 2 by striking out all of said lines and inserting

(3.1) To make grants from the State Lottery Fund to transportation companies, county transportation systems and local transportation organizations to pay estimated transit losses resulting from providing:

(i) Free service or local common carrier mass transportation systems to persons 65 years or older when such passage is on fixed route public transportation services during nonpeak riding hours and on holidays and weekends. The losses resulting from granting service on mass transportation systems shall be reimbursable at 75% of such system's average fare multiplied by the number of trips made by senior citizens participating in such free transit program. Transit systems that currently receive a program reimbursement based upon a percentage of average fare greater than 75% shall receive their current amount of senior citizen program reimbursement until such time as the amount of reimbursement for these systems equals 75% of the average fare times the number of senior citi-

zens trips: Provided, however, That reimbursement for the fiscal year 1980-1981 shall be calculated using the average fares as of January 1, 1980.

(ii) Free or reduced fare on shared ride county transportation systems for persons 65 years or older:

(A) In case of free service on such county systems, the county shall be reimbursed at 75% of the cost incurred or to be incurred in operating and maintaining such system, with the remainder of any such cost being paid by the county.

(B) In case of reduced fare services on such county systems, the county shall be reimbursed at the same rate and under the same conditions as provided in subparagraph (iii).

(iii) Reduced fare services on local common carrier mass transportation systems to persons 65 years of age or older when such passage is on shared ride public or contract transportation services during regular hours of operation. On shared public transportation, losses are reimbursable only if the elderly person pays 25¢ or 25% of the cost of the individual fare, whichever is greater.

(iv) In no case shall the reimbursements for each succeeding year exceed the prior year's reimbursements increased by a percentage equal to the percentage increase in granting costs for all local transportation organizations, county transportation systems and transportation companies for the most recently completed State fiscal year as compared to the fiscal year immediately preceding such year.

(v) The department shall promulgate such rules and regulations as are necessary to carry out the purposes of this subparagraph. In accordance with section 2203-A(27) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," no such regulation shall take effect until they are submitted to the Department of Aging for comment.

* * *

Section 4. The act is amended by adding a section to read:
Section 4.1. Demand Response Entitlement Grants.—

(a) Except for grants made for reduced fare service on local common carrier transportation systems in counties of the first and second class, the grants authorized under subparagraphs (ii) and (iii) of paragraph (3.1) of section 4 of this act shall be suspended for the fiscal years 1980-1981 and 1981-1982. In lieu of payment of such grants authorized under subparagraphs (ii) and (iii), the grants for such fiscal years shall be made directly to counties in such amount and for such purposes as is hereinafter provided:

(1) For the fiscal years 1980-1981 and 1981-1982 only, grants from the State Lottery Fund shall be made directly to all counties, except counties of the first and second class. The total amount to be granted by the department for each fiscal year shall be computed by multiplying the following dollar amount fixed for a person 65 years of age or older by the total number of all such elderly persons residing in all counties other than in counties of the first and second class; for the fiscal year 1980-1981, the dollar amount of the multiplier shall be \$9.50 per elderly person; and for the fiscal year 1981-1982, the dollar amount of the multiplier shall be \$4.75 per elderly person. Each county entitled to receive a grant under this paragraph shall have five years from the effective date of this act to apply for and receive such grant.

(2) The department, after determining the total dollar amount of the grant for each fiscal year, shall then apportion each such fiscal year amount by a fraction for each county, the numerator of which shall be the total number of persons 65 years of age or older residing within a particular county other than counties of the first and second class, and the denominator of which is the total number of persons 65 years of age or older residing in all of the counties other than counties of the first and second class. The amount thus apportioned for each county shall then be the grant entitlement for said county

for each of said fiscal years, except that no county, by virtue of application of its apportionment fraction, shall receive less than a minimum of \$25,000 or a maximum of \$400,000 in the fiscal year 1980-1981 or less than a minimum of \$12,500 or a maximum of \$200,000 for the fiscal year 1981-1982. To aid the department in computing apportionment fractions, it shall be the duty of the Secretary of Aging to furnish to the department the latest statistical data then available on persons 65 years of age or older residing in such counties.

(3) Counties other than counties of the first and second class may obtain their share of the fiscal year grants by filing for each fiscal year with the department an application on a form prescribed by it. The department shall require with such application a transportation plan plus such other information as the department may require to establish to the satisfaction of the department that the county plans to provide an integrated transportation system on a free or reduced rate basis for those persons 65 years of age or older residing in such county. The grants made by the department shall be utilized by the county as follows:

(i) In counties where local mass transportation systems which provide shared ride public services now operate or where transportation services are established under the provisions of this section, losses resulting from providing such services shall be reimbursed from the counties' allocation using the reimbursement criteria outlined in paragraph (3.1) of section 4; and

(ii) Expenditures incurred or to be incurred in the planning, developing and establishing of local transportation systems in a county for persons 65 years or older; or

(iii) Expenditures incurred or to be incurred for the expansion or extension of now existing local mass transportation systems within a county for the purpose of providing transportation services for the elderly in those geographical areas of the county which are not serviced at all or are inadequately serviced by such system; or

(iv) Expenditures incurred or to be incurred by the county for the planning, developing and establishing of a county transportation system and for the purchase ownership, operation and maintenance of buses, vans or other passenger-type vehicles used for transporting within the county persons 65 years of age or older; or

(v) The grants made to counties for categories (ii), (iii) and (iv) may be used as matching funds to obtain State or Federal aid for the establishing, expanding or acquiring transportation systems in order to provide transportation for the elderly.

(b) The department shall have the authority to promulgate such rules and regulations as may be necessary to implement the purposes of this section. These rules and regulations shall include provisions to prevent the duplication of existing transportation services. Such regulations, in accordance with the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," shall not take effect until the same are submitted to the Department of Aging for comment.

(c) Upon the termination of the fiscal year 1981-1982, no further grants shall be made directly to the counties under this paragraph: Provided, however, That no county receiving a fiscal year grant under this paragraph shall forfeit such grant or be denied subsequent fiscal year grants solely on the basis that the county has failed within either the fiscal year 1980-1981 or 1981-1982 to fully and completely implement its transit system for the elderly, it being the intent of the General Assembly to provide each county five years from the effective date of this act in which to phase in and make operational some type of transit system for the elderly. In the event that any county fails within such five years to provide some type of an operational transit system for the elderly, any unspent and unencumbered grant moneys made to the counties for the fiscal

years 1980-1981 or 1981-1982 shall be returned through the Department of Transportation for deposit in the State Lottery Fund for use in the grant program provided in paragraph (3.1) of section 4 or for other senior citizens programs.

Section 5. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment which we now offer, A7204, is an amendment identical to the amendment offered to SB 881. It was thought by the attorneys and the people interested in this legislation that the rural transportation amendment just offered ought to go into both pieces of legislation to ensure passage and to ensure all technicalities have been complied with.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

NAYS—2

Geist Grabowski

NOT VOTING—6

Dumas Goodman Rhodes Shadding
Geesey Harper

EXCUSED—5

DeVerter Hayes, D. S. Helfrick Weidner
DiCarlo

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

On the question,

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

Mr. ITKIN offered the following amendment:

Amend Sec. 3 (Sec. 4), page 3, line 22, by inserting after "program." Any funding which exceeds the amount of reimbursable losses as supplied by the State lottery during the 1980-1981 fiscal year shall in subsequent fiscal years be supplied by the General Fund.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, I was wondering if Mr. Pitts could answer a few questions.

Mr. PITTS. Yes, Mr. Speaker, I will undergo interrogation.

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

Mr. ITKIN. Mr. Speaker, I have before me a fiscal note on the package of bills 881 and 2254 prior to amendments, and I am looking at the amount of money that will have to be taken from the lottery fund to support the programs contained in SB 881 and HB 2254, and I have that to the year 1980-81. With that fiscal note, without the Manderino-Pitts amendment, the cost out of the lottery fund will be \$30,100,000. Is that correct?

Mr. PITTS. That is correct, Mr. Speaker.

Mr. ITKIN. Now, we have already accepted the Manderino amendment. Could you tell the House just how much that will cost?

Mr. PITTS. Yes, Mr. Speaker. The first year it is an additional \$5.8 million; the second year, about another \$3 million.

Mr. ITKIN. So these two bills in this forthcoming year will take from the lottery \$36 million, right?

Mr. PITTS. That is correct, approximately.

Mr. ITKIN. And, Mr. Speaker, could you tell the House just about how much money the lottery distributes annually?

Mr. PITTS. Mr. Speaker, your question is, distributes to mass transit annually?

Mr. ITKIN. To senior citizens in general; distributes, period.

Mr. PITTS. Mr. Speaker, I cannot give you the total figure for all senior citizen services. I would just say that

we have talked to the administration, and they can live with this package and this amendment that we have put in this evening.

Mr. ITKIN. Well, of course they can live with it, Mr. Speaker, because they are not paying for it. Basically what we are doing is, in 1979-80, this current fiscal year, drawing from these programs \$18 million. By the act of SB 881 and HB 2254 tonight in this rush, we will be drawing next year, according to Mr. Pitts, \$36 million. That is \$18 million more from the lottery than we took before for these programs, and that is only in the current fiscal year that is forthcoming. Now, what happens to these bills in future years as these programs come on line and as there are more and more reimbursements to be made? I have, Mr. Speaker, a projection without the Manderino-Pitts amendment that it is going to cost \$33 million the year after next, an increase of some \$3 million. Could you tell the House, Mr. Speaker, just what effect the Manderino-Pitts amendment will have in the year following this fiscal year? Do you have any projections on that?

Mr. PITTS. No, Mr. Speaker.

Mr. ITKIN. Well, then, how can the administration say that there is sufficient money to fund it when it does not know exactly what demands are going to be made on the lottery? In future years this is law; this requires reimbursement, and it can escalate without bounds. Are there any caps in the bills that would prohibit us to drain that lottery fund? Are there any caps in the legislation that would prevent an increased draining of the lottery fund?

Mr. PITTS. Mr. Speaker, there is a cap in the amendment we adopted for reimbursement for senior citizen rides in all of these programs that you are talking about being implemented. Yes, there is a cap.

Mr. ITKIN. Well, you have the cap for the first year of \$5.8 million. What is the cap for the second year?

Mr. PITTS. There is a cap every year at 75 percent of average fare reimbursement plus a percentage increase, an inflationary increase. There is a cap continually in the bill.

Mr. ITKIN. But if the utilization increases by a factor of 2, even though you have a cap on the amount of reimbursement that an individual entity can receive, as you double their utilization, you are going to double the costs. That is what is unbounded, not that you do not cap the reimbursable loses, but what you do not cap is the amount of utilization, and that is a continuous drawer out of the lottery fund. So if these bills stimulate increased utilization, then it is an immediate take from the lottery; and we could, we probably will, develop into the situation whereby almost all of the lottery money is going to be consumed for these programs, and then what do we do?

The SPEAKER. Has the gentleman, Mr. Itkin, completed his interrogation?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate the bill?

Mr. ITKIN. Yes, Mr. Speaker. It is my amendment, Mr. Speaker.

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

Mr. ITKIN. The reason for this line of interrogation is obvious. These bills will cost, in future years, a substantial amount of money. We have targeted the lottery fund for part of their funding. It is obvious to me that this is going to take an awful lot of money from the lottery fund, and that is why I am proposing this amendment, which was the same amendment to SB 881, which people obviously were not listening to but which would say that if there is an increase in utilization and we have to spend and reimburse more money than we would reimburse for the bill in this fiscal year forthcoming, then any additional cost on the fund for paying these obligations would come out of the general fund and at least provide a reserve in the lottery fund for our property tax and rent rebate programs.

Now, in this particular bill, in HB 2254, we do not prorate. In other words, it is not proportional, but the property tax and rent rebate is; that is, if we do not have sufficient moneys in the lottery for paying for this and the property tax and rent rebate program, what would have to occur would be that the property tax and rent rebate program would have to be prorated and proportionally reduced. Is that not true? Well, I am informed now that they say that the general fund will pick up the slack of SB 881.

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. Mr. Speaker, just to alleviate any problems Mr. Itkin has, I have a solution. If we do run a little short, we can take it out of the mismanagement of PAT - Port Authority of Allegheny County - and SEPTA - Southeastern Pennsylvania Transportation Authority - and we can start to run the rural legislation the way it should be.

AMENDMENT WITHDRAWN

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

Mr. ITKIN. Mr. Speaker, I will withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—181

Alden	Foster, Jr., A.	McCall	Ryan
Anderson	Freind	McClatchy	Salvatore
Armstrong	Fryer	McIntyre	Scheaffer
Arty	Gallagher	McKelvey	Schmitt
Barber	Gallen	McMonagle	Schweder
Belardi	Gamble	McVerry	Serafini
Bennett	Gannon	Mackowski	Seventy

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

NAYS—1

Grabowski

NOT VOTING—15

Austin	Goodman	Mrkonic	Shadding
Beloff	Gray	Mullen	Smith, E. H.
Dumas	Harper	Rhodes	Williams
Gladeck	Lashingar	Ritter	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

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

REMARKS ON VOTES

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

Mr. RITTER. Mr. Speaker, I voted on HB 2254 before you struck the vote, but I did not catch it on the second one. Will you please record me in the affirmative?

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

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

Mr. E. H. SMITH. Mr. Speaker, I neglected to vote on HB 2254. I would like to be recorded in the affirmative.

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

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

Mr. GLADECK. Mr. Speaker, my switch did not work on the vote on HB 2254, and I wish to be recorded in the affirmative.

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

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 2255, PN 2884**, entitled:

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the allocation of money in the fund and making editorial changes.

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

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

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

YEAS—189

- | | | | |
|---------------|-----------------|----------------|-----------------|
| Alden | Foster, Jr., A. | Livengood | Rodgers |
| Anderson | Freind | Lynch, E. R. | Ryan |
| Armstrong | Fryer | McCall | Salvatore |
| Arty | Gallagher | McClatchy | Scheaffor |
| Austin | Gallen | McIntyre | Schmitt |
| Barber | Gamble | McKelvey | Schweder |
| Belardi | Gannon | McMonagle | Serafini |
| Beloff | Gatski | Mackowski | Seventy |
| Bennett | Geesey | Madigan | Shupnik |
| Berson | Geist | Majale | Sieminski |
| Bittle | George, C. | Manderino | Sirianni |
| Borski | George, M. H. | Manmiller | Smith, E. H. |
| Bowser | Giammarco | Michlovic | Smith, L. E. |
| Brandt | Gladeck | Micozzie | Spencer |
| Brown | Goebel | Milanovich | Spitz |
| Burd | Goodman | Miller | Stairs |
| Burns | Grabowski | Moehlmann | Steighner |
| Caltagirone | Greenfield | Mowery | Stewart |
| Cappabianca | Grieco | Mrkonic | Street |
| Cessar | Gruppo | Mullen | Stuban |
| Chess | Hagarty | Murphy | Sweet |
| Cimini | Halverson | Nahill | Swift |
| Civera | Hasay | Novak | Taddonio |
| Clark, B. D. | Hayes, Jr., S. | Noye | Taylor, E. Z. |
| Clark, M. R. | Hoeffel | O'Brien, B. F. | Taylor, F. |
| Cochran | Honaman | O'Brien, D. M. | Telek |
| Cohen | Hutchinson, A. | O'Donnell | Thomas |
| Cole | Hutchinson, W. | Oliver | Trello |
| Cornell | Irvis | Perzel | Vroon |
| Coslett | Itkin | Peterson | Wachob |
| Cowell | Johnson, E. G. | Petrarca | Wargo |
| Cunningham | Johnson, J. J. | Phillips | Wass |
| DeMedio | Jones | Piccola | Wenger |
| DeWeese | Kanuck | Pievsky | White |
| Davies | Klingaman | Pistella | Wilson |
| Dawida | Knepper | Pitts | Wilt |
| Dietz | Knight | Polite | Wright, D. R. |
| Dininni | Kolter | Pratt | Wright, Jr., J. |
| Dombrowski | Kowalyszyn | Pucciarelli | Yahner |
| Donatucci, R. | Kukovich | Punt | Yohn |
| Dorr | Lashinger | Pyles | Zeller |

- | | | | |
|---------------|-----------|------------|---------------------|
| Duffy | Laughlin | Rappaport | Zitterman |
| Durham | Lehr | Rasco | Zord |
| Earley | Lescovitz | Reed | Zwinkl |
| Fee | Letterman | Richardson | |
| Fischer | Levi | Rieger | Seltzer,
Speaker |
| Fisher | Levin | Ritter | |
| Foster, W. W. | Lewis | Rocks | |

NAYS—0

NOT VOTING—8

- | | | | |
|-------|---------|--------|----------|
| Dumas | Harper | Pott | Shadding |
| Gray | McVerry | Rhodes | Williams |

EXCUSED—5

- | | | | |
|----------|--------------|----------|---------|
| DeVerter | Hayes, D. S. | Helfrick | Weidner |
| DiCarlo | | | |

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

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

REMARKS ON VOTE

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

Mr. WILLIAMS. Mr. Speaker, my affirmative vote on HB 2255 was not reflected on the neon board. Would you spread it on the record, please?

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

SENATE MESSAGE

**SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE**

The Senate informed that it has adopted the Report of the Committee of Conference on **SB 508, PN 1823**.

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 508, PN 1823**:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the inspection of vehicles and mass transit vehicles and legislative approval of regulations relating to inspections.

On the question,
Will the House adopt the Report of the Committee of Conference?

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

Mr. RITTER. Would the gentleman, Mr. Pitts, consent to interrogation?

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

Mr. RITTER. Mr. Speaker, when this bill left the House, and this is the bill, I believe, where we put the amendment in that if you come from an area that is required to have an emission inspection, that that would constitute one of the two semiannual inspections. Is that correct?

Mr. PITTS. That is correct, Mr. Speaker. This was the bill that established for mass transit vehicles the safety standards and regulations, the safety inspection procedures, specifically for SEPTA and your amendment for emission inspections. The bill is identical to what we passed, except for your amendment which has been deleted from the bill.

Mr. RITTER. Except for that amendment?

Mr. PITTS. That is correct, Mr. Speaker.

Mr. RITTER. Mr. Speaker, I rise to oppose the Conference Committee Report on SB 508. Again, this House, in its wisdom, decided that those areas of the state, those 14 counties, that are going to have to have an emission inspection would only have to have two inspections—the emission inspection would be one of them and the regular safety inspection would be the other. Now the conference committee has taken that out, and those 14 counties - Allegheny, Philadelphia, Lehigh, Northampton and the rest - are now going to again be faced with three inspections. The cost of that emission inspection is going to be a great deal more than the regular two safety inspections, and it is not fair.

I do not care about the challenges. We had an opportunity to override the Governor's veto and we did not do that. The fact is, we are going to be faced in those 14 counties with three inspections, and this House had said, we do not want that; we only want two inspections. The conference committee took it out, and I think we ought to reject the conference committee report, tell them to go back and put it back in and bring it back to us in the way it was when it left the House, and I would ask for a negative vote.

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

Mr. RAPPAPORT. Mr. Speaker, I urge that we approve the conference report and we vote "aye," and Mr. Ritter's point is very well taken. It should probably be in separate legislation, since the point that he is making deals with all vehicles while this particular bill deals only with mass transit vehicles which need the inspection, obviously, twice a year.

Mr. Speaker, I therefore urge a "yes" vote on this conference report.

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

Mr. WHITE. Mr. Speaker, I would yield to Mr. Ritter at this point.

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

Mr. RITTER. Mr. Speaker, Mr. Rappaport is incorrect. This bill does not deal with just mass transit. It talks about inspection and it includes in the inspections mass transit vehicles, but it talks about inspection of vehicles so that this bill is not just restricted to that. Not only that, but mass

transit vehicles—and we pointed that out before—do not come under the emissions inspection; it is only the passenger vehicles. This bill amends the Motor Vehicle Code, and what they did was add to the inspection provision a provision to inspect mass transit vehicles. So please do not confuse it that this bill does not deal with passenger vehicles because it does.

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

Mr. WHITE. I rise, not to take issue with Mr. Ritter or with the merits of the emission control inspection program, but to simply state that SB 508 does have as its main thrust the concern that has been expressed through the SEPTA investigating committee and through this House for the safety and maintenance of mass transit vehicles.

The conference committee, during its deliberations, voted, I believe, something like 5 to 1 to remove the emission control provision. During the discussion of that meeting, it was also brought out that this would be better suited in a separate piece of legislation. I, for one, support an emission control program as a substitute, but given the contents of SB 508, given the urgency of the passage of the necessity of this legislation, I would rise to urge that we would accept the conference committee report, Mr. Speaker.

On the question recurring,

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

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

YEAS—122

Allden	Earley	McClatchy	Reed
Anderson	Fee	McIntyre	Rieger
Armstrong	Foster, W. W.	McKelvey	Rocks
Arty	Foster, Jr., A.	McMonagle	Ryan
Barber	Gallagher	McVerry	Salvatore
Belardi	Gallen	Mackowski	Scheaffer
Beloff	Gannon	Madigan	Serafini
Bennett	Geesey	Maiale	Sieminski
Berson	Geist	Micozzie	Sirianni
Bittle	George, M. H.	Milanovich	Smith, E. H.
Borski	Giammarco	Miller	Smith, L. E.
Bowser	Gladeck	Moehlmann	Spencer
Brandt	Greenfield	Mowery	Stuban
Burd	Grieco	Mullen	Sweet
Burns	Gruppo	Nahill	Swift
Caltagirone	Hagarty	Noye	Taddonio
Cessar	Halverson	O'Brien, B. F.	Taylor, E. Z.
Cimini	Hayes, Jr., S.	O'Brien, D. M.	Telek
Civera	Hoefel	O'Donnell	Thomas
Clark, M. R.	Honaman	Oliver	Vroon
Cochran	Hutchinson, W.	Perzel	Wass
Cohen	Johnson, E. G.	Peterson	Wenger
Cole	Johnson, J. J.	Phillips	White
Cornell	Jones	Piccola	Wilson
Cunningham	Kanuck	Pievsky	Wilt
DeMedio	Knepper	Pitts	Wright, Jr., J.
Davies	Lashingier	Polite	Yohn
Dietz	Lehr	Pucciarelli	Zord
Donatucci, R.	Levi	Punt	
Dorr	Levin	Pyles	Seltzer,
Durham	Lewis	Rappaport	Speaker

NAYS—68

Austin	George, C.	McCall	Seventy
Brown	Goebel	Manderino	Shupnik
Cappabianca	Goodman	Michlovic	Spitz
Chess	Grabowski	Mrkonic	Stairs
Clark, B. D.	Hasay	Murphy	Steighner
Coslett	Irvic	Novak	Stewart
Cowell	Itkin	Petrarca	Street
DeWeese	Klingaman	Pistella	Taylor, F.
Dawida	Knight	Pott	Trello
Dombrowski	Kolter	Pratt	Wachob
Duffy	Kowalshyn	Rasco	Wargo
Fischer	Kukovich	Rhodes	Williams
Fisher	Laughlin	Richardson	Wright, D. R.
Freind	Lescovitz	Ritter	Yahner
Fryer	Letterman	Rodgers	Zeller
Gamble	Livengood	Schmitt	Zitterman
Gatski	Lynch, E. R.	Schweder	Zwilk

NOT VOTING—7

Dininni	Gray	Hutchinson, A.	Shadding
Dumas	Harper	Manmiller	

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 1623, PN 3509**:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980; to provide supplemental appropriations from the General Fund to the various departments of the Commonwealth for the fiscal period July 1, 1979 to June 30, 1980.

On the question,

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

CONSTITUTIONAL POINT OF ORDER

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

Mr. D. R. WRIGHT. Mr. Speaker, I wish to raise the question of constitutionality.

The SPEAKER. The gentleman from Clarion, Mr. Wright, raises the question of constitutionality to the Conference Committee Report on HB 1623. The question before the House is, those who believe that the Conference Committee Report on HB 1623 is constitutional will vote "aye"; opposed "no."

Does the gentleman, Mr. Wright, wish to debate the motion?

Mr. D. R. WRIGHT. Yes, sir.

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

Mr. D. R. WRIGHT. Mr. Speaker, I recognize that a number of procedural motions have been raised tonight, and I am reluctant to trivialize this issue at this late hour except for the fact that I did not plan this session to run as late as it has tonight, and the matter is sufficiently important, I think, to deserve at least some consideration.

I recognize that you are aware that the report of the committee of conference, which you have in your hand, is one which you have not seen before. The members of this House have before them a report of the committee of conference which does not seek to reconcile differences between the two chambers. The report, Mr. Speaker, could not possibly seek to ameliorate those differences because this subject matter has never been before this body before. We all know the procedure. Some have said, well, it is a new procedure; it is a novel procedure. I am willing to recognize that it is expedient. I am willing to suggest that it is a matter of some convenience, but I am not prepared to recognize that this new, novel, convenient, expedient procedure is constitutional, Mr. Speaker.

I happen to believe that the process of government is equally as important as the product of government. I know that when large elephants fight, it is the ants that get stepped on, and the people who have been stepped on in this procedure are the men and women of this chamber and the men and women who we represent from our various districts. We have not had an opportunity to amend; we have not had an opportunity to debate those amendments.

Mr. Speaker, it seems to me that this is a dangerous procedure. It may be one that is expedient for tonight, but in the long run we are going to sow to the wind and reap the whirlwind with this kind of procedure. I think, Mr. Speaker, that the process is important, and we ought not to be playing fast and loose with the essential document of this Commonwealth, its constitution. I believe this procedure is in violation of article III, section I, of the constitution. I ask you to vote against its constitutionality.

On the question,

Will the House sustain the constitutionality of the Report of the Committee of Conference?

The following roll call was recorded:

YEAS—96

Alden	Foster, Jr., A.	Mackowski	Serafini
Anderson	Freind	Madigan	Sieminski
Armstrong	Gallen	Maiale	Sirianni
Arty	Gannon	Manmiller	Smith, E. H.
Belardi	Geesey	Micozzie	Smith, L. E.
Bittle	Geist	Miller	Spencer
Bowser	Gladeck	Moehlmann	Spitz
Brandt	Grieco	Mowery	Stairs
Burd	Gruppo	Nahill	Swift
Burns	Hagarty	Noye	Taddonio
Cessar	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hasay	Perzel	Telek
Civera	Hayes, Jr., S.	Peterson	Thomas

Clark, M. R.	Honaman	Phillips	Vroon
Cornell	Hutchinson, W.	Piccola	Wass
Coslett	Johnson, E. G.	Pitts	Wenger
Davies	Klingaman	Polite	Wilson
Dietz	Knepper	Punt	Wilt
Dininni	Lehr	Pyles	Wright, Jr., J.
Dorr	Levi	Rasco	Yohn
Durham	Lewis	Rocks	Zord
Earley	Lynch, E. R.	Ryan	
Fischer	McClatchy	Salvatore	Seltzer,
Fisher	McKelvey	Scheaffer	Speaker
Foster, W. W.	McVerry		

NAYS—97

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

NOT VOTING—4

Beloff	Gray	Harper	Shadding
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EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the constitutionality of the conference report was not sustained.

RECONSIDERATION OF VOTE ON CONSTITUTIONALITY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the vote by which the constitutional question was decided be reconsidered.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—107

Alden	Foster, Jr., A.	McKelvey	Ryan
Anderson	Freind	McVerry	Salvatore
Armstrong	Gallen	Mackowski	Scheaffer
Arty	Gannon	Madigan	Serafini
Belardi	Geesey	Maiale	Sieminski

Beloff	Geist	Manderino	Sirianni
Bittle	George, M. H.	Manmiller	Smith, E. H.
Bowser	Gladeck	Micozzie	Smith, L. E.
Brandt	Grieco	Miller	Spencer
Burd	Gruppo	Moehlmann	Stairs
Burns	Hagarty	Mowery	Sweet
Cessar	Halverson	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes, Jr., S.	O'Brien, D. M.	Telek
Clark, M. R.	Honaman	Perzel	Thomas
Cornell	Hutchinson, W.	Peterson	Vroon
Coslett	Irvis	Phillips	Wass
Cunningham	Johnson, E. G.	Piccola	Wenger
Davies	Kanuck	Pievsky	Williams
Dietz	Klingaman	Pitts	Wilson
Dininni	Kowalshyn	Polite	Wilt
Dombrowski	Lashinger	Pott	Wright, Jr., J.
Dorr	Lehr	Punt	Yohn
Durham	Levi	Pyles	Zord
Earley	Lewis	Rappaport	
Fischer	Lynch, E. R.	Rasco	Seltzer,
Fisher	McClatchy	Rocks	Speaker
Foster, W. W.			

NAYS—76

Austin	Fee	Lescovitz	Rhodes
Barber	Fryer	Letterman	Rieger
Bennett	Gallagher	Levin	Ritter
Berson	Gamble	Livengood	Rodgers
Borski	Gatski	McCall	Schweder
Brown	Giammarco	McMonagle	Seventy
Caltagirone	Goebel	Michlovic	Steighner
Cappabianca	Goodman	Milanovich	Stewart
Chess	Grabowski	Mrkonic	Stuban
Clark, B. D.	Greenfield	Mullen	Taylor, F.
Cochran	Hoeffel	Murphy	Trello
Cohen	Hutchinson, A.	Novak	Wachob
Cole	Itkin	O'Brien, B. F.	Wargo
Cowell	Johnson, J. J.	O'Donnell	White
DeMedio	Jones	Oliver	Wright, D. R.
DeWeese	Knight	Petrarca	Yahner
Dawida	Kolter	Pistella	Zeller
Donatucci, R.	Kukovich	Pratt	Zitterman
Duffy	Laughlin	Reed	Zwilk

NOT VOTING—14

Dumas	Knepper	Schmitt	Spitz
George, C.	McIntyre	Shadding	Street
Gray	Pucciarelli	Shupnik	Taddonio
Harper	Richardson		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

Will the House sustain the constitutionality of the Report of the Committee of Conference?

POINT OF ORDER

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

Mr. RICHARDSON. Yes, Mr. Speaker. Prior to your running and ramrodding the two last votes down our throats, I was trying to find out what the count was, which is supposed to be recorded by the Speaker to the members of this House. We would like to know for the record, officially, what was the count on the question of constitution-

ality, and I raise that point of order right now, Mr. Speaker.

The SPEAKER. For the information of the gentleman, the clerk informs the Chair that the vote was 96 to 97.

Mr. RICHARDSON. Which means what?

The SPEAKER. The temporary meaning of the vote would indicate that the majority of the members voted that the bill was unconstitutional.

Does Mr. Richardson have any further interrogation?

Mr. RICHARDSON. Yes. The question being raised, Mr. Speaker, is one dealing specifically with the rules of this House, and I just want to make sure that we are going to comply with them this evening and that the point of order that I raised was raised prior to the calling of the vote, and I wonder why I was not recognized?

The SPEAKER. In the confusion of the House, the Chair was unable to hear the gentleman.

The SPEAKER. Does the gentleman, Mr. DeWeese, wish to be recognized?

Mr. DeWEESE. Yes, sir.

The SPEAKER. The gentleman is in order.

Mr. DeWEESE. I would like to interrogate the majority leader on constitutionality.

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

Mr. DeWEESE. Mr. Speaker, Mr. Wright gave, in my opinion, a very cogent argument regarding constitutionality. He indicated to this chamber why he felt that this measure tonight was not constitutional. Could you, sir, enlighten us as to your personal position and the Republican caucus position as to why it is constitutional? Could you manifest for us, sir, the reasons why these gentlemen— Thank you; I have no further questions.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Certain things are readily apparent to those of us who watch and look.

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

Mr. COWELL. Mr. Speaker, to assist us in analyzing what happened before and what might happen now, I have requested a copy of the last rollcall vote, and there seems to be some delay in getting that. Could we hold off on this vote until the machine begins to function back there? I would like to be able to determine who is voting and who may even change their mind.

Mr. RYAN. Mr. Speaker, roll the bill. I do not know what the gentleman wants. If he wants a printout of the last vote, come up and get one.

Mr. COWELL. Mr. Speaker, I have requested it from two different pages, and they are all standing back there in the other room.

Mr. RYAN. Well, maybe they need a suspension of the rules to permit them to smoke on the floor the way I do; but, in any event, here is a copy that I will ask this

gentleman to take back to you. Thank you. Now can we roll the bill?

On the question recurring,

Will the House sustain the constitutionality of the Report of the Committee of Conference?

The following roll call was recorded:

YEAS—102

Alden	Foster, W. W.	McKelvey	Salvatore
Anderson	Foster, Jr., A.	McVerry	Scheaffer
Armstrong	Freind	Mackowski	Serafini
Arty	Gallen	Madigan	Sieminski
Belardi	Gannon	Maiale	Sirianni
Beloff	Geesey	Manmiller	Smith, E. H.
Bittle	Geist	Micozzie	Smith, L. E.
Bowser	Gladeck	Miller	Spencer
Brandt	Gray	Moehlmann	Spitz
Burd	Grieco	Mowery	Stairs
Burns	Gruppo	Nahill	Swift
Cessar	Hagarty	Noye	Taddonio
Cimini	Halverson	O'Brien, B. F.	Taylor, E. Z.
Civera	Hasay	O'Brien, D. M.	Telek
Clark, M. R.	Hayes, Jr., S.	Perzel	Thomas
Cornell	Honaman	Peterson	Vroon
Coslett	Hutchinson, W.	Phillips	Wass
Davies	Johnson, E. G.	Piccola	Wenger
Dietz	Klingaman	Pitts	Wilson
Dininni	Knepper	Polite	Wilt
Donatucci, R.	Lehr	Punt	Wright, Jr., J.
Dorr	Levi	Pyles	Yohn
Durham	Lewis	Rasco	Zord
Earley	Lynch, E. R.	Rieger	
Fischer	McClatchy	Rocks	Seltzer,
Fisher	McIntyre	Ryan	Speaker

NAYS—91

Austin	Gallagher	Letterman	Richardson
Barber	Gamble	Levin	Ritter
Bennett	Gatski	Livengood	Rodgers
Berson	George, C.	McCall	Schweder
Borski	George, M. H.	McMonagle	Seventy
Brown	Giammarco	Manderino	Shupnik
Caltagirone	Goebel	Michlovic	Steighner
Cappabianca	Goodman	Milanovich	Stewart
Chess	Grabowski	Mrkonic	Street
Clark, B. D.	Greenfield	Mullen	Suban
Cochran	Hoeffel	Murphy	Sweet
Cohen	Hutchinson, A.	Novak	Taylor, F.
Cole	Irvis	O'Donnell	Trello
Cowell	Itkin	Oliver	Wachob
Cunningham	Johnson, J. J.	Petrarca	Wargo
DeMedio	Jones	Pievsky	White
DeWeese	Kanuck	Pistella	Williams
Dawida	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Yahner
Duffy	Kowalshyn	Pucciarelli	Zeller
Dumas	Kukovich	Rappaport	Zitterman
Fee	Laughlin	Reed	Zwikel
Fryer	Lescovitz	Rhodes	

NOT VOTING—4

Harper	Lashingner	Schmitt	Shadding
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EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the Report of the Committee of Conference was sustained.

On the question recurring,

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I am going to vote in the negative on the Committee of Conference Report on HB 1623. While I have not read every single item in it, I have turned through it and I have recognized that in the main this bill, had it been produced in the ordinary fashion, would have been probably an acceptable budget for the Commonwealth, but I am rising in protest against the methodology of producing this bill. I have been quoted in the public press, and I want it on the official record, that I consider the particular way of producing this bill, handing us a committee of conference report which totals \$6,799,100,000 in expenditures for this Commonwealth, and saying to this body that it has no opportunity to amend a single item in here, that it must either totally agree or totally disagree with \$6,799,100,000 worth of items, is, I think, ridiculous and dangerous. I am not asking the members of the Democratic caucus to follow my vote particularly because I recognize that this bill contains some very important items for their districts back home. And I repeat, I have no great quarrel with the substance of the bill, but I warn the members of the majority party, and I warn them officially, if you persist in this type of operation, the day may well come when you will not be the majority party and when you will regret the precedent which you are tonight setting.

I shall vote, Mr. Speaker, in the negative. Thank you.

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the bill. I do so on the same grounds that already some of my colleagues have risen to do so. Mr. Speaker, I want to put on the record that there are a number of things in this budget that certainly do not reflect a number of the citizens in this Commonwealth, particularly those who are less fortunate. It would seem to me that if we are to be honest and fair about government as we stand here tonight, I can only go back to the press conference that was held on the steps of the rotunda where we suggested that a number of individuals of this House of Representatives said that not being afforded the opportunity to amend this bill, not being afforded the opportunity to look at what the budget is supposed to be about is a bad precedence because it has not happened before in this House of Representatives. If we are to amend a conference committee report, which cannot be done; if we are to have substance and feeling for this budget which totals the amount that the minority leader has given, which is something like \$6.7 billion, then I raise this question: Where is the money for Get Set in this bill; where is the money dealing with community development funds; where is the money for corrections in this bill that is needed; also, where is the money, Mr. Speaker, for programs that affect social service agencies?

We will find that this bill does not give the money to the cash grant assistance, particularly to those who are DCA - Department of Community Affairs - recipients. It cuts back in that area. Also, Mr. Speaker, while we increase moneys to the Governor's mansion, we do not talk anything about those kinds of services that affect the poor and needy. And it seems to me, Mr. Speaker, that the members of this House and the citizens of this Commonwealth have been denied that process, the so-called due process and the Democratic process that is afforded each and every member. There is no need for us to stand here on the House floor to debate any bills if this is the precedent that is going to be set. For each one of these bills, we are going to be able to just go to a conference committee, and then no one will have any input. And I think, Mr. Speaker, not only is that wrong, but it is a slap in the face to the members of this House of Representatives and also to the citizens of this Commonwealth, and I would urge that the members vote "no" on this bill.

I am stressing very strongly that the precedent that is being set here this evening only goes to show that the problems that we have in this Commonwealth will continue to mount on a daily basis, and while some individuals may have gotten some things particularly for their particular districts or their particular areas, that it is still now null and void, the process by which it has been violated. I believe that is corrupt and that it needs to be pointed out here on the floor of this House.

While we give more moneys to Port Authorities in Erie, while we look at how moneys are being increased in environmental services, we do not see any moneys being increased for those persons in the areas that we feel need it the most. I have gone over just briefly some of the cuts that have been made in this bill that have been reported out by the conference committee, and I do not know how in the world they could have suggested any of these cuts without any input from a number of us who feel that we have a right to make input into the bill. To allow such persons to sit on the conference committee report and to make these decisions without the input from each and every one of us, or those who want to make input, is a sham, a shame and a disgrace. I think that as we search our own hearts and souls this evening, perhaps we will find that the wisdom that is being used here tonight is backwards and certainly will be a mockery, because the citizens of this Commonwealth will be laughing at us. Mr. Speaker, I oppose this House committee report and ask that the members of this House do likewise. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin. Does the gentleman wish to debate the bill?

Mr. ITKIN. Mr. Speaker, I will speak at a later time.

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

Mr. KUKOVICH. Mr. Speaker, I had intended to interrogate Mr. McClatchy on several issues, but I will not belabor them. I will not put the members through that. I

think, generally, we should vote against HB 1623 on the basis of substance and on the basis of principle. There are some problems in this bill. There are problems in moneys left out in certain areas such as legal services. If any of us are concerned about a balanced budget, this certainly will not do it. And once we pass this bill, we will be faced eventually down the road with two alternatives: either some sort of a tax increase or, what is most likely, the Governor blue-lining or line-item vetoing certain elements, and we have no idea what those will be. And, again, where we have been eliminated from the process from the outset, we really have no input into what is vetoed from this bill that will be voted on today. I think on that basis alone, the bill should be voted against.

I think it is ironic that the opportunity to amend this was taken away from us in a budget year when both sides of the aisle were rather close on the merits and the contents of this conference committee report. I think, if anything, that shows us the danger of the next reason and the most important reason why we should vote against HB 1623, and that is, as a few speakers have said before me, on the basis of process. I think there is a principle involved and, although a joke is often made about even mentioning principle in this chamber, I think that at a time like this, after 1 o'clock in the morning, after the leadership has run bills off and on of little importance, have called us into session and let us go and called us back again and dragged this process on and on, has worn us down, has created an atmosphere where all we want to do is vote this bill and get out, I think if we pass this bill now, we are sending up a signal that a few people can continue this exclusionary process, can push through budget bills, can push through bills that are sensitive in nature, can push through legislation that will affect all of our constituents and deny us, their representatives, a chance to have input into what will affect the lives of our constituents.

I think the question, the ultimate issue, when we vote yes or no on HB 1623 is whether we are willing to abdicate our responsibility as elected Representatives and turn it over to a handful of leaders and a handful of staff people who decided to work this process out because it looked good politically. I think that is wrong; I think that is a dangerous precedent. I think if anyone does believe in the principles of representative democracy, as high-minded sounding as that may seem now.

I think you should vote "no" on HB 1623. I think there is a trend among legislators to be concerned only with being reelected and turn us all into errand boys to do favors for constituents; and if we take this step, we are going to continue on that path and in that direction to being nothing but errand boys, and we will have given up one of the most important responsibilities we have as elected officials. I would please ask you to vote "no" on this, send it back to the conference committee, give us an opportunity either with HB 2101 or a bill already in committee; we still have time left. I do not think there are that many differences, and we can still work together on a budget, restrain

ourselves, and work out a valid budget for the next fiscal year in a very legitimate process and tell the leaders who worked this out that they cannot, in the future, push legislation through this Commonwealth without all the people having input. I would please ask you for a "no" vote on the Conference Committee Report on HB 1623. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I rise also to oppose this conference committee report, and I do so for a number of reasons. But I want to just recall for a moment that there were 19 of us who stood on the steps of the rotunda, questioned this procedure, and said that we thought it was the wrong way to do it. We were called all kinds of names, and I have been called names before; that does not really bother me. But one statement was made by "an unidentified leader" who said that our demands for the traditional method of passing a budget were irresponsible. Now that is about as incredible a statement as I have ever heard. To take a document and bring it to us without any debate, without any input, and say to us, here it is, we are going to spend billions and billions of dollars, but you will have no chance for input, and then call that responsible seems to me is just incredible.

Mr. Speaker, I stand here on this floor; I have voted, this will be, my 16th budget; and in all that time I have never seen this procedure used as a first step. We have gone traditionally to conference committee reports, and that was after a time when every member of this House had an opportunity—whether they took advantage of it or not, but they had an opportunity—to have some input into what that document was going to be, and as a last resort, we were given a conference committee report, and now we are being given one as a first step. Now, Mr. Speaker, the reasons they are giving is that it is an election year; you know, we have got to get a budget passed so we can get out of here and look responsible. But when you go home and your constituents say, what chance did you have to make any input into that budget?, and you tell them none, what are you going to do when they say, how is that being responsible? Is voting blindly like a bunch of sheep responsible? I doubt that very much.

Mr. Speaker, we spent over 2 weeks debating and amending the School Code, yet I do not believe there is any person in this chamber who would deny that the single most important piece of legislation that will come before us in any year is the budget. And yet on that single most important document, we are not going to be given an opportunity to amend it? To have a discussion? To have any input whatsoever? And we are willing to do that and spend in the billions of dollars of taxpayers' money.

I do not believe that, frankly, any remarks that are going to be made on the floor tonight are going to change a single vote, but I think it is important that the record indicate that what we are going to do tonight is to set a precedent that will come back to haunt each and every one of us who will

be here in the years to come. Because you are going to find how easy it is the next time a controversial issue comes up, how easy it is and how politically easy it is to find a convenient bill, put it in a conference committee, let your leaders have their input, bring it back to us, a bunch of rubber stamps, and say, now just approve it. And if that is the case, then what are we doing about representative democracy? What is the sense of us being here? Why do we not just go home and every couple of months we will come up and have the leaders put a bunch of bills on the calendar and say, here it is; take it or leave it; do not bother with amendments? It would be a heck of a lot quieter on the floor of this House, and we could probably get out of here a lot quicker. But the 58,000 people that you represent and I represent did not send us up here to do that, and how can any one of you go home tonight, knowing that you have not had an opportunity to decide on how this money is going to be spent that they are going to pay? How you can go home and do that and still go back to them and say, those of us who are running, I want your vote; send me back here; let me be your voice in this chamber? What voice? You do not have a voice. Anyone who votes for this document does not have a voice, and their constituents ought to know that, and they do not have the gumption to say that, but they are going to say, send me back so I can do your wishes. Well, their wishes are not that you come up here and vote blindly.

Mr. Speaker, as I said, I do not mind being called names, but I resent very strongly—and I did not have any amendments to offer and I would not have offered any amendments, but I resent very deeply—the fact that I am being denied, as each and every one of you in this chamber is being denied, the opportunity to offer an amendment. Who are these few people who decided that your 58,000 constituents do not count, that only a handful of people are going to decide that? And, Mr. Speaker, one of the quotes made, and this was a beauty, some of these few people have determined that this is, and I quote, “a truly non-controversial document that serves all areas of the Commonwealth in the most equitable manner.” That is hogwash and that is garbage, because if it was such a truly remarkable document, truly non-controversial, then why not put it on the floor where we can take a crack at it? If it is so great a document, how could anybody in this chamber have the audacity to offer an amendment to a budget that is so equitable and fair to all areas of the Commonwealth? And if it is such a great document that it takes care of all of our people, why would we pass it in such a rapid order? The fact is, Mr. Speaker, because maybe, just maybe, this document is not all it is cracked up to be, and nobody wants you to get a crack at it, so you will vote blindly and you will go home and you will say in an election year, we got a budget passed on time. Hallelujah. You are going to spend \$7 billion or \$8 billion and not have the faintest damned idea what you are going to spend it on and no opportunity to have any input, but you did pass it on time and that is going to get you some votes come election day. Well, the

next time it comes up— And anybody who says to you that using this procedure tonight will not establish a precedent is either a fool or a liar because this will set a precedent, a very dangerous, dangerous precedent. And Mr. Kukovich was right; you are going to be giving up probably the thing that is the most important to each and every one of us, and that is our right to speak, our right to participate, and you are willing to sacrifice that for expediency sake so that we can get the budget passed on time and we can go back home and be a hero.

Well, Mr. Speaker, I am going to vote in the negative, and I want to show for the record that I voted for eight budgets in the last 9 years, including 2 years when my party was in the minority. Now, some of the people on the other side of the aisle that are making these statements about irresponsibility and about responsible people pass budgets— I think Mr. McClatchy voted for three budgets out of the last 9 years; I think Mr. Ryan voted for three budgets out of the last 9 years; and I think Mr. Speaker voted for four out of the last 9 years, but the 3 years that I am speaking about were the 3 years that your party, the Republican Party, was in the majority, but when they were in the minority there were no votes from those people. But I do agree with the statement that responsible people pass the budget. I voted for eight out of nine; I would like to have an opportunity to vote for this budget. If you put a budget on this floor that members can have an opportunity to amend and debate, I will consider voting for it. It would not be the first time. I just said I voted for eight out of the last nine, but unless you do that, I am going to vote in the negative because this is a most irresponsible position and a procedure, and every responsible legislator in this chamber ought to vote in the negative. Do not just send it back to the conference committee; send it back with a very strong message: We want a budget document on the floor of this House. We would not have had to play games for the last 2 or 3 or 4 weeks; we could have been working on the budget. We still have over 2 weeks to do it, and we can do it, but we are not going to get anywhere at all if you accept this conference committee report. It is a shortcut and a procedure which you will live to regret. I would ask that you vote in the negative.

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

Mr. MURPHY. Yes, Mr. Speaker. I would like to interrogate Mr. McClatchy, please.

The SPEAKER. Will the gentleman, Mr. McClatchy, stand for interrogation?

The gentleman indicates that he will. Mr. Murphy may proceed.

Mr. MURPHY. Mr. Speaker, I have a copy of the general fund budget from June 11, 1980. On the first page of the budget, sequence No. 17.1, there is an expenditure of \$200,000 for the Great Meadows Amphitheater. Could you please tell me where the Great Meadows Amphitheater is, whose senatorial or legislative district it is in, and what is it?

Mr. McCLATCHY. I think Mr. Taylor might answer that. That is in his district.

The SPEAKER. Mr. McClatchy has indicated that he will yield to the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I might be able to enlighten you on that. That is not in my district; it is in Mr. Cochran's district, but it is an outdoor amphitheater and it is for the whole State of Pennsylvania. It is located on Route 40, about 6 miles east of Uniontown.

Mr. MURPHY. Thank you, Mr. Taylor.

In sequence 17.2 there is a Bethel Parks School House Art Center. We are adding a new appropriation to that. What is that, please?

Mr. McCLATCHY. Are you still interrogating me?

Mr. MURPHY. Yes, Mr. McClatchy; 17.2, sequence number, The Bethel Parks School House Art Center, is it a new appropriation?

Mr. McCLATCHY. It is a new appropriation, yes.

Mr. MURPHY. What is it please?

Mr. McCLATCHY. It was put in by the Senate. I do not know specifically what it is.

Mr. MURPHY. Excuse me, Mr. Speaker, I cannot hear you.

Mr. McCLATCHY. It was put in by the Senate. I do not know specifically what it is.

Mr. MURPHY. Mr. Speaker, in sequence No. 53.2, we put \$12 1/2 million back into the budget. That raises the general question, on the budget printouts that I have from June 4 to June 11, we show additional expenditures, an increased expenditure of approximately \$16 million to \$17 million. I am curious as to where our revenue projections show us, with that kind of increased revenue for next year, where we got that revenue projection over this past week? Did you understand my question, Mr. Speaker?

Mr. McCLATCHY. Yes, I understand the question. In all probability, the Governor is going to have to cover it.

Mr. MURPHY. Excuse me, Mr. Speaker?

Mr. McCLATCHY. I said, in all probability, the Governor is going to have to cover it.

Mr. MURPHY. Cover what, Mr. Speaker?

Mr. McCLATCHY. Excuse me?

Mr. MURPHY. He is going to have to cover what?

Mr. McCLATCHY. He is going to have to cover the extra expenditure. It is my understanding he can do it.

Mr. MURPHY. Do our revenue projections over the last week, have they increased by \$16 million to \$17 million for next year?

Mr. McCLATCHY. All I know is that the Governor has assured us that he can cover it. Now, if he has found some extra money between last week and this week, that is about all I can say to you.

Mr. MURPHY. Mr. Speaker, on June 4, 1980, we had received a conference committee report showing expenditures of \$6,000,782,000, approximately. On June 11 we received a budget that shows expenditures of \$6,000,799,000. Now I am curious as to where those extra revenues have come from, or are we suggesting to ourselves

tonight that we are going to pass a budget that is not balanced?

The SPEAKER. Will the gentleman yield?

The question before the House is the adoption of an appropriation bill. The Chair would ask the gentleman to please confine his interrogation to the question before the House. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, it is my impression that we must pass a balanced budget according to our constitution. I am just curious that we have added \$16 million of additional expenditures over the last week. I am curious as to how we are going to pay for them.

The SPEAKER. The gentleman is wrong. The General Assembly does not have to pass a balanced budget. The Governor, before he can sign it, can only sign a balanced budget. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, to continue, I am curious then, if we have added about \$16 million of additional expenditures, are there any suggestions as to what we might cut from this budget in order to balance it?

Mr. McCLATCHY. I am not aware of what is going to be cut from the budget.

Mr. MURPHY. You are not aware of any cuts that are going to be made?

Mr. McCLATCHY. No.

Mr. MURPHY. Is it your expectation that there will be cuts made?

Mr. McCLATCHY. I have no idea.

Mr. MURPHY. Mr. Speaker, under the Department of Commerce, sequence No. 73.1, we go from an expenditure last year of \$1 million to an expenditure of \$3 million for commercial advertising. Could you please explain what the increase is of 300 percent there?

Mr. McCLATCHY. It is the Governor's new program to increase tourist promotion in the Commonwealth, industrial promotion. I think it centered around the presentation down at Hershey some months ago.

Mr. MURPHY. Mr. Speaker, under the Department of Public Welfare, there is an appropriation for cash assistance grants. It shows approximately a 1 1/2 percent increase over last year. I am curious, given the controversy over HB 2044, as to whether this budget reflects HB 2044 passing or whether it does not.

Mr. McCLATCHY. It does not reflect the passage of HB 2044.

Mr. MURPHY. So, therefore, there is no increased public assistance grant built into this budget?

Mr. McCLATCHY. No, there is not.

Mr. MURPHY. There is not. It remains the same as it has this past year?

Mr. McCLATCHY. That is correct.

Mr. MURPHY. Mr. Speaker, under the Department of Transportation, sequence No. 429.1, last year we appropriated \$47 million to the Department of Transportation. In the Governor's request this year, there was \$24 million in our conference report. In HB 1623, there are no funds now appropriated to the motor and license fund. I am curious as

to why that decision was made, given the obvious need of PennDOT for additional revenues?

Mr. McCLATCHY. Well, SB 10 provided the \$24 million. There is no question, if we had to pass SB 10, the department would have been short. Without that, we would not be able to do this.

Mr. MURPHY. Yes, but even with the passage of SB 10 there is a \$50-million shortfall in the motor license fund from last year.

Mr. McCLATCHY. That is correct.

Mr. MURPHY. Why then have we made it a policy decision not to continue to appropriate to PennDOT the additional funds that are obviously necessary?

Mr. McCLATCHY. We need the extra money from a swapper's switch. We do not have enough money to provide the kind of funds you are talking about.

Mr. MURPHY. So we are suggesting that transportation by this budget then is not as important as some other programs?

Mr. McCLATCHY. That is not correct. That is why we passed SB 10.

Mr. MURPHY. But SB 10 did not fully fund PennDOT. There is a \$50-million shortfall in the PennDOT budget. Last year we saw fit to put \$47 million out of the general fund to PennDOT. I am curious as to why we made the decision not to grant that high priority to roads in this Commonwealth this year?

Mr. McCLATCHY. Nothing short of a switch or swap for some increase in the highway funds will fully fund PennDOT.

Mr. MURPHY. So therefore we have made a decision from last year's \$47 million onto this year's nothing in appropriations? That priority obviously is no longer there.

Mr. McCLATCHY. The priority is there; the money is not there.

Mr. MURPHY. Last year it was, Mr. Speaker.

Mr. McCLATCHY. And this year we are a lot short.

Mr. MURPHY. We are short \$50 million; you just said so.

Finally, Mr. Speaker, under the House of Representatives, last year's expenditures for employes, for the chief clerk's special employes, showed a total of \$6,244,000. This year, under the same budget item, as far as I can tell, we show expenditures of \$7,481,000. I am curious to know why it is going to cost us \$1.5 million for employes in the House of Representatives next year of additional funds?

Mr. McCLATCHY. I believe there are increased costs for increased services we are trying to provide.

Mr. MURPHY. A million and a half dollars in increased services?

Mr. McCLATCHY. That is correct.

Mr. MURPHY. Could you please elaborate on those services, since I am a member of the House of Representatives and am curious as to what new services we will be receiving next year?

Mr. McCLATCHY. No, I cannot.

Mr. MURPHY. So we are going to vote on a budget for \$1.5 million for ourselves and we do not even know what we are going to receive. Thank you, Mr. Speaker.

Mr. McCLATCHY. If you do not want those services, you do not have to take them.

Mr. MURPHY. Finally, Mr. Speaker, under sequence No. 490, we give the clerk of courts a 25-percent increase in his budget from \$220,000 to \$290,000. I am wondering what he is going to do with that 25-percent increase. Could you please enlighten me?

Mr. McCLATCHY. If you will look at sequence 491, the secretary disappeared and moved up into sequence 490.

Mr. MURPHY. Thank you, Mr. Speaker. I did not see that.

Mr. Speaker, may I address the House?

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

Mr. MURPHY. I think this budget clearly shows that there are a lot of questions left unanswered. I think it establishes false priorities; for many of us, transportation. I think for all of us transportation is a major issue. Every survey I have seen in this state taken in Pennsylvania shows that there are two main concerns the people in Pennsylvania have about state government. One is their confidence in the public officials, and two is the whole question of roads and transportation. I think by what we have done tonight in SB 10 and what we are about to do in HB 1623, we shape and reaffirm, unfortunately, people's concern about the confidence in public officials and their concern about the roads. Last year we put \$47 million into the motor license fund out of the general fund. This year we are not putting anything in, and I think that is a clear indication of a change in priorities, and I disagree with that change in priorities and would like to have had an opportunity to discuss that and try to do something about it.

Under the Department of Public Welfare, many of us fought over HB 2044 with the hope that we would begin to see some assistance going to the truly needy. This budget does not show that at all. It shows a 1 1/2 -percent increase in cash assistance grants in the Department of Public Welfare. That certainly is not going to provide anybody with any money at all this year. There are a lot of unanswered questions in this budget. I hope that you will see fit to reject it so that we can get those questions answered. Thank you.

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

Mr. COWELL. Mr. Speaker, would Mr. McClatchy consent to interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I would like to talk for a moment about some of the dollar figures. First, if you add up the dollars that would be appropriated by HB 1623 and add to that figure the dollars that would be appropriated in the nonpreferred appropriation bills that I understand will be moved next week, as long as this bill moves along in a

timely fashion this evening, can you tell me what that total dollar figure would be?

Mr. McCLATCHY. The figure we have in the run is \$6,799,100,000.

Mr. COWELL. Okay; thank you. Next, has the Governor's office submitted an official revenue estimate?

Mr. McCLATCHY. No.

Mr. COWELL. Have they submitted an unofficial revenue estimate?

Mr. McCLATCHY. No.

Mr. COWELL. As you and your staff and the other individuals who have been involved with this conference committee fashioned this spending proposal, on what did you base your decisions in terms of the number of dollars that would be available to spend?

Mr. McCLATCHY. It is our analysis, Mr. Speaker, that this amount can be covered, and we have been assured that by the Governor.

Mr. COWELL. Mr. Speaker, can you clarify that a little bit? When you say that it is our analysis, are you saying it is a staff analysis?

Mr. McCLATCHY. It is our best estimate.

Mr. COWELL. Can you tell me what revenue figures are estimated by the staff, or by whoever is doing that figuring?

Mr. McCLATCHY. Just the total on the budget.

Mr. COWELL. Exactly?

Mr. McCLATCHY. We feel it is close, yes.

Mr. COWELL. And it is your opinion that it will not be necessary for the Governor to blue-line or veto any portion of this budget if HB 1623 would be sent to him in the form that it is currently before us?

Mr. McCLATCHY. He may have to.

Mr. COWELL. He may have to. Why do you suggest that he might have to?

Mr. McCLATCHY. There is no official revenue estimate.

Mr. COWELL. The fact that the Governor or somebody suggests that it might be necessary for the Governor to blue-line some items, I sense from your evasiveness more than anything else that you have some cause to believe that there might be a necessity to do some blue-lining. Do you have any sense of where those priorities might rest, where the Governor might choose to blue-line if it becomes necessary?

Mr. McCLATCHY. No.

Mr. COWELL. Does that concern you at all?

Mr. McCLATCHY. No.

Mr. COWELL. Mr. Speaker, if I recall correctly, it was you who made the comments about irresponsible legislators last week. Do you not feel any responsibility to pass a balanced budget, or any responsibility to care about what the Governor might find it necessary to blue-line, if we spent too much?

Mr. McCLATCHY. I have full faith in the Governor.

Mr. COWELL. Mr. Speaker, I would like to move on to another subject that is not addressed in this particular document that concerns me and concerns some other members

of this House. In the past I believe that we have been the recipients of a fairly large number of general revenue sharing dollars from the Federal Government, and, as I recall, in the current year we have spent most of those dollars on three major items, court costs, special education, and pupil transportation. I understand that the court cost item in the amount of \$24 million is taken care of in the Conference Report on HB 1623. I further understand that those portions of the revenue sharing dollars that have gone in the past or in the current year to special education and to pupil transportation are not covered in HB 1623.

My question is, how are we going to cover those dollars that we in the past have provided to our local school districts, our intermediate units, or is there not an intention to cover those dollars for special education and pupil transportation?

Mr. McCLATCHY. Mr. Speaker, I think that you know as well as I do that nothing has happened yet with revenue sharing. All we have is speculation. There is no reason to put court costs in yet, and yet I feel that we are safe in doing that. I think we will have to face that problem when it comes.

Mr. COWELL. In light of the recent actions that have been taken in the United States Congress, Mr. Speaker, do you not feel that there is some likelihood that this state and other states, but particularly this state, will not be receiving the same number of Federal revenue sharing dollars in 1980-81 that we have received in past years, and consequently will not have a similar number of dollars to pass along to our school districts and intermediate units?

Mr. McCLATCHY. Mr. Speaker, this is election year. I would suspect Mr. Carter is going to have a lot of trouble with that program, and, further, Mr. Speaker, I would suggest you write your Congressman and tell him what you want to do.

Mr. COWELL. Mr. Speaker, those kinds of answers are cute, but I am not sure that they are going to—

The SPEAKER. The Chair must insist that the gentleman confine his interrogation to questions that he wants responses to. It is not proper interrogation to become argumentative. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I am being no more argumentative than the suggestion that we write our Congressmen.

Mr. Speaker, if the United States Congress would not enact a Federal revenue sharing program that would provide to Pennsylvania dollars in an amount similar to what we have received in the past, would we have difficulty providing to our local school districts and intermediate units a similar number of dollars for special education and pupil transportation, as we provided in the current year and past years?

Mr. McCLATCHY. Mr. Speaker, I will just relate to you what my father used to tell me about a frog. If a frog had wings, he would not be bumping his fanny across the ground. You are talking about ifs that may never happen, and I do not wish to speculate.

Mr. COWELL. Mr. Speaker, I am done with my interrogation. I would like to make a couple of quick remarks, please.

The SPEAKER. Does the gentleman wish to debate the bill? The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I believe that we should oppose the Conference Report on HB 1623 this evening for two major reasons. One, as has already been described by a couple of other speakers, it is irresponsible of the members of this House to adopt a budget in excess of \$6 billion in this fashion, where a \$6-billion, almost \$7-billion, budget has been inserted in toto into a conference committee report and submitted to the members of the House of Representatives and the Senate without any opportunity for specific input on the part of the members. I am speaking specifically of the opportunity to stand up and say I disagree with this or that item. I want to offer an amendment to change it, or at least I want to be able to vote on somebody else's proposal to change this or that specific item.

In reality, rank-and-file members of the legislature do not get too many direct opportunities to significantly influence what happens with state government, despite all the votes that we cast. The budget is the major item on an annual basis, but we have an opportunity to direct and to impact upon the policies of state government and the priorities of state government, and when a budget is presented to the legislature, the members of the House and Senate in this fashion are denied that opportunity, that major opportunity, to truly be representatives of the constituents whom we represent throughout this Commonwealth. It is an awful precedent that is being established. It is one, as has been suggested by Mr. Ritter, that is going to come back and haunt us in some future years, because constantly I find that particularly legislative leaders look for convenient ways to deal with complex issues, such as this budget issue. It is difficult; it is complex; sometimes it is unwieldy; and the temptation is to make it as efficient a process as possible, and the most efficient process is to eliminate most of the members from that process and to make the options to them quite simple, yes or no in this case, on a \$6-billion, almost \$7-billion, budget. That is efficient; it is convenient for leaders; but it does not serve our constituents; it does not serve the citizens of this Commonwealth, and it is irresponsible on the part of legislators to be a part of a process where we effectively say, we do not want to participate in the process the way we are supposed to, the way we are supposed to have the opportunity to do so as a result of the constitution that we have in Pennsylvania.

Secondly, what is before us today is an unbalanced budget. Despite all the hedging, despite the stories about the frog, despite all the cute tales, in fact there will not be enough dollars generated in the Commonwealth of Pennsylvania to pay for this budget and the nonpreferred appropriation bills that will follow. In fact the Governor is going to be faced with a situation where most likely he is going to be blue-lining some unspecified items in this budget, and once again we are not going to have control over that,

because he is going to wield the pen and we are not going to have two-thirds of the votes of the members of this House or the Senate to veto whatever kind of blue-lining he does and

to override that veto.

Finally, we are going to find even a worse situation when we realize sometime in the future months that we are not going to be getting those revenue sharing dollars in the numbers that we would like them and in the numbers that we will need them. And the fiscal situation will only be aggravated, and some of you who vote for this who want to be fiscally responsible and who want to be responsive to the taxpayers of this Commonwealth are going to have the situation where you are going to have a deficit to finance, a deficit that you have created by voting for this legislation, and therefore I urge that all of us vote against this bill this evening. Thank you.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, those of us who served on the Appropriations Committee this year and some of us for the first time certainly enjoyed the opportunity to serve with Mr. Pievsky and Mr. McClatchy. However, Mr. Speaker, some of the things that were brought out during those Appropriations Committee meetings relative to this budget that is before us tonight have not been addressed tonight.

Mr. Speaker, yes, we increased PIDA - Pennsylvania Industrial Development Authority - money in this bill. We increased the opportunity for funding for our county homes and hospitals. We helped in other bills the mass transit program of the state, but, specifically, Mr. Speaker, what this bill fails to address this year that was brought out in the Appropriations Committee is the fact that our school districts are in the process of raising millage—one district back home, 27 mills—because there is no effort made in this legislation to help them. We have the agricultural bill.

Mr. McClatchy, would you please stand for interrogation on that for just one question?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed for one question.

Mr. LAUGHLIN. Mr. Speaker, I am sure you recall the Secretary of Agriculture coming before our committee to address the problems that his particular department was going to have this year in meeting a very tough fiscal program that was set down by the Budget Secretary. Mr. Speaker, do you recall specifically the area that was cut in the agriculture budget relative to the general appropriation there?

Mr. McCLATCHY. By whom? You will have to be a little more specific.

Mr. LAUGHLIN. Yes, Mr. Speaker. Specifically, if you recall, I questioned the Secretary regarding the cut that was made in the area of meat inspection, milk inspection, and weights and measures, the consumer items where the consumers are protected, Mr. Speaker. Do you recall that?

Mr. McCLATCHY. It is my understanding they are all in general government.

Mr. LAUGHLIN. Yes, Mr. Speaker, that is correct. In that particular situation, Mr. Speaker, the amount of money that was reduced in the consumer-oriented area was, I believe, \$145,000 in the weights and measures section. It was added to the administration of that department. Is that correct, Mr. Speaker?

Mr. McCLATCHY. Since it is all in the same one, I refer to sequence No. 55. We have increased that budget by \$485,000 over the Governor's request.

Mr. LAUGHLIN. Yes, Mr. Speaker, under that sequence, but I guess you do not recall the specific line item that the Secretary dealt with in his proposal in his submittal to the committee?

Mr. McCLATCHY. If it was a line item, it would appear under his budget, and it does not. So he will have to cover it under general government operations where we have given him an increase.

Mr. LAUGHLIN. Yes, Mr. Speaker, it does show an increase in this proposal, but it does not show the specific shifting of funds within the Agriculture Department, and apparently you do not recall, when the Secretary was addressed on that issue, he related to us that he was transferring \$145,000, or approximately 10 jobs across the state, that he utilized to protect the interest of the consumers in checking scales and weights and measures in this state?

Mr. McCLATCHY. I think he could still do that underneath his general government operations, if he wanted to. I do not remember, you know, one of your questions. I do not really listen to all yours, Mr. Speaker, when you go on at the meetings, but I guess you did ask it. I will not quarrel with that.

Mr. LAUGHLIN. Mr. Speaker, I thank you at least for remembering that questions were asked, regardless of how lengthy they were. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate the bill further?

Mr. LAUGHLIN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LAUGHLIN. Mr. Speaker, very briefly, it is obvious that the meetings that were held with the Secretaries of the departments were very informative to those of us who served on the Appropriation Committee this year. However, it is equally obvious that the State of Pennsylvania wasted probably \$350,000 in holding appropriation hearings in the State of Pennsylvania for the House of Representatives this year, and the reason for that waste is obvious also in that the budget has been prepared by the Budget Secretary, has been put together by a few leadership members in this House and Senate, and, as a result of that, we who serve on that committee have next to no input, even though the input was necessary.

I can only say for myself, after having served on that committee, that I believe we wasted \$350,000 to \$500,000 of the taxpayers' money for a futile effort to get information that the leadership of this House now refuses to utilize. Thank you, Mr. Speaker.

The SPEAKER. There are many members standing. The Chair would announce the order in which he has them: the gentleman from Philadelphia, Mr. Street, is next; followed by the gentleman from Allegheny, Mr. Goebel; the gentleman from Philadelphia, Mr. Williams; the gentleman from Allegheny, Mr. Michlovic; the gentleman from Allegheny, Mr. Itkin; and the gentleman from Greene, Mr. DeWeese. Those are the orders that the Chair has.

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

Mr. STREET. Mr. Speaker, it would have taken me a while to say what I have to say, but much of what I was going to say has already been said.

Mr. Ritter, I believe, put it very well in terms of the input on the part of legislators. I feel personally offended. I sat here and listened to the Governor when he made his presentation to the joint session of both houses, and I looked in his budget brief, and I looked in the budget proper. As a matter of fact, I did quite a bit of work, extensive work, figuring out some facts and beginning the process of preparing amendments to have some input, and that never happened. The Governor was in Philadelphia just this week telling people whom I represent in north Philadelphia, who are on AFDC - Aid for dependent children - that they were getting a 12 1/4 -percent increase in the welfare grants and those people who were on general assistance that they were not going to have any income because they were not truly needy. Well, I have a lot of truly needy who are looking to me for a 12 1/4 -percent increase. The Governor told them they were truly needy, and they believe it, and now the truly needy are not represented, and it is not reflected in this budget, and I have not even had an opportunity to offer an amendment to this to represent the truly needy, and I do not understand why I would spend time to go to the polls to come here and represent somebody and do not have the opportunity.

Also in that budget brief that the Governor read from that podium, where the Speaker is now standing, was \$4 million for a community conservation program, the program that was going to devise job training for those people who need it. I did not find that community conservation program in this budget, and I have not had an opportunity to even make an effort to put it there. And this is the first time I have ever seen any type of game where the end result is decided before the game starts, and the end result of this budget was decided before those of us who ought to have input on it even had an opportunity, and I do not understand that. And I listened very closely as Mr. Ryan, the majority leader, was interrogated about that question. Why is it that I as a Representative, Mr. Speaker, did not have an opportunity to offer amendments and have input on behalf of my constituents to this budget? I would like to know. Maybe there is a legitimate answer to that question. Can you answer that for me, please? Will the gentleman, Mr. Ryan, stand for brief interrogation?

MR. ANDERSON REQUESTED TO PRESIDE

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

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

The SPEAKER pro tempore. The gentleman, Mr. Ryan, indicates that he agrees to be interrogated.

Mr. RYAN. Because the rules do not provide for it.

Mr. STREET. The rules do not provide for me to have input on legislation?

Mr. RYAN. No.

Mr. STREET. I do not understand.

Mr. RYAN. The question you asked me, Mr. Speaker, was why you could not offer an amendment to a conference report, and I said the rules do not provide for it. However, if I may, opportunity was given over the past months for everyone to review closely the tabbed printout of HB 1623. I am sure that your conferees would have welcomed any suggestions you might have made, and I know that took place in all four caucuses.

Mr. STREET. Well, if I had known before I ran for office that my job was just to offer suggestions and not be a legislator, then maybe I would not even have run. You know, I mean we have changed the definition of a legislator. Now are we just to make suggestions and talk rhetoric, or are we to get involved in the process to truly represent those who sent us up here to represent them? I mean, I need some clarity on that. I imagine that the majority leader chose not to answer that question.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. I was under the impression that the gentleman was making a speech and not asking a question and I apologize to the gentleman for not having paid closer attention to his remarks. I would be happy to comment on a question if it is posed.

Mr. STREET. Mr. Speaker, is it the normal procedure for this House of Representatives to send legislation of this magnitude of the budget directly to a conference committee before we deal with it on the floor of this House?

Mr. RYAN. No; it would not be considered normal. We only have a budget once a year. So what is or is not normal is determined on the basis of activities by the House on a yearly basis. So I would say it is not normal.

Mr. STREET. Well, Mr. Speaker, based on the fact that we could determine normal, I think if we would use the last 20 years, since we would have a budget once a year, then we can talk about 20 budgets for the last 20 years. Based on that, is it normal? Or is this the first time that a budget has been sent directly to a conference committee without being dealt with on the floor of this House?

Mr. RYAN. I do not know.

Mr. STREET. You do not know? Mr. Speaker, are the rules of this House in formulating legislation the same rules that apply to budget procedures and that legislation?

Mr. RYAN. Yes.

Mr. STREET. All right. To be clear, I am talking about the process where we get an idea, where we form that idea to Legislative Reference Bureau, where it is introduced to the House, where it goes to a committee, it is referred to a committee, from a committee to a subcommittee - that whole process that we use in developing legislation. Is there any particular reason why we did not follow that same process in dealing with this budget?

Mr. RYAN. I do not run the budget; I do not run the bills. The budget came before us by way of conference report. I am satisfied that it is constitutional. The House has spoken to the issue that is here before us, and I am prepared to vote it.

Mr. STREET. Mr. Speaker, it is my understanding—and if I am wrong, please correct me—that the budget came before us in a joint session between the House and the Senate when the Governor came here and read what his budget proposal was. I went over the Governor's budget proposal. I was given a copy of that, and Community Legal Services is cut \$200,000 from what the Governor proposed. All I am saying is, why is it that that Governor's proposal did not follow the normal process? I want to know why I was cut out from the normal process.

Mr. RYAN. The Governor's proposal is just that, a proposal. It is then up to the legislature to deal with that proposal as it sees fit. If 102 members of the House and 26 members of the Senate decide on how to take action on that proposal, they do it. If there are less than 102 in this chamber and 26 in the other, we do not do it. And if the gentleman would permit it to be voted, we could find out what our action is going to be.

Mr. STREET. Well, I would like to know, Mr. Speaker, did 102 members refer it to the conference committee? Since we are going to decide the budget issue, once it was an idea that came before this House, it seems like to me that we should have determined what committee, whether it be the Appropriations Committee, the Finance Committee, we should have made the decision what committee that went to. I do not remember this House of Representatives making that decision, and because I do not remember that, I would like two questions answered. One, if we made it, when? And if we did not make it, who made it?

Mr. RYAN. I apologize to the gentleman, I frankly did not hear the two questions.

Mr. STREET. The question was that I would like to know if this House of Representatives referred this budget, the Governor's budget, to the conference committee. If the House of Representatives, all of us in this room collectively, did not do that, then I would like to know who did it, and under what authority did they do it?

Mr. RYAN. The authority is found in the rules of the House. The members of the conference committee who signed the conference report are the ones who inserted into the record that is now before us under HB 1623 the line items and the amounts assigned to each of the line items, which is permissible under the rules.

There are very, very few bills, Mr. Speaker, that are introduced by 102 or 202 or 203 members of this House. They are introduced by one member, two members, three members, and eventually come before the House. This happened to find its way before the House through the parliamentary procedure of a conference committee report, and, incidentally, I am told, six out of the last 10 budgets found their way before us for final passage in a conference committee report, and maybe more.

Mr. STREET. Mr. Speaker, I do not want to play the word game, but do our rules not say or provide for legislation to come to this House, go to the Senate, come back to this House for concurrence, and at the time that we, the two bodies, cannot concur on a piece of legislation, it is at that time that that piece of legislation goes to a conference committee?

Mr. RYAN. That is what happened.

Mr. STREET. Well, I am simply trying to get at how come this budget did not follow that process?

Mr. RYAN. It did.

Mr. STREET. It seems like to me that this budget went directly to a conference committee.

Mr. RYAN. HB 1623 passed the House, was amended—as I recall now—in the Senate, was nonconcurrent in by the House, was sent to a conference committee; the conferees inserted what is now before us, and it is back before the House and the Senate for concurrence or rejection, which is proper, permissible, and in accordance with our rules and the constitution of the Commonwealth.

Mr. STREET. Thank you, Mr. Speaker.

In conclusion, Mr. Speaker, we voted on the constitutionality of this budget, and the first time we voted there were 97 people in this House of Representatives who felt that this budget, the way the process was dealt with, was unconstitutional. That raises a very serious question in my mind, and it even raises the question to the extent where those of us who are serious about representing our people back home and having some true input maybe should be serious about challenging this budget, if it is passed, in a court of law, because there are so many questions about the constitutionality of what we are doing here, you know. And I do not understand how anybody can come here to this House of Representatives and say that they are responsible individuals and not go back home and say to their constituents, I did not get everything you wanted but I tried, and my trying meant more than just standing up in front of one of these little silly things here with a head on it, talking some rhetoric. I mean I tried. I drew up some amendments; I argued my amendments; I had ideas; I framed those ideas five or six different ways to try to represent you. This is the extent of the input that I can have on the budget. I could stand here and talk. I am making a decision now as to how long I am going to talk since it does not seem like I am going to have any other opportunity or I have not had any opportunity to get involved in the budget. I can raise a lot of contradictions in terms of what I read that came here from the Governor, that great big book and then that little

teeny-weeny book he gave us, and compare it with this. There are all types of contradictions. I did not even get a chance to have an input on that.

I would suggest and go along with Mr. Ritter in terms of the last 2 weeks before July 1, that we reject this budget or this conference report and get a budget before this House of Representatives and come up here and knuckle down and do some work so that all of us can represent our people and represent them like they are supposed to be represented, and at least be able to leave here with an inner affirmation and an inner satisfaction that we have done our best to represent our district. I urge a "no" vote on this budget.

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

Mr. GOEBEL. I rise to oppose this conference committee report. Before doing so, I would just like to impart a little bit of wisdom I received tonight from "Boss Hog" Bittle over on the other side of the aisle there. He told me this evening that it is really hard to soar with eagles when you are working with a bunch of turkeys. I think that really, you know, has a lot to say for itself.

I have been working on both sides of the aisle now and I have a little more experience than maybe even some of the other people here do in the last 4 years, but you know, most of us come up here with the idea that we are going to change something; we are going to make a better Pennsylvania. And a lot of us, some of us, are working men and we come up, and I sincerely think that Milton Street had a lot to say there, if you were listening instead of sleeping like a lot of us happen to be right now. We think we are going to change things, think we are going to do something, and you find out that if you stray off the reservation a little bit too far, you are going to run into trouble. You might even be faced with primary opposition or get bumped off or something crazy like that which will hurt yourself, so most of us finally settle down and we realize it is just a game anyway, and we play the game. When I was on that side of the aisle, we opposed this side just for the heck of it. Now I am over here, and we will oppose you just for the heck of it. So you play the silly game, and that is all it is, just a game, because we all know we have been told a lot of times the voters do not really know. Most of them do not even care. You can vote for anything, taxes and budgets and everything, and you can get reelected and it does not even matter. And if you are smart, we will do that. We have been told that if we are smart, we will pass this budget ahead of time and we will go back home and we are going to campaign and if we do not, the people are going to say, what is wrong with them, the inept legislature, that cannot even pass a budget?, because they are not going to know what is in it anyhow. So this is the smart thing to do, but I will tell you what, what we are really doing is increasing spending. Anyone in the last 4 years, if you add them up, it is like 26 percent increased spending. You people over there on the other side of the aisle were opposed to budgets in 1977 and 1978 because they increased spending. Now you

are approving a budget that absorbs that spending. So you do not even care. I know. I know a lot of people, the majority leader, he does not— He could care less. He just wants to deliver this package to the Governor on time, and ahead of time, as a matter of fact, and he does not even really care what is in it. He could care less. Most of us here could care less.

So let us play the game. I will tell you what, they do not have the votes over there. They cannot even get 102 on a constitutional vote right now. They do not have them. Let us play the game. Let us take this \$7-billion little gyp sheet and send it back to His Excellency, because they do not have the votes, and let us keep it back there until they put a budget out here that we can all work on. And let us have government for the people, by the people, and of the people.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Point of personal privilege.

The SPEAKER pro tempore. The gentleman may state his personal privilege.

Mr. RYAN. Mr. Speaker, the prior speaker took certain liberties with members of this House that I do not think are proper. Now wait a minute; he was talking about you, too, not just me.

It may be, Mr. Speaker, that there are members of this House who do not take this job seriously. It may be, Mr. Speaker, that there are members of this House sleeping now, although I frankly do not see a one. It may be, Mr. Speaker, that you do not take it seriously and feel free to point the finger at any number of other people, but I think the bulk of the members of this House and the bulk of the members of the legislature, since I have been up here, do not fit into your generalizations as quickly and as easily and as conveniently as you would have them. Ordinarily I would not respond; I would consider the source. But because the record prints even what you have to say, I am going to interrupt the speeches as they were listed to respond so that if anyone could bother reading your drivel, at least they will see that someone wanted to respond and did not agree by silence with what you had to say.

Mr. GOEBEL. Mr. Speaker, may I respond to those statements?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Goebel.

Mr. GOEBEL. I will tell you what, Mr. Majority Leader, I am just a working man, and I put a lot of work out and paid a lot of tax dollars with these hands, maybe something you have never had the pleasure of doing, I do not know. But I will tell you what, I am here representing working people, and I can walk away from this hill having served 4 years with the satisfaction of knowing that while I was on the job, I did a job, and if the people know that I did the right thing— There are people in my district who know that I did the right thing and that I tried to do the right thing. I

never voted for increase in spending; I never voted for taxes.

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

Mr. WILLIAMS. Mr. Speaker, I do not know whether the dialogue is over or not, and I was the next speaker.

I want to take exception to the characterization by Mr. Ryan of "drivel." I have wanted to say that about a lot of things around here for a long time, and every time I get to say it, I get cut off. I just wanted to take exception to your remarks, unless we are all free to use what language—

The SPEAKER pro tempore. Does the gentleman wish to debate the bill or does he want to make a speech as a personal privilege?

Mr. WILLIAMS. Mr. Speaker, I just told you I was next to make my speech and I am going to make that.

I first wanted to take exception to Mr. Ryan's description, unless we are all going to have a right to do that; that is all. I like the way he talks, but I would like to have the same latitude. I mean that. There are a lot of different words I use. I will take my turn now to make my speech, if I can do that.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WILLIAMS. Thank you. Mr. Speaker, I want to raise my voice additionally in protest of this process. It is absolutely clear that this procedure has never been followed before, and as all the other speakers said, I think it is very dangerous for the future. I also think it is wrong; I think it is deceptive; but the worst thing about any of us even entertaining a process by which we are going to vote on something of which we had no input is pointed out by every speaker. We have items in this budget which we have not even had the time to look at. Someone pointed out that the most dramatic piece of legislation that we passed, HB 2044, is not even reflected in these figures. It has been alleged that the Governor wanted to pass HB 2044 in order to balance a budget. We are proposing a budget here that does not even reflect all those figures we talked about. Where is the \$37 million, or whatever was going to happen, where is that provided for in here? That is the hottest piece of legislation that is being discussed in this Commonwealth. Where are the figures that reflect the lid that was put on Day Care in Philadelphia and Get Set?

I just turned to one page here, Mr. Speaker, and I would like to interrogate Mr. McClatchy or someone else about it mainly because I do not understand it. If Mr. McClatchy would stand for interrogation, I would like to ask you, Mr. Speaker, concerning page 46, a category "For the payment of the expenses of one minority party member of the Committee on Appropriations..." in appropriating to that member \$420,000. Mr. Speaker, that is on pages 46 and 47; and, Mr. Speaker, I do not understand what \$420,000 is appropriated for one member for, and I would like to ask you if you could explain that to me, what it is for and what he or she does for \$420,000.

Mr. McCLATCHY. That, Mr. Speaker, is the House Minority Appropriations Committee line item in the budget, \$420,000 for that committee.

Mr. WILLIAMS. Mr. Speaker, can you explain to me why that appropriation spells out expenses for one minority party member, \$420,000, and just above that it has for payment of expenses of the committee, Republican, the same amount? In other words, one appropriation specifies for a committee in the same amount, and an additional \$420,000 says "For the payment of the expenses of one minority party member...." Why would \$420,000 be appropriated for the expenses of one minority party member whereas an equal amount is appropriated just above that for the expenses of a full Committee on Appropriations?

Mr. McCLATCHY. It is my understanding that that is for the minority Appropriations Committee. It is given under the control of the chairman.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I have just lightly reviewed this document because all of us have had the disadvantage of having this bunch of paper for no more than a couple of hours; and I challenge anybody, including the experts who advise us all the time, as to whether or not they understand it or the implications. Indeed, a couple days ago our staff had to explain to us that they did not know the implications of certain appropriations, i.e., the HB 2044 implication; i.e., the Get Set implication, and a few other appropriations. And for the rest of us who do not get this until a couple of hours before we are asked to vote, we are asked to appropriate money—

I submit to you that it clearly says here two things. Mr. McClatchy says this is for the committee, \$420,000, but it says here in writing "For the payment of expenses of one minority party member of the Committee on Appropriations...." That means, in plain words, that one person gets and controls \$420,000. Now, if they mean it any other way, they ought to say it that way, and I suggest to you that on page 44 it says it the right way, because it gives a separate \$420,000 to the Committee on Appropriations—Republican; minority. And I do not think that the process allows for us to be shoved a piece of paper where in plain words what we are going to vote on gives one person \$420,000 and in the same drafting, giving it to a group, says the same thing. I do not know how many other literal mistakes are being made in this document, but I deeply resent the fact that for the first time in my legislative career in Harrisburg that we have not been permitted or allowed to amend and to intelligently discuss aspects of a budget. That means your district, your project; my district, my project. Indeed, the major questions we discussed up here are not even accurately reflected in this budget, and there is only one way that any legislative body in the United States of America does that, and that is by the individual members being able to examine it, to amend it, to intelligently debate it, to come up with a different and a better idea.

Mr. Speaker, I would daresay that not only has our procedure here abrogated and violated our state constitu-

tional rights, abrogated and violated every precedent rule that has existed in this House up until now, but probably nowhere in the United States of America is this process proposed whereby legislators have no input on the most fundamental document that appropriates money for services in their Commonwealth.

Mr. Speaker, my protest as one individual member, as has been echoed by several other individual members, to amend has said it is irresponsible. I have not seen, on the Republican side, one person get up to protest against that. I remember very clearly several debates on budgets that I agreed with many Republican observations about the basic unfairness and how we proceeded in the budget, and it surprises me that there is no protest from that side. I do not think that the principle here has been violated only by Republicans, because indeed the Democratic leadership of the Senate is also equally guilty; and I think that they are guilty, the people who proposed this process are guilty, of probably violating our most precious right, as Mr. Street had pointed out, and that is the question of why we come here. Do we come here to be a bunch of dummies on a log at 2:30 in the morning; to look at a piece of paper that none of us understands; to observe, as speaker after speaker has pointed out, deficiencies to the appropriations expert? That is no way to pass a budget; that is no way to get elected; that is no way to preserve order and dignity for a long time in some legislative halls.

Mr. Speaker, I hope fervently that everybody votes against this piece of legislation if for one purpose only, that is, to reject this as a process that will be used in the future; a process which begs legislators to be ignorant; that begs legislators to vote blindly; that begs legislators not to represent their constituents.

Mr. Speaker, I urge a "no" vote on the Conference Report on HB 1623 on the basis of the fact that the proposition presented to us violates our constitutional right to make amendments, to have input. It violates the very rules of the House, as pointed out by Mr. Ritter. It offers no balanced budget for the State of Pennsylvania for the coming fiscal year.

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

Mr. MICHLOVIC. Mr. Speaker, will the gentleman, Mr. McClatchy, stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. McClatchy, indicates that he will consent to interrogation.

Mr. MICHLOVIC. Mr. Speaker, on the computer printout version of the general funds budget, under the Department of Health, there is an item for cerebral palsy, St. Christopher's Hospital, item 274. That item goes from an actual expenditure in last year's budget from \$75,000 to \$575,000 in this year's conference budget. Could you explain that inordinate increase in appropriations, what they are doing with that money and why do they need a 766-percent increase?

Mr. McCLATCHY. First of all, Mr. Speaker, that is not in the budget on the conference committee report. It is in

the run. It will be a nonpreferred appropriation. It is my understanding that Children's Hospital has serious problems and that is why that amendment was proposed to the conference committee and it was accepted.

Mr. MICHLOVIC. I am sure there are hospitals all over the state that would contend that they have serious problems and need funding to the tune of a 766-percent increase. Can you enlighten us a little further as to the kind of problem? What is going on?

Mr. McCLATCHY. Just that the Children's Hospital is in serious financial trouble and has asked for that, and the minute it was presented, it was accepted by the conference committee.

Mr. MICHLOVIC. Okay; the second area of concern is in the Department of Public Welfare under Mental Health/Mental Retardation Services, sequence No. 406.08, the Norristown State Hospital, 20-bed forensic youth unit. My question about that item is more one of omission than commission, and that is, is there a similar appropriation for the western Pennsylvania region for a similar program?

Mr. McCLATCHY. Not to my knowledge, but I will not say there will not be one in the future. This specific item was contained in the Secretary's budget, and at the request of a number of members from that area who wanted to assure that we were paying for no more than 20 beds, we inserted a line item.

Mr. MICHLOVIC. Mr. Speaker, are you aware that the program, the Diagnostic Treatment Service Program, that is to be used under this appropriation, which was first developed in western Pennsylvania, and the Western Pennsylvania Institute and Clinic over a 7-year period by advisory commission there applied to the Department of Public Welfare, by that group, and that program was stolen and placed in the Norristown facility without ever placing any similar type of facility in western Pennsylvania? Were you aware of the background of that kind of a—

Mr. McCLATCHY. I am only aware of the expressed request by all of the judges in the southeastern region to provide for 20 secure beds for mentally ill juveniles.

Mr. MICHLOVIC. Okay, thank you, Mr. Speaker.

I would like to comment, Mr. Speaker.

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

Mr. MICHLOVIC. Mr. Speaker, the number of speakers that have talked on this bill prior to me have given you ample reason to vote against this bill, and I shall rise to join with them in asking your opposition to the bill. The two items that I pointed out are only small things, but they again indicate the inability and the frustration I feel as a member of not being able to deal with very real problems that I see in that budget and would like more information about but cannot do anything about. Just as Abe Fortas wrote that the survival of our society as a free, open, democratic community will be determined, not so much by the specific points achieved, as by the procedures which survive the confrontation, I submit to you, Mr. Speaker, that there will be very few procedures left surviving if we vote in

favor of HB 1623 tonight. In essence, willing to sacrifice the freedom for order. And it is a freedom of each member of this House to have an input, having a say in what goes on in the Commonwealth of Pennsylvania. Surely it is a confusing, frustrating, lengthy process, but it is a very necessary one.

We are the only representatives who can speak for those people and actually affect the budget of this Commonwealth. Tonight we are being denied the right to do that, and I feel very personally, personally, abused by that. And I think that that abuse is an abuse that has been levied upon me; and because I have been abused, I shall abuse as well and abuse the privilege that we normally offer in this hall of not speaking about other members. I will refer here to the leadership; the leadership of this House. And if we as members of this body pass this bill and agree to this procedure, it will be a sad commentary on ourselves, but it will be an even sadder commentary on the leadership or lack of leadership or unwillingness of leadership to deal with this entire issue and process in a democratic fashion. And believe me, Mr. Speaker, I am not confining myself to the leadership on the other side of the aisle because I think the leadership on this side of the aisle has failed me almost as miserably. I am very frustrated about that and I think it is something that has to be said, and I ask your vote against this budget.

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

Mr. ITKIN. I used to have a county commissioner who used to write me letters and say, Good morning. I guess maybe I should use that this morning too. Good morning. I know the hour is getting late, but we always expect these types of things on budget night. It is like New Year's Eve in the legislature, and we are all having a lot of fun. But I would like to ask a couple of serious questions just before the vote and I am wondering whether the chairman of the Appropriations Committee would consent to brief interrogation? I know he is tired and I can hear the creaking of his bones as he gets to the mike.

The SPEAKER pro tempore. Mr. McClatchy indicates that he will consent to interrogation. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I think that it has been discussed before that this budget does not deal with the potential loss of funds for special education and for pupil transportation that has, in the past, appeared and was used from revenue sharing provided from the Federal Government. I think it is something like 50-some-odd millions of dollars that are deficient in terms of funding both these programs that are in HB 1623. I guess the first question I ask you is, how are we going to deal with the limited amount of money we have now appropriated in HB 1623 for pupil transportation and special education?

Mr. McCLATCHY. Well, again, you are speculating on whether that program is going to happen. We are not sure whether it is going to happen. Court costs for the three areas, court costs, special education, pupil transportation

for one-half year, and I believe that is the only possibility we face if Congress agrees with the President and cuts out the program; it is about a \$55-million problem. With \$24 million roughly of court costs being covered, we are down to about \$25 million, \$30 million, and the Secretary of the Budget, in his wisdom, feels we may be able to deal with that later on in the year if that program is passed by Congress.

Mr. ITKIN. So, really, we do not have that taken care of. Let us suppose that the Federal Government does not authorize state revenue sharing, and this appears to be the case. I mean, there have been numerous bills in the Congress and the Administration's position is quite clear. Let us suppose, and I think there is a preponderance of evidence, that there will not be any substantial amount of state revenue sharing this year. Let us suppose this comes to fruition. What would be your position in how we would then fund these two programs?

Mr. McCLATCHY. I have already mentioned it. The Secretary of the Budget is very well aware of that problem. It may occur, and he feels that if it happens at that time that he will be able to cover it somehow, somehow.

Mr. ITKIN. You mean by shifting funds around?

Mr. McCLATCHY. Lapses, shifting funds around, whatever. I am not privy to his plan if and when that may happen.

Mr. ITKIN. The unfortunate thing is that lapses normally occur toward the end of a fiscal year, if there are any moneys to be lapsed. I am concerned that the school districts and the intermediate units depend upon these moneys, I assume, in more timely payments, and that the lapsing of funds might put the school district and the IUs - Intermediate Units - into a bind that they may have to go out and borrow money until their funding is provided by the state. Is that a possibility?

Mr. McCLATCHY. I think the Governor and we, in our wisdom, realize that they are very serious programs, and I can assure you that they will be funded somehow, somehow.

Mr. ITKIN. Would you speculate that the Governor might ask us for an additional revenue raiser, some sort of tax increase?

Mr. McCLATCHY. I have no idea.

Mr. ITKIN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. According to the list provided to the Speaker, there is one more speaker on this matter, so those who are in their offices might wish to come to the floor of the House very soon.

The Chair at this time recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I will be quite, quite, quite brief.

Several hundred years ago, Mr. Speaker, in far away Vienna, a music teacher composed what he called a musical joke, a musical joke. In this composition, Mr. Speaker, this teacher had some of the high notes too high and some of the low notes too low; some of the horns were clashing,

and when there were supposed to be violins, there were drums; when there were supposed to be cellos, there were cymbals. There were all kinds of cacophony and discord. Mr. Speaker, the man who wrote this musical composition was Amadeus Mozart. He was trying to teach his pupils what happened when you did not follow the rules. When you do not follow the rules, you have discord. Mr. Speaker, I am under the impression that tonight we are reacting in a situation where we did not follow the rules. The ability and the perspicacity of Mr. Mozart is relevant tonight.

My only other example of relevance tonight happened 117 years ago. One hundred and seventeen years ago this summer, in Adams County, Pennsylvania, boys from Tennessee and boys from Alabama and Louisiana and Florida and Georgia came down from the hills and they met some of Beaufort's men at a place called Seminary Ridge. Like those men who participated in that battle, the first Democratic brigade of the Commonwealth army tonight has not had all of its generals in the front lines. Seventy-five percent of the men who made decisions, the officers at Gettysburg, were subordinate officers, Mr. Speaker. And my comment to you tonight is that subordinate officers—Colonel Kukovich and Colonel Ritter, Major Murphy, Major Michlovic, Captain Cowell, Sergeant Street—these are the people in the first Democratic brigade of the Commonwealth army who have carried the battle tonight.

I would submit to you that our generals did not go into the blaze of hurricane and fire and steel in the peach orchard and the wheat fields. We have not had our generals with us tonight. I believe that the procedure was wrong, as I said. I believe that our leadership collectively, and especially on this side of the aisle, could have been more assertive in protecting our methodology. I believe, to take one last reference from that conflict in Adams County, that if we defended the procedure tonight, we will continue to defend the procedure, and our efforts shall not have been in vain. Thank you.

The SPEAKER pro tempore. The Chair at this time turns the chair back to the Speaker.

THE SPEAKER (H. JACK SELTZER)
IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for presiding so ably.

On the question recurring,

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

RECONSIDERATION OF VOTE ON CONSTITUTIONALITY ON HB 1623

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

Mr. RICHARDSON. Mr. Speaker, I move that the vote by which the question of constitutionality of the Conference Committee Report on HB 1623, which passed on the 11th day of June, be reconsidered.

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

Mr. KUKOVICH. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Austin	Fryer	Letterman	Rieger
Barber	Gallagher	Levin	Ritter
Bennett	Gamble	Livengood	Rodgers
Berson	Gatski	McCall	Schweder
Brown	George, C.	McMonagle	Seventy
Caltagirone	George, M. H.	Manderino	Shupnik
Cappabianca	Goebel	Michlovic	Steighner
Chess	Goodman	Milanovitch	Stewart
Clark, B. D.	Grabowski	Mrkonic	Street
Cochran	Gray	Mullen	Stuban
Cohen	Greenfield	Murphy	Sweet
Cole	Hoeffel	Novak	Taylor, F.
Cowell	Hutchinson, A.	O'Donnell	Trello
Cunningham	Iris	Oliver	Wachob
DeMedio	Itkin	Petrarca	Wargo
DeWeese	Johnson, J. J.	Pievsky	White
Dawida	Jones	Pistella	Williams
Dombrowski	Knight	Pratt	Wright, D. R.
Donatucci, R.	Kolter	Pucciarelli	Yahner
Duffy	Kowalshyn	Rappaport	Zeller
Durham	Kukovich	Reed	Zitterman
Fee	Laughlin	Rhodes	Zwikel
Freind	Lescovitz	Richardson	

NAYS—100

Alden	Gallen	Mackowski	Scheaffer
Anderson	Gannon	Madigan	Serafini
Armstrong	Geesey	Maiiale	Sieminski
Arty	Geist	Manmiller	Sirianni
Belardi	Gladeck	Micozzie	Smith, E. H.
Beloff	Grieco	Miller	Smith, L. E.
Bittle	Gruppo	Mochlmann	Spencer
Bowser	Hagarty	Mowery	Spitz
Brandt	Halverson	Nahill	Stairs
Burd	Hasay	Noye	Swift
Burns	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Cessar	Honaman	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hutchinson, W.	Perzel	Telek
Civera	Johnson, E. G.	Peterson	Thomas
Clark, M. R.	Kanuck	Phillips	Vroon
Cornell	Klingaman	Piccola	Wass
Coslett	Knepper	Pitts	Wenger
Davies	Lashinger	Polite	Wilson
Dietz	Lehr	Pott	Wilt
Dininni	Levi	Punt	Wright, Jr., J.
Dorr	Lewis	Pyles	Yohn
Earley	Lynch, E. R.	Rasco	Zord
Fischer	McClatchy	Rocks	
Fisher	McIntyre	Ryan	Seltzer,
Foster, W. W.	McKelvey	Salvatore	Speaker
Foster, Jr., A.	McVerry		

NOT VOTING—6

Borski	Giammarco	Schmitt	Shadding
Dumas	Harper		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

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

On the question recurring,

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

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

Mr. RICHARDSON. I would like to debate the bill.

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

Mr. RICHARDSON. Mr. Speaker, since it is always the courtesy of this House to give a reconsideration to its members, and this House has denied us that right, an opportunity, I feel I have a right to speak on the bill.

Mr. Speaker, number one, I would like to say that the course of this action that has taken place this evening certainly is a mockery to the members of the House and also to the citizens of the Commonwealth of Pennsylvania. We may be reiterating some of the comments made earlier, but I think that it is more important for us to delineate a few of the things that have happened.

Number one, in this particular conference committee report there is a cap on Act 148, moneys for reimbursement to counties. A number of counties that are affected by a number of individuals who are sitting here in this room will affect those group homes where young people, who may be incarcerated in institutions, have set up homes where they can go to group homes and be set aside in. There is a cap on those moneys of some \$88 million.

Number two, there is an increase in the Governor's mansion and also his particular office. There is no money for the Commonwealth Job Development Commission. There is an increase in the Energy Development Authority; there is no increase to the drug and alcohol programs in the Commonwealth of this state. There is an increase, however, in the Lieutenant Governor's office; an increase in the Department of the Auditor General; the Department of Agriculture. The development of operation of livestock shows has been increased; an increase in - Pennsylvania Industrial Development Authority - PIDA; an increase in tourist promotion assistance; the Port Authority of Erie. No increase in county service centers; no increase in the education of the disadvantaged. An increase in Environmental Resources; and no increase to the payments to the counties for public welfare programs, just to name a few of the programs, Mr. Speaker, that affect the members of this House and some of their own particular counties.

It seems that if we are going to be serious about the questions that have been raised already, and we have raised a number of principle points, that those principle questions must be answered within each and every legislative district which is represented here. All of the questions that have been raised on constitutionality have been raised in relationship to the process by which it has been afforded each and every member in the past, and which is just totally being wiped out, and instead we have a bill that is being ramrodded down the throats of the members here. We are not being given an opportunity to put any budget amend-

ments in it at all, and it is a disgrace to all of us who represent a legislative district.

Mr. Speaker, if there was a way that we could take back what has happened in the process and look back as to what has happened, you will find that not only iterated by those members who have spoken already has it not ever happened, but that there has never been a precedent that has been set like this before. And while it is funny to a lot of members who are here, it is very serious to me as an individual legislator who has been here 7 years and has never seen this process take place ever before. And with that in mind, it would seem to me that our responsibility would be to uphold the righteousness of this so-called august body by allowing members to come to grips with the fact that if you throw this process out, then what are we here for? What are we being paid for? Those questions are never raised, Mr. Speaker, even when the aisles would change in terms of the leadership. Never was there an attempt ever to do the things that are being done here tonight, and it seems to me that if there is an opportunity for change, the time for that change is now.

There was an opportunity for us to say, hey, the constitutionality question is a legitimate one. I believe that this question of the budget being passed and the way it is being ramrodded down the throats of the individual members here tonight should be questioned in the courts of law of Pennsylvania, and perhaps there are lawyers in this House of Representatives who believe conscientiously that it should be challenged, and perhaps we can file some type of class-action suit against the House of Representatives for what is being done here tonight. That would seem to me to be the only kind of fear that can be installed into those individuals who are doing what they are doing here, recognizing that the majority leader said that, no, this has not ever taken place before; recognizing that these problems continue to exist over and over again. Only when it is convenient do the rules change. The rules change conveniently in terms of, I guess as the majority leader addressed himself to it, that if you have got the horses, then you run the horses, and that is the ball game, but I do not think that is just the ball game. I think that there is more to it than just saying that you have the horses. It is saying that we have a principle, something that you live for, something you believe in, and something that you come to grips with, and maybe in some cases even die for.

I think that we are at the point now of making some decisions for those individual persons who live in our districts, a decision of where do you stand? So when the question is ever raised on June 12, 1980, where were you on the budget?, you can honestly say to them you consciously voted the correct way and that you knew that the process was wrong and you still voted for it, which makes you a hypocrite; makes you a hypocrite to not only those whom you represent, but to what you stand for in terms of the halls of this House. You say that this is a distinguished body of persons who come together and argue and fight and bicker and whatever the case may be, but at least it is

afforded the opportunity within the halls of this House. That is being taken away tonight by allowing you to just say that we are not going to have that budget process any longer available to the members, that we are going to put it in the conference committee and you vote yes or no and that is all you accept.

I think that is wrong, Mr. Speaker, and I think that if we are to change the complex of how other people in this Commonwealth are looking at us tonight, whether they are the senior citizens, whether they are working-class people, whether they are rich people, whether they are white people or black people or Hispanic people; they can all say that we justifiably stood on the floor of this House and at least debated it openly and fairly, and regardless of whether amendments went up or down, that the process was always there. It has to be reiterated over and over again until somehow it sinks through the hard-core shell of the brains of a number of individuals in this room who do not want to listen to that. And once that is explained and once that is expressed, maybe you can say to your children or those who are watching you or those who emulate you that yes, I know I was doing wrong and I did it anyway. You have to live with that, and I think that all of us as members of this House have to live with it because it is being forced upon us against our will. It would be different if we were debating a bill where everybody had that opportunity, but it is not being afforded tonight.

Finally, Mr. Speaker, I would say this; that we are living in one of probably the most serious times of our lives, particularly as a young person. In 1980, we are approaching a time when people have to make a decision between food and fuel, and it seems to me that the time is going to grow worse; that young people in the streets, the city of Philadelphia, where we have the highest unemployment rate amongst black and minority youth being waged in terms of the return of the new uprising of gang violence in the streets of the city of Philadelphia. We have had a number of deaths. All of those things have been closed-eyed to tonight without giving us an opportunity to amend that. With the Get Set programs getting ready to shut down in the city of Philadelphia because the funds are not there, we were not afforded that opportunity on the floor of this House to see that those children who are 2, 3, 4, and 5 years of age get an opportunity to have somebody stand up and fight for them by placing an amendment in that will help them. Not being able to deal with the handicapped and the visually impaired and those persons who are less fortunate, not having that opportunity here tonight has made me see very clearly that there is not a general concern about the attitudes of those who cannot stand up and speak for themselves but must rely on their Representatives who are sent here to do it for them.

Mr. Speaker, you will find that we will pay in the long run for what has happened here tonight, specifically those individual leaders who decided that they could take the bull by the horns and decide what field the game would be played in without allowing everyone to be a part of their

process. That is a violation of, I feel, the constitutionality of the rights of everyone here. It also speaks to the corruption that exists. We talk about stamping out organized crime and organized corruption; that tonight seems to me to be an organized, corrupt way of dealing with or not dealing with the process. And that process being corrupt, overt, and just downright terrible—and short of saying some other words on the floor of this House—is a way by which each and every individual in this room should bow their heads and say I hope that I can be forgiven for the wrong that I am doing here tonight, even recognizing that it is wrong. And although it is a joke and although some will laugh, you cannot ever turn back the fact that tonight where everybody was given an opportunity to vote on the question of constitutionality—and I am going to say it again until it sinks—you know it is wrong; you did it anyway; and you have to suffer in the long run. I believe that it will stand up in court that what we are doing here tonight is unconstitutional, and we will have to return right back to the halls of these Houses and then do it right and then go back through the process which has been afforded every member for the past X number of years that the House of Representatives has been in function. Thank you very much.

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

Mr. DAWIDA. Mr. Speaker, very briefly, I feel compelled to bring this on the record. Earlier in the evening Mr. Michlovic mentioned the theft of the Norristown Institute from western Pennsylvania, and it should not be an east-west thing, but it should be noted that the experiment at Norristown is the first exciting breakthrough in juvenile justice in the last 50 years. We have done nothing in this legislature except mouth platitudes about how to deal with hard-core juvenile problems. Norristown provides the possibility of a treatment center that will work. Back in my district there were people who worked for 7 years on that project who have worked very hard to develop this exciting new experiment and who are now asking, why are we not getting it after developing it? I can only say to them I do not know, and I can only say to them I did not have an opportunity to even ask the members of the House to vote for the money to get that exciting experiment in their area. That to me is a violation of process which should not be allowed, and I would urge everyone to vote "no" on the conference report.

Mr. KUKOVICH. Mr. Speaker, I would request that only those members in their seats be recorded.

The SPEAKER. That is the rule of the House.

Mr. KUKOVICH. Mr. Speaker, could the roll be left open for the 10-minute period, please?

On the question recurring,

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

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

YEAS—118

Alden	Fisher	McIntyre	Salvatore
Anderson	Foster, W. W.	McKelvey	Scheaffer
Armstrong	Foster, Jr., A.	McVerry	Schweder
Arty	Freind	Mackowski	Serafini
Austin	Gannon	Madigan	Sieminski
Belardi	Geesey	Maiale	Sirianni
Beloff	Geist	Manmiller	Smith, E. H.
Bittle	George, M. H.	Micozzie	Smith, L. E.
Bowser	Gladeck	Miller	Spitz
Brandt	Gray	Moehlmann	Stairs
Burd	Grieco	Mowery	Steighner
Burns	Gruppo	Nahill	Sweet
Cessar	Hagarty	Noye	Swift
Cimini	Halverson	O'Brien, B. F.	Taddonio
Civera	Hasay	O'Brien, D. M.	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Perzel	Telek
Cochran	Honaman	Peterson	Thomas
Cole	Hutchinson, A.	Petrarca	Vroon
Cornell	Hutchinson, W.	Phillips	Wass
Coslett	Johnson, E. G.	Piccola	Wenger
Cunningham	Kanuck	Pitts	Wilson
DeMedio	Klingaman	Pott	Wilt
Davies	Knepper	Pucciarelli	Wright, Jr., J.
Dietz	Lashinger	Punt	Yohn
Dininni	Lehr	Pyles	Zeller
Donatucci, R.	Levi	Rappaport	Zitterman
Dorr	Lewis	Rasco	Zord
Durham	Lynch, E. R.	Rieger	
Earley	McCall	Rocks	Seltzer,
Fee	McClatchy	Ryan	Speaker

NAYS—69

Barber	Gamble	Lescovitz	Richardson
Berson	Gatski	Letterman	Ritter
Brown	George, C.	Levin	Rodgers
Caltagirone	Goebel	Livengood	Seventy
Cappabianca	Goodman	Manderino	Shupnik
Chees	Grabowski	Michlovic	Stewart
Clark, B. D.	Greenfield	Milanovich	Street
Cohen	Hoefel	Mrkonic	Stuban
Cowell	Irviss	Mullen	Taylor, F.
DeWeese	Itkin	Novak	Trello
Dawida	Johnson, J. J.	O'Donnell	Wachob
Dombrowski	Jones	Oliver	Wargo
Duffy	Knight	Pievsky	White
Dumas	Kolter	Pistella	Williams
Fischer	Kowalyshyn	Pratt	Wright, D. R.
Fryer	Kukovich	Reed	Yahner
Gallagher	Laughlin	Rhodes	Zwikl
Gallen			

NOT VOTING—10

Bennett	Harper	Polite	Shadding
Borski	McMonagle	Schmitt	Spencer
Giammarco	Murphy		

EXCUSED—5

DeVerter	Hayes, D. S.	Helfrick	Weidner
DiCarlo			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, there will be a short Appropriations Committee meeting in room 245 immediately off the floor of the House, Mr. Speaker.

The SPEAKER. The chairman of the Appropriations Committee calls an immediate meeting of the committee in room 245. The members of the committee will please report to the committee room.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. W. D. HUTCHINSON presented the Report of the Committee of Conference on **HB 227, PN 3585**.

The SPEAKER. The report will be laid over for printing under the rules.

REPORT FROM RULES COMMITTEE

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 2266;
HB 2551; and
SB 1299.

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

AGRICULTURE COMMITTEE MEETING CANCELED

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

Mr. THOMAS. Members of the Agriculture Committee, before you all leave the floor of the House or wherever you are, the Agriculture Committee meeting scheduled for tomorrow has been canceled; I mean for today. The one scheduled for Thursday has been canceled.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, the light on the board did not seem to indicate that my vote registered on the last vote on the Conference Committee Report on HB 1623. Could the clerk tell me whether or not I am voted? If not, I would like to be recorded as voting "aye."

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

LABOR RELATIONS COMMITTEE MEETING CANCELED

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

Mr. WILT. Mr. Speaker, for members of the House Labor Relations Committee, the hearing and meeting that was scheduled for tomorrow is canceled.

REMARKS ON VOTES

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

Mr. POLITE. Mr. Speaker, I was in the anteroom when the vote was taken on the Conference Committee Report on HB 1623. I would like to be recorded in the affirmative.

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

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

Mr. BORSKI. Mr. Speaker, on the last vote on HB 1623, the Conference Report, my switch was inoperative. I would like the record to show that I had voted in the negative.

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

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

Mr. McMONAGLE. Mr. Speaker, on that vote on HB 1623, the Conference Report, my switch was not working. I would like to be recorded in the negative.

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

BUSINESS AND COMMERCE COMMITTEE MEETING CANCELED

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

Mr. DORR. Mr. Speaker, I think the members of the Business and Commerce Committee have been notified, but the meeting which had been scheduled for tomorrow, or for Thursday, has been canceled.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. It is my understanding that the desk will stay open to receive any reports—is that accurate?—but there will be no further roll calls.

The SPEAKER. The Chair will keep the desk open to receive reports of committees. The Chair wants to make sure. There will be no need for any additional roll calls except the adjournment motion.

Mr. RYAN. Mr. Speaker, I have not reviewed the calendar but if there are any bills on the 15th day, I would ask that they be tabled and removed from the table. I am advised there are none.

The SPEAKER. The Chair will check the calendar to make sure. The Chair has checked the calendar and sees no legislation on the 15th day.

REMARKS ON VOTE

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

Mr. MURPHY. My switch, unknown to me, was not operating and I was shown as not voting on the Conference Committee Report on HB 1623. I voted in the negative.

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

BILLS REREPORTED FROM COMMITTEE

HB 1842, PN 2268 By Rep. RYAN

An Act amending the act of May 31, 1911 (P. L. 468, No. 193), referred to as the State Highway Department Law, deleting a portion of Route 167 in Pike County and conveying and ceding jurisdiction to such route to the United States Government.

RULES.

HB 2525, PN 3313 By Rep. RYAN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the continuation, composition and functions of the State Veterans' Commission.

RULES.

HB 2583, PN 3409 By Rep. RYAN

An Act amending the act of August 14, 1963 (P. L. 1032, No. 451), 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; *** for State aided institutions,'" changing the allocation of funds for the Old Museum Building and increasing the allocation for a project.

RULES.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2644 By Representatives L. E. SMITH, KNEPPER, POTT, IRVIS, MANDERINO, EARLEY, BARBER, OLIVER, J. J. JOHNSON, RICHARDSON AND HARPER

An Act amending the "Housing and Redevelopment Assistance Law," approved May 20, 1949 (P. L. 1633, No. 493), further providing for grant authorizations.

Referred to Committee on BUSINESS AND COMMERCE, June 11, 1980.

No. 2645 By Representatives WASS, L. E. SMITH, D. R. WRIGHT AND LIVENGOOD

An Act making an appropriation to the Association for the Blind of Armstrong and Indiana Counties, for the provision of services to the blind.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2646 By Representatives RICHARDSON, WHITE, COHEN, MAIALE, BARBER AND OLIVER

An Act imposing a tax on employers in counties served by metropolitan transportation authorities.

Referred to Committee on URBAN AFFAIRS, June 11, 1980.

No. 2647 By Representatives DIETZ, M. R. CLARK, ZELLER, JONES, W. D. HUTCHINSON, E. G. JOHNSON, PISTELLA, GAMBLE, SEVENTY, TRELLO, VROON, HALVERSON, GEESEY, CUNNINGHAM, HONAMAN, MULLEN, PITTS, E. R. LYNCH, GRAY, PHILLIPS, TELEK, MACKOWSKI, BROWN, SPITZ, S. E. HAYES, JR. AND SWIFT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting deviate sexual intercourse and public sex acts.

Referred to Committee on JUDICIARY, June 11, 1980.

No. 2648 By Representatives DURHAM, E. Z. TAYLOR, SIRIANNI AND PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum weights of vehicles.

Referred to Committee on TRANSPORTATION, June 11, 1980.

No. 2649 By Representatives DAWIDA, DUFFY, GAMBLE, SEVENTY, KNIGHT AND GOEBEL

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for mileage compensation for certain election officials.

Referred to Committee on STATE GOVERNMENT, June 11, 1980.

No. 2650 By Representatives ALDEN, FISHER, SPITZ, DURHAM, ARTY, CIVERA, MICOZZIE, SPENCER, HAGARTY AND CUNNINGHAM

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting public displays of deviate sexual intercourse.

Referred to Committee on JUDICIARY, June 11, 1980.

No. 2651 By Representatives PRATT, F. TAYLOR AND CAPPABIANCA

An Act providing for the comprehensive regulation of persons owning, controlling, operating and managing cable television systems or cable television companies; and imposing powers and duties on municipalities.

Referred to Committee on STATE GOVERNMENT, June 11, 1980.

No. 2652 By Representatives POTT, MURPHY, ITKIN, MICHLOVIC, SEVENTY, BURD, ZORD, CESSAR, WILSON AND KUKOVICH

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), providing for provisions concerning employes paid on a commission basis.

Referred to Committee on BUSINESS AND COMMERCE, June 11, 1980.

No. 2653 By Representatives POTT, BORSKI, McVERRY AND BURD

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from income certain gains on the sale of the taxpayer's principal residence.

Referred to Committee on FINANCE, June 11, 1980.

No. 2654 By Representatives WHITE, RHODES, SPENCER AND BERSON

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the inspection of food service facilities in State prisons by the Department of Environmental Resources.

Referred to Committee on HEALTH AND WELFARE, June 11, 1980.

No. 2655 By Representatives WHITE, FISCHER, RHODES, SPENCER AND BERSON

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the inspection of medical facilities in State prisons by the Department of Health.

Referred to Committee on HEALTH AND WELFARE, June 11, 1980.

No. 2656 By Representative PRATT

An Act providing for mandatory disclosure of the location of, manufacture or production of, goods sold in the Commonwealth of Pennsylvania in certain circumstances.

Referred to Committee on BUSINESS AND COMMERCE, June 11, 1980.

No. 2657 By Representative McCLATCHY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2658 By Representative McCLATCHY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2659 By Representative McCLATCHY

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal period

July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2660 By Representative McCLATCHY

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2661 By Representative McCLATCHY

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2662 By Representative McCLATCHY

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2663 By Representative McCLATCHY

An Act making an appropriation to the Erie Philharmonic Orchestra, Erie.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2664 By Representative McCLATCHY

An Act making an appropriation to the Lansdowne Philharmonic Orchestra.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2665 By Representative McCLATCHY

An Act making an appropriation to the American Wind Symphony Orchestra, Pittsburgh.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2666 By Representative McCLATCHY

An Act making an appropriation to the Schuylkill County Council for Arts.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2667 By Representative McCLATCHY

An Act making an appropriation to the Schoolhouse Arts Center, Allegheny County, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2668 By Representative McCLATCHY

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2669 By Representative McCLATCHY

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh ****" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2670 By Representative McCLATCHY

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An Act providing for the establishment and operation of Temple University ***, " making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2671 By Representative McCLATCHY

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University, ****" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2672 By Representative McCLATCHY

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2673 By Representative McCLATCHY

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2674 By Representative McCLATCHY

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2675 By Representative McCLATCHY

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2676 By Representative McCLATCHY

An Act making an appropriation to the Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2677 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2678 By Representative McCLATCHY

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2679 By Representative McCLATCHY

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2680 By Representative McCLATCHY

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2681 By Representative McCLATCHY

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2682 By Representative McCLATCHY

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2683 By Representative McCLATCHY

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2684 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2685 By Representative McCLATCHY

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2686 By Representative McCLATCHY

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2687 By Representative McCLATCHY

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2688 By Representative McCLATCHY

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2689 By Representative McCLATCHY

An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2690 By Representative McCLATCHY

An Act making an appropriation to Lankenau Hospital, Philadelphia for research.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2691 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardio-vascular studies.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2692 By Representative McCLATCHY

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2693 By Representative McCLATCHY

An Act making an appropriation to Inglis House of Philadelphia.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2694 By Representative McCLATCHY

An Act making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2695 By Representative McCLATCHY

An Act making an appropriation to the Children's Hospital, Pittsburgh for Cerebral Dysfunction.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2696 By Representative McCLATCHY

An Act making an appropriation to the Lancaster Cleft Palate.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2697 By Representative McCLATCHY

An Act making an appropriation to the Pittsburgh Cleft Palate.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2698 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2699 By Representative McCLATCHY

An Act making an appropriation to the Central Penn Oncology Group.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2700 By Representative McCLATCHY

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2701 By Representative McCLATCHY

An Act making an appropriation to the Sunshine Foundation, Philadelphia, Pennsylvania for chronically and terminally ill children.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2702 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Referred to Committee on APPROPRIATIONS,
June 11, 1980.

No. 2703 By Representative McCLATCHY

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2704 By Representative McCLATCHY

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2705 By Representative McCLATCHY

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2706 By Representative McCLATCHY

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2707 By Representative McCLATCHY

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2708 By Representative McCLATCHY

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

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2709 By Representative McCLATCHY

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2710 By Representative McCLATCHY

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2711 By Representative McCLATCHY

An Act making an appropriation to the Beacon Lodge Camp.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2712 By Representative McCLATCHY

An Act making an appropriation to the Arsenal Family and Children's Center.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2713 By Representative McCLATCHY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2714 By Representative McCLATCHY

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

No. 2715 By Representative McCLATCHY

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

Referred to Committee on APPROPRIATIONS, June 11, 1980.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 240

(Concurrent) By Representatives FISCHER, WILT, STAIRS AND MILLER

General Assembly urge the Governor establish an Emergency Housing Task Force.

Referred to Committee on RULES, June 11, 1980.

No. 241

By Representatives BORSKI, McMONAGLE, O'DONNELL, GRAY AND McINTYRE

Governor urged to designate July 18, 1980, "POW-MIA Recognition Day."

Referred to Committee on RULES, June 11, 1980.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate presented the following bill for concurrence:

SB 1410, PN 1791

Referred to Committee on Judiciary, June 11, 1980

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO RULES COMMITTEE

HB 2657, PN 3526

By Rep. McCLATCHY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1980

to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

APPROPRIATIONS.

HB 2658, PN 3527 By Rep. McClatchy

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

APPROPRIATIONS.

HB 2659, PN 3528 By Rep. McClatchy

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

APPROPRIATIONS.

HB 2660, PN 3529 By Rep. McClatchy

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

APPROPRIATIONS.

HB 2661, PN 3530 By Rep. McClatchy

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

APPROPRIATIONS.

HB 2662, PN 3531 By Rep. McClatchy

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

APPROPRIATIONS.

HB 2663, PN 3532 By Rep. McClatchy

An Act making an appropriation to the Erie Philharmonic Orchestra, Erie.

APPROPRIATIONS.

HB 2664, PN 3533 By Rep. McClatchy

An Act making an appropriation to the Lansdowne Philharmonic Orchestra.

APPROPRIATIONS.

HB 2665, PN 3534 By Rep. McClatchy

An Act making an appropriation to the American Wind Symphony Orchestra, Pittsburgh.

APPROPRIATIONS.

HB 2666, PN 3535 By Rep. McClatchy

An Act making an appropriation to the Schuylkill County Council for Arts.

APPROPRIATIONS.

HB 2667, PN 3536 By Rep. McClatchy

An Act making an appropriation to the Schoolhouse Arts Center, Allegheny County, Pennsylvania.

APPROPRIATIONS.

HB 2668, PN 3537 By Rep. McClatchy

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2669, PN 3538 By Rep. McClatchy

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh ***" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2670, PN 3539 By Rep. McClatchy

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An Act providing for the establishment and operation of Temple University ***," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2671, PN 3540 By Rep. McClatchy

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University, ****" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

HB 2672, PN 3541 By Rep. McClatchy

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

APPROPRIATIONS.

HB 2673, PN 3542 By Rep. McClatchy

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2674, PN 3543 By Rep. McClatchy

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2675, PN 3544 By Rep. McClatchy

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2676, PN 3545 By Rep. McCLATCHY
An Act making an appropriation to the Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2677, PN 3546 By Rep. McCLATCHY
An Act making an appropriation to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 2678, PN 3547 By Rep. McCLATCHY
An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2679, PN 3548 By Rep. McCLATCHY
An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2680, PN 3549 By Rep. McCLATCHY
An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2681, PN 3550 By Rep. McCLATCHY
An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2682, PN 3551 By Rep. McCLATCHY
An Act making an appropriation to the Philadelphia College of Textiles and Science.

APPROPRIATIONS.

HB 2683, PN 3552 By Rep. McCLATCHY
An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

APPROPRIATIONS.

HB 2684, PN 3553 By Rep. McCLATCHY
An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2685, PN 3554 By Rep. McCLATCHY
An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

APPROPRIATIONS.

HB 2686, PN 3555 By Rep. McCLATCHY
An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

APPROPRIATIONS.

HB 2687, PN 3556 By Rep. McCLATCHY
An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

APPROPRIATIONS.

HB 2688, PN 3557 By Rep. McCLATCHY
An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

HB 2689, PN 3558 By Rep. McCLATCHY
An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

APPROPRIATIONS.

HB 2690, PN 3559 By Rep. McCLATCHY
An Act making an appropriation to Lankenau Hospital, Philadelphia for research.

APPROPRIATIONS.

HB 2691, PN 3560 By Rep. McCLATCHY
An Act making an appropriation to the Trustees of the University of Pennsylvania for cardio-vascular studies.

APPROPRIATIONS.

HB 2692, PN 3561 By Rep. McCLATCHY
An Act making an appropriation to St. Francis Hospital, Pittsburgh.

APPROPRIATIONS.

HB 2693, PN 3562 By Rep. McCLATCHY
An Act making an appropriation to Inglis House of Philadelphia.

APPROPRIATIONS.

HB 2694, PN 3563 By Rep. McCLATCHY
An Act making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy.

APPROPRIATIONS.

HB 2695, PN 3564 By Rep. McCLATCHY
An Act making an appropriation to the Children's Hospital, Pittsburgh for Cerebral Dysfunction.

APPROPRIATIONS.

HB 2696, PN 3565 By Rep. McCLATCHY
An Act making an appropriation to the Lancaster Cleft Palate.

APPROPRIATIONS.

HB 2697, PN 3566 By Rep. McCLATCHY
An Act making an appropriation to the Pittsburgh Cleft Palate.

APPROPRIATIONS.

HB 2698, PN 3567 By Rep. McCLATCHY
An Act making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

APPROPRIATIONS.

HB 2699, PN 3568 By Rep. McCLATCHY
An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

HB 2700, PN 3569

By Rep. McCLATCHY

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

APPROPRIATIONS.

HB 2701, PN 3570

By Rep. McCLATCHY

An Act making an appropriation to the Sunshine Foundation, Philadelphia, Pennsylvania for chronically and terminally ill children.

APPROPRIATIONS.

HB 2702, PN 3571

By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

APPROPRIATIONS.

HB 2703, PN 3572

By Rep. McCLATCHY

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2704, PN 3573

By Rep. McCLATCHY

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2705, PN 3574

By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2706, PN 3575

By Rep. McCLATCHY

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2707, PN 3576

By Rep. McCLATCHY

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2708, PN 3577

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

APPROPRIATIONS.

HB 2709, PN 3578

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An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2710, PN 3579

By Rep. McCLATCHY

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

APPROPRIATIONS.

HB 2711, PN 3580

By Rep. McCLATCHY

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

HB 2712, PN 3581

By Rep. McCLATCHY

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

HB 2713, PN 3582

By Rep. McCLATCHY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

APPROPRIATIONS.

HB 2714, PN 3583

By Rep. McCLATCHY

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

APPROPRIATIONS.

HB 2715, PN 3584

By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

APPROPRIATIONS.

BILLS SIGNED BY SPEAKER

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

SB 10, PN 1834

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain fees; providing for identification markers; adding certain enforcement powers; providing for stationary scales and the weights of vehicles; changing certain penalties; providing for the distribution of certain funds; and making repeals.

SB 508, PN 1823

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the inspection of vehicles and mass transit vehicles and legislative approval of regulations relating to inspections.

SB 516, PN 1786

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for payments over.

SB 1312, PN 1655

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," providing for a short-term camp physician license.

RECESS

The SPEAKER. Without objection, this House now stands in recess until the call of the Speaker. The Chair hears none.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 2657, PN 3526 By Rep. RYAN

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

RULES.

HB 2658, PN 3527 By Rep. RYAN

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

RULES.

HB 2659, PN 3528 By Rep. RYAN

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

RULES.

HB 2660, PN 3529 By Rep. RYAN

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

RULES.

HB 2661, PN 3530 By Rep. RYAN

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

RULES.

HB 2662, PN 3531 By Rep. RYAN

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

RULES.

HB 2663, PN 3532 By Rep. RYAN

An Act making an appropriation to the Erie Philharmonic Orchestra, Erie.

RULES.

HB 2664, PN 3533 By Rep. RYAN

An Act making an appropriation to the Lansdowne Philharmonic Orchestra.

RULES.

HB 2665, PN 3534 By Rep. RYAN
An Act making an appropriation to the American Wind Symphony Orchestra, Pittsburgh.

RULES.

HB 2666, PN 3535 By Rep. RYAN
An Act making an appropriation to the Schuylkill County Council for Arts.

RULES.

HB 2667, PN 3536 By Rep. RYAN
An Act making an appropriation to the Schoolhouse Arts Center, Allegheny County, Pennsylvania.

RULES.

HB 2668, PN 3537 By Rep. RYAN

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of *Agricultural Colleges*," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

RULES.

HB 2669, PN 3538 By Rep. RYAN

A Supplement to the act of July 28, 1966 (3rd Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh ***" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

RULES.

HB 2670, PN 3539 By Rep. RYAN

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An Act providing for the establishment and operation of Temple University ***," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

RULES.

HB 2671, PN 3540 By Rep. RYAN

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of *Lincoln University*, ***" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

RULES.

HB 2672, PN 3541 By Rep. RYAN

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

RULES.

HB 2673, PN 3542 By Rep. RYAN

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

RULES.

HB 2674, PN 3543

By Rep. RYAN

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

RULES.

HB 2675, PN 3544

By Rep. RYAN

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

RULES.

HB 2676, PN 3545

By Rep. RYAN

An Act making an appropriation to the Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

RULES.

HB 2677, PN 3546

By Rep. RYAN

An Act making an appropriation to the Trustees of the University of Pennsylvania.

RULES.

HB 2678, PN 3547

By Rep. RYAN

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

RULES.

HB 2679, PN 3548

By Rep. RYAN

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

RULES.

HB 2680, PN 3549

By Rep. RYAN

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

RULES.

HB 2681, PN 3550

By Rep. RYAN

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

RULES.

HB 2682, PN 3551

By Rep. RYAN

An Act making an appropriation to the Philadelphia College of Textiles and Science.

RULES.

HB 2683, PN 3552

By Rep. RYAN

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

RULES.

HB 2684, PN 3553

By Rep. RYAN

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

RULES.

HB 2685, PN 3554

By Rep. RYAN

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

RULES.

HB 2686, PN 3555

By Rep. RYAN

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

RULES.

HB 2687, PN 3556

By Rep. RYAN

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

RULES.

HB 2688, PN 3557

By Rep. RYAN

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

RULES.

HB 2689, PN 3558

By Rep. RYAN

An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

RULES.

HB 2690, PN 3559

By Rep. RYAN

An Act making an appropriation to Lankenau Hospital, Philadelphia for research.

RULES.

HB 2691, PN 3560

By Rep. RYAN

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardio-vascular studies.

RULES.

HB 2692, PN 3561

By Rep. RYAN

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

RULES.

HB 2693, PN 3562

By Rep. RYAN

An Act making an appropriation to Inglis House of Philadelphia.

RULES.

HB 2694, PN 3563

By Rep. RYAN

An Act making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy.

RULES.

HB 2695, PN 3564

By Rep. RYAN

An Act making an appropriation to the Children's Hospital, Pittsburgh for Cerebral Dysfunction.

RULES.

HB 2696, PN 3565

By Rep. RYAN

An Act making an appropriation to the Lancaster Cleft Palate.

RULES.

HB 2697, PN 3566

By Rep. RYAN

An Act making an appropriation to the Pittsburgh Cleft Palate.

RULES.

HB 2698, PN 3567 By Rep. RYAN

An Act making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

RULES.

HB 2699, PN 3568 By Rep. RYAN

An Act making an appropriation to the Central Penn Oncology Group.

RULES.

HB 2700, PN 3569 By Rep. RYAN

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

RULES.

HB 2701, PN 3570 By Rep. RYAN

An Act making an appropriation to the Sunshine Foundation, Philadelphia, Pennsylvania for chronically and terminally ill children.

RULES.

HB 2702, PN 3571 By Rep. RYAN

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

RULES.

HB 2703, PN 3572 By Rep. RYAN

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

RULES.

HB 2704, PN 3573 By Rep. RYAN

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

RULES.

HB 2705, PN 3574 By Rep. RYAN

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

RULES.

HB 2706, PN 3575 By Rep. RYAN

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

RULES.

HB 2707, PN 3576 By Rep. RYAN

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

RULES.

HB 2708, PN 3577 By Rep. RYAN

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

RULES.

HB 2709, PN 3578 By Rep. RYAN

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

RULES.

HB 2710, PN 3579 By Rep. RYAN

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

RULES.

HB 2711, PN 3580 By Rep. RYAN

An Act making an appropriation to the Beacon Lodge Camp.

RULES.

HB 2712, PN 3581 By Rep. RYAN

An Act making an appropriation to the Arsenal Family and Children's Center.

RULES.

HB 2713, PN 3582 By Rep. RYAN

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

RULES.

HB 2714, PN 3583 By Rep. RYAN

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

RULES.

HB 2715, PN 3584 By Rep. RYAN

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

RULES.

SENATE MESSAGE

SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 1623, PN 3509**.

BILL SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bill, which was then signed:

HB 1623, PN 3509

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980; to provide supplemental appropriations from the General Fund to the various departments of the Commonwealth for the fiscal period July 1, 1979 to June 30, 1980.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the front of the House Nick Kotek, a Democratic leader in the McKees Rocks area, Allegheny County, here today as the guest of Mr. Trello.

The Chair welcomes to the front of the House, from Richland Township, Cambria County, Miss Darlene Dudukovich and Miss Sharon Seaman, who are here today as the guests of Mr. Telek.

The Chair welcomes to the balcony a group of students from the Scranton State School for the Deaf and their teacher, Miss Teri Terrinoni, who are here today as the guests of Messrs. Serafini, Belardi, Wargo, and Zitterman.

The Chair welcomes to the front of the House Mayor Phillip Mitman, the mayor of Easton, and a delegation of citizens from the city of Easton, who are here today as the guests of Mr. Sieminski.

The Chair welcomes to the balcony a group of senior citizens from Chester County, who are here today as the guests of the Representatives from Chester County.

At this time we would like to introduce Mr. Dan Sullenberger of Allentown, Pennsylvania, who is en route to Greensburg, Pennsylvania. He is the guest of Mr. Amos Hutchinson and will be in Mr. Hutchinson's district. He is leaving the district of Mr. Joe Zeller.

The Chair also welcomes to the hall of the House Mr. Joe Giorgio of Lancaster, who is the guest of Mr. Mowery.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I move that this House of Representatives do now adjourn until Monday, June 16, 1980, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:59 p.m., e.d.t., the House adjourned.