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A Legislative History of Article 1, Section 27  
of the Constitution of the Commonwealth of Pennsylvania

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**A Legislative History  
of  
Article 1, Section 27  
of the  
Constitution of the Commonwealth of Pennsylvania**

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**Harrisburg, Pennsylvania**

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## **Acknowledgments**

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## Introduction

The Pennsylvania Supreme Court's decision in *Robinson Township v. Commonwealth*, 803 A.3d 901 (Dec. 19, 2013) has prompted enormous interest in the history and text of Article I, Section 27 of the Pennsylvania Constitution. This legislative history is a response to that interest.

Amendments to the state constitution must be approved by each house of the General Assembly in two successive legislative sessions, and then approved by a majority of voters in a public referendum.<sup>1</sup> Article I, Section 27 was agreed to in the 1969-1970 and 1971 session of the General Assembly, and approved by the state's voters on May 18, 1971. We have attempted to put in one place all of the bills and other documents that represent its passage through this process. More than 40 years after its adoption, many of these documents are relatively hard to find. We hope that this legislative history will make it easier for the public, the bar, and others to see what was done, and why.

This legislative history is organized in three parts. Part I contains the documents relating to its passage during the 1969-70 legislative session. Representative Franklin L. Kury introduced House Bill 958, an amendment to Article 1 of the Constitution, providing for the preservation and restoration of Pennsylvania's natural resources, on April 21, 1969. To pass each house, a bill must be considered by that house on three separate days.<sup>2</sup> H.B. 958 was referred to the Committee on Conservation, where it was amended. As amended, the House passed the bill on first consideration on May 5, 1969, and on second consideration on May 27, 1969. The House approved H.B. 958 on third consideration on June 2, 1969, by a vote of 190 to 0, with 12 members not voting.

H.B. 958 was subsequently introduced in the Senate on June 3, 1969 and referred to the Committee on Constitutional Changes and Federal Relations. The Committee amended the bill a second time. H.B. 958 was agreed to for the first time on March 10, 1970, and agreed to for the second time on March 11, 1970. On March 17, on third consideration, the Senate approved H.B. 958 by a vote of 39 to 0. The Pennsylvania House concurred with the Senate amendments on April 14, 1970, by a vote of 188 to 0, with 14 not voting. At this time, Rep. Kury made additional remarks, and included in the House Journal an article by Professor Robert Broughton of Duquesne University School of Law, which was subsequently published in the Pennsylvania Bar Association Quarterly (41 Pa. B. Ass'n Q. 421 (1969-1970)).

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<sup>1</sup> PA. CONST. Art. 11, Section 1.

<sup>2</sup> PA. CONST. Art. 3, Section 4.

Part II contains the documents relating to its passage in the 1971 session. In compliance with Pennsylvania's constitutional amendment process, Representative Kury reintroduced the bill, designated in this session as House Bill 31, on January 6, 1971. The bill was referred to the Committee on Rules, from which it was reported on January 26, 1971. The House passed the bill on first consideration on February 1, 1971, and on second consideration on February 2, 1971. On February 3, 1971, the House approved House bill 31 by a vote of 199 to 0, with 3 not voting.

H.B. 31 was presented for concurrence in the Senate of February 8, 1971, and referred to the Committee on Rules. The bill was approved for the first time on February 8, 1971, and for the second time on February 9, 1971. On February 15, 1971, H.B. 31 passed the Senate by a vote of 45 to 0. The bill was returned to the House that day, where it was signed by the Speaker of the House.

Part III contains documents relating to the referendum and subsequent adoption of Article I, Section 27. Representative Kury prepared and distributed a set of questions and answers prior to the referendum. On May 18, 1971, Pennsylvania's voters approved Article I, Section 27 by a margin of 1,021,342 to 259,979. On July 23, 1971, Governor Milton Shapp signed a proclamation that Article I, Section 27 had been adopted as part of the Pennsylvania Constitution.

Franklin Kury has published a book about his legislative experience, *Clean Politics, Clean Streams: A Legislative Autobiography and Reflections* (Lehigh University Press, 2011), that was cited in the *Robinson Township* case. Chapters 7 and 8 explain the context of his effort on behalf of Article I, Section 27. He also recounted his experience concerning Article I, Section 27 in an interview for the state archives. Interview with Franklin L. Kury, former State Representative, 108th District of Penn. (May 17, 2006), <http://www.pahouse.us/bmc/archives/transcripts/Kury.pdf>.

Additional sources that may be of assistance are:

- Franklin L. Kury, *The Environmental Amendment to the Pennsylvania Constitution: Twenty Years Later and Largely Untested*, 1 VILL. ENVTL. L.J. 123 (1991).
- FRANKLIN L. KURY, NATURAL RESOURCES AND THE PUBLIC ESTATE: A BIOGRAPHY OF ARTICLE I, SECTION 27 OF THE PENNSYLVANIA CONSTITUTION (1985) (delivered as a Maurice Goddard Lecture at Penn State University at the invitation of Arthur Davis, who then held the Goddard Chair at Penn State and later became Secretary of the Department of Environmental Resources).

- John C. Dernbach, *Taking the Pennsylvania Constitution Seriously When It Protects the Environment: Part I—An Interpretative Framework for Article I, Section 27*, 103 DICK. L. REV. 693 (1999).
- John C. Dernbach, *Taking the Pennsylvania Constitution Seriously When It Protects the Environment: Part II—Environmental Rights and Public Trust*, 104 DICK. L. REV. 97 (1999).
- John C. Dernbach, *Natural Resources and the Public Estate*, in THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley et al. eds., Bisel 2004).

The latter three were all cited by the Supreme Court in the *Robinson Township* case.

In the years ahead, lawyers, clients, and courts will continue to grapple with the meaning and scope of Article I, Section 27. However else this legislative history contributes to the unfolding of that process, two conclusions seem clear. First, Article I, Section 27 deserves the same consideration as constitutional law as any other provision of the Pennsylvania Constitution. Second, its text matters. The text, after all, is what the General Assembly approved twice and the voters approved by an overwhelming margin.



## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No.

958

Session of  
1969

INTRODUCED BY MESSRS. KURY, LAUDADIO, BENNETT, IRVIS,  
WARGO, FINEMAN, SHELHAMER, STEELE, TAYLOR,  
HETRICK, FRYER, ECKENSBERGER, PITTENGER,  
MANDERINO, SHUPNIK, FISCHER, M. E. MILLER, BERSON,  
RENWICK, W. W. WILT, GEKAS, KAHLE, HALVERSON,  
R. W. WILT, DWYER, WISE, MEHOLCHICK, KAUFMAN,  
BACHMAN AND O'PAKE, APRIL 21, 1969

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 21, 1969

**A JOINT RESOLUTION**

Proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

**The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:**

- 1 Section 1. The following amendment to the Constitution of the
- 2 Commonwealth of Pennsylvania is proposed in accordance with the
- 3 provisions of the eleventh article thereof:
- 4 That article one of the Constitution of the Commonwealth of Penn-
- 5 sylvania be amended by adding at the end thereof, a new section to read:
- 6 Section 27. Natural Resources and the Public Estate.--The people
- 7 have a right to clean air, pure water, and to the preservation of the
- 8 natural scenic, historic and esthetic values of the environment. Penn-
- 9 sylvania's natural resources, including the air, waters, fish, wildlife, and
- 10 the public lands and property of the Commonwealth, are the common

- 1 property of all the people, including generations yet to come. As trustee
- 2 of these resources, the Commonwealth shall preserve and maintain them
- 3 in their natural state for the benefit of all the people.

D15L15RW

pending so that a resolution being submitted by the majority leader may be entertained and adopted by the House.

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

The clerk read the following resolution:

In the House of Representatives, April 21, 1969.

Pursuant to the publication of the Rules of the House of Representatives of the Commonwealth of Pennsylvania as adopted by the membership on February 4, 1969, incorporating changes to the Rules adopted in Senate Concurrent Resolution 159 of the session of 1968 and House Resolution 61 of the session of 1969, the Rules of the House have been rearranged and renumbered, in accordance with appropriate subject headings, and without substantive change.

BE IT RESOLVED, That the House of Representatives agree to, approve and accept the Rules of the House as rearranged and renumbered.

Herbert Fineman  
K. Leroy Irvis  
James F. Prendergast  
Kenneth B. Lee  
Lee A. Donaldson, Jr.  
Robert J. Butera

On the question,  
Will the House adopt the resolution?  
It was adopted.

#### RESOLUTION COMMENDING REPRESENTATIVE DONALD M. McCURDY

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

Mr. KESTER. I move that the Chair suspend the rules of the House for the introduction of a recognition resolution for one of our members.

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

The following resolution was read by the clerk:

In the House of Representatives, April 21, 1969.

WHEREAS, Our fellow Member, Donald M. McCurdy of the One hundred sixty-fifth Legislative District, together with another Naval Reserve Officer from Brookhaven, Thomas C. Tredinnick, 405 Sir Gallahad Drive, Brookhaven, rescued three stranded fishermen by helicopter on Easter Sunday in the Gulf of Mexico. Receding tides and strong currents would have pulled the small boat out to open sea had help not arrived;

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania, commends its fellow Member, Donald M. McCurdy, on effecting the rescue of the three stranded fishermen in the Gulf of Mexico on Easter Sunday while on a routine training flight while on active duty with the Naval Reserve,

and further directs that a copy of this citation be delivered to Donald M. McCurdy, Member, House of Representatives.

Stanley R. Kester  
Mae W. Kernaghan  
Edward B. Mifflin  
Frank J. Lynch  
Herbert K. Zearfoss  
G. R. Johnson  
Thomas H. Worrlow  
Joseph W. Dorsey  
Matthew J. Ryan

On the question.  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader.

Mr. DONALDSON. Mr. Speaker, the resolution and the citation concern a member of this General Assembly in a particularly outstanding endeavor outside the legislative halls. I think the members would be interested in this activity.

Representative Donald McCurdy, of Delaware County, during the Easter vacation, while many of us, perhaps, were taking it easy, was on national duty as a Lieutenant Commander in the Air National Guards. He was flying a helicopter with some of his fellow naval reservists over the Gulf of Mexico when he observed a small craft in distress and obviously heading out to sea where it would be in considerable danger along with the occupants.

Through the efforts of Representative McCurdy and his fellow naval officers, the rescue was effected by lowering their helicopter and calling attention to this potential disaster to another small craft in the area, which managed to rescue the craft whose motor had blanked out.

I think this is an outstanding feat, one that we are all proud of and done by a distinguished member of this General Assembly. I know that the members will unanimously adopt the resolution. I hope that the Chair will, perhaps, call on this distinguished Representative.

On the question recurring,  
Will the House adopt the resolution?  
It was unanimously adopted.

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

Mr. McCURDY. Mr. Speaker, I thank the gentlemen of my delegation from Delaware County for this surprise. I just want to say that I am glad I did not have to take a leave of absence. The House was not in session while I was on two weeks' active duty and we did not have any votes.

Thank you very much.

#### BILL REPORTED AS AMENDED

SENATE BILL No. 185

By Mr. KAUFFMAN

An Act implementing the provisions of section 6, Article V of the Constitution by providing for the establishment or discontinuance of a community court for certain judicial districts; providing for the numbers, selection and salary of judges, jurisdiction, costs, records, dockets and other related matters for such courts; abolishing certain minor judiciary offices in accordance with Article V of the Constitution; and providing procedures for the reestablishment of minor judiciary offices in judicial districts where the electors have approved the discontinuance of a community court.

Reported from Committee on Judiciary.

#### PERMISSION TO ADDRESS HOUSE

Mr. KURY requested and obtained unanimous consent to address the House.

Mr. KURY. Mr. Speaker, I rise to introduce a natural resource conservation amendment to Pennsylvania's declaration of rights.

I do so because I believe that the protection of the air we breathe, the water we drink, the esthetic qualities of our environment, has now become as vital to the good

life—indeed, to life itself—as the protection of those fundamental political rights, freedom of speech, freedom of the press, freedom of religion, of peaceful assembly and of privacy.

The original version of Pennsylvania's present Declaration of Rights, which is found in article I of the state constitution, was enacted at a time when the preservation of freedom in man's political environment was in doubt. At that time, the population of the nation was so small and the natural resources so apparently inexhaustible, that the future of the physical environment was taken for granted.

The passage of two centuries has drastically altered this situation. Our political rights are embedded in our governmental framework. But our physical environment has been depleted and damaged to the point where there is a serious question as to how long mankind can biologically exist on this planet. The situation is so serious that mankind is now considered one of the "endangered species." In fact, creation of an "earth national park" has already been suggested.

We must, therefore, ask ourselves whether we can insure a physical climate that will not merely allow man to exist on the earth, but also whether it can be maintained in a natural state that is compatible with man's highest aspirations as a social creature.

Preservation of our natural resources and environment is of fundamental importance. In fact, if mankind does not solve the challenge of saving his environment, all of the other great world problems we face may well become moot. We take great pride in our Federal and State Bill of Rights, but the fundamental political rights they preserve will not mean much if mankind dies from its own putrefaction. Freedom of speech will be meaningless if we suffocate in polluted air.

The situation here in Pennsylvania is serious. Millions of vehicles clog the roads and highways, spewing their exhaust into the air. Too little has been done to stop this pollution. Yet, clean air is vital to our existence.

While our State does have a maze of laws dealing with various aspects of our environment and natural resources, the fact is that we lack an over-all governmental framework in which to carry on the fight for conservation. We need a state government policy that is clearly stated and beyond question, one that will firmly guide the legislature, the executive and the courts alike.

Consequently, we are today introducing a natural resource and environmental values amendment to the state constitution that includes the following requirements:

1. It would establish once and for all time to come that the people of Pennsylvania have a right to clean air, pure water, and the natural, scenic, historic and esthetic values of their environment. These are fundamental rights which should not be abridged.

2. It would establish that the air, waters, fish, wildlife, and the natural, scenic, historic and esthetic values of the environment of Pennsylvania, belong to all the people of this Commonwealth, including the generations yet to come.

3. It would establish that it is the duty of the government of the Commonwealth of Pennsylvania to serve as a trustee for these natural resources so that future generations will receive them fully preserved.

4. It would require our existing resources to be maintained so that their protection can be provided.

Mr. Speaker, the importance and need for such a constitutional amendment has been recognized elsewhere. Less

than a month ago the legislature of New York approved a conservation bill of rights that makes it New York state policy to protect scenic beauty and natural resources. That proposal will be given to the voters of New York for approval this fall.

Last year a natural resource conservation bill of rights for the Federal Constitution was introduced by Representative Ottinger and others of both political parties.

Pennsylvania should not delay. We should act now to preserve the public estate for the generations yet to come, to establish a "new conservation" for Pennsylvania.

In the words of Stewart Udall:

"We have already learned—or should have by now—that posterity will honor us more for the roads and dams we do not build in areas having irreplaceable scenic and recreational values than for those we do. These new insights should cause us to slacken, and ultimately cease, the constant subtraction from our common estate. Beauty and order should frame everyday life. The poet craves them, religion celebrates them, and the latent naturalist and artist in every man thrives in their presence. The essence of the new conservation then will reside in the vision and diligence we bring to our deepening sense of stewardship over the real capital of the Nation."

"The real capital" of the Nation and of our State is its God-given natural resources. The conservation amendment we offer today will, I believe, establish a proper sense of stewardship over that "real capital" here in Pennsylvania. It will provide a firm governmental foundation on which we can act to assure our survival on our small corner of this planet.

In that spirit the bill is offered.

In that spirit we call on every member of this legislature who believes in the cause of conservation to join in enacting this bill.

In that spirit we call on the conservation-minded organizations of Pennsylvania to lend their weight to this cause.

In that spirit we call on every citizen of Pennsylvania to join in supporting this effort now, while there is yet time in which to act.

#### PERMISSION TO ADDRESS HOUSE

Mr. FRANK J. LYNCH requested and obtained unanimous consent to address the House.

Mr. FRANK J. LYNCH. Mr. Speaker, in the Philadelphia Evening Bulletin for Thursday, April 17, there appeared a news article entitled, "Irvis Presses Racial Probe for Chester." In this article, the majority leader of this House is quoted as asking for an investigation of the courts and law enforcement in Delaware County. He termed racial conditions in Chester "worse now than in 1964" when riots erupted in the city. He was also quoted as asking the state police to investigate the local police in the area of civil rights—presumably they must be satisfactory in other facets of their work—and, among other things, was going to ask the Attorney General to investigate the Delaware County court system. All this apparently arose after Mr. Irvis received a visit from about 35 people describing themselves as the "Chester Parents Committee for Justice," and led, so the article says, not by a man from Chester at all, but from the Media Fellowship House. This

By Messrs. BENNETT, BERKES, DWYER and WILSON  
HOUSE BILL No. 952

An Act amending the act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships, and the regulation and maintenance thereof; \* \* \*," requiring length of service increments in addition to other monthly pension or retirement allowances.

Referred to Committee on Local Government.

By Messrs. ZEARFOSS, WILSON, RITTER, COMER, McCLATCHY, Mrs. KERNAGHAN, Messrs. MIFFLIN, DORSEY, FRANK J. LYNCH, WORRILLOW and KESTER  
HOUSE BILL No. 953

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242), providing for certain in lieu tax payments.

Referred to Committee on Judiciary.

By Messrs. MREUS, SLACK, R. K. HAMILTON and STONE  
HOUSE BILL No. 954

An Act amending the "Sprout Highway Law," approved May 31, 1911 (P. L. 468), permitting a registered consulting engineer to deposit certain securities with the Secretary of Highways as an alternative to the payment by the Secretary of Highways of interest on amounts withheld pending satisfactory completion of a contract.

Referred to Committee on State Government.

By Mr. CLAYPOOLE  
HOUSE BILL No. 955

An Act making an appropriation to the Department of Justice for the payment of certain moral claims against the Commonwealth.

Referred to Committee on Judiciary.

By Messrs. YAHNER, HUTCHINSON, STEMMER, ALEXANDER, SHELHAMER, WANSACZ and NEEDHAM  
HOUSE BILL No. 956

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), requiring action of the commission and rules and regulations adopted relative to hunting seasons and bag limits to be advertised when feasible.

Referred to Committee on Game and Fisheries.

By Messrs. NOLAN, LUTTY, VALICENTI, SCANLON, Mrs. CILLETTE, Messrs. WALSH, MALADY, T. JOHNSON and GIESLER  
HOUSE BILL No. 957

An Act providing for a Public Works Administration.

Referred to Committee on State Government.

By Messrs. KURY, LAUDADIO, BENNETT, IRVIS, WARGO, FINEMAN, SHELHAMER, STEELE, TAYLOR, HETRICK, FRYER, ECKONSBERGER, PITTENGER, MANDERINO, SHUPNIK, FISCHER, M. E. MILLER, BERSON, BENWICK, W. W. WILT, GEKAS, KAHLE, HALVERSON, R. W. WILT, DWYER, WISE, MEEHOLCHICK, KAUFMAN, RACHMAN and O'PAKE  
HOUSE BILL No. 958

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Referred to Committee on Conservation.

By Messrs. SULLIVAN, TAYOUN and BERSON  
HOUSE BILL No. 959

An Act making an appropriation to the Philadelphia Musical Academy at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

By Messrs. FINEMAN, SAVITT and J. JOHNSON  
HOUSE BILL No. 960

An Act making an appropriation to the trustees of Dropsie College at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

By Messrs. FINEMAN and WOJDAK  
HOUSE BILL No. 961

An Act making an appropriation to the Department of Health for use of the Institute for Cancer Research, Incorporated, Fox Chase, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

## SENATE MESSAGE

### SENATE BILL FOR CONCURRENCE

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

#### SENATE BILL No. 328

An Act to abolish differences in classification of imprisonment.

Referred to Committee on Judiciary.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. MURPHY, KAUFMAN and BERSON  
(Concurrent) RESOLUTION No. 77

Memorializing United States Congress to refrain from appropriating funds for construction or deployment of an anti-ballistic missile system and instead to appropriate funds to be used to subsidize education, rebuilding of our cities and fight against poverty and racism.

Referred to Committee on Rules.

### NORRISTOWN AREA STUDENTS WELCOMED

The SPEAKER. The Chair is pleased to notice in the hall of the House today a great number of young visitors. There is a group of 89 fourth grade students from Marshal Street School in the Norristown Area School District, Montgomery County, Pennsylvania. The students are here with their principal, Mrs. Norrine Schmidt, and their fourth grade teachers. They are the guests of the minority whip, Mr. Butera.

### READING SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair is advised that there is also a delegation of 90 students from Reading High School under the direction of Mrs. Thaw Cwiklinski and Mr. O. James Davis. They are the guests of the gentlemen from Reading, Messrs. LaMarca and O'Pake.

### SPEAKER THANKS MR. HAMILTON FOR PRESIDING

The SPEAKER. The Chair is much indebted to the gentleman from Beaver, Mr. Hamilton, for presiding with his

Cisypool	Holman	O'Brien, D.	Tiberi
Cramer	Homer	O'Brien, F.	Valicenti
Cappolano	Hopkins	O'Connell	Vann
Crawford	Harner	O'Pake	Walsh
Crowley	Hutchinson	Patience	Wangack
Dager	Izvis	Parker	Wargo
Davis, D.	Johnson, J.	Perry	Wechsner
Davis, R.	Johnson, T.	Pezak	Westenberg
DeJoseph	Kable	Pievsky	Wilson
DeMadio	Kaufman	Piper	Witt, R. E.
Dinami	Kelly	Pittenger	Witt, R. W.
Donaldson	Kennedy	Polaski	Witt, W. W.
Dorsey	Kernaghan	Prendergast	Wise
Dwyer	Kester	Quills	Wojdak
Eckensberger	Klaffer	Reminger	Workley
Engelhart	Kolter	Renwick	Worriow
Eshback	Kowalsky	Reynolds	Wright
Fenrich	Kury	Rieger	Yahner
Fischer	LaMarca	Ritter	Yohn
Foor	Laudadio	Ruane	Zarboff
Fox	Lawson	Ruggiero	Zimmerman
Frank	Lee	Rush	Zord
Fryer	Lehr	Ryan	
Fulmer	Luby	Rybak	Fineman, Speaker
Gallagher	Lynch, Frank	Saloom	
Gallen	Malady		

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

### SPRING GROVE ELEMENTARY SCHOOL WELCOMED

The SPEAKER. The Chair is pleased to welcome a group of 190 sixth-grade students from Spring Grove Elementary School in York County, Spring Grove, Pennsylvania. They are here with their teacher, Mr. Dale Danner. They are the guests of the gentleman from York, Mr. Geesey.

### BILLS REPORTED AND CONSIDERED FIRST TIME

#### HOUSE BILL No. 53 By Mr. M. E. MILLER

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), increasing and fixing fees for filing nomination petitions for certain offices in townships of the second class.

Reported from Committee on State Government.

#### HOUSE BILL No. 239 By Mr. LAWSON

An Act amending the "Pennsylvania Labor Relations Act," approved June 1, 1937 (P. L. 1168), including persons employed in the growing of mushrooms within the provisions of the act.

Reported from Committee on Labor Relations.

#### HOUSE BILL No. 567 By Mr. LAWSON

An Act amending the "Pennsylvania Fair Employment Practice Act," approved October 27, 1955 (P. L. 744), prohibiting discrimination because of the sex of any individual and providing a penalty.

Reported from Committee on Labor Relations.

#### HOUSE BILL No. 331 By Mr. LAWSON

An Act imposing powers and duties on the Department of Labor and Industry relative to the assembly, disassembly and use of amusement devices and temporary structures at carnivals, fairs and amusement parks.

Reported from Committee on Labor Relations.

#### HOUSE BILL No. 551 By Mr. WOJDAK

An Act amending "The Vehicle Code," approved April

29, 1959 (P. L. 58), eliminating the prohibition against the equipment with and use of radios in school buses.

Reported from Committee on Highway Safety.

#### HOUSE BILL No. 353 By Mr. STEELE

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), eliminating powers of the State Board of Education as to school bus standards, providing for uniform application forms for employment of school bus drivers to be prescribed and furnished by the Bureau of Traffic Safety of the Department of Revenue and requiring filing with such bureau.

Reported from Committee on Highway Safety.

#### HOUSE BILL No. 360 By Mr. M. E. MILLER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), eliminating the power and duty of the Department of Forests and Waters to mine or remove oil and gas beneath waters of Lake Erie owned by the Commonwealth.

Reported from Committee on State Government.

#### HOUSE BILL No. 956 By Mr. VANN

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), requiring action of the commission and rules and regulations adopted relative to hunting seasons and bag limits to be advertised when feasible.

Reported from Committee on Game and Fisheries.

### BILL REPORTED AS AMENDED

#### HOUSE BILL No. 958 By Mr. NOLAN

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Reported from Committee on Conservation.

### QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. WALSH. There was so much confusion during both these roll calls that I did not hear my name called. The gentleman from Northumberland, Mr. Kury, did not hear his name called although he is recorded. If you are going to keep up with this, I feel that you should at least have order in the House. I resent being rapped down for trying to speak.

The SPEAKER. The Chair thanks the gentleman.

### NURSE'S QUARTERS MOVED

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

Mr. COPPOLINO. Mr. Speaker, after the tiring debate of yesterday, I needed medical attention and went down to see our Nurse Esther, on the first floor. Lo and behold, I discovered that she is no longer there. I joined a safari and gathered up a guide and finally wended my way down and located her.

I would suggest to the Speaker that the House be notified that Nurse Esther has now moved her quarters in the event that anyone in this House needs her attention.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 958

Session of  
1969

INTRODUCED BY MESSRS. KURY, LAUDADIO, BENNETT, IRVIS,  
WARGO, FINEMAN, SHELHAMER, STEELE, TAYLOR,  
HETRICK, FRYER, ECKENSBERGER, PITTENGER,  
MANDERINO, SHUPNIK, FISCHER, M. E. MILLER, BERSON,  
RENWICK, W. W. WILT, GEKAS, KAHLE, HALVERSON,  
R. W. WILT, DWYER, WISE, MEHOLCHICK, KAUFMAN,  
BACHMAN AND O'PAKE, APRIL 21, 1969

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE  
OF REPRESENTATIVES, AS AMENDED, APRIL 29, 1969

**A JOINT RESOLUTION**

Proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

**The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:**

1 Section 1. The following amendment to the Constitution of the  
2 Commonwealth of Pennsylvania is proposed in accordance with the  
3 provisions of the eleventh article thereof:

4 That article one of the Constitution of the Commonwealth of Penn-  
5 sylvania be amended by adding at the end thereof, a new section to read:

6 Section 27. Natural Resources and the Public Estate.--The people  
7 have a right to clean air, pure water, and to the preservation of the  
8 natural scenic, historic and esthetic values of the environment. Penn-  
9 sylvania's natural resources, including the air, waters, fish, wildlife, and  
10 the public lands and property of the Commonwealth, are the common

- 1 property of all the people, including generations yet to come. As trustee
- 2 of these resources, the Commonwealth shall preserve and maintain them
- 3 in their natural state for the benefit of all the people.

D15L15RW



establishing the responsibility for the payment of such fees.

Said bill was considered the first time and agreed to.

Agreeable to order,

The House proceeded to first consideration of House bill No. 841, printer's No. 1386, entitled:

An Act providing for the protection of Pennsylvania corporations, stockholders and the public and to prevent fraud and deception by requiring certain persons purchasing equity securities of any corporation \* \* \*, to secure certain prior approvals \* \* \*.

Said bill was considered the first time and agreed to.

Agreeable to order,

The House proceeded to first consideration of House bill No. 958, printer's No. 1397, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Said bill was considered the first time and agreed to.

Agreeable to order,

The House proceeded to first consideration of House bill No. 999, printer's No. 1398, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), further defining "college" and "university," creating a Board of State College and University Directors, defining its powers and duties, redefining the powers and duties of presidents and trustees of State Colleges and State Universities, of the Superintendent of Public Instruction, the State Board of Education, and the Boards of Trustees of the several State Colleges and State Universities \* \* \*.

Said bill was considered the first time and agreed to.

Agreeable to order,

The House proceeded to first consideration of House bill No. 1000, printer's No. 1399, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), creating a Board of State College and University Directors as an administrative board in the Department of Public Instruction and removing provisions relating to the boards of trustees of the several State colleges and universities.

Said bill was considered the first time and agreed to.

### BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 126, printer's No. 1107, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571), imposing duties on assessors and prohibiting the removing of mobilehomes and house trailers without removal permits and prescribing penalties.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 149, printer's No. 171, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), authorizing the issuance of resident hunters' licenses and tags without payment of license fees

to disabled veterans of any war whether their disabilities are service connected or nonservice connected.

On the question,

Will the House agree to the bill on second consideration?

### BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 149 be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of House bill No. 567, printer's No. 654, entitled:

An Act amending the "Pennsylvania Fair Employment Practice Act," approved October 27, 1955 (P. L. 744), prohibiting discrimination because of the sex of any individual and providing a penalty.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 690, printer's No. 791, entitled:

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548), reducing the amount to be set aside for reserves.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 740, printer's No. 848, entitled:

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779), transferring certain powers and duties from the Department of Revenue to the Fish Commission.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 741, printer's No. 849, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), transferring certain functions from the Department of Revenue to the Game Commission.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 823, printer's No. 952, entitled:

An Act amending the "State Employees' Retirement Code of 1959," approved June 1, 1959 (P. L. 392), changing the credit for military service, eliminating certain conditions for extending credit for certain military service to State employees who served in the armed forces of the United States, and removing requirement of additional amount of contributions equivalent of the contributions of the Commonwealth for certain veterans obtaining credit for certain military service.

On the question,

Will the House agree to the bill on second consideration?

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 958, printer's No. 1307, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 963, printer's No. 1113, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), giving authority to any district game protector to authorize in writing the killing of a second deer, bear or turkey when the first was determined to be unfit for human consumption at time of killing.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 967, printer's No. 1117, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), further providing for completing and attaching the big game tag and providing penalties.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 974, printer's No. 1124, entitled:

An Act relating to the liability of the owners of a dog to respond in damages for acts of his dog in certain cases.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 977, printer's No. 1127, entitled:

An Act authorizing towns to make appropriations toward ambulance service.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 984, printer's No. 1134, entitled:

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242), further providing for the reimbursement of costs to persons displaced as a result of acquisition of property by the Department of Highways.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 993, printer's No. 1143, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90), prescribing the minimum discount for sale of liquor by Pennsylvania Liquor Stores to licensees.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 998 be recommended to the Committee on Appropriations.

The motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of House bill No. 999, printer's No. 1308, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), further defining "college," and "university," creating a Board of State College and University Directors, defining its powers and duties, redefining the powers and duties of presidents and trustees of State Colleges and State Universities, of the Superintendent of Public Instruction, the State Board of Education, and the Boards of Trustees of the several State Colleges and State Universities \* \* \*.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 999 be recommended to the Committee on Rules.

The motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of House bill No. 1000, printer's No. 1309, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), creating a Board of State College and University Directors as an administrative board in the Department of Public Instruction and removing provisions relating to the boards of trustees of the several State colleges and universities.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 1000 be recommended to the Committee on Appropriations.

The motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of House bill No. 1003, printer's No. 1153, entitled:

An Act creating the Department of Education and transferring to it the powers and duties of the Department of Public Instruction; providing that the Superintendent of Public Instruction shall be ex officio the Secretary of Education; and transferring personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations and other material from the Department of Public Instruction to the Department of Education.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 1003 be recommended to the Committee on Appropriations.

The motion was agreed to.

Eshback	LaMarea	Polski	Wilson
Fenrich	Landis	Prendergast	Wilt, R. W.
Fischer	Lawson	Quiles	Wise
Fox	Lutty	Renwick	Wojdak
Frank	Lynch, Francis	Rieger	Worley
Fryer	Mallady	Ritter	Yahner
Gallagher	Manderino	Ruane	Yohn
Gerney	Martino	Ruggero	Zord
Gelsler	McAneny	Rush	
Gelfond	McClatchy	Bybak	Fineman, Speaker
Gillette	McGraw	Saloom	
Gleason	McMonagle	Savitt	

## NAYS—55

Alexander	Fulmer	Kerrighan	Ryan
Allen, F. M.	Gallen	Kester	Saltzer
Allen, W. W.	Gekas	Kisler	Semenoff
Anderson, J. H.	George	Lee	Smith
Appleton	Gola	Lehr	Spencer
Bair	Gring	Manbeck	Steckel
Beloff	Hamilton, J. H.	McCurdy	Thomas
Bosert	Harris	Mebus	Westerberg
Coppolino	Haudenschild	McFlin	Wilt, R. E.
Davis, R.	Hopford	Nicholson	Wilt, W. W.
Dinhart	Hill	Nitsauer	Worflow
Donaldson	Horner	Pancoast	Zerlous
Dorsey	Johnson, G.	Piper	Zimmerman
Foar	Kennedy	Reynolds	

## NOT VOTING—14

Anderson, S. A.	Dager	Perry	Valicenti
Beyon	DeJoseph	Reminger	Vann
Brunner	Foe	Sullivan	Wright
Bush	Lynch, Frank		

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

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

## QUESTIONS OF PERSONAL PRIVILEGE

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

Mr. McANENY. Mr. Speaker, I inadvertently voted "aye" on House bill No. 286. I would like to be recorded in the negative.

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

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

Mr. VALICENTI. Mr. Speaker, I would like to be recorded as voting "aye" on House bill No. 871.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 886, printer's No. 1033, entitled:

An Act appropriating moneys in the Land and Water Development Fund derived from the issuance and sale of bonds and notes pursuant to the act of January 19, 1968 (1967 Act No. 443), known as "The Land and Water Conservation and Reclamation Act."

On the question,

Will the House agree to the bill on third consideration?

## BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 826 be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeable to order,

The House proceeded to third consideration of House bill No. 958, printer's No. 1307, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Kury.

Mr. KURY. Mr. Speaker, the hour grows late and I just want to make one very brief comment and offer some material for the record.

I would like to call the attention of the House to this bill. I believe it is a bill of some importance because today we are voting to give constitutional protection to our natural resources and physical environment.

If this amendment becomes part of our constitution, as I hope it will, it will only be the second amendment in 132 years to our constitution's declaration of rights. But it may become one of the most important amendments that we shall ever add to our constitution.

As all of you know from reading the newspapers and news media, in our Nation, our State, the whole world, there is a serious danger of whether man will be able to survive on this planet. The increasing pressures of technological advances and the growing population on a diminishing supply of natural resources is outstripping our ability to cope with it. I do not think this amendment which we are offering today is the ultimate answer to the problem, but I do believe it is a sound, firm basis upon which this legislature, the courts and the executive can act to make Pennsylvania's environment not only fit for human habitation biologically, but also a wholesome environment suited for the achievement of man's highest aspirations as a society.

Mr. Speaker, I will just say in conclusion that when our constitution was originally drafted, the great issue at that time was preserving man's political rights against the encroachment of dictatorial government. Our natural resources were so great, our population so small and our technology so underdeveloped that the future of our environment and resources were taken for granted. Now this situation has been altered. Our political rights are strongly protected by vigilant courts and an alert press, but population and technology have run amok through our environment and resources.

It is well accepted that the good society, a society of free men in a free world, requires an appropriate political environment and physical environment. The political environment we have achieved; the physical environment we must yet save. Therefore, let us pass this bill and give constitutional protection to the greatest wealth Pennsylvania has, its natural resources.

I offer the balance of the statement for insertion in the record, Mr. Speaker:

The SPEAKER. The Chair thanks the gentleman.

Mr. KURY presented the following statement for the Legislative Journal:

There are too few times when a legislator has an opportunity to vote on a measure with genuine historical significance.

Today, we have such an opportunity.

Today, we are voting on House Bill 958—a bill to give constitutional protection to our natural resources and physical environment.

The bill, an amendment to our state constitution, would amend our declaration of rights, to provide that every citizen has a right to clean air, pure water, and the natural, scenic, historic and esthetic qualities of our environment. The proposal further declares that the natural resources of Pennsylvania belong to all the people and that the state government, as trustee of our natural resources, must protect them for the benefit of everyone, including unborn generations.

If this amendment is enacted, as I hope it will, it will be only the second amendment to our constitution's Declaration of Rights in 132 years. But it may become one of the most important amendments ever added to our constitution.

Our world, our Nation, our State, are in real danger of becoming unfit for human habitation. The increasing pressures of technological advances and the growing population on a diminished supply of natural resources is stripping our ability to cope with it. Every week sees new editorials and cries of alarm from around the nation. The creation of an "earth national park" has been suggested. We must act firmly and we must act now.

Enactment of H. B. 958 can be an important step in our fight to save our environment, for several reasons. First, the amendment gives clear recognition to the critical nature of the problem by establishing basic rights to a wholesome environment.

Secondly, the amendment declares and places the responsibility for preserving Pennsylvania's environment where the responsibility basically belongs—on state government. The amendment declares that the state government is the trustee of our natural resources, not only for those alive now, but for generations yet to come.

Thirdly, the amendment provides a firm, clear policy statement for the guidance of all those branches of government and private parties alike. Considering Pennsylvania's shameful history of a state government too often controlled by the plunderers of our natural resources, this amendment is long overdue. If only it had been enacted a century ago—how different the face of Pennsylvania would look today!

Most important this amendment will shift the burden of proof in future disputes from those who object to pollution or environmental impairment to those who would pollute or impair. Those who propose to disturb the environment or impair natural resources would in effect have to prove in advance that the proposed action is in the public interest. This will mean that the public interest in natural resources and the environment will be fully weighed against the interests of those who would detract from or diminish them before—not after—action is taken.

This amendment is certainly not the final answer in our great struggle to save the environment. But it does provide a sound, firm foundation upon which our legislature, the courts and the executive can act to make Pennsylvania's environment not only fit for human habitation, but also a wholesome environment suited for the achievement of man's highest aspirations as a society.

Mr. Speaker, when our constitution was originally drafted the great issue was preserving man's political rights against the encroachment of dictatorial government. Our natural resources were so great, our population so small,

and our technology so underdeveloped that the future of our environment and resources were taken for granted. Now—that situation has been altered. Our political rights are strongly protected by vigilant courts and an alert press. But population and technology have run amok through our environment and resources.

It is well accepted that the good society, a society of free men in a free world, requires an appropriate political environment and physical environment. The political environment we have achieved. The physical environment we must yet save. Therefore, let us pass this bill and give constitutional protection to the greatest wealth Pennsylvania has—its natural resources.

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

Mr. WISE. Mr. Speaker, I ask permission of the House to include two printed matters in the record. The first is an article from the Philadelphia Bulletin of May 25, 1969, by Gary Brooten, entitled, "The Right to Freedom From Pollution."

The second article is from the New York Times of April 7, 1969, by Israel Shenker, entitled, "Man's Extinction Held Real Peril."

I simply would like permission to submit these for the record and ask everyone to vote "aye" on this important bill.

The SPEAKER. Without objection, the material will be spread upon the record.

Mr. WISE presented the following articles for the Legislative Journal:

#### THE RIGHT TO FREEDOM FROM POLLUTION

By GARY BROOTEN

Of The Bulletin Staff

A brash idea that could revolutionize the strategy of American conservatism is beginning to make itself felt in the fight against environmental blight.

The idea is that pollution and other environmental disturbances, far from being matters of mere prettiness or of minor health risks, are issues of fundamental human rights.

This view was voiced on April 21 in Pennsylvania's House of Representatives by Rep. Franklin L. Kury, Democrat of Northumberland, who urged that such a right be added as the second amendment in 132 years to the Declaration of Rights leading off Pennsylvania's constitution.

#### For a Good Life

"I believe," Kury said, "that the protection of the air we breathe, the water we drink, the esthetic qualities of our environment, has now become as vital to the good life—indeed, to life itself—as the protection of the fundamental political rights, freedom of speech, freedom of the press, freedom of religion, of peaceful assembly and of privacy."

His speech, as Kury himself noted, was not simply an isolated local expression.

Partly as a result of discussion at an ill-starred state constitutional convention in New York in

1966, and even more as a result of the legal activism of a swinging young conservation group called the Environmental Defense Fund, the notion that people have a basic right to a clean environment has progressed rapidly in the last two years.

So far, it has attained no formal legal or judicial status. Its principal visible effect has been to persuade a few administrative agencies to be more careful in their use of chemical insecticides. Some older conservation groups have shied away from the concept's more militant expression.

Many of the idea's backers find it exciting, on the other hand, for its radical practical implications. If a basic "right to a clean environment" became recognized, it might well shift the burden of proof in future environmental disputes from those who object to pollution to those who pollute. Anyone who proposed to pollute or otherwise disturb the environment, in the name of "progress" or economic necessity, would have to prove ahead of time that the proposed action was, indeed, in the public interest.

The right could be recognized in one of two ways. The quickest would be by court decisions—preferably by the U. S. Supreme Court—acknowledging a constitutional right of Americans to the cleanest possible environment. The other way would be a constitutional amendment to make the right explicit.

The first approach is the strategy of the Environmental Defense Fund (EDF), a Long Island-based group of scientists and lawyers with an ambitious program of legal actions.

EDF grew out of a 1968 suit to block a Long Island mosquito-control program using the pesticide DDT. It was filed by Victor J. Yannacone, Jr., a Patchogue, L. I., lawyer partly at the instigation of his conservationist wife, Carol.

The effort failed, but it brought Yannacone together with Dr. Charles F. Wurster, Jr., a Philadelphia-born chemist and biologist at New York University's Stony Brook campus, leading authority on environmental effects of pesticides, and with ecology-minded scientists at the federal government's Brookhaven National Laboratory, also on Long Island.

#### Organization Set Up

They put an organization together, with Yannacone in charge and Wurster, eventually at the head of its scientific advisory panel.

Currently the two are up to their necks in an effort by conservationists to have the use of DDT banned, in effect, in Wisconsin, under that state's water pollution laws.

EDF has lawsuits pending in federal courts, however, which Yannacone hopes will lead to an eventual ruling on the constitutional issue by the Supreme Court.

As Yannacone sees that issue, the people's right to a clean environment rests in the fourth (due process) and 15th (equal protection of laws) amendments to the Constitution, and perhaps more importantly in the ninth.

That amendment states, in full: "The enumeration in the Constitution of certain rights shall not

be construed to deny or disparage others retained by the people."

Privacy is one of the "others," recognized by the Supreme Court in its 1965 decision overturning Connecticut's birth control law. Yannacone thinks a similar decision could establish the right to clean environment.

The key suit, filed in U. S. District Court in Butte, Montana, asserts that the people of the United States have a right to use and enjoy the environment around Missoula, Montana, "without diminution and degradation resulting from the emission of noxious sulfur compounds" by a paper pulp mill on Missoula's outskirts. The argument invokes all three of the key amendments.

Yannacone, 33, has not won a clearcut success for the EDF in court yet. Judges have tended to be cautious, ruling that the issues are matters for legislative action.

Robert Jaspersen, counsel for a California group active in conservation suits, believes the constitutional arguments will fail. "You just can't stretch the Constitution that far," he said, adding that it may be possible to achieve much of the desired effect indirectly by the judicious use of conventional damage suits against polluters.

The alternative approach—constitutional amendment—is well along already in New York, where voters will decide in November on a conservation "bill of rights" written by the unsuccessful constitutional convention to protect the state's natural resources.

Last summer, and again on Jan. 3, seven Democrats and four Republicans in the U. S. House of Representatives introduced a similar proposal to amend the U. S. Constitution.

Authored by New York Democrat Richard L. Ottinger, the resolution to propose a "conservation bill of rights" as the 26th amendment also carries the names of three Pennsylvania Congressmen—Reps. Joshua Eilberg (D-Phila.), John H. Dent (D-Westmoreland) and John P. Saylor (R-Cambria).

Its key clause declares that "the right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment shall not be abridged."

Other sections require the federal government to make periodic inventory of the nation's "natural, scenic, esthetic and historic resources," to "provide for their protection as a matter of national purpose" and to hold public hearings well in advance of any federal activity that would affect those resources.

The resolution is now in the judiciary committee.

Kury's proposed Pennsylvania conservation bill of rights is briefer and simpler. Under the names of 22 Democrats (including the entire House Democratic leadership) and eight Republicans, it proposes to add the following words to the first article of the state constitution:

"The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic and esthetic values of the environment.

Pennsylvania's natural resources, including the air, waters, fish, wildlife, are the common property of all the people, including generations yet to come.

"As trustees of these resources, the Commonwealth shall preserve and maintain them for the benefit of all the people."

Kury's bill also included the phrase "in their natural state" in the last sentence. It was deleted by the conservation committee, which acted on the measure and made a favorable report to the floor within eight days. The bill was passed and sent to the State Senate last week.

#### Serious Effort

Though lacking the theatrical capacity for controversy of Yannacone and the EDF, the backers of these measures claim to be serious about the principles.

They acknowledge that there are numerous laws on the books for the control of pollution and other environmental disturbances, but point out that there is no underlying basic principle in the written law to unify these statutes.

"We need a government policy," sums up Kury, "that is clearly stated and beyond question, one that will firmly guide the legislature, the executive and the courts alike."

#### MAN'S EXTINCTION HELD REAL PERIL

Change in Political Structure  
Called Vital by Professor

By ISRAEL SHENKER  
Special to The New York Times

STANFORD, Calif.—"Man may be skeptical about following the flight of the dodo into extinction, but the evidence points increasingly to just such a pursuit," said Prof. Richard A. Falk of Princeton University, who is directing research on a project devoted to world order in the 1990's.

"The planet and mankind are in grave danger of irreversible catastrophe if the political structure that now prevails is not drastically changed during the next few decades," he said in an interview here.

"We live in a high-risk environment," he said, "and the trends that create the present level of risk continue to increase the danger and to reduce the possibilities of creatively controlling it."

Professor Falk is Milbank Professor of International Law at Princeton, and research director for the North American team instituted by the World Law Fund, a private foundation in New York.

This North American group began work in 1967. The chairman of its sponsoring and policy review committee is C. Douglas Dillon, former Secretary of the Treasury.

Other members of the committee are former Secretary of Defense Robert S. McNamara, now president of the World Bank; George W. Ball, former Under Secretary of State; Dr. Harvey G. Cox, professor at the Harvard School of Theology; Lieut. Gen. James M. Gavin, United States Army, retired; and the Rev. Theodore M. Hesburgh, president of the University of Notre Dame.

The World Law Fund has set up similar committees and research teams in Latin America, Western Europe, India, Japan, the Soviet Union and Africa, in an effort to de-Americanize the search for a non-utopian model for the world of the 1990's.

Said Professor Falk: "There are four interconnected threads to the planet wars of mass destruction, overpopulation, pollution, and the depletion of resources.

"They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area. All these problems are caused by the discretion vested in national government, and in some instances in individual choice. The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th century."

He pursued: "John Maynard Keynes long ago spoke of the paradox of aggregation—that the definition of rational self-interest is different for the individual than for the community. If one's car is polluting the atmosphere, the addition to the general pollution is so infinitesimal that there is no rational incentive to forbear from driving, or to spend money on anti-pollution filter.

"This same logic applies to corporate behavior in the pursuit of profits and to nations seeking wealth, power and prestige.

"Appeals to conscience have very little prospect of success. The only hopeful prospect is some kind of central framework of control to define community interests and to impose them on a global basis. This kind of solution is essentially political and moral rather than technical."

The next step, he says, "is to make people angry at what is happening to their environment, and the prospect for themselves and their children as a consequence of allowing so much public policy to be determined by the selfish interests of individuals, corporations, nations, and even regions of the world."

He added, "I think the kind of community reaction that occurred in Santa Barbara recently, as a consequence of the oil slick, is the sort of thing that is going to happen more frequently and more drastically in the years ahead. When it is understood that these occurrences are not isolated disorders but threads in the pattern of disaster, then a more coherent response will begin to emerge.

"The essence of the problem is to find a new formula for relating man to his environment."

Professor Falk is spending a year as a Fellow here at the Center for Advanced Study in the Behavioral Sciences, using part of his time to write a book called "The Endangered Planet."

He sees a hopeful rise in what he calls "transnational consciousness" and warns that these intent on preserving the more prevalent parochial consciousness will fight back.

He predicts that "a movement toward a new system of world order will be a serious part of the political life of the community when people are willing to go to jail on its behalf and are put there by those who fear the challenge."



"The outcome of this confrontation," he said, "will shape the future of planetary history—in fact, determine whether the planet is to have a future in history. Only a fool or prophet would attempt to predict the exact form of the struggle or its eventual resolution, but only a prisoner of existing political moods would deny that the struggle is necessary."

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

And said bill having been considered on three different days and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—190

Alexander	Gekas	Manbeck	Saloom
Allen, F. M.	Gelfand	Manderino	Savitt
Allen, W. W.	George	Martino	Scanlon
Anderson, J. H.	Gillette	McAneny	Schmitt
Appleton	Gleeson	McClatchy	Seltzer
Bachman	Gola	McCurdy	Shelhamer
Bair	Good	McGraw	Shelton
Barber	Goodman	McMonagle	Sherman
Bellomini	Greenfield	Mebus	Shuman
Belloff	Gring	Meholchick	Shupnik
Bennett	Gross	Melton	Silverman
Beren	Halverson	Miffitt	Slack
Berkas	Hamilton, J. H.	Miller, M. E.	Smith
Bittle	Hamilton, R. K.	Miller, P. W.	Snare
Bixler	Harrier	Moore	Spencer
Blair	Haudenshield	Moscrip	Stautner
Bocetto	Hayes	Mullen	Steckel
Bossert	Headlee	Murphy	Steele
Burkardt	Hepford	Murtha	Stemmler
Bush	Hetrick	Musto	Stone
Butera	Hill	Needham	Taylor
Caputo	Holman	Nicholson	Tayoun
Claypoole	Homer	Nitkauer	Thomas
Conner	Hopkins	Nolan	Tiberi
Coppolino	Horner	Novak	Torak
Crawford	Hutchinson	O'Brien, B.	Valicenti
Crowley	Iris	O'Brien, F.	Walsh
Davis, D.	Johnson, G.	O'Connell	Wanacez
Davis, R.	Johnson, J.	O'Donnell	Wargo
DeMedio	Johnson, T.	O'Pake	Weidner
Dininni	Kahle	Pancoast	Westerberg
Donaldson	Kaufman	Parker	Wilson
Dorsey	Kelly	Pezak	Wilk, R. E.
Dwyer	Kennedy	Pievsky	Wilt, R. W.
Eckensberger	Kernaghan	Piper	Wise
Englehart	Kester	Pittenger	Wojdak
Eshback	Kistler	Polaski	Worley
Fenrich	Kolter	Prendergast	Worrlow
Fischer	Kowalyszyn	Quiles	Yahnar
Foot	Kury	Renwick	Yohn
Fox	LaMarca	Reynolds	Zearfoss
Frank	Laudadio	Rieger	Zimmerman
Fryer	Lawson	Ritter	Zord
Fulmer	Lee	Ruane	
Gallagher	Lehr	Ruggiero	
Gallen	Lutty	Rush	
Geesey	Lynch, Francis	Ryan	
Geisler	Malady	Rybak	

## NAYS—0

## NOT VOTING—12

Anderson, S. A.	Dager	Lynch, Frank	Sullivan
Berson	DeJoseph	Perry	Vann
Brunner	Fec	Renninger	Wright

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

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 963, printer's No. 1113, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), giving authority to any district game protector to authorize in writing the killing of a second deer, bear or turkey when the first was determined to be unfit for human consumption at time of killing.

On the question,

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

And said bill having been considered on three different days and agreed to,

On the question,

Shall the bill pass finally?

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

## YEAS—188

Alexander	Gekas	Manbeck	Saloom
Allen, F. M.	Gelfand	Manderino	Savitt
Allen, W. W.	George	Martino	Scanlon
Anderson, J. H.	Gillette	McAneny	Schmitt
Appleton	Gleeson	McClatchy	Seltzer
Bachman	Gola	McCurdy	Shelhamer
Bair	Good	McGraw	Shelton
Barber	Goodman	McMonagle	Sherman
Bellomini	Greenfield	Mebus	Shuman
Belloff	Gring	Meholchick	Shupnik
Bennett	Gross	Melton	Silverman
Beren	Halverson	Miffitt	Slack
Berkas	Hamilton, J. H.	Miller, M. E.	Smith
Bittle	Hamilton, R. K.	Miller, P. W.	Snare
Bixler	Harrier	Moore	Spencer
Blair	Haudenshield	Moscrip	Stautner
Bonetto	Hayes	Mullen	Steckel
Bossert	Headlee	Murphy	Steele
Burkardt	Hepford	Murtha	Stemmler
Bush	Hetrick	Musto	Stone
Butera	Hill	Needham	Taylor
Caputo	Holman	Nicholson	Tayoun
Claypoole	Homer	Nitkauer	Thomas
Conner	Hopkins	Nolan	Tiberi
Coppolino	Horner	Novak	Torak
Crawford	Hutchinson	O'Brien, B.	Valicenti
Crowley	Iris	O'Brien, F.	Walsh
Davis, D.	Johnson, G.	O'Connell	Wanacez
Davis, R.	Johnson, J.	O'Donnell	Wargo
DeMedio	Johnson, T.	O'Pake	Weidner
Dininni	Kahle	Pancoast	Westerberg
Donaldson	Kaufman	Parker	Wilson
Dorsey	Kelly	Pezak	Wilk, R. E.
Dwyer	Kennedy	Pievsky	Wilt, R. W.
Eckensberger	Kernaghan	Piper	Wise
Englehart	Kester	Pittenger	Wojdak
Eshback	Kistler	Polaski	Worley
Fenrich	Kolter	Prendergast	Worrlow
Fischer	Kowalyszyn	Quiles	Yahnar
Foot	Kury	Renwick	Yohn
Fox	LaMarca	Reynolds	Zearfoss
Frank	Laudadio	Rieger	Zimmerman
Fryer	Lawson	Ritter	Zord
Fulmer	Lee	Ruane	
Gallagher	Lehr	Ruggiero	
Gallen	Lutty	Rush	
Geesey	Lynch, Francis	Ryan	
Geisler	Malady	Rybak	

## NAYS—1

## NOT VOTING—13

Anderson, S. A.	DeJoseph	Pancoast	Sullivan
Berson	Fec	Perry	Vann
Brunner	Lynch, Frank	Renninger	Wright
Dager			

the Chairman of the Committee, The Honorable Andrew T. Fenrich.

The PRESIDENT. The Chair is pleased to recognize the Chairman of the Committee from the House, Mr. Fenrich.

Mr. FENRICH. Mr. President, we are a Committee of the House, appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Senate to the hall of the House.

The PRESIDENT. The Chair thanks the Committee from the House.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2, 779 and 1108**, which were referred to the Committee on Public Health and Welfare.

He also presented for concurrence **HB 27, 125 and 432**, which were referred to the Committee on Finance.

He also presented for concurrence **HB 48, 49, 50, 327, 407 and 1006**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 500**, which was referred to the Committee on Judiciary.

He also presented for concurrence **HB 285, 286, 716, 743 and 1121**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 843, 871 and 1100**, which were referred to the Committee on Education.

He also presented for concurrence **HB 23, 854 and 856**, which were referred to the Committee on Highways.

He also presented for concurrence **HB 754**, which was referred to the Committee on Military Affairs and Aeronautics.

He also presented for concurrence **HB 958**, which was referred to the Committee on Constitutional Changes and Federal Relations.

He also presented for concurrence **HB 963, 967 and 1056**, which were referred to the Committee on Forests and Waters, Game and Fish.

He also presented for concurrence **HB 870**, which was referred to the Committee on Elections and Reapportionment.

He also presented for concurrence **HB 1120**, which was referred to the Committee on Agriculture.

### BILLS SIGNED

The President (Lieutenant Governor Raymond J. Broderick) in the presence of the Senate signed the following bills:

**HB 76, 162, 163, 189 and 425.**

### BILLS INTRODUCED AND REFERRED

Mr. HOLL presented to the Chair **SB 827**, entitled:

An Act amending the act of July 31, 1968 (Act No. 247), entitled "Pennsylvania Municipalities Planning Code," changing the period of time in which the governing body may act on plats.

Which was committed to the Committee on Local Government.

He also presented to the Chair **SB 828**, entitled:

An Act providing for the licensing and regulating of

contractors; establishing a board and granting powers and duties to it; establishing fees; making certain acts unlawful and providing penalties.

Which was committed to the Committee on State Government.

### SENATE RESOLUTION

#### CONGRATULATING MR. AND MRS. WILLIAM A. BENTLEY ON THEIR SEVENTIETH WEDDING ANNIVERSARY

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

In the Senate, June 3, 1969.

Mr. and Mrs. William A. Bentley, of Coolspring Township, Mercer County, celebrated their seventieth year of marriage.

On May 23, 1889, William A. Bentley married Ida Pearson and their spacious farm home is the one to which they came as newlyweds; therefore be it

**RESOLVED**, That the Senate of the Commonwealth of Pennsylvania congratulate Mr. and Mrs. William A. Bentley on the occasion of their Seventieth Wedding Anniversary; and be it further

**RESOLVED**, That a copy of this resolution be sent to Mr. and Mrs. William A. Bentley, R. D. 4, Mercer, Pennsylvania.

### RECESS

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms, and the House Committee, in order that we may proceed to the Joint Session.

The Chair now declares a recess of the Senate for one hour.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### BILLS INTRODUCED AND REFERRED

Messrs. PECHAN and EWING, by unanimous consent, presented to the Chair **SB 829**, entitled:

An Act amending the act of December 11, 1967 (Act No. 331), entitled, "An act providing for and regulating thoroughbred horse racing with pari-mutuel wagering on the results thereof, creating the State Horse Racing Commission as an independent administrative commission and defining its powers and duties; . . ." increasing the number of authorized corporations.

Which was committed to the Committee on State Government.

Messrs. PECHAN and FRAME, by unanimous consent, presented to the Chair **SB 830**, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "The General State Authority Act of one thousand nine hundred forty-nine," empowering the General State Authority to act in the capacity of agent in the construction of certain projects for the Commonwealth of Pennsylvania and providing that projects may be leased when no more proceeds of bonds of the Authority are to be expended thereon and further providing for conveyance of projects to the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.



## DISTRICT JUSTICE OF THE PEACE

March 4, 1970.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Daryl Azorsky, 214 Fifth Street, California, Washington County, for appointment as District Justice of the Peace in and for the County of Washington, Class 3, District 3, to serve until the first Monday of January 1972, to fill a vacancy.

RAYMOND P. SHAFER.

## DISTRICT JUSTICE OF THE PEACE

March 4, 1970.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James L. Berger, Box 376, Golf Drive, Buck Hill Falls, Monroe County, for appointment as District Justice of the Peace in and for the County of Monroe, Class 4, District 2, to serve until the first Monday of January 1972, to fill a vacancy.

RAYMOND P. SHAFER.

## DISTRICT JUSTICE OF THE PEACE

March 10, 1970.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William A. Ent, 221 East Main Street, Mechanicsburg, Cumberland County, for appointment as District Justice of the Peace in and for the County of Cumberland, Class 3, District 5, to serve until the first Monday of January 1972, vice Carl A. Wentz, resigned.

RAYMOND P. SHAFER.

## DISTRICT JUSTICE OF THE PEACE

March 10, 1970.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Orin E. Soule, West Main Street, New Bloomfield, Perry County, for appointment as District Justice of the Peace in and for the County of Perry, Class 3, District 4, to serve until the first Monday of January 1972, to fill a vacancy.

RAYMOND P. SHAFER.

GUESTS OF SENATOR MARTIN L. MURRAY  
PRESENTED TO SENATE

Mr. MURRAY. Mr. President, I have, as my guests, two distinguished gentlemen visiting here, today, from the City of Hazleton. They are Mr. Anthony D. Sacco and Mr. William J. Moran, both of whom are City Councilmen.

I would appreciate your extending a warm welcome to the Senate of Pennsylvania to these fine gentlemen.

The PRESIDENT pro tempore. The Chair, on behalf of the Members of the Senate, would like to welcome the two Councilmen from Hazleton, who are the guests of Senator Murray.

If these guests will please rise, so that they may be recognized, we would like to greet you.

GUESTS OF SENATOR JAMES E. WILLARD  
PRESENTED TO SENATE

Mr. WILLARD. Mr. President, I am very fortunate in having as my guests three young people from Sharon and one from Corry, Pennsylvania. They are in Harrisburg to attend the United Presbyterian Youth and Government Seminar, which has been going on since last Friday.

These guests, who are seated in the gallery, are: Tom Davis, Dave Bower and Irene Sarver, of Sharon; and Bruce Burr, of Corry.

The PRESIDENT pro tempore. Will these guests please rise so that they may be recognized.

The Chair, on behalf of the Members of the Senate, would like to welcome these four young people. We hope that your visit to Harrisburg and to the Senate of Pennsylvania will be most instructive and beneficial.

GUESTS OF SENATOR JEANETTE F. REIBMAN  
PRESENTED TO SENATE

Mrs. REIBMAN. Mr. President, I, too, have two guests visiting with us today, who are attending the United Presbyterian Youth and Government Seminar.

Would you please welcome to the Senate of Pennsylvania Joscelyn Clark and Mark Klinely, of East Stroudsburg.

The PRESIDENT pro tempore. The Chair, on behalf of the Members of the Senate, would like to welcome the guests of Senator Reibman, who are also here in Harrisburg attending the Seminar.

Will these guests please rise so that they may be recognized and be welcomed to the Senate of Pennsylvania.

## HOUSE MESSAGE

## HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1860**, which was referred to the Committee on Education.

## BILL SIGNED

The President pro tempore (Robert D. Fleming) in the presence of the Senate signed the following bill:

**SB 516.**

## REPORTS FROM COMMITTEE

Mr. McGREGOR, from the Committee on Constitutional Changes and Federal Relations, reported, as committed, **HB 1312** and **1678**; as amended, **HB 958**.

## PERMISSION TO ADDRESS SENATE

Mr. WILLARD asked and obtained unanimous consent to address the Senate.

Mr. WILLARD. Mr. President, last week, in our haste, we passed some bad legislation. I took a sampling of opinions from people in my District, in all walks of life—industrial men, businessmen, teachers, bricklayers, machinists, laborers and people in my own business. There has been an about reversal of opinion since we passed the bill which would put a six per cent tax on insurance premiums.

There has been a reversal of opinion, in that people are now saying that we should pass—and they prefer—an income tax.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 958

Session of  
1969

INTRODUCED BY MESSRS. KURY, LAUDADIO, BENNETT, IRVIS, WARGO,  
FINEMAN, SHELHAMER, STEELE, TAYLOR, HETRICK, FRYER,  
ECKENSBERGER, PITTENGER, MANDERINO, SHUPNIK, FISCHER,  
M. E. MILLER, BERSON, RENWICK, W. W. WILT, GEKAS, KAHLE,  
HALVERSON, R. W. WILT, DWYER, WISE, MEHOLCHICK, KAUFMAN,  
BACHMAN AND O'PAKE, APRIL 21, 1969

SENATOR MCGREGOR, CONSTITUTIONAL CHANGES AND FEDERAL RELATIONS,  
IN SENATE, AS AMENDED, MARCH 10, 1970

A JOINT RESOLUTION

Proposing an amendment to article one of the Constitution of the  
Commonwealth of Pennsylvania providing for the preservation  
and restoration of our natural resources.

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

Section 1. The following amendment to the Constitution of  
the Commonwealth of Pennsylvania is proposed in accordance with  
the provisions of the eleventh article thereof:

That article one of the Constitution of the Commonwealth of  
Pennsylvania be amended by adding at the end thereof, a new  
section to read:

Section 27. Natural Resources and the Public Estate.--The  
people have a right to clean air, pure water, and to the  
preservation of the natural, scenic, historic and esthetic  
values of the environment. Pennsylvania's PUBLIC natural  
resources, including the air, waters, fish, wildlife, and the

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- 1 public lands and property of the Commonwealth, are the common
- 2 property of all the people, including generations yet to come.
- 3 As trustee of these resources, the Commonwealth shall preserve
- 4 CONSERVE and maintain them for the benefit of all the people.

Mr. WADE offered the following amendment:

Amend Sec. 1, page 1, lines 8 and 9, by striking out "for the fiscal year July 1, 1969 to June 30, 1970"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be transcribed for a third consideration.

#### BILL ON SECOND CONSIDERATION AMENDED

**HB 322 (Pr. No. 379)**—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Mr. DAVIS offered the following amendments:

Amend Sec. 1, page 1, lines 5 and 6, by striking out "for a consideration of one dollar (\$1)."

Amend Bill, page 2, by inserting between lines 6 and 7: Section 3. Before the transfer of the tract of land hereinbefore described is consummated, an appraisal of all the land shall be made by three appraisers. One shall be selected by the Department of Property and Supplies, the second shall be selected by the City of Washington, and these two shall select the third appraiser. The three appraisers so selected shall be licensed real estate brokers, and shall receive one hundred dollars (\$100) each, as compensation for their services, including expenses, said services to be equally borne by the Department of Property and Supplies and the City of Washington.

The appraisers shall, within two weeks of their appointment, meet and shall, collectively, determine the market value of the tract of land. The decision of two of the three appraisers shall bind the third appraiser, and shall be made in detailed form with a signed copy delivered to the Secretary of Property and Supplies, the City of Washington, and the Attorney General. The City of Washington shall pay the Department of Property and Supplies the market value of the aforementioned tract of land thus determined.

Section 4. All moneys received from the sale of the land herein authorized to be conveyed shall be deposited in the General Fund.

Amend Sec. 3, page 2, line 7, by striking out "3." and inserting: 5.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

**HB 1072**—Without objection, the bill was passed over in its order at the request of Mr. STROUP.

#### BILL ON SECOND CONSIDERATION

**SB 1173 (Pr. No. 1357)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

**HB 1666**—Without objection, the bill was passed over in its order at the request of Mr. STROUP.

#### BILL ON SECOND CONSIDERATION

**HB 1913 (Pr. No. 2484)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILLS SIGNED

The President pro tempore (Robert D. Fleming) in the presence of the Senate signed the following bills:

**SB 584 and 1032.**

#### UNFINISHED BUSINESS

#### BILLS INTRODUCED AND REFERRED

Messrs. STROUP and KLINE presented to the Chair **SB 1314**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744), entitled, as amended, "Pennsylvania Human Relations Act," defining place of public accommodation to include cemeteries.

Which was committed to the Committee on Labor and Industry.

Messrs. WARE and VAN SANT presented to the Chair **SB 1315**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789), entitled, as amended "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for the availability of certain financial information.

Which was committed to the Committee on Insurance.

Messrs. BRYNE and SCANLON presented to the Chair **SB 1316**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for payments on account of pupil transportation.

Which was committed to the Committee on Education.

#### BILLS ON FIRST CONSIDERATION

Mr. STROUP. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from Committees for the first time at today's Session.

Mr. CONFAIR. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

**HB 958, 1312 and 1678.**

And said bills having been considered for the first time, Ordered, To be laid aside for second consideration.

#### PETITIONS AND REMONSTRANCES

Mr. COPPERSMITH. Mr. President and Members of the Senate, an item of interest to the Members of the Senate is that the Public Utility Commission, this afternoon, released an announcement that it is going to permit a surcharge of five per cent on all utility bills within ten days after the request is filed by any utility, because of the tax package which was passed ten days ago, and which took effect at 12:01 a.m., on Tuesday, March 10th.

## BILLS OVER IN ORDER

**SB 1240**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

**HB 1643**—Without objection, the bill was passed over in its order at the request of Mr. KLINE.

## SECOND CONSIDERATION CALENDAR

## AMENDMENT TO THE CONSTITUTION ON SECOND CONSIDERATION

**HB 958 (Pr. No. 2860)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL ON SECOND CONSIDERATION

**HB 385 (Pr. No. 2885)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 500**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

## BILLS ON SECOND CONSIDERATION

**SB 1232 (Pr. No. 1437) and SB 1266 (Pr. No. 1499)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**SB 1275**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

## BILLS ON SECOND CONSIDERATION

**SB 1276 (Pr. No. 1577) and SB 1292 (Pr. No. 1578)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**SB 1293**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

## BILL ON SECOND CONSIDERATION

**SB 1298 (Pr. No. 1553)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 1353**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

## BILL ON SECOND CONSIDERATION

**HB 1666 (Pr. No. 2102)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 1746**—Without objection, the bill was passed over in its order at the request of Mr. HAWBAKER.

## RESOLUTION

## SENATE RESOLUTION RECOMMITTED

Senate Resolution, Serial No. 36—In accordance with

Senate Rule 2, Order of Business, as amended by Senate Resolution, Serial No. 13, Session of 1969, the resolution was recommitted to the Committee on Rules.

## UNFINISHED BUSINESS

## REPORT FROM COMMITTEE

Mr. OESTERLING, from the Committee on Forests and Waters, Game and Fish, reported, as committed, **SB 1282**.

## BILL SIGNED

The President (Lieutenant Governor Raymond J. Broderick) in the presence of the Senate signed the following bill:

**SB 1125.**

## BILLS ON FIRST CONSIDERATION

Mr. HAWBAKER. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from Committees for the first time at today's Session.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

**SB 337, 1118 and 1282.**

And said bills having been considered for the first time, Ordered, To be laid aside for second consideration.

## PETITIONS AND REMONSTRANCES

(The following prepared statement was made a part of the record at the request of the gentleman from Cumberland, Mr. WADE:)

Mr. President, we all know what a good transportation system can accomplish for a community, as well as for a State. We need not look too far from the halls of the Senate to see the outstanding highway system being developed for the Capital City. Just three months ago, I participated in the opening of several interstate highways, just west of here, where Interstate 81 and Interstate 83 joined together to take heavy commercial traffic off Route 22. Many of you, I am sure, who have traveled in this area bumper to bumper with large trucks will find this highway to again be tolerable to drive.

The great interstate system in Pennsylvania now totals 1,577 miles, of which 1,290 miles are now open to traffic.

This year, the entire 310 mile Keystone Shortway, from Ohio to New Jersey, will be in use. This year, you will be able to travel continuously from Canada to Harrisburg without a traffic signal. This year, you will be able to travel continuously from Erie to the Pennsylvania Turnpike.

This is the kind of progress that is being accomplished in Pennsylvania. With this great transportation system has come a comparable growth of industrial development and economic expansion. Industrial parks have sprung up across the Commonwealth. Tourist services with restaurants, motels, and service stations are at nearly every interchange. National and international industries have come to Pennsylvania.

The Keystone Shortway has demonstrated the greatest growth pattern. Now, we are beginning to see similar development along Interstate 79, in the Sharon and Mead-

## RECESS

Mr. STROUP. Mr. President, I request a fifteen minute recess of the Senate for the purpose of holding a Republican Caucus and a Democratic Caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a fifteen minute recess of the Senate.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT OF COMMITTEE OF CONFERENCE  
SUBMITTED

Mr. FRAME submitted the Report of Committee of Conference on SB 408, which was placed on the Calendar.

## CALENDAR

## BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

## BILLS OVER IN ORDER

SB 212, 611 and 613—Without objection, the bills were passed over in their order at the request of Mr. STROUP.

## SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 923 (Pr. No. 1573)—Mr. STROUP. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 923.

Mr. KLINE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

## THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD  
CONSIDERATION AND FINAL PASSAGE

SB 869 (Pr. No. 952)—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Ware,
Davis,	Holl,	Noszka,	Willard,
Dengler,	Kalman,	Oesterling,	Wood,
Ewing,	Keller,	Piasecki,	Zemprelli,
Fleming, R. D.,	Kline,	Reibman,	
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1470—Without objection, the bill was passed over in its order at the request of Mr. STROUP.

PREFERRED APPROPRIATION BILL ON THIRD  
CONSIDERATION AND FINAL PASSAGE

HB 1484 (Pr. No. 2893)—Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Ware,
Davis,	Holl,	Noszka,	Willard,
Dengler,	Kalman,	Oesterling,	Wood,
Ewing,	Keller,	Piasecki,	Zemprelli,
Fleming, R. D.,	Kline,	Reibman,	
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

NONPREFERRED APPROPRIATION BILL  
OVER IN ORDER

HB 1503—Without objection, the bill was passed over in its order at the request of Mr. KLINE.

AMENDMENTS TO THE CONSTITUTION ON THIRD  
CONSIDERATION AND FINAL PASSAGE

HB 958 (Pr. No. 2860)—Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Ware,
Davis,	Holl,	Noszka,	Willard,
Dengler,	Kalman,	Oesterling,	Wood,
Ewing,	Keller,	Piasecki,	Zemprelli,
Fleming, R. D.,	Kline,	Reibman,	
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**HB 1678 (Pr. No. 2907)**—Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Wade,
Davis,	Holl,	Noszka,	Ware,
Dengler,	Kalman,	Oesterling,	Willard,
Ewing,	Keller,	Piasecki,	Wood,
Fleming, R. D.,	Kline,	Reibman,	Zemprelli,
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## BILLS OVER IN ORDER

**HB 385 and SB 821**—Without objection, the bills were passed over in their order at the request of Mr. STROUP.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1107 (Pr. No. 1266)**—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Mr. KLINE, by unanimous consent, offered the following amendments:

Amend Sec. 6, page 5, line 20 by striking out "order" and inserting: ordered

Amend Sec. 14, page 9, line 25 by striking out "receive" and inserting: receipt

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Mr. KLINE.

## BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1116 (Pr. No. 1586)**—Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Wade,
Davis,	Holl,	Noszka,	Ware,
Dengler,	Kalman,	Oesterling,	Willard,
Ewing,	Keller,	Piasecki,	Wood,
Fleming, R. D.,	Kline,	Reibman,	Zemprelli,
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

**SB 1232 (Pr. No. 1437)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Wade,
Davis,	Holl,	Noszka,	Ware,
Dengler,	Kalman,	Oesterling,	Willard,
Ewing,	Keller,	Piasecki,	Wood,
Fleming, R. D.,	Kline,	Reibman,	Zemprelli,
Fleming, W. E.,	Lamb,	Sesler,	

## NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**SB 1240**—Without objection, the bill was passed over in its order at the request of Mr. STROUP.

## BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1266 (Pr. No. 1499)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—39

Arlene,	Frame,	Lentz,	Snyder,
Beers,	Gerhart,	Mahady,	Stroup,
Bell,	Hankins,	Manbeck,	Tilghman,
Byrne,	Hawbaker,	Mazzei,	Van Sant,
Coppersmith,	Hill,	Murray,	Wade,
Davis,	Holl,	Noszka,	Ware,

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILLS SIGNED

The President pro tempore (Robert D. Fleming) in the presence of the Senate signed the following bills:

SB 843 and HB 958.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Mr. DAVIS submitted the Report of Committee of Conference on **HB 40**, which was laid on the table.

### REPORTS FROM COMMITTEE

Mr. WILLARD, from the Committee on Public Health and Welfare, reported, as committed, **SB 1094** and **HB 1739**; as amended, **HB 1311**.

### PERMISSION TO ADDRESS SENATE

Mr. WILLARD asked and obtained unanimous consent to address the Senate.

Mr. WILLARD. Mr. President, I rise today to perform an important task, one which will mean a great deal to many innocent citizens of our Commonwealth. I rise to urge Senate consideration and approval for House Bill No. 1311, which was just reported from Committee, as amended; a bill to provide relief for sufferers from chronic kidney disease.

Mr. President, I submit to you that Abraham Lincoln spoke wisely when he said that the proper function of government is to do for people what they cannot so well do for themselves. House Bill No. 1311 provides a classic implementation of that great President's words.

The subcommittee on chronic diseases, which it is my great privilege to chair, with Committee Members Senator Lentz and Senator Zemprelli, has spent many hours of work on this bill. We have altered and improved it to its present form, and we believe that, as it is now presented, it is a very good piece of legislation and one that squarely meets the needs of those we seek to help.

Mr. President, we recognize that this legislation is something of an adventure in government for Pennsylvania, in that we seek to provide, at State expense, treatment for sufferers from a specific disease. In short, State Government is going into the business of saving lives. As one Senator, I would rather support measures to this end than any other kind.

Mr. President, if this bill is enacted, it will provide financial support for sufferers from chronic kidney ailments. I say "saving lives", because the truth is that these victims, in too many cases, have not been able to afford such treatment in the past, and death is the result of failure to treat this problem. Let me briefly state the problem to you:

The treatment of kidney disease requires the use of a renal dialysis machine, on frequent occasions. In layman's terms, Mr. President, the machine's function is to flush the bloodstream and, thus, perform the cleansing function that the kidney is intended to do and without which no one can live.

Mr. President, the cost of this treatment can vary from \$6,000 per year, if treatment is done on an out-patient basis, to \$15,000 per year, if hospitalization is involved.

Few, if any, of our people can afford it. Yet, Mr. President, treatment is available. I say that we, as a society, cannot afford to lose our people and their talents if it is possible to save them. Dollars must not overcome basic moral needs and precepts.

Renal disease is no respecter of class, creed, color or condition. It strikes the rich and the poor, the talented and the retarded, the white and the black. Its effects, depriving us of the productivity and talents of its victims, cannot be overstated nor underestimated in moral terms.

I submit, Mr. President, that this is legislation which should be both proud and quick to support. The present bill provides adequate and necessary safeguards insuring citizen control, adequate training of operators, and that those who can afford to pay for treatment can share the costs to the extent of their ability.

This is a good bill. It is a needed bill. It is a service we have a duty to undertake. I ask that we undertake it now.

Mr. President, it is my understanding that Senator Arlene has two guests in the Senate Chamber, today, who are presently living, thanks to the kidney dialysis machine. At this time, would you be kind enough to recognize Senator Arlene for the purpose of introducing these two gentlemen.

### GUESTS OF SENATOR HERBERT ARLENE PRESENTED TO SENATE

Mr. ARLENE. Mr. President, first, I would like to thank the gentleman from Mercer, Senator Willard, and his subcommittee for the wonderful job they did on the study of House Bill No. 1311. I think they are to be commended through the Chairman of the Committee on Public Health and Welfare, Senator Snyder.

We have visiting here in the Senate, today, two people who are living examples of the result of the treatment which they are receiving from the renal dialysis machine.

Mr. President, I would first like to introduce to the Chair and to the Members of the Senate members from the DeMolay Consistory of Philadelphia, which has done a tremendous amount of work for sufferers of kidney disease in Philadelphia. I might say that this Consistory, of which I am a member, went on record as raising some \$10,000 for a young lady who was a victim of this disease.

Mr. President, may I present James Price, Jr., Illustrious Commander-in-Chief of the DeMolay Consistory; Winston O. Williams, Past Commander-in-Chief; Mr. Arthur Nelson, Mr. Arthur A. Thomas, and Robert J. Hunter, Committee Chairman. I might say, Mr. President, that Mr. Hunter is one of the Philadelphia policemen who worked very hard on this Committee of the Consistory which raised more than \$5,000, so far.

We also have with us Norman E. Townsend, Committee Secretary; Mrs. Deloris Hunter, the wife of Mr. Robert J. Hunter; and Mrs. Janice Gullatt.

Mr. President, we also have visiting here with us members of the Catholic War Veterans, Post No. 387, from 712 Elmwood Avenue, Philadelphia, headed by Mr. Michael Pellgrino—I hope I am pronouncing that name correctly; if not, I hope he will please forgive me. Mr. Pellgrino is County Commander of War Veterans and Commander of Queen of Peace Post.

Mr. President, two members of the Catholic War Veterans, present today, have been receiving home dialysis treatment; namely, Mr. Eugene McKelvey, who has been



**SENATE BILL No. 1232**

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," clarifying certain provisions relating to horse racing.

Referred to Committee on Judiciary.

**SENATE BILL No. 1266**

An Act amending the act of July 13, 1953 (P. L. 431), entitled "The Pennsylvania Civil Procedural Support Law," providing for a jury determination of paternity in certain cases.

Referred to Committee on Judiciary.

**SENATE BILL No. 1276**

An Act amending the act of October 20, 1966 (P. L. 96), entitled "Mental Health and Mental Retardation Act of 1966," providing that certain persons believed mentally disabled may be excused from appearing at a hearing in court.

Referred to Committee on Health and Welfare.

**SENATE BILL No. 1292**

An Act amending the act of April 18, 1949 (P. L. 512), entitled "Fiduciaries Act of 1949," increasing the amount of a minor's estate which may be received, held or disposed of without the appointment of a guardian or the entry of security.

Referred to Committee on Judiciary.

**SENATE BILL No. 1298**

An Act amending the act of December 2, 1968 (Act No. 358), entitled "Public Defender Act," authorizing the public defender to represent certain persons in proceedings under the "Mental Health and Mental Retardation Act of 1966."

Referred to Committee on Judiciary.

**SENATE MESSAGE****AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE**

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

**HOUSE BILL No. 958**

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania, providing for the preservation and restoration of our natural resources.

**HOUSE BILL No. 1484**

An Act making an appropriation to the Department of Property and Supplies for the payment of the Commonwealth's share of expenses and charges in connection with utilities, expansions and constructions by municipalities or municipal authorities and extensions to historical, educational and other State institutions.

**HOUSE BILL No. 1643**

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "The First Class Township Code," requiring, with certain exceptions, abutting property owners to connect to water supply systems, providing for payment of the cost of construction of connections by installments and authorizing the imposition and recovery of liens.

**HOUSE BILL No. 1678**

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsyl-

vania, prohibiting the denial or abridgment of rights because of sex.

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

The SPEAKER pro tempore. The bills will appear on the calendar.

**SENATE MESSAGE****AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE**

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

**HOUSE BILL No. 826**

An Act amending "The Penal Code," approved June 24, 1939 (P. L. 872), prohibiting the showing of movies suitable for adults only under certain conditions, and prescribing penalties.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third consideration of said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

**REPORT OF PROPOSED JUVENILE ACT**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Shupnik.

Mr. SHUPNIK. Mr. Speaker, on behalf of the Joint State Government Commission, I have the honor to transmit herewith the report, Proposed Juvenile Act, 1970. A copy of this report will be placed in the post office box of each member.

The SPEAKER pro tempore. The Chair thanks the gentleman.

(For report, see appendix.)

**BILLS REPORTED AND CONSIDERED FIRST TIME****HOUSE BILL No. 307**

By Mr. COMER

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), further providing for voting by certain veterans and making editorial corrections.

Reported from Committee on State Government.

**HOUSE BILL No. 1178**

By Mr. SLACK

An Act regulating the business of private detectives, investigators, investigative service, plant and business security service, and watchmen, plant, and business security service and the licensing thereof, and fixing penalties.

Reported from Committee on Professional Licensure.

**HOUSE BILL No. 1351**

By Mr. SHERMAN

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58), authorizing any Pennsylvania Game Commission vehicle to be operated and moved with a red light displayed on the front thereof.

Reported from Committee on Highway Safety.

**HOUSE BILL No. 2126**

By Mr. SHERMAN

An Act amending "The Vehicle Code," approved April

# Legislative Journal

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Vol. 1, No. 126

## SENATE

TUESDAY, April 14, 1970.

The Senate met at 1:30 p.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert D. Fleming) in the Chair.

## PRAYER

The Chaplain, The Reverend PAUL S. MONTGOMERY, Pastor of United Presbyterian Church, Aspinwall, offered the following prayer:

Let us bow our heads in prayer.

O God, our help in ages past, our hope for years to come, Thou art always our refuge and our strength. When the days seem long, the hills steep and the times difficult, we have been refreshed by Thee.

Now, as these men and women take up anew their tasks and responsibilities in the Senate today, may their insights and judgments into the problems and needs within this Commonwealth lead them to plan intelligently, to discuss sincerely and to act wisely.

May the benediction of Thy gracious love abide in the hearts and homes of each gathered, both now and always. Amen.

## JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Mr. STROUP and Mr. CIANFRANI, further reading was dispensed with, and the Journal was approved.

## LEAVE OF ABSENCE

Mr. STROUP asked and obtained leave of absence for Mr. WOOD, for today's Session.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 1398**, which was referred to the Committee on Insurance.

He also presented for concurrence **HB 1613**, which was referred to the Committee on State Government.

He also presented for concurrence **HB 1812** and **2193**, which were referred to the Committee on Highways.

He also presented for concurrence **HB 2090**, which was referred to the Committee on Local Government.

He also presented for concurrence **HB 2156**, which was referred to the Committee on Judiciary.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 958**.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled: Weekly Adjournment.

### SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 434**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested. The PRESIDENT pro tempore. The bill, as amended, will be placed on the Calendar.

### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 613

He also presented communication informing the Senate that the House insists upon its amendments nonconcurred in by the Senate to **SB 613**.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

### HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1509 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1509** and has appointed Messrs. KAUFMAN, MULLEN and SELTZER, as a Committee of Conference to confer with a similar Committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

### HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate, **SB 724** and **843**, with information that the House has passed the same without amendments.

### RESOLUTION RECALLING FROM THE GOVERNOR HB 843

He also presented extract from the Journal of the House of Representatives which was read, considered and concurred in:

In the House of Representatives, April 14, 1970.

Resolved (if the Senate concur), That House Bill No. 843, Printer's No. 2840, be recalled from the Governor for the purpose of amendment.

As your Speaker, I am proud to observe that progress in conservation has not been beset by the vagaries of partisanship, and with good reason. To paraphrase that celebrated Pennsylvanian, Benjamin Franklin, we shall all hang together or we shall all strangle separately. Yet, I would be remiss today if I did not single out for special recognition one legislator who has played a leading role in our efforts, and I mean that man from Westmoreland County, the chairman of the House Conservation Committee, Representative John Laudadio.

This, then, is the record of substantive accomplishments in this House, but as I said a few moments ago, there is also symbolism in what we have done and are doing and in our convening today in observance of National Earth Day. I think that our actions are a telling response to those who say that the legislative process is incapable of meeting the challenges of our times, that it is bereft of responsiveness to our crises and denuded of the capacity to deal effectively with the profound ills which beset our society.

There are those who say that our American democracy is so corrupt, its arteries so hardened and its heart so cold that it is not responsive to human needs, and that the only way to make it responsive is through violence. Conversely, there are those who say that grievances need not be redressed but suppressed, that the answer to protest is not to hear but to sneer, that problems will vanish if they are ignored. I am happy to note that with neither of these attitudes do the members of this great House of Representatives agree.

Recognizing as we do that we have not done all that we can do and all that we should do, I believe we have demonstrated, nevertheless, in this House that representative government is alive to its obligations and sensitive not only to the general interests of today but the urgent tasks of tomorrow.

Recognizing as we must the imperfections of all human institutions, I believe that it is only through the institutions of democratic government that we can strive to perfect the quality of our lives.

President Kennedy once declared, and I quote, "I look forward to an America which will not be afraid of grace and beauty, which will protect the beauty of our natural environment, which will preserve the great old American houses and squares and parks of our national past and which will build handsome and balanced cities for our future . . . and I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well."

We of this House readily admit that such an America has not yet been achieved, but let no man say that this kind of America is an impossible dream.

### SPECIAL ORDER OF BUSINESS

#### CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 958

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask unanimous consent of the House of Representatives to call up House bill No. 958, printer's No. 2860, as special order of business number one.

The SPEAKER. The majority leader calls up, as a special order of business, House bill No. 958, printer's No.

2860, on the matter of concurrence in Senate amendments. The Chair hears no objection.

The clerk will read the following extract from the Journal of the Senate.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

#### HOUSE BILL No. 958

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

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

The SPEAKER. The clerk will read the amendments.

The clerk read the following amendments:

Amend Section 1, page 1, line 15, by inserting after "Pennsylvania's" the word "public"; line 16, by striking out after "resources" all the remainder of said line; page 2, line 1, by striking out at the beginning of the line "public lands and property of the Commonwealth"; line 3, by striking out after "shall" the word "preserve" and inserting in lieu thereof "conserve"

On the question,

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

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Kury.

Mr. KURY. Mr. Speaker, before making the motion, I ask unanimous consent to insert in the record a brief statement of my own, together with an excellent legal analysis of this bill, which has been made by Professor Robert Broughton of Duquesne University Law School.

The SPEAKER. The Chair hears no objection. The gentleman may send his remarks to the desk for insertion in the record.

Mr. KURY presented the following statement on House bill No. 958, printer's No. 2860, for the Legislative Journal:

The passage of House Bill 958, P. N. 2806, by the General Assembly will be an historical occasion.

This bill is a great step forward in assuring for ourselves and our posterity a natural environment of quality, rather than relegating ourselves to extinction or a mere survival level of existence.

The first sentence of this constitutional amendment grants to the people a clearly enforceable constitutional right to: (1) clean air and pure waters, and (2) preservation of the natural scenic, historic and esthetic values of the environment.

In addition, the second and third sentences of the amendment spell out the common property right of all the people, including generations yet to come, in Pennsylvania's public natural resources. As trustee of these resources, the Commonwealth, through all agencies and branches of its government, is required to conserve and maintain them for the benefit of all the people. This trusteeship applies to resources owned by the Commonwealth and also to those resources not owned by the

Commonwealth, which involve a public interest. This latter group of resources, i.e., air, waters, fish and wildlife, were explicitly enumerated in House Bill 958, printer's No. 1307 originally passed by the House. The adjustment in the language of this portion of the bill made by the Senate prior to its referral back to the House will avoid any possible restrictive interpretation based on a theory that the enumeration of these four items, (air, waters, fish and wildlife) in the bill should be interpreted as an indication of legislative intent to limit the trusteeship of the Commonwealth to only these four categories of resources in cases where such resources are not owned by the Commonwealth. The bill as we will vote on it today, affirms the trusteeship of the Commonwealth over resources owned by the Commonwealth and also affirms the trusteeship of the Commonwealth over resources like air, waters, fish and wildlife and also all those not owned by the Commonwealth but which, nevertheless, involve a public interest.

#### ANALYSIS OF HB 958, THE PROPOSED PENNSYLVANIA ENVIRONMENTAL DECLARATION OF RIGHTS

Robert Broughton\*

The Pennsylvania Legislature has under consideration a bill (HB 958) which would amend Article I of the State Constitution to provide for the preservation and restoration of our natural resources. If it is adopted, the Bill would expand the base for citizens' legal action to protect our environment against air, water, and land pollution.

The Bill as originally drafted, and as first passed by the House would have added the following language to the Declaration of Rights in Article I of the Constitution of Pennsylvania:

"Section 27. Natural Resources and the Public Estate.—The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic and esthetic values of the environment. Pennsylvania's natural resources, including the air, waters, fish, wildlife, and the public lands and property of the Commonwealth, are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall preserve and maintain them for the benefit of all the people."

This Bill passed the House, 190-0, in June of 1969, and in the Senate, was sent to the Senate Committee on Constitutional Changes. There it was amended. In the form in which it passed the Senate, HB 958 adds the following language to the Constitution, in lieu of what is quoted above:

"Section 27: Natural Resources and the Public Estate.—The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to

come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The amendments to HB 958 will be discussed, below, in connection with the discussion of the specific legal effects of the proposed constitutional amendment.

This Bill is one of the most important pieces of Pennsylvania legislation so far presented in the fight to save the environment. As with any proposed constitutional amendment, it will have to be passed by the legislature twice—the second time in the 1971-72 legislative session—and submitted to the electorate in a statewide referendum, before becoming effective.<sup>1</sup>

As Franklin L. Kury, Representative from the 108th Legislative District, and the chief sponsor of HB 958 has said in a statement to the House of Delegates of the Pennsylvania Bar Association:

"When our original constitutions were drafted in the 18th Century the issue was preserving man's political environment, not his natural environment. Our natural resources then were so great, our population so small and our technology so undeveloped that the future of the environment and our natural resources was taken for granted. Because our political environment was imperiled our Constitution makers added Bills of Rights to our federal and state Constitutions. No mention was made of protecting our natural environment because there was no need to; the future of our natural resources was taken for granted.

Now that situation has altered. Our political environment is strongly protected by vigilant courts and an alert press, but population and technology have run amok through our environment and natural resources. If we are to save our natural environment we must therefore give it the same Constitutional protection we give to our political environment."

As citizens interested in environmental quality, we may be pleased to see a statement of policy with which we agree placed in the Constitution of Pennsylvania. We could hardly get very excited about it, however, if it is only to be a statement of policy: Will it, as hoped, give citizens a weapon which may be used in the courts, in litigation, to protect and enhance the quality of our environment?

I think it will in many areas; and in those cases where the proposed amendment would not, itself, create a legal right, it is possible that it can be used as a basis for building or expanding common law rights, and as a basis for giving added effectiveness to political force applied in favor of environmental quality.

The proposed Amendment, for purposes of analyzing its effects, can be viewed almost as two separate bills—albeit there is considerable interaction between them, and the legal doctrines invoked by each should tend mutually to support

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<sup>1</sup> Constitution of Pennsylvania, Article XI, Section 1.

<sup>2</sup> Franklin L. Kury, Statement given to the House of Delegates, Pennsylvania Bar Association, January, 1970.

and reinforce the other because of their inclusion in a single amendment.

The first sentence creates (or affirms) a positive constitutional right in individual citizens. The second and third sentences impose the public trust doctrine upon the "public natural resources" of Pennsylvania.

The public trust doctrine, which may be a part of the common law already, but which, if so, has not been clearly enunciated in Pennsylvania,<sup>3</sup> relates to the rights and duties of government in public property. It is the role of government that is in question: As a holder of property, or of public servitudes (such as navigation rights, or more remotely, the right to prevent public nuisances), is the government simply a corporate property owner, a proprietor, dealing with property rights as any other proprietor, or is it a trustee, with the duty to manage, use, and/or consume the property of the public solely for the benefit of the public. As Clyde O. Martz, former Assistant Attorney General in charge of the Natural Resources Division of the United States Department of Justice, has put it:

"Under the [proprietary] theory, government deals at arms length with its citizens, measuring its gains by the balance sheet profits and appreciation it realizes from its resources operations. Under the trust theory, it deals with its citizens as a fiduciary, measuring its successes by the benefits it bestows upon all its citizens in their utilization of natural resources under law."<sup>4</sup>

For a thorough exposition of the public trust doctrine one can do little better than refer to the recent (January, 1970) article by Joseph L. Sax, "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention," 68 Mich. L. Rev. 471 (1970).<sup>5</sup>

<sup>3</sup> Pennsylvania, along with many other states does recognize an interest of the public in charitable trusts, an interest which makes the Attorney General, representing the public *parens patriae*, an implicit party to any such charitable trust. *Attorney General v. Governors of Foundling Hospital*, 30 Eng. Rep. 514, (Ch. 1793); 4 *Scott on Trusts* § 391; *Abel v. Girard Trust Co.*, 365 Pa. 34, 73 A. 2d 582 (1962). Despite strong hints, and strong analogies, the law certainly cannot be said to be clear in Pennsylvania as to the applicability of the public trust doctrine in the Commonwealth.

<sup>4</sup> Martz, C., "The Role of Government in Public Resources Management," paper presented at the Rocky Mountain Mineral Law Institute, July 10, 1969, Vail, Colo., in *Rocky Mountain Mineral Law Institute Proceedings* (Mathew Bender, 1970) 2.

<sup>5</sup> Professor Sax puts some emphasis on the point that the public trust doctrine intrinsically requires that members of the public be allowed to assert rights as beneficiaries—that members of the public have standing to sue. *Pennsylvania Law* is unclear on this point, but is not especially favorable to public interest representation, otherwise than by the Attorney General. *Weigand v. Barnes Foundation*, 374 Pa. 149, 97 A. 2d 81 (1953). The questions relating to standing are discussed at length, below, footnotes 14 through 18, and 21 through 35, and accompanying text.

The second two sentences seem to rather clearly have the purpose of placing Pennsylvania among the jurisdictions which adhere to the public trust theory of public natural resource management, in contradistinction to the proprietary theory. As one novelty, future generations are included, in HB 958, among the beneficiaries of the public trust. Since the public trust doctrine would implicitly preclude the wasting of resources, the explicit inclusion of future generations as part of the relevant public might be considered superfluous. Conceivably situations might arise, however, where property doctrines relating to waste, on the part of a trustee with respect to beneficiaries having something analogous to a future interest, might lead to a different conclusion than public trust doctrines applied where future generations are explicitly included as part of the public, as it were, present beneficiaries. Intuitively, as a teacher of property law and of natural resource law, and as a conservationist, I tend to think that explicit inclusion of future generations is the wiser of the two alternatives. At the moment of writing, however, I find it difficult to articulate why.

Since both of the significant<sup>6</sup> amendments to HB 958 were in the second two sentences, this seems a reasonable place to take them up.

The state Department of Forests and Waters suggested that the word "conserve" be substituted for "preserve" in the last sentence. Dr. Maurice K. Goddard, Secretary of Forests and Waters, was understandably worried that the courts might interpret the word "preserve" restrictively, to mean that if his department authorized trees to be cut on Commonwealth land, or the Game Commission licensed hunters to harvest game, this would not be "preserving" them.<sup>7</sup> In the context of the intelligent management of replenishable resources, a strong argument could certainly be made that this interpretation would be wrong. Nevertheless, his concern seems reasonable enough—a more liberal, and I would argue, correct interpretation of the word "preserve" could not be guaranteed. Substituting the word "conserve" does not, I think, radically change, or weaken, the meaning of the Amendment; in fact, the change can be regarded as clarifying the intent of the original drafters. Furthermore, although the word "conserve" admittedly does not have as precise a meaning as "preserve", and although that meaning has changed over the last 10 years, "conserve" does have a meaning which largely en-

<sup>6</sup> In the first sentence, a comma was added after the word "natural" clarifying the intent that "natural values" were intended to be a separate category, and that elements of Pennsylvania's scenic, historic, and esthetic values upon which man had impinged, were meant to be included. In view of the inclusion of "historic" in the list of values to be preserved, one guesses that the absence of a comma after "natural" in the original House version may have been a typographical error. This change is not here regarded as significant.

<sup>7</sup> Letter, Maurice K. Goddard to Senator Jack E. McGregor, July 7, 1969.

compasses the values we associate with environmental quality.<sup>8</sup>

The largest change was in the second sentence. There, the entire list of natural resources typical of those to which the public trust doctrine should be applied was eliminated.

"Pennsylvania's natural resources, including the air, waters, fish, wildlife, and the public lands and property of the Commonwealth . . ."

has become

"Pennsylvania's public natural resources . . ."

What is the reason for this change, and what is its effect?

First, in conversations among lawyers, there was some disquietude about the list. One suggestion had been made to add the word "public" before "waters" and before "property". Certainly the amendment was not intended to apply to purely private property rights—among other things, it would have been in violation of the 5th and 14th Amendments to the United States Constitution as a taking of property without just compensation, if so interpreted.

A more serious problem was whether the list was meant to be exclusive. The introducing word, "including", would not ordinarily be so interpreted, but a list always presents some danger that a court may sometime use the list to limit, rather than expand, a basic concept.

The key to interpreting the change is to realize that the purpose of the second two sentences is to impose the public trust doctrine on public property, and on public rights similar to public property rights. The purpose is not to limit the development of property law to any specific set of objects.

Property Law is not a static thing, immutable since the Middle Ages. It grows, it changes. At one time, an advowson, a right to appoint a clerk to a church, was a real property right, inheritable by heirs, and the subject of real property actions. Today, an advowson is strictly an historical curiosity.<sup>9</sup>

<sup>8</sup> Dr. Goddard, as I understand him, also had suggested (in the same letter, see footnote 7, above) that the word "conservation" be substituted for the word "preservation" in the first sentence. What is being "preserved", in the first sentence, however, is "values". A right to the "preservation" of "values" would not lend itself to the kind of restrictive interpretation that Dr. Goddard, as one of the principal administrators of natural resource management for the Commonwealth is concerned about. Furthermore, I am not quite sure that the "conservation of . . . values" would have had a sufficiently precise meaning to make the amendment much more than merely a policy statement. (Especially since the "preservation" meaning of the word "conservation" might appear to have been excluded by the legislative history if the suggested change from "preservation" to "conservation" were made.) In any event, the Senate Committee on Constitutional Changes left the language of the first sentence largely as it was.

<sup>9</sup> The history is discussed in Holdsworth, *A History of English Law* (Methuen & Co., London, 1966), Vol. III, and in Simpson, A. W. B., *Introduction to the History of the Land Law* (Oxford Univ. Press, 1961), see especially Chapters 1 and 5.

In a list of "public natural resources" compiled 50 years ago, no one would have thought of including "air"; and "water" would only have been included because of the public interest in navigation. Now there are navigational interests in both air and water, and there is a recognized public interest in the purity (absence of pollution) of both air and water.

What are the possibilities for future change? The possibilities already visible on the horizon, as potential rights recognized as property rights, are esthetic quality,<sup>10</sup> quiet, and perhaps more distantly, ecological diversity. It may be decades, or even centuries before any of these are legally recognized as property rights, or they may never be so recognized.

The point of emphasizing the basic purpose of the second two sentences is that they were distinctly not intended either to mandate such a development or to prevent it. Therefore the wording should be neutral with respect to such developments. The list as it stood was not totally neutral. As Senator Jack E. McGregor, Chairman of the Senate Committee on Constitutional Changes, noted in a telephone conversation with the author, one evening, there was nothing like esthetic quality, quiet, or ecological diversity on the list. Although "air" and "water" on the list implicitly refer to qualities of air and water, explicitly they appeared as physical resources. The list, even with the word "including" introducing it, might sometime be used to exclude natural resources unlike any of the items on the list.

Dropping the list, then, and substituting "public natural resources," should accomplish two things: (1) Resolve all doubt that the second two sentences were meant to apply only to public rights and not to purely private property rights. (2) Resolve all doubt as to whether the list was ever to be applied to exclude development of property law, and the kinds of rights included therein. The remaining question is whether, without the explanatory list, the phrase "public natural resources" is sufficiently definite to refer to anything in particular.

Implicit in the discussion above, and in the reasons for making the change, is the conclusion that the phrase "public natural resources" does refer to the general sorts of public rights of which the items formerly on the list were exemplary. And when one tries to analyze what might be included within the category "public natural resources," one is led to a similar conclusion. Governmentally owned property—land, game, fish, trees, minerals, and governmentally owned waters—would certainly be included; otherwise one would have to assume the legislature meant nothing at all by the second two sentences of HB 958, a conclusion

<sup>10</sup> Esthetic quality has already been recognized as a property right, in a limited way, in the West Virginia Strip Mine Control Act. Under that act a permit to strip can be refused by the Director of the Department of Natural Resources if stripping would unreasonably and irreparably interfere with the property rights of others; included among such rights is the esthetic quality of the potentially damaged property.

courts would certainly be hesitant to adopt. So also would public rights of navigation in air and navigable waters be included. To the extent that air and water diffuse through the community and are not subject to absolute private appropriation—to the extent that they are “public goods” in the sense that term is used in economics<sup>11</sup>—air and water would also be “public natural resources.”

The sorts of things then, which would be included within the phrase “public natural resources” are the sorts of things which were, before the Senate amendments, on the list of typical natural resources. One must conclude, therefore, that the amendment is a clarifying amendment. It emphasizes that purely private property rights were not meant to be affected; and the amendment makes it clear that the Bill is intended not to affect the normal development of property law in the area to which it applies. Yet the second two sentences as amended are sufficient to accomplish their primary purpose—to constitutionally affirm that the public trust doctrine applies to the management of public natural resources in Pennsylvania.

The first sentence of HB 958, creating an affirmative right to certain aspects of environmental quality, is potentially the most far reaching and important part of the bill. It is also the most complex to analyze.

One can distinguish at least three different categories of governmental actions, and two categories of private actions, which we might expect language such as is contained in the first sentence of HB 958 to be relevant:

Acts by Government (state, municipal, or an authority):

- (1) Direct action which itself causes environmental harm (e.g., the Department of Highway's Sinnamahoning Creek decision).
- (2) Failure or refusal of government to act
  - (a) to correct environmental damage which has already taken place (e.g., failure to backfill strip mines on state lands); or
  - (b) to prevent environmental harm (e.g., failure to enforce air or water pollution control laws).
- (3) Governmental licensing of others to engage in acts which will harm the environment (e.g., the grant of a license to construct and operate an electric power plant, with the knowledge that the air pollution control equipment proposed for the electric power plant is inadequate).

<sup>11</sup> See Samuelson, Paul, “The Pure Theory of Public Expenditure,” 36 *Rev. of Economics and Statistics* 387 (1954), and the large body of economic literature which has grown up around this concept. A purely public good is one of which it can be said that its consumption by one person does not diminish it for other people. Clearly there are few purely public goods—a scenic view comes perhaps closest. But many goods, including air and water, are to some extent public goods, in that they are not ordinarily wholly appropriable by individuals.

#### Private Acts:

- (4) Acts by a private person or corporation subject to licensing or regulation by government (e.g., location of an overhead electric transmission line through a scenic area).
- (5) Acts by a private person or corporation that is not directly subject to governmental licensing or control (e.g., strip mining, without land reclamation, of limestone, gravel or any mineral other than coal).

Now, there is no legal right to contest any of the types of acts listed, if a harm falls short of being a private nuisance.<sup>12</sup>

And even if the harm is serious enough to be a private nuisance, the courts traditionally tend to

<sup>12</sup> Public nuisance is not included, here, because as a practical matter only a public agency can bring a suit to enjoin a public nuisance. *Com. ex rel. Shumaker v. New York & Pennsylvania Company, Inc.*, 367 Pa. 40, 79 A. 2d 439 (1951); *Rhymer v. Fritz*, 206 Pa. 230 55 A. 959 (1903); *Pennsylvania Society for the Prevention of Cruelty to Animals v. Bravo Enterprises*, 428 Pa. 350, 237 A. 2d 342 (1968). In the latter case, Justice Eagan analyzed the standing of private parties to seek injunctions against public nuisances, and concluded that private parties would have standing only if they “either in their property or their civil rights,” are specially injured. 428 Pa. at 360. The injury must be of a different kind than that suffered by the public generally. Most of the cases, however, deal with a special injury to some property right. In *Freedman v. West Hazleton Boro.*, 297 Pa. 58, 146 A. 564 (1929), the nuisance complained of was the discharge of sewage into an open ditch; the construction of the ditch was such that the sewage regularly overflowed onto plaintiff's land. In *Quinn v. American Spiral Spring & Manufacturing Company*, 293 Pa. 152, 141 A. 855, 61 A.L.R. 918 (1928), defendant operated an excessively noisy manufacturing plant, on property adjoining plaintiff's house; certain especially noisy pieces of machinery were located unnecessarily close to plaintiff's building. Either of these cases could have been brought as actions to abate private rather than public, nuisance actions. The “professional licensing cases” do not fit exactly, at first glance. In those cases a licensed member of a profession has been allowed to sue to enjoin the practice of the profession by one not licensed. See *Boggs v. Werner*, 372 Pa. 312, 94 A. 2d 50 (1953), and other cases cited by Justice Eagan, footnote 6, 428 Pa. at 359. Justice Eagan's rationalization of these cases is revealing

“The rationale allowing the injunction no doubt proceeds on the ground that the lawful practitioner's (or group of practitioners') property rights are being impinged upon by the unlawful practice.” 428 Pa. at 359.

The reference to “civil” rights, 428 Pa. at 360 is intriguing in the present context. The reference seems to be based (see footnote 7, 428 Pa. at 369) on *Everett v. Harron*, 380 Pa. 123, 110 A. 2d 383 (1955), where several Negroes who had been denied admission to a public amusement park, in violation of §654 of the Penal Code of 1939, Act of June 24, 1939, P. L. 872, 18 P.S. §4654. See also *Lackey v. Saccolas*, 411 Pa. 235, 191 A. 2d 395 (1963). These cases will be discussed below, footnotes 46-57 and accompanying text.



favor "productive economic" interests over environmental or aesthetic interests.<sup>13</sup>

The Amendment may or may not, in and of itself, create a right to challenge any of the described acts. To the extent that it does confer such a right, the legal basis for bases for that right may differ. Let us examine the legal techniques for invoking the protection of the proposed Amendment in each of the listed situations.

#### Direct Governmental Action

If a governmental agency were to take action which itself damaged the environment, then the right given by the Amendment would be violated, and the agency could be enjoined from continuing such action.<sup>14</sup> Only a person whose rights are actually affected would have standing to complain,<sup>15</sup> but in Pennsylvania a taxpayer can bring an action objecting to an illegal expenditure of public funds.<sup>16</sup> An expenditure which resulted in a violation of the constitutional rights of citizens would certainly be "illegal," in the context of a taxpayer's suit. Rule 2230 of the Pennsylvania Rules of Civil Procedure would allow a class action to be brought,<sup>17</sup> where the persons affected

were so numerous that it would be impractical to bring them before the court; but all the members of the class, including the people bringing the action on behalf of the class, would have to be personally adversely affected by the act complained of.<sup>18</sup>

#### Governmental Inaction

The second and third categories, inaction by government, would probably remain legally inactionable. Suppose the legislature refuses to appropriate money or to enact regulatory legislation to improve, or repair, the environment. Failure of the legislature to appropriate money or enact legislation for any purpose (e.g., for education, as to which there is now a constitutional mandate)<sup>19</sup> is generally a political, and not a legal problem. That does not mean that the Amendment would be useless: There is evidence (take again, for example, education) that both the people and their legislators take constitutional mandates seriously.

There is also the fact that the Amendment would make more certain the authority of the legislature to enact legislation dealing with environmental problems.

Legal action would also probably be impossible to compel the enforcement of environmental quality control laws.<sup>20</sup> A district attorney who refuses to prosecute particular classes of crimes, for example, can probably not be removed from office, so long as his refusal extends to only a limited number of crimes (e.g., adultery, which is commonly ignored).<sup>21</sup> The more important the unprosecuted crimes are considered to be, on the other hand, or the more numerous they are, the more likely he is to be replaced at the next election. Again the Amendment could prove to be very effective, politically, despite the absence of a specific legal remedy.

#### Administrative Agency Licensing Action

Suppose an electric company applied to the Public Utility Commission for a certificate of pub-

<sup>13</sup> For one example of this bias, see *Elliot Nursery Company v. Duquesne Light Company*, 281 Pa. 166 (1924), where, in balancing the burdens on the defendant and on the community which would result from the grant of an injunction against the benefits of such an injunction, the court practically ignored the effects on the environment, on human health, comfort, and happiness, of air pollution, and instead balanced the purely economic interests of the community in electricity against the purely economic interest of the plaintiff in operating a nursery. Two interesting sidelights of that opinion are noteworthy: (1) The court accepted at face value the assertions of defendant's engineers that the performance of the (Colfax) electric plant in reducing air pollution could not be improved, under then existing technology. 281 Pa. at 170-173. The burden of proof in suits such as this has traditionally been a stumbling block, since typically the defendant has control of the relevant technical information, whereas the plaintiff has the burden of proof on issues which depend on that technical information. (2) The court implied strongly that anyone who chooses to live in Pittsburgh has "assumed the risk" with respect to any injury from air pollution. (!) 281 Pa. at 173. See also *Alexander v. Wilkes-Barre Anthracite Coal Company*, 245 Pa. 28, 91 A. 213 (1914), where an injunction was refused on the ground that any benefit to the plaintiff from the grant of an injunction was outweighed by the burden which would fall on a large number of employees who would be thrown out of work thereby.

<sup>14</sup> Cf. *Rhoades v. School District of Abington Township*, 424 Pa. 202, 226 A. 2d 53 (1967) where action by a school district in violation of Article I, Section 3 of the Pennsylvania Constitution was enjoined. For a more general discussion of the broader aspects of enforcing constitutional rights, see Hill, "Constitutional Litigation," 69 Col. L. Rev. 1109 (1969).

<sup>15</sup> *Rhoades v. School District of Abington Township*, supra; *Turco Paint & Varnish Company v. Kalodner*, 320 Pa. 421, 184 Atl. 37 (1936).

<sup>16</sup> *Page v. King*, 285 Pa. 153, 131 Atl. 707 (1926); *Frame v. Felix*, 167 Pa. 47 (1895).

<sup>17</sup> Pennsylvania Rules of Court (Bisel Publishing Company, Philadelphia, and West Publishing Company, St. Paul, 1966) 241-242. Adopted June 7, 1940.

<sup>18</sup> *Eisenhart v. Pennsylvania Milk Control Board*, 120 Pa. Super. 483, 190 A. 405 (1937); *Montgomery Township Citizens Association v. Montgomery Township School District*, 3 Adams 15 (1961).

<sup>19</sup> Constitution of Pennsylvania, Article X, Section 1.

<sup>20</sup> See *Skilton v. Miller*, 164 Ohio St. 163, 128 N.E. 2d 47 (1955), where the court refused to compel a police chief to enforce the Sunday Blue Laws. Pennsylvania does not, in any case, allow citizens to bring mandamus to vindicate the public interest. *Dorris v. Lloyd*, 375 Pa. 474, 100 A. 2d 294 (1953).

<sup>21</sup> In extreme cases, and on the request of the President Judge in a district having criminal jurisdiction, the Attorney General may appoint special attorneys to represent the Commonwealth in criminal cases; such "special attorneys" supersede the District Attorney of the relevant district, in such cases as they are authorized to act. §907, Administrative Code of 1929, Act of April 9, 1929, P. L. 177, 71 P.S. §297. This provision is not frequently invoked, but its use is not quite a rarity. A cynic might suspect that it could be invoked for political purposes, as much, and as often, as strictly by reason of the breakdown of law and order.



lic convenience, to commence service in an area. Its specific request is to construct a power generating plant, transmission lines, and a distribution system.<sup>22</sup> Suppose the generating plant does not specify air pollution control equipment, and one of the proposed transmission lines would run adjacent to a public park or historic site.

Under existing law, the Public Utility Commission would probably permit affected people to intervene in the Commission proceeding, and present evidence against issuing the certificate unless and until the environmentally harmful aspects of the application were corrected.<sup>23</sup> Given the existence of state air pollution laws,<sup>24</sup> the Commission would probably require correction of that problem. The transmission line location, however, unless it was "arbitrary," would probably stand.<sup>25</sup>

Under the proposed amendment, the Commission would undoubtedly take the constitution seriously, and would make sure that the constitutional rights of Pennsylvania were protected, and act to insure that both problems we have hypothesized, were corrected.

<sup>22</sup> Such acts by electric companies need to be approved by the Public Utility Commission, where service is being initiated, or expanded into a new area. §§201 and 202 of the Act of May 28, 1937, P. L. 1053, as amended, 66 P.S. §§1121 and 1122. See, e.g., *Harmony Electric Company v. Public Service Commission*, 78 Pa. Super. 271 (1922), aff'd 275 Pa. 542, 119 Atl. 712 (1923); *Wallsburg Telephone Co-operative Association v. Pennsylvania Public Utility Commission*, 182 Pa. Super. 594, 128 A. 2d 160 (1957).

Such acts must also be approved if the power of condemnation is to be exercised. Act of May 8, 1889, P. L. 136, as amended, 15 P.S. §3272, noted and compared with the similar statute granting the power of eminent domain to gas companies, Act of May 29, 1885, P. L. 29, §10, 15 P.S. §§2031 and 3549, in *McConnell Appeal*, 428 Pa. 270 (1968). See below, footnote 35, for discussion of the Public Utility Commission's authority.

We will here limit the discussion to the hypothetical situation where service is being initiated, and a certificate of public convenience is therefore required. As will be discussed below, gas companies need not get the approval of anyone before locating a pipe line. All that is required is that the decision to locate in a particular place be "not arbitrary and capricious." For a discussion of the relevant remedies, see *Valley Forge Golf Club v. Upper Merion Township*, 422 Pa. 227 (1966).

<sup>23</sup> Act of June 4, 1945, P. L. 1388, as amended, 71 P.S. §§1710.1-1710.51. See especially the definition of "party," 71 P.S. §1710.2. For a discussion see Ruben, "The Administrative Agency Law: Reform of Adjudicative Procedure and the Revised Model Act," 36 Temple L.Q. 388, 392 (1963).

<sup>24</sup> Air Pollution Control Act, Act of January 8, 1960, P. L. 2119 (1959 Sess.), as amended, 35 P.S. §4001-4015, and regulations of the Air Pollution Commission promulgated thereunder.

<sup>25</sup> *Stitt v. Manufacturers Light and Heat Company*, Beav. (1968) (Docket No. 945 of 1967, in *Equity*), reversed on other grounds, 432 Pa. 493, 248 A. 2d 48 (1968). See also, for a more encouraging case, *Texas Eastern Transmission Corporation v. Wildlife Preserves, Inc.*, 48 N. J. 261, 225 A. 2d 130 (1966), a case in which the locating of a pipe line through a private wildlife preserve was held to be "arbitrary," and where the pipe line company was compelled to seek an alternative route.

Suppose it did not, however, and ignoring both problems, issued the certificate. To have standing to appeal a decision of an administrative agency to a court the appellant must be "aggrieved thereby [and have] a direct interest" in the adjudication.<sup>26</sup>

Some of the court pronouncements on what constitutes a "direct interest" are not encouraging. In professional licensing proceedings, professional associations have generally been held not to have the necessary direct interest in the outcome of any particular case.<sup>27</sup> In one case, court even went so far as to assert that, "... not only must a party desiring to appeal have a direct interest in the particular question litigated, but his interest must be immediate and pecuniary..."<sup>28</sup> Truly, as Louis Jaffe remarked in 1960, Pennsylvania does not favor public actions.<sup>29</sup>

One may argue, with considerable force, that if an individual's constitutional rights are violated as a result of an administrative agency ruling, then that individual is not only aggrieved, but has a "direct interest in the adjudication," and thus has standing to appeal, even given the restrictive interpretation so far given to the language of the Pennsylvania Administrative Agency Law. Unfortunately this must remain an argument only: The effectiveness of the proposed amendment as a legal weapon would be made more certain if the legislature were to also amend the Pennsylvania Administrative Agency Law to make clear a legislative intent that any person with a legally recognizable interest in an administrative ruling, including associations or organizations representing the class or classes of persons whose interests were intended to be protected by the agency in question,<sup>30</sup> should have standing to appeal admin-

<sup>26</sup> Section 45 of the Act of June 4, 1945, P. L. 1388, as amended, 71 P.S. §1710.45.

<sup>27</sup> *State Board of Funeral Directors v. Beaver County Funeral Directors Association*, 10 D. & C. 2d 704, 70 Dauph. 118 (1957); *State Board of Funeral Directors v. Foyer*, 37 D. & C. 2d 726 (1965); *Funeral Directors Association of Philadelphia and Vicinity v. State Board of Funeral Directors*, 42 D. & C. 2d 609 (1967).

<sup>28</sup> *Pennsylvania Commercial Drivers Conference v. Pennsylvania Milk Control Commission*, 360 Pa. 477, 483-484 (1948), citing *Lansdowne Borough Board of Adjustments Appeal*, 313 Pa. 523, 525 (1934).

<sup>29</sup> Paraphrased from Jaffe, "Standing in Private Actions," 75 Harvard Law Review 255, fn. 35, p. 266, fn. 124, p. 295 (1966).

<sup>30</sup> The so called "intent to protect" test has already been applied, in at least one Pennsylvania case; in *In Re Azarewitz*, 163 Pa. Super. 459, 62 A. 2d 78 (1948) the Pennsylvania liquor code prohibition against bars within 300 feet of a church was held to be for the protection of churches. A church was there given standing to appeal the award of a license, the court stating, simply, 163 Pa. Super. at 461, that "the legislative intent is clear that a church has a direct interest to protect and be protected, and was given a status above and different from that of a remonstrant." Since the legislative intent was "clear," no further rationale was considered necessary.

This case would strengthen the argument for standing of any citizen claiming violation of the proposed constitutional amendment, even though in that case, having recognized standing in the plaintiff-church, the court limited its considera-

istrative rulings to the courts. The federal courts have recognized the importance of allowing representation of the public interest by "those who by their activities and conduct have exhibited a special interest" and expertise in problems under consideration by administrative agencies.<sup>31</sup>

Significantly, in one recent case,<sup>32</sup> a Federal Communications Commission decision to award a station license renewal was reversed, on appeal by the United Church of Christ, which intervened as a representative of listeners in the area, arguably largely on the grounds that, in view of the station's persistent efforts to bring about the violation of the constitutional rights of Negro citizens, the renewal could not be held to satisfy the statutory requirement that it be "in the public interest."<sup>33</sup>

The writer must admit that he would favor a liberalization of the requirements of standing to

tion of the issues to "narrow certiorari"—the jurisdiction of the Board and the "regularity" of its proceedings.

Associations, not themselves protected, but representing people who are within the intent of the statute to protect, have not been favored, either generally, in federal courts or other states, or in Pennsylvania. Jaffe, *Judicial Control of Administrative Action* (Boston, Little, Brown & Company, 1965) 537-543; *Funeral Directors Association of Philadelphia and Vicinity v. State Board of Funeral Directors*, 42 D. & C. 2d 609 (1967); *Pennsylvania Commercial Drivers Conference v. Pennsylvania Milk Control Commission*, 360 Pa. 477 (1948).

<sup>31</sup> *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 E. 2d 608, 616 (C.A. 2d, 1965). See also, *inter alia*, *Office of Communications of the United Church of Christ v. Federal Communications Commission*, 359 F. 2d 994 (C.A.D.C., 1966).

<sup>32</sup> *Office of Communication of the United Church of Christ v. Federal Communications Commission*, F.2d (C.A.D.C., No. 19, 409, June 20, 1969), a second appeal from a second decision by the FCC of a renewal license to a TV station. The first decision, see footnote 22, *supra*, was reversed on the grounds that a party which should, legally, have been granted standing was refused the opportunity to participate meaningfully in the decision making process. Significantly, perhaps, both United Church of Christ opinions were written by Circuit Judge, now Chief Justice Warren E. Burger. It would appear that the appointment of Chief Justice Burger to replace Chief Justice Earl Warren is likely to bring about strengthening, rather than a reversal of this particular trend in administrative law.

<sup>33</sup> For a further discussion of the trends in federal courts with respect to standing, see also, Raoul Berger, "Standing to Sue in Public Actions: Is It A Constitutional Requirement?" 78 *Yale Law Journal* 816 (1969), and Mary G. Allen, Comment "The Congressional Intent to Protect Test: A Judicial Lowering of the Standing Barview," 41 *University of Colorado Law Review* 96 (1969). For more case development, see *Nashville I-40 Steering Committee v. Ellington*, 387 F.2d 179 (C.A.G., 1967); *Road Review League of the Town of Bedford v. Boyd*, 270 F. Supp. 650 (D.C., S.D.N.Y., 1967); *D.C. Federation of Civic Associations, Inc. v. Airis*, 391 F.2d 478 (1968). All these are highway cases, mostly indicative of a growing public bitterness over what is conceived to be the arbitrariness and public unresponsiveness of highway administrators where environmental quality is at stake.

question public actions on broad public interest grounds regardless of the passage of the proposed amendment giving citizens a constitutional right with respect to environmental quality. Where a public agency—whether it is the Public Utilities Commission or the Department of Highways—is supposed to act in the public interest, there should be some way of questioning whether it in fact has done so. As Judge (now Chief Justice) Burger said in the first United Church of Christ case:

The theory that the [Federal Communications] Commission can always effectively represent the listener interests in a renewal proceeding without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are reasonably adequate. When it becomes clear, as it does to us now, that it is no longer a valid assumption which stands up under the realities of actual experience, neither we nor the Commission can continue to rely on it. The gradual expansion and evolution of concepts of standing in administrative law attests that experience rather than logic or fixed rules has been accepted as the guide.<sup>34</sup>

The contention that allowing such suits would tie up the machinery of state unduly does not stand up to close examination. On the federal level, and in New Jersey, where such suits are allowed, this has not happened.<sup>35</sup> The burdens of organizing, prosecuting, and paying for litigation are apparently heavy enough so that such suits are not undertaken unless the stakes for the public, and the concern of the public, are quite high.

#### Regulated Industry Action

Suppose a private but regulated corporation acts in a way so as to damage the environment. If it is acting simply on its own, say in deciding on location of a pipe line right of way, then it may be subject to reversal by the courts on appeal by an affected landowner, or perhaps by other persons whose rights under the proposed Amendment were violated, if the selection of the location is "arbitrary and capricious."<sup>36</sup>

Suppose the Public Utility Commission were to place certain limitations on the action of a private utility, where that action is subject to Public Utility Commission regulation, e.g., in the loca-

<sup>34</sup> 359 F.2d at 1003-1004.

<sup>35</sup> Louis L. Jaffe, in *Judicial Control of Administrative Action* (Boston, Little, Brown & Company, 1965) 482-483, discusses ways of avoiding some problems of lowering barriers of standing rules. He does note, *ibid.*, p. 525, that lowering barriers to standing "almost inevitably" does increase the number and scope of administrative hearings, and cites specifically, pp. 535-536, the experience of New Jersey in dealing with this increase. The size of the increase does not appear to present such grave problems, especially when contrasted with the benefits to the public.

<sup>36</sup> *McConnell Appeal*, 428 Pa. 270 (1968), and see footnote 13, *supra*.

tion of an electric power transmission line.<sup>37</sup> More specifically, suppose the Commission requires that electric wires be buried when the transmission line passes a scenic vista, or traverses an historical site; and the utility ignored the Commission's order. The Commission, of course, could then, as now, be asked to enforce its order. Suppose it did not, however? The general rule of administrative law is that an administrative agency ruling does not create private rights—it is made "on behalf of the public," just as is a criminal statute, and its enforcement is a matter for the public agency and not for private action.<sup>38</sup> This rule is supported and strengthened in Pennsylvania by the rule, based on an 1806 statute, that if a statute provides a remedy for a particular problem, that remedy is exclusive, and prevents the application of any common law or general statutory remedies.<sup>39</sup> Since most laws creating administrative agencies do provide procedures for enforcement by the agency of its own orders, these statutory enforcement procedures will implicitly preclude enforcement by other means, including enforcement by private citizens' actions.<sup>40</sup>

<sup>37</sup> Act of May 8, 1889, P.L. 136, as amended, 15 P.S. §3272. What this section actually requires the Public Utility Commission to find is that the service to be furnished by the company through the exercise of the power of eminent domain, "is necessary or proper for the service, accommodation, convenience, or safety of the public." Several cases have held that route selection is a matter for the company, and that the selection may not be overruled unless it is arbitrary or capricious. *Stillwagon v. Pyly*, 390 Pa. 17, 133 A.2d 819 (1957); *Laird v. Pennsylvania Public Utility Commission*, 183 Pa. Super. 457, 133 A.2d 579 (1957); *Stone v. Pennsylvania Public Utility Commission*, 192 Pa. Super. 573, 162 A.2d 18 (1960).

Again, however, if legal or constitutional rights of citizens are violated by a particular route selection decision, that fact would seem to make out at least a *prima facie* case that the decision was "arbitrary or capricious."

<sup>38</sup> *Amalgamated Utility Workers v. Consolidated Edison*, 309 U.S. 261 (1940); *Fafnis Beverage Company v. NLRB*, 339 F.2d 801 (2d Cir., 1964).

<sup>39</sup> Section 13, Act of March 21, 1806, P.L. 558; 4 Small's Laws 326, 46 P.S. §156; *Commonwealth v. Glen Alden Corporation* 418 Pa. 57, 210 A.2d 256 (1965). But see *Everett v. Hamon*, 380 Pa. 123, 110 A.2d 383 (1955), for a contrary view.

<sup>40</sup> Act of March 21, 1806, *supra*, *Commonwealth v. Glen Alden Corporation*, *supra*. See *Com. ex rel. Shumaker v. New York & Pennsylvania Company, Inc.*, 367 Pa. 40, 79 A.2d 439 (1951), for one way to word a statute (in that case the *Pure Streams Act*, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§691.1-732) so as almost to avoid the exclusive remedies problem: On the first appeal, the Pennsylvania Supreme Court decided that the wording of the statute preserved the right to bring a petition to enjoin water pollution as a public nuisance, and that the Dauphin County Court of Common Pleas had jurisdiction over the subject matter. After remand, the Dauphin County Court held that the particular parties plaintiff (representatives appointed by the District Attorneys of Butler and Clarion Counties, and the Allegheny County Sportsman's League) did not have standing to bring such a suit, since the persons responsible for enforcement, by bringing actions to enjoin acts of pollution as nuisances, were listed in the statute, and this listing excluded the plaintiffs. *Com. ex rel. Shumaker v. New York & Pennsylvania Company*, 65 Dauph. 118 (1953), affirmed 378 Pa. 359 (1954).

#### Unregulated Private Action

Private actions by individuals or corporations not subject to regulation by the state will not, immediately, be limited by the proposed amendment. Rights under the Bill of Rights of the United States Constitution, for example, or in the Declaration of Rights in Article I of the Pennsylvania Constitution, are generally held to restrict only state action. What constitutes "state action" may be stretched to include court enforcement of private contracts in violation of constitutionally guaranteed rights,<sup>41</sup> but the basis for court recognition and enforcement of the right is still protection against state, not private, action.

An exception to the "state action" limitation on constitutional rights is found where, to quote from *Ex parte Yarbrough*,<sup>42</sup>

"The function in which the party is engaged, or the right he is about to exercise, is dependent on the laws of the United States. . . . [I]t is the duty of that government to see that he may exercise this right freely, and to protect him from violence while so doing, or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself . . ."

The exercise of such rights may be protected even from private interference. So far this reasoning seems to have been applied mainly to the "right" to inform the government of violations of law.<sup>44</sup> Under the second and third sentences of the proposed Amendment, however, the Commonwealth is given specific responsibilities, as "trustee" of the various natural resources of Pennsylvania, the "property of" the people. In its capacity as "trustee," it is probable that the Commonwealth would have rights to enforce the rights specified by the Amendment. It is doubtful whether a citizen could, through assertion of the duties of the Commonwealth as "trustee," tie the enforcement of the rights of citizens of a high quality environment closely enough to the necessities of government, to acquire standing to assert that the Amendment created rights against purely private action.<sup>45</sup>

This argument, of course, is limited in part by the fact that a number of the rights guaranteed by the Constitutions of Pennsylvania and the United States grew out of an extension of common law rights—the extension prohibiting the state from doing that which individual citizens could not legally do. An illegal search and seizure, for example, would quite clearly be a trespass, to person or property or both, if performed by a private citizen. A question under the proposed amendment is whether it might be used to initiate

<sup>41</sup> See, e.g., *Shelley v. Kramer*, 334 U.S. 1, 68 S.Ct. 836 (1948); *Lewis*, "The Meaning of State Action," 60 Col. L. Rev. 1083 (1960); *Silard*, "A Constitutional Forecast: Demise of the 'State Action' Limit on the Equal Protection Guarantee," 66 Col. L. Rev. 855 (1966).

<sup>42</sup> 110 U.S. 651 (1884).

<sup>43</sup> 110 U.S. at 662.

<sup>44</sup> *In re Quarles and Butter*, 158 U.S. 532 (1895); *Edwards v. Habib*, 397 F.2d 687 (C.A.D.C., 1968).

<sup>45</sup> See *Weigand v. Barnes Foundation*, 374 Pa. 149, 97 A.2d 81 (1953).

or speed the development of common law rights between individual citizens. This would be reversing the direction in which such developments have historically most frequently taken place. But it does not seem unreasonable to think that the Amendment might spark such a development, especially where it could take place by enlarging the existing common law action of private nuisance, thus providing continuity with present law.

One rather startling line for such a potential expansion of nuisance doctrine is suggested by two relatively recent cases in Pennsylvania.<sup>46</sup> In these cases, rights were extended to individual Negro citizens to enjoin the exclusion of Negroes from places of public amusement, based on §694 of the Penal Code.<sup>47</sup> These cases appear to run counter to the general reluctance of earlier Pennsylvania courts to recognize private rights arising out of public nuisances,<sup>48</sup> and to the strict application of the "exclusive statutory remedies" statute of 1806.<sup>49</sup> The opinion of the court in *Everett v. Harron*,<sup>50</sup> bears quoting, because of its relevance in the present context.

"Does the statute confer upon persons against whom illegal discrimination is practiced a right of action to redress the grievance thereby suffered? The answer to this question must undoubtedly be in the affirmative. It will be noted that §654 begins by stating that 'All persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations . . . of any places of public accommodation, resort or amusement, . . .'. If, therefore, they are 'entitled' to such privileges they are likewise entitled to enforce them, since wherever there is a right there is a remedy." 380 Pa. at 127.<sup>51</sup>

The court goes on to point out that the criminal remedy is not exclusive, both because the statute implicitly contemplates civil remedies, and because the statute imposes a specific duty on operators of amusement parks, for the benefit of others.

"Indeed, the section refers, in another connection, to 'presumptive evidence in any civil or criminal action,' thus indicating that civil relief was contemplated by the legislature. Nor does the fact that a criminal penalty is provided for in the enactment render such remedy exclusive or supersede the right of action for damages in a civil proceeding, it being generally held that where a statute imposes upon any person a specific duty for the benefit of others, if he neglects or refuses to perform such duty he is liable for any injury caused by such neglect or refusal if such

injury is of the kind which the statute was intended to prevent." 380 Pa. at 127-128.<sup>52</sup>

The court went on to affirm the decree of the lower court, granting an injunction, on two grounds: (1) To prevent a multiplicity of suits because of the probability that every Negro barred from the amusement park would seek damages.<sup>53</sup> (2) On grounds strikingly resembling the rationale in private nuisance cases, appearing to extend the doctrines and rationale of private nuisance to cover interference with strictly personal rights. On this latter ground, the case is treated as a public nuisance case, in *Pennsylvania Society for the Prevention of Cruelty to Animals v. Bravo Enterprises, Inc.*<sup>54</sup> Again, the court's opinion bears quoting

"In reading the decisions holding or stating that equity will protect only property rights, one is struck by the absence of any convincing reasons for such a sweeping generalization. We are by no means satisfied that property rights and personal rights are always as distinct and readily separable as much of the public discussion in recent years would have them. But in so far as the distinction exists we cannot believe that personal rights recognized by law are in general less important to the individual or less vital to society or less worthy of protection by the peculiar remedies equity can afford than are property rights. . . . We believe the true rule to be that equity will protect personal rights by injunction upon the same conditions upon which it will protect property rights by injunction. In general, these conditions are, that unless relief is granted a substantial right of the plaintiff will be impaired to a material degree; that the remedy at law is inadequate; and that injunctive relief can be applied with practical success and without imposing an impossible burden on the court or bringing its processes into disrepute." The court then cited a very large number of States which "have tended toward this view" and also a large number of legal writers who "support it." 380 Pa. at 131.<sup>55</sup>

Clearly, the proposed Amendment could be extremely effective in accomplishing its purpose, if the reasoning of *Everett v. Harron*<sup>56</sup> is applied to environmental problems as well as to civil rights problems. Clearly, also, *Everett v. Harron*<sup>57</sup> gives some pointers as to the proper phrasing of enabling legislation, to serve maximum effectiveness.

In one other modification of the law of nuisance, in particular, the Amendment could possibly spark an immediate change. In balancing

<sup>46</sup> *Everett v. Harron*, 380 Pa. 123, 110 A.2d 383 (1955); *Lackey v. Sacoolas*, 411 Pa. 235, 191 A.2d 395 (1963).

<sup>47</sup> §654, Penal Code of 1939, Act of June 24, 1939, P.L. 872, 18 P.S. §4654.

<sup>48</sup> See discussion, footnote 3, *supra*.

<sup>49</sup> §13, Act of March 21, 1806, 4 Small's Laws 326, 46 P.S. §156. See footnotes 30 and 31, and accompanying text, *supra*.

<sup>50</sup> 380 Pa. 123, 110 A.2d 383 (1955).

<sup>51</sup> 380 Pa. at 127.

<sup>52</sup> 380 Pa. at 127-128, citing cases for the last stated proposition. Most of the cases cited deal with extension of penal code sanctions to form a basis for the doctrine of negligence per se. The discussion in *Westervelt v. Dives*, 231 Pa. 548 (1911), is especially useful.

<sup>53</sup> 380 Pa. at 129, citing *Martin v. Baldy*, 249 Pa. 253, 94 A. 1091 (1915).

<sup>54</sup> 428 Pa. 350, 237 A. 2d 342 (1968). See footnote 3, *supra*, for discussion of this case.

<sup>55</sup> 380 Pa. at 131, quoting *Kenyon v. City of Chicopee*, 320 Mass. 528, 70 N.E. 2d 241, 244, 245 (1946).

<sup>56</sup> 380 Pa. 123, 110 A. 2d 383 (1955).

<sup>57</sup> *Ibid*.

the benefits from enjoining a nuisance against the burdens of having the acts complained of enjoined, courts now frequently exhibit a bias which automatically weights "productive economic" factors more heavily than factors having to do with human comfort, and especially aesthetics—with the quality of the environment.<sup>58</sup> This is a policy matter, and is properly within the discretion of the court. A constitutionally expressed policy that an environment of high quality is something citizens have a right to, could easily result in changing the balance, the relative weights given these factors, immediately.

As with administrative rulings, and the enforcement of administrative rulings, of course, this process might be assisted and speeded up materially by legislative action.

#### Conclusion

Now, as is noted above, there is no legal basis for action in any situation described, unless the environmental damage is serious enough to be a nuisance, or unless the legislature, acting on the basis of its general authority to enact laws to protect the health, safety, or welfare of the people, sees fit to provide a private remedy.

The proposed amendment would immediately create rights to prevent the government (state, local, or an authority) from taking positive action which unduly harms environmental quality, and it might give standing to affected citizens to appeal administrative agency rulings which had the same effect. It is somewhat more doubtful that it would create any right to compel governmental action, or to prevent action by private persons which damaged the environment. In these two areas, however, the proposed Amendment would probably help to strengthen existing political and legal remedies.

Most of these rights, and the remedies, it will be noted, are a consequence of the first sentence, which would create an affirmative civil right in citizens. The three sentences, taken together, would create a firmer legal basis than exists at present for legislation dealing with the environment and for public action. But the most significant provision, from the point of view of a citizen interested in the quality of the environment, remains the first sentence.

We can feel justified, then, in believing that this proposed constitutional Amendment will do more than merely place a policy statement on the books to make us feel good. It will in many areas provide a positive weapon which can help to prevent further deterioration of the quality of our environment in Pennsylvania. If passed, it should effectively shift the balance of legal power, to give environmental quality (and the human race) at least an even chance in years to come.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Kury.

<sup>58</sup> Elliot Nursery Company v. Duquesne Light Company, 281 Pa. 166 (1924); Alexander v. Wilkes-Barre Anthracite Coal Company, 245 Pa. 28, 91 A. 213 (1914). See footnote 2, supra.

Mr. KURY. Mr. Speaker, as chief sponsor of this bill, it gives me a special sense of satisfaction for myself and for the many dedicated conservationists on both sides of the aisle who made this bill possible to move that this House do concur in the Senate amendments to the bill.

The SPEAKER. It has been moved by the gentleman from Northumberland, Mr. Kury, that the House concur in the amendments inserted by the Senate.

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

Mr. W. W. WILT. Mr. Speaker, I rise to support the gentleman's motion to concur in the Senate amendments to House bill No. 958, printer's No. 2860.

This is such a basic premise that one wonders why such a conservation bill of rights has not been enacted before now. Certainly, concern for such basic rights and for the rational use of the environment to achieve the highest quality of living for mankind is not confined to one political party.

Pennsylvania's past record of bipartisan action on conservation matters is well known. So should be the support for this amendment to the constitution.

Mr. Speaker, I ask this House to unanimously support this amendment.

Thank you.

On the question recurring,

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

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

#### YEAS—188

Alexander	Geisler	Manderino	Scanlon
Allen, F. M.	Gekas	Martino	Schmitt
Allen, W. W.	Gelfand	McAneny	Seltzer
Anderson, J. H.	George	McClatchy	Semanoff
Anderson, S. A.	Gillette	McCurdy	Shelhamer
Appleton	Gleeson	McGraw	Shelton
Bachman	Good	McMonagle	Sherman
Bair	Goodman	Mebus	Shuman
Barber	Gring	Meholchick	Shupnik
Bellomini	Halverson	Melton	Slack
Beloff	Hamilton, J. H.	Mifflin	Smith
Bennett	Hamilton, R. K.	Miller, M. E.	Snare
Beren	Harrier	Miller, P. W.	Spencer
Berkes	Haudensfield	Moore	Stauffer
Berson	Hayes	Murphy	Steckel
Bittle	Headlee	Murtha	Steele
Bixler	Hepford	Musto	Stemmler
Blair	Hetrick	Needham	Sullivan
Bonetto	Hill	Nicholson	Taylor
Bossert	Holman	Nitrauer	Tayoun
Brunner	Homer	Nolan	Thomas
Bush	Hopkins	Novak	Tiberi
Butera	Horner	O'Brien, B.	Torak
Claypoole	Hovis	O'Brien, F.	Valicenti
Coppolino	Hutchinson	O'Connell	Vann
Crawford	Irviss	O'Donnell	Walsh
Crowley	Johnson, G.	O'Pake	Wansacz
Dager	Johnson, J.	Pancoast	Wargo
Davis, D.	Johnson, T.	Parker	Weidner
Davis, R.	Kahle	Pezak	Westerberg
DeMedio	Kaufman	Plevsky	Wilson
Dininni	Kelly	Piper	Wilt, R. E.
Donaldson	Kennedy	Pittenger	Wilt, R. W.
Dorsey	Kester	Prendergast	Wilt, W. W.
Dwyer	Kistler	Quiles	Wise
Eckensberger	Kolter	Renninger	Wojdak
Engelhart	Kowalyszyn	Renwick	Worley
Eshback	Kury	Reynolds	Worrlow
Fee	LaMarca	Rieger	Wright
Fenrich	Laudadio	Ritter	Yahner
Fischer	Lawson	Ruane	Yohn
Foor	Lee	Ruggiero	Zearfoss
Fox	Lehr	Rush	Zimmerman
Fryer	Lutty	Ryan	Zord
Fulmer	Lynch, Francis	Rybak	

Gallagher	Lynch, Frank	Saloom	Fineman,
Gallen	Malady	Savitt	Speaker
Geesey	Manbeck		

NAYS—0

NOT VOTING—14

Burkardt	Frank	Moscip	Polaski
Caputo	Greenfield	Mullen	Silverman
Comer	Gross	Perry	Stone
DeJoseph	Kernaghan		

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.

### QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. GREENFIELD. Mr. Speaker, I would like to be recorded as voting "aye" on Senate bill No. 958.

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

### SPECIAL ORDER OF BUSINESS ON HOUSE RESOLUTION No. 188

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask unanimous consent of the House of Representatives to call up out of order, resolution No. 188, printer's No. 2780, from page 12.

**HOUSE RESOLUTION No. 188, printer's No. 2780, entitled:**

Urging Department of Property and Supplies and the Department of Highways to conduct tests to determine feasibility of equipping Commonwealth's fleet of motor vehicles to use propane fuel.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader.

Mr. DONALDSON. Mr. Speaker, this resolution, as its title indicates, directs particular agencies of the state government to determine the feasibility of equipping certain of our motor vehicles with other than the normal gasoline fuel. I am sure that the House will adopt this resolution.

I thought the House would be particularly interested in the reaction we had from the secretaries. The Honorable Perrin Hamilton, Secretary of Property and Supplies, advises me, and I will quote from his letter, "Since it is an accepted fact that the automobile is the single largest contributor to the pollution problem, this department converted a vehicle to operate on an anti-pollution fuel, in this case, liquified petroleum gas or propane. The vehicle selected,"—and the members of the House will be interested because they can observe this vehicle—"was the jitney bus used between the Capitol building and the Commonwealth garage. We have identified this bus with signs reading 'This Commonwealth vehicle operated by anti-pollution fuel, an experiment conducted by the Department of Property and Supplies.'"

Therefore, the Secretary concludes he looks forward with pleasure to the passage of this resolution.

I am also in receipt of a letter from Secretary Bartlett dated March 10, in which Secretary Bartlett advises that the Department of Highways has taken steps to convert trucks in the Harrisburg area to operate with liquid petroleum and plans to have those vehicles in service soon.

I bring these matters to the attention of the House in connection with, I hope, the passage of this resolution.

I thank the Chair.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

### SPECIAL ORDER OF BUSINESS ON HOUSE RESOLUTION No. 206

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask permission of the House of Representatives to call up out of order, resolution No. 206, printer's No. 2927, from page 12.

**HOUSE RESOLUTION No. 206, printer's No. 2927, entitled:**

Memorializing Congress to amend the 1965 Clean Air Act regarding environmental pollution problems.

On the question,

Will the House adopt the resolution?

It was adopted.

### SPECIAL ORDER OF BUSINESS ON HOUSE RESOLUTION No. 207

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask permission of the House of Representatives to call up out of order, resolution No. 207, printer's No. 2928, from page 13.

**HOUSE RESOLUTION No. 207, printer's No. 2928, entitled:**

Memorializing President of United States to take a public position on creation of an interstate compact for the development of the Susquehanna River Basin.

On the question,

Will the House adopt the resolution?

It was adopted.

### SPECIAL ORDER OF BUSINESS ON HOUSE RESOLUTION No. 208

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask permission of the House of Representatives to call up out of order, House resolution No. 208, printer's No. 2948, from page 13.

**HOUSE RESOLUTION No. 208, printer's No. 2948, entitled:**

House of Representatives designating April 14 as "Earth Day—Pennsylvania."

On the question,

Will the House adopt the resolution?

It was adopted.



## CONSERVATION BILLS

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

Mr. DWYER. Mr. Speaker, this morning the House Conservation Committee, under the chairmanship of Representative John Laudadio, met and voted to report out of committee two bills that are appropriate to the significant topic of this day. These are House bill No. 1695, entitled the Pennsylvania state water and waste authority bill, and House bill No. 1696, entitled the regional water and waste management authority bill.

These bills embrace a new concept in Pennsylvania for the prevention and the abatement of pollution of our water. They are designed to assist our municipalities and the residents of Pennsylvania in their fight against water pollution, one of our most valuable natural resources. They are far-sweeping new concepts, and the committee does intend to hold public hearings on these bills after an appropriate amount of time has passed, for us to receive action to them, for people to review them, to suggest both constructive amendments and also favorable comments regarding the bills.

I would urge all members of the House to get copies of these bills, to review them and to go over them with the local elected officials in your political subdivisions.

I now report out of committee, as amended, House bill No. 1695 and House bill No. 1696.

The SPEAKER. The Chair thanks the gentleman.

## BILLS REPORTED AS AMENDED

### HOUSE BILL No. 1695

By Mr. DWYER

An Act to promote the welfare and health of the people of the Commonwealth; creating the State Water and Wastes Authority as a body corporate and politic with power to acquire, construct, reconstruct, alter, repair, improve, equip, furnish, maintain, own, lease, sell, convey, and operate water works, public water supply facilities, water distribution systems, waste water collection and treatment systems for industrial as well as domestic wastes, mine drainage and storm sewer systems, or parts thereof;\*\*\*

Reported from Committee on Conservation.

### HOUSE BILL No. 1696

By Mr. DWYER

An Act to promote the welfare and health of the people of the Commonwealth; providing for the establishment of Regional Water and Wastes Management Authorities; conferring powers and imposing duties upon such authorities in connection with a comprehensive public water supply and water quality management control program for the Commonwealth;\*\*\*

Reported from Committee on Conservation.

## HOUSE BILL SIGNED BY SPEAKER

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

### HOUSE BILL No. 958

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Whereupon,

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

## JOHN D. ANDERSON PRESENTED

The SPEAKER. We have, at long last, come to comprehend that doomsday may be approaching for the earth if we do not do what we must do about the environmental mess that past generations have created and ours has perpetuated. However, it is not we but rather our children who may have to pay the doomsday bill for what Senator Gaylord Nelson calls "the buying of environmental disaster on the installment plan."

Since it is the young who will bear the punishment for the sins of their fathers if we leave them an earth that is on its way to becoming uninhabitable, I believe it is appropriate that we hear from two members of this younger generation.

Our first student speaker is a junior at Franklin and Marshall College in Lancaster County, where he is studying government with emphasis in the field of public law. He is a charter member of the Lancaster Air and Water Pollution Action Group, which started as an organization of students but which today now includes faculty and community members as well. This group is conducting essay contests for high school students, presenting slide shows and talks to community groups, generating community-wide interest in the entire matter of environmental control and studying pollution in the Lancaster County area with the aim of conducting seminars later in the year.

I am pleased to present to you at this time, Mr. John D. Anderson of Levittown, Pennsylvania.

## ADDRESS BY JOHN D. ANDERSON

Mr. JOHN D. ANDERSON. Thank you, Mr. Speaker. I would also like to thank Senator Nelson, the distinguished members of the legislature and ladies and gentlemen for being here this morning.

As the Speaker has told you this morning, I am a member of LAWPAG, the Lancaster Air and Water Pollution Action Group. This is a coalition of students, professors, businessmen, community groups and leaders of the Lancaster area. Presently LAWPAG is engaged in several projects, the most important of which, we feel, is, as the Speaker mentioned, a series of seminars to be given either later this spring or early next fall. It will involve the collection of business groups—and we are presently working with several business leaders in the Lancaster community; it will involve experts in the field of air and water pollution and problems in the environment, and it will also involve student and faculty members presently at Franklin and Marshall College.

Another aim of our group, the chief aim of our group, is to educate the general community of Lancaster through various means. One of these that we are presently using is an essay contest in the local schools. We are encouraging the high school and junior high school students of Lancaster to think about the problems of environment and, through talking to their parents and their teachers, to encourage more discussion, more writing to their legislators and more involvement with the grass roots, the people involved in environment problems.

Another area of discussion from our group and something which we are trying to accomplish in the next few weeks is a pictorial essay which we will present to Lancaster business and community groups. This will involve a series of slides and a presentation explaining what exactly the problems of Lancaster are.

## A JOINT RESOLUTION

HB 958

Proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eleventh article thereof:

That article one of the Constitution of the Commonwealth of Pennsylvania be amended by adding at the end thereof, a new section to read:

*Section 27. Natural Resources and the Public Estate.—The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*



THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 31

Session of  
1971

INTRODUCED BY MESSRS. KURY, LAUDADIO, BENNETT, RENWICK, FINEMAN, IRVIS, ENGLEHART, WISE, SHELHAMER, FEE, W. W. WILT, STEELE, HETRICK, SCHMITT, SELTZER, BEREN, MALADY, MANDERINO, GOODMAN, DREIBELBIS, KLUNK, KLEPPER, HOVIS, KENNEDY, BLAIR, STONE, BERSON, NEEDHAM, WANSACZ, MEHOLCHICK, WARGO, PEZAK, SHUPNICK, HALVERSON, RAPPAPORT, BERKES, MRS. GILLETTE, MESSRS. KAUFMAN, TAYLOR, SHANE, FOX, MEBUS, RYAN, HEPPFORD, ZEARFOSS, ALEXANDER, W. W. ALLEN, F. M. ALLEN, MASTRANGELO, MANBECK, BURKHARDT, H. S. PARKER, KNEPPER, WELLS, CESSAR, BRAIG, RUGGIERO, RYBAK, WILLIAMS, KOWALYSHYN, MYERS, ECKENSBERGER, BRUNNER, O'PAKE, BELLOMINI, DOMBROWSKI, O'CONNELL, ZELLER AND SMITH, JANUARY 6, 1971

A JOINT RESOLUTION

1 Proposing an amendment to article one of the Constitution of the  
2 Commonwealth of Pennsylvania providing for the preservation  
3 and restoration of our natural resources.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 the Commonwealth of Pennsylvania is proposed in accordance with  
8 the provisions of the eleventh article thereof:

9 That article one of the Constitution of the Commonwealth of  
10 Pennsylvania be amended by adding a section to read:

11 Section 27. Natural Resources and the Public Estate.--The  
12 people have a right to clean air, pure water, and to the  
13 preservation of the natural, scenic, historic and esthetic <—  
14 values of the environment. Pennsylvania's public natural  
15 resources are the common property of all the people, including

1 generations yet to come. As trustee of these resources, the  
2 Commonwealth shall conserve and maintain them for the benefit of  
3 all the people.

By Messrs. BEREN, FRANK, PANCOAST, RITTER,  
GOOD, ZELLER, Mrs. FAWCETT, Messrs. YOHN,  
DAGER, SCIRICA, McCLATCHY, BUTERA, MEBUS,  
LEE and RYAN **HOUSE BILL No. 3**

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), authorizing citizens age eighteen or over to vote.

Referred to Committee on Rules.

By Mr. ZEARFOSS **HOUSE BILL No. 4**

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey a tract of land situate in Radnor Township, Delaware County, Commonwealth of Pennsylvania.

Referred to Committee on Rules.

By Messrs. COMER and SULLIVAN **HOUSE BILL No. 5**

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), changing residence requirements for watchers.

Referred to Committee on Rules.

By Messrs. FRANK, RITTER, ECKENSBERGER  
and ZELLER **HOUSE BILL No. 6**

An Act authorizing the Department of Property and Supplies to sell and convey to the County of Lehigh a certain tract of land located in the City of Allentown, County of Lehigh.

Referred to Committee on Rules.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Mr. FINEMAN, Mrs. ANDERSON and Mr. IRVIS **RESOLUTION No. 2**

Committee on Health and Welfare to investigate private and public nursing homes; report to be filed.

Referred to Committee on Rules.

By Messrs. IRVIS and WISE  
(Concurrent) **RESOLUTION No. 3**

Joint State Government Commission to study policies of medical and osteopathic schools in relation to state appropriations.

Referred to Committee on Rules.

By Messrs. COMER and SULLIVAN **RESOLUTION No. 4**

Committee on State Government to investigate conditions presently existing at the Port of Philadelphia.

Referred to Committee on Rules.

## MASTER ROLL CALL

The SPEAKER. The Chair is about to take up the business of today's master roll call. Members will indicate their presence by voting "aye."

The roll was taken and was as follows:

Alexander	Gallen	Lynch, Frank	Savitt
Allen, F. M.	Geesey	Malady	Scanlon
Allen, W. W.	Goldier	Manbeck	Schenffer
Anderson, J. H.	Cekas	Menderino	Schmitt
Anderson, S. A.	Gelfand	Martino	Schulze
Arthur	Gillette	Mastrangelo	Schrice
Barber	Gleason	McClatchy	Seltzer
Bellomini	Good	McCue	Seroanoff
Bonnett	Goodman	McCurdy	Shane

Beren	Greenfield	McGraw	Shelbamer
Berkas	Grins	McMonagle	Shelton
Berson	Halverson	Mabus	Sherman
Bittle	Hamilton, R. K.	Meholdrick	Shuman
Bixler	Hartner	Melton	Shupnik
Blair	Haskell	Miller	Smith
Bonetto	Hayes, D. S.	Moore	Spencer
Braig	Hayes, S. E.	Morris	Steele
Brunner	Hepford	Moscrip	Stemmer
Burkardt	Holrick	Mullen, M. M.	Stone
Butera	Hill	Mullen, M. F.	Stout
Caputo	Homer	Murtha	Sullivan
Cassar	Hopkins	Musto	Taylor
Comer	Horn	Myers	Thomas
Coyne	Horner	Needham	Toll
Crawford	Hovis	Navak	Ustynoski
Crowley	Hutchinson	O'Brien	Vallenti
Dager	Irvin	O'Connell	Vann
Davis, D. M.	Johnson, G. R.	O'Donnell	Walsh
Davis, E. B.	Johnson, J. J.	O'Pake	Wansack
Davis, R. O.	Kuhle	Pancoast	Wargo
DeMedio	Kurzman	Parker, B. L.	Weidner
Dininni	Kelly, A. P.	Parker, S. H.	Well
Dombrowski	Kelly, J. B.	Perry	Westenberg
Dorsey	Kennedy	Pezak	Williams
Doyle	Kreter	Pievsky	Wilson
Drozbolhis	Kistler	Piper	Witt, R. W.
Early	Klepper	Prendergast	Witt, W. W.
Eckensberger	Klink	Rappaport	Wise
Engelhart	Knepper	Renninger	Wordlaw
Fawcett	Koker	Henwick	Wajdak
Fee	Kowalshyn	Reynolds	Wright
Fenrich	Kury	Riegler	Zahner
Fischer	LaMarca	Ritter	Yohn
Four	Laudadio	Rowe	Zemfirs
Foster	Lederer	Ruane	Zeller
Fox	Lee	Ruggiero	Zimmerman
Frank	Lehr	Rush	Zord
Frankenburg	Lettermann	Ryan	
Fryer	Lutty	Rybak	
Gallagher	Lynch, Francis	Saloom	Fineman, Speaker

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

## CALNDAR

### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 2, printer's No. 2, entitled:

An Act amending the act of June 26, 1970 (Act No. 93-A), entitled "An act making appropriations to the Department of Public Welfare and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the year beginning July 1, 1970, and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on June 30, 1970," increasing the appropriation.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

## RESOLUTION PASSED OVER

The SPEAKER. Without objection, the resolution on today's calendar will be passed over. The Chair hears no objection.

## PERMISSION TO ADDRESS HOUSE

Mr. KURY requested and obtained unanimous consent to address the House.

Mr. KURY. Mr. Speaker, during the last session of the legislature, we passed in this House and the Senate a constitutional amendment dealing with the environment. This

is the so-called "Conservation Bill of Rights" for our state constitution.

Inasmuch as our constitutional amendment process requires that this bill be passed by a second session of the legislature before going to the voters, I am today reintroducing that bill.

I am also asking unanimous consent to insert a statement in the record with regard to that bill, Mr. Speaker.

Mr. Speaker, in connection with the bill which I have just offered, I understand there are a number of members from both sides who have not yet signed their names to it but who would like to serve as sponsors of the bill.

Therefore, I ask that the bill be held on the table for the balance of today so that members who would like to sign as sponsors and have not done so will have the opportunity to do so.

The SPEAKER. The bill will be so held.

Mr. KURY presented the following statement for the Legislative Journal:

I am today reintroducing a constitutional amendment which will guarantee every citizen the right to clean air, pure water, and the natural, scenic, historic and esthetic qualities of our environment.

This "Conservation Bill of Rights" was just introduced during the 1969-70 session. As House bill No. 958, it was passed unanimously by both the House and the Senate.

The procedure for amending the Pennsylvania constitution requires the passage of a proposed amendment by two successive sessions of the legislature. If passed again during the current 1971-72 session, the amendment will be placed on the ballot for approval of the voters.

Our world, our nation, our state are in real danger of becoming unfit for human habitation. The increasing pressures of technological advances and the growing population on a diminished supply of natural resources is outstripping our ability to cope with environmental problems.

This amendment to the Pennsylvania Declaration of Rights places the responsibility for preserving Pennsylvania's environment where the responsibility belongs—on state government. The amendment declares that the state government is the trustee of our natural resources, not only for those alive now, but for generations yet to come.

This amendment is certainly not the final answer in our struggle to save the environment, but it does provide a firm foundation upon which our legislature, the courts and the executive can act to make Pennsylvania's environment not only fit for human habitation, but also a wholesome environment suited for the achievement of man's highest aspirations as a society.

The amendment has been endorsed by the Pennsylvania Bar Association, the State Federation of Sportsmen's Clubs and other environmentally-concerned organizations.

I am hopeful that this session of the legislature will give prompt approval to this amendment so that it can go before the voters of Pennsylvania at the earliest possible time.

#### REPORT OF COMMITTEE ESCORTING SENATE

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the committee escorting the Senate to the hall of the House.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the chairman of the committee of the House escorting the Senate, Mr. Frank.

Mr. FRANK. Mr. Speaker, I would like to inform you that your committee has performed its duty, and the honorable gentlemen of the Senate are right in back of me and wish to be heard and seen.

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

The Chair requests the Lieutenant Governor, the Honorable Raymond J. Broderick, to preside over the proceedings of the Joint Session of the General Assembly.

The President pro tempore of the Senate, the Honorable Martin L. Murray, is invited to be seated on the rostrum. The members of the Senate will please be seated.

#### HOUSE SCHEDULE

The SPEAKER. For the information of the membership of the House, the House will be in session tomorrow, commencing at 10 a.m. There will be a session at 10 a.m. tomorrow in the House.

#### JOINT SESSION OF THE GENERAL ASSEMBLY

##### LIEUTENANT GOVERNOR RAYMOND J. BRODERICK PRESIDING

The LIEUTENANT GOVERNOR. The General Assembly will now come to order.

#### REPORT OF COMMITTEE TO ESCORT THE GOVERNOR

The LIEUTENANT GOVERNOR. The Chair recognizes the chairman of the committee to escort the Governor, the Senator from Westmoreland County, Senator Mahady.

SENATOR MAHADY. Mr. President, I have the honor to present His Excellency, the Governor of the Commonwealth of Pennsylvania, the Honorable Raymond P. Shafer.

The LIEUTENANT GOVERNOR. Members of the General Assembly, I once again have the honor and privilege of presenting His Excellency, the Governor of the Commonwealth, the Honorable Raymond P. Shafer.

#### FINAL MESSAGE OF HON. RAYMOND P. SHAFER GOVERNOR OF PENNSYLVANIA, TO THE GENERAL ASSEMBLY WEDNESDAY, JANUARY 6, 1971

Mr. Lieutenant Governor, Mr. Speaker, Ladies and Gentlemen of the General Assembly, My Fellow Pennsylvanians:

Today, I say farewell as Governor, naturally a different man than I began:

Prouder of my Pennsylvania heritage;  
More boastful of our Commonwealth's great people and incomparable beauty;  
Richer with the privilege of serving;  
Warmer from the friendships made;  
Wiser from the battles lost and won;  
Sadder that, too often, the price of progress in politics is the enemies it makes and the pettiness it engenders;  
Skeptical about our individual willingness to make personal sacrifices, when necessary, for the maintenance and improvement of our Republic;

in the operation of certain tractors and machinery for agricultural purposes refundable on a calendar basis.

Referred to Committee on Rules.

By Messrs. RENWICK, SHUMAN, TAYLOR  
and D. M. DAVIS **HOUSE BILL No. 30**

An Act amending the "Tax Act of 1963 for Education," approved March 6, 1966 (P. L. 1228), excluding self-service laundry and dry cleaning facilities from taxation.

Referred to Committee on Rules.

By Messrs. KURY, LAUDADIO, BENNETT,  
RENWICK, FINEMAN, IRVIS, ENGLEHART, WISE,  
SHELHAMER, FEE, W. W. WILT, STEELE,  
HETRICK, SCHMITT, SELTZER, BIRN,  
MALADY, MANDERINO, GOODMAN, DREIBELBIS,  
KLUNK, KLEPPER, HOVIS, KENNEDY, BLAIR,  
STONE, BERSON, NEEDHAM, WANSACZ,  
MEHOLCHICK, WARGO, PEZAK, SHUPNIK,  
HALVERSON, RAPPAPORT, BERKES,  
Mrs. GILLETTE, Messrs. KAUFMAN, TAYLOR,  
SHANE, FOX, MEBUS, RYAN, HEFFORD,  
ZEARFOSS, ALEXANDER, W. W. ALLEN,  
F. M. ALLEN, MASTRANGELO, MANBECK,  
BURKARDT, H. S. PARKER, KNEPPER, WELLS,  
CESSAR, BRAIG, RUGGIERO, RYBAK, WILLIAMS,  
KOWALYSHYN, MYERS, ECKENBERGER,  
BRUNNER, O'PAKE, BELLOMINI, DOMBROWSKI,  
O'CONNELL, ZELLER and SMITH

**HOUSE BILL No. 31**

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Referred to Committee on Rules.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. GEKAS, S. E. HAYES, ALEXANDER,  
F. M. ALLEN, BELLOMINI, BITTLE, BIXLER,  
BRAIG, BRUNNER, BURKARDT, CESSAR, COYNE,  
Mrs. CRAWFORD, Messrs. DININNI, DOMBROWSKI,  
DORSEY, Mrs. FAWCETT, Messrs. FEE, FISCHER,  
FRANK, FRANKENBURG, GEESEY, GLEESON,  
HARRIER, HOPKINS, HORN, KAHLE, KATZ,  
KELLY, LEHR, FRANK LYNCH, MANBECK,  
McCLATCHY, McCUE, MOORE, MURTHA,  
B. L. PARKER, H. S. PARKER, PIEVSKY, RUANE,  
RUGGIERO, SCHMITT, SEMANOFF, SPENCER,  
WEIDNER, WELLS, WILSON, R. W. WILT,  
W. W. WILT, WORKULOW, WRIGHT, SMITH,  
YAHNER, ZEARFOSS, ZELLER, ZIMMERMAN,  
O'PAKE, D. S. HAYES, ROWE, THOMAS, GLEASON,  
RYAN, PERRY, CROWLEY, NEEDHAM, KENNEDY,  
USTYNOSKI, LETTERMAN, MORRIS, VANN,  
RYBAK, BARBER, STOUT, W. W. ALLEN,  
KNEPPER, DOYLE, Mrs. ANDERSON  
and Mr. SCHAEFFER **RESOLUTION No. 5**

The Commonwealth of Pennsylvania commends and supports President Nixon in his efforts to obtain the release or exchange of American prisoners of war.

Referred to Committee on Rules.

By Messrs. SHUMAN, RENWICK, SHELHAMER,  
FOOR, McCURDY, TAYLOR, D. M. DAVIS,  
ARTHURS, THOMAS and DOMBROWSKI  
(Concurrent) **RESOLUTION No. 6**

Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to permit the various States to provide for the voluntary reciting of the Lord's Prayer and the reading of verses of the Bible in public schools.

Referred to Committee on Rules.

By Messrs. SHUMAN, ARTHURS, TAYLOR  
and D. M. DAVIS

(Concurrent) **RESOLUTION No. 7**

National motto, "In God We Trust" to be suitably placed in the Senate and the House of the General Assembly out of respect to the teachings of its Founder, and as a guide to the actions of the members of the Senate and the House of Representatives.

Referred to Committee on Rules.

By Mr. BERKES, Mrs. ANDERSON,  
Messrs. GALLAGHER, MILLER, SCANLON,  
GREENFIELD, LaMARCA, SAVITT,  
J. H. HAMILTON, Mrs. CRAWFORD, Messrs. MEBUS,  
McCLATCHY, SCIRICA, Mrs. FAWCETT,  
Messrs. DAGER, GLEASON, R. W. WILT, PIEVSKY,  
RAPPAPORT, BLAIR, BRAIG, DOMBROWSKI,  
KOLTER, SCHMITT, VALICENTI, NOVAK,  
Mrs. GILLETTE, Messrs. ENGLEHART, GOODMAN  
and E. B. DAVIS **RESOLUTION No. 8**

Speaker of the House of Representatives to appoint a committee of ten members, consisting of six from majority party and four from minority party to conduct a continuing study and investigation of the narcotic laws of the Commonwealth to determine if there is a need to change those laws.

Referred to Committee on Rules.

### REMARKS SUBMITTED FOR THE JOURNAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Murtha. For what purpose does the gentleman rise?

Mr. MURTHA. Mr. Speaker, I have remarks I would like to submit for the record.

The SPEAKER pro tempore. The gentleman will send them to the desk. The request will be so recorded.

Mr. MURTHA offered the following remarks for the Legislative Journal:

Mr. Speaker, Dr. Eric Walker, former president of Pennsylvania State University, left his students with remarks about the older generation which I believe are quite appropriate and should be recorded in the official record.

"I would like to introduce you to people you already know—your parents and grandparents," he told the student body. "And remarkable people they are indeed."

Dr. Walker reminded his young audience that theirs is a better world because of these people. He said: "Because they were materialistic, you will work fewer hours, earn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition."

"These remarkable people lived through history's greatest depression. Many know what it is to be poor, to be hungry and cold. And because of this, they determined that it would not happen to you—that you would have

By Messrs. SHELHAMER, IRVIS, FINEMAN, Mrs. ANDERSON, Messrs. GREENFIELD, PIEVSKY, KAUFMAN, BERKES, SCANLON, STONE, HETRICK, HILL, H. S. PARKER, ANDERSON, McCURDY, WESTERBERG, WORRILLOW, WELLS, STOUT, KNEPPER, BURKARDT, J. JOHNSON, HOPKINS, O'PAKE, O'CONNELL, D. M. DAVIS, SHANE, PIPER, SCHEAFFER, COYNE, ALEXANDER, McCLATCHY, HOVIS, Mrs. FAWCETT, Messrs. BIXLER, MORRIS, D. S. HAYES, ARTHURS, HALVERSON, CESSAR, Mrs. KELLY, Mrs. TOLL, Messrs. MASTRANGELO, SCHMITT, MOORE, WILSON, SCRICA, FRANKENBURG, J. B. KELLY, SHERMAN, DORSEY, FRYER, STERLE, KLUNK, KLEPPER, R. O. DAVIS, W. W. ALLEN, F. M. ALLEN, HORN, KENNEDY, ROWE, MURTHA, DAGER, WISE, P. A. GLEASON, WEIDNER, BITTER, SMITH, BLAIR, GALLER, REYNOLDS, RENNINGER, SHUMAN, YAHNER, ECKENBERGER, ZIMMERMAN, ZORD, ZELLER, GEFSEY, R. K. HAMILTON, COMER, LUTTY, SULLIVAN, H. W. WILT, GEKAS, DININNI, KOLTER, EARLY, McMONAGLE, BITTLE, Mrs. GILLETTE, Messrs. THOMAS, LEE, DREIBELBIS, SELTZER, FRANK LYNCH, S. E. HAYES, DOYLE, ZEARFOSS, PIPER, J. H. HAMILTON, W. W. WILT, WRIGHT, DOMBROWSKI, LEHR, KAHLE, HORNER and BRAIG

**RESOLUTION No. 15**

Speaker of the House of Representatives to appoint a committee of twenty-three members, fourteen from the majority and nine from the minority parties to study the administration of all phases of public assistance in Pennsylvania.

Referred to Committee on Rules.

**RESOLUTIONS REPORTED AS COMMITTED****HOUSE RESOLUTION No. 5** By Mr. LUTTY

**RESOLVED**, That the Speaker of the House of Representatives appoint a committee of ten members, consisting of six from the majority party and four from the minority party to conduct a continuing study and investigation of the narcotic laws of the Commonwealth to determine if there is a need to change those laws.

Reported from Committee on Rules.

**HOUSE RESOLUTION No. 9** By Mr. LUTTY

**RESOLVED** (the Senate concurring), That the Speaker of the House of Representatives appoint five members of the House, three of whom shall be of the majority party, and two of the minority party, and that the President Pro Tempore of the Senate appoint five members of the Senate, three of whom shall be of the majority party, and two of the minority party, to a committee to investigate the problem of the pollution of Lake Erie. Such committee shall investigate the causes of such pollution from whatever source and shall make recommendations for legislative action necessary to correct such pollution.

Reported from Committee on Rules.

**HOUSE RESOLUTION No. 15**

By Mr. LUTTY

**RESOLVED**, That the Speaker of this House of Representatives appoint a committee of fifteen members, eight from the majority party and seven from the minority party to study the administration of all phases of public assistance in Pennsylvania.

Reported from Committee on Rules.

**BILLS REPORTED AND CONSIDERED FIRST TIME****HOUSE BILL No. 1**

By Mr. LUTTY

A Joint Resolution proposing an amendment to article eight, sections one and two of the Constitution of the Commonwealth of Pennsylvania further providing for uniformity of taxation and exemptions thereto.

Reported from Committee on Rules.

**HOUSE BILL No. 93**

By Mr. LUTTY

A Joint Resolution proposing an amendment to article one, section six of the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to provide, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

Reported from Committee on Rules.

**HOUSE BILL No. 127**

By Mr. LUTTY

A Joint Resolution proposing an amendment to Article III section 27 of the Constitution of the Commonwealth of Pennsylvania providing for a change in salary of county officers when there is a change of classification of the county.

Reported from Committee on Rules.

**BILLS REPORTED AS AMENDED****HOUSE BILL No. 14**

By Mr. LUTTY

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania prohibiting the denial or abridgment of rights because of sex.

Reported from Committee on Rules.

**HOUSE BILL No. 31**

By Mr. LUTTY

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Reported from Committee on Rules.

**ADJOURNMENT**

Mr. CESSAR moved that this House do now adjourn until Monday, February 1, 1971, at 3 p.m., e.s.t.

The motion was agreed to, and (at 12:55 p.m., c.s.t.) the House adjourned.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 31

Session of  
1971

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INTRODUCED BY MESSRS. KURY, LAUDADIO, BENNETT, RENWICK, FINEMAN, IRVIS, ENGLEHART, WISE, SHELHAMER, FEE, W. W. WILT, STEELE, HETRICK, SCHMITT, SELTZER, BEREN, MALADY, MANDERINO, GOODMAN, DREIBELBIS, KLUNK, KLEPPER, HOVIS, KENNEDY, BLAIR, STONE, BERSON, NEEDHAM, WANSACZ, MEHOLCHICK, WARGO, PEZAK, SHUPNIK, HALVERSON, RAPPAPORT, BERKES, MRS. GILLETTE, MESSRS. KAUFMAN, TAYLOR, SHANE, FOX, MEBUS, RYAN, HEPFORD, ZEARFOSS, ALEXANDER, W. W. ALLEN, F. M. ALLEN, MASTRANGELO, MANBECK, BURKARDT, H. S. PARKER, KNEPPER, WELLS, CESSAR, BRAIG, RUGGIERO, RYBAK, WILLIAMS, KOWALYSHYN, MYERS, ECKENSBERGER, BRUNNER, O'PAKE, BELLOMINI, DOMBROWSKI, O'CONNELL, ZELLER AND SMITH, JANUARY 6, 1971

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AS REPORTED FROM COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,  
AS AMENDED, JANUARY 26, 1971

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## A JOINT RESOLUTION

1 Proposing an amendment to article one of the Constitution of the  
2 Commonwealth of Pennsylvania providing for the preservation  
3 and restoration of our natural resources.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 the Commonwealth of Pennsylvania is proposed in accordance with  
8 the provisions of the eleventh article thereof:

9 That article one of the Constitution of the Commonwealth of  
10 Pennsylvania be amended by adding at the end thereof, a section  
11 to read:

12 Section 27. Natural Resources and the Public Estate.--The  
13 people have a right to clean air, pure water, and to the

1 preservation of the natural, scenic, historic and esthetic <—  
2 values of the environment. Pennsylvania's public natural  
3 resources are the common property of all the people, including  
4 generations yet to come. As trustee of these resources, the  
5 Commonwealth shall conserve and maintain them for the benefit of  
6 all the people.

7       SECTION 2. THIS PROPOSED AMENDMENT SHALL BE SUBMITTED BY THE <—  
8 SECRETARY OF THE COMMONWEALTH TO THE QUALIFIED ELECTORS OF THE  
9 STATE, AT THE PRIMARY ELECTION NEXT HELD AFTER THE ADVERTISING  
10 REQUIREMENTS OF ARTICLE ELEVEN, SECTION ONE OF THE CONSTITUTION  
11 OF THE COMMONWEALTH OF PENNSYLVANIA HAVE BEEN SATISFIED.



Bellomini	Gleason	Martino	Shane
Bennett	Gleason	Matrangelo	Shelburner
Beran	Good	McClatchy	Shelton
Berkes	Goodman	McClue	Sherman
Beynon	Greenfield	McClardy	Shuman
Biddle	Gring	McGraw	Stumpuk
Bixler	Holmes	McManagle	Smith
Blair	Hamilton J. H.	McNair	Spencer
Bonetto	Hamilton R. K.	McNolichick	Steele
Braig	Harrier	Mellon	Stemmer
Brunner	Haskell	Miller	Stone
Burkhardt	Haver, D. S.	Moore	Stout
Burks	Haves, S. R.	Morris	Sullivan
Caputo	Hemford	Morris	Taylor
Cassar	Herrick	Mullen, M. M.	Thomas
Comer	Hill	Mullen, M. P.	Toll
Councilino	Homer	Murtha	Ustynski
Cayne	Hookins	Musto	Valicenti
Crawford	Horn	Myers	Vann
Crowley	Hornor	Needham	Walsh
Dager	Harris	Novak	Wancacz
Davis, D. M.	Hutchinson	O'Brien	Wanco
Davis, E. B.	Irvis	O'Connell	Weidner
Davis, R. O.	Johnson, G. R.	O'Take	Wells
DeMedio	Johnson, J. J.	Pancoast	Weeberberg
Dinmunt	Kahle	Parker, H. L.	Williams
Dombrowski	Katz	Parker, S. H.	Wilson
Dowdy	Kaufman	Przak	Witt, R. W.
Doyle	Kelly, A. P.	Plevsky	Witt, W. W.
Dreibelbis	Kelly, J. B.	Piper	Wise
Early	Kennedy	Prendergast	Worflow
Eckensberger	Kester	Rampant	Wojdak
Engelhart	Kistler	Renwick	Wright
Fawcett	Klepper	Reynolds	Yabner
Fee	Klink	Rieger	Yohn
Fenrich	Kneppert	Ritter	Zearfoss
Fischer	Koller	Rowe	Zeller
Fior	Kowalshyn	Rusne	Zimmerman
Foster	Kury	Ruggiero	Zord
Fox	LaMars	Rush	
Frank	Laudadio	Rybak	Fineman, Speaker
Frankenburg	Lechner	Saboom	
Fryer	Lee	Savitt	

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

## CALENDAR

### BILLS ON FIRST CONSIDERATION

Agreeable to order,

The House proceeded to the first consideration of House bill No. 14, printer's No. 53, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania prohibiting the denial or abridgment of rights because of sex.

Said bill was considered the first time and agreed to.

Agreeable to order,

The House proceeded to the first consideration of House bill No. 31, printer's No. 54, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

Said bill was considered the first time and agreed to.

### BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 1, printer's No. 1, entitled:

A Joint Resolution proposing an amendment to article eight, sections one and two, of the Constitution of the Commonwealth of Pennsylvania, further providing for uniformity of taxation and exemptions therefor.

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

### BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 1, printer's No. 1, be recommitted to the Committee on Ways and Means. The motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of House bill No. 93, printer's No. 104, entitled:

A Joint Resolution proposing an amendment to article one, section six of the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to provide by law that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 127, printer's No. 138, entitled:

A Joint Resolution proposing an amendment to Article III, section 27, of the Constitution of the Commonwealth of Pennsylvania, providing for a change in salary of county officers when there is a change of classification of the county.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

## RESOLUTION

The SPEAKER pro tempore. The gentleman from Bucks, Mr. Berkes, calls up House Resolution No. 8, printer's No. 49, entitled:

House Bipartisan Committee to conduct a continuing study and investigation of the narcotic laws of the Commonwealth.

On the question,

Will the House adopt the resolution?

It was adopted.

## RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, the remaining resolutions on today's calendar will be passed over. The Chair hears no objection.

## SENATE MESSAGE

### TIME OF NEXT MEETING

The clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read:

In the Senate, February 1, 1971.

RESOLVED (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 8, 1971 at a time to be fixed by the Senate, and when the House of Representatives adjourns this week it reconvene on Monday, February 8, 1971 at a time to be fixed by the House of Representatives.

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

place in the twenty-fourth Pennsylvania Veterans of Foreign Wars Annual Voice of Democracy Essay Contest. With over fourteen thousand young Pennsylvanians taking part in this commendable contest, Richard's achievement is certainly deserving of recognition and admiration. The title of his essay was "Freedom, Our Heritage," and his award consisted of \$1,250 in United States Savings Bonds.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania, commends Mr. Richard Scarer on his award of third place in the Pennsylvania Veterans of Foreign Wars Annual Voice of Democracy Essay Contest and further his personal congratulations are extended to Richard by the Honorable Samuel E. Hayes, Jr.; and further directs that a copy of this citation be delivered to Mr. Richard Scarer, 217 North Tenth Street, Tyrone, Pennsylvania 16886.

SAMUEL E. HAYES

On the question,

Will the House adopt the resolutions?

They were adopted.

The SPEAKER. The Chair extends its congratulations to all three winners.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I would like to ask that the House be declared in recess until 1:30. I would ask the Democratic members to come immediately to the caucus room on the first floor so that we may go over the calendar. We should go over the calendar for 20 minutes only and then we will give you a chance to get your lunch and ask you to be back here on the floor at 1:30.

Recess until 1:30, Mr. Speaker, please.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority whip.

Mr. BUTERA. Mr. Speaker, I would request the Republican members to proceed immediately to caucus also. The caucus should not take more than 15 or 20 minutes, but thereafter we will go to lunch.

### RECESS

The SPEAKER. Without objection, the Chair now declares a recess until 1:30 p.m.

### AFTER RECESS

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

### THE SPEAKER PRO TEMPORE (Robert K. Hamilton) IN THE CHAIR

### MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take up the business of today's master roll call. Members will indicate their presence by voting "aye."

The roll was taken and was as follows:

Alexander	Gallen	Lutty	Saloom
Allen, F. M.	Gossy	Lynch, Francis	Savitt
Allen, W. W.	Gelsler	Lynch, Frank	Seamon

Anderson, J. H.	Cekas	Malady	Scheaffer
Anderson, S. A.	Gelfand	Mauback	Schmitt
Arthur	Gillette	Manderino	Schulze
Barber	Gleason	Martino	Scirica
Bellomini	Gleason	Mastrangelo	Seltzer
Bennett	Good	McClatchy	Semanoff
Boren	Goodman	McCue	Shane
Berkas	Greenfield	McCurdy	Shelhamer
Bergan	Gring	McGraw	Shelton
Bittle	Halverson	McMonagle	Sherman
Bisler	Hamilton, J. H.	McPhus	Shuman
Blair	Hamilton, B. K.	Meholchick	Shupnik
Bonetto	Harrier	Melton	Smith
Brady	Hackell	Miner	Spencer
Brunner	Hayes, D. S.	Moore	Steele
Burkardt	Hayes, S. E.	Morris	Stemmer
Butera	Hepford	Moscrip	Stone
Caputo	Herrick	Mullen, M. M.	Stout
Cassar	Hill	Mullen, M. P.	Sullivan
Cramer	Homer	Murtha	Taylor
Coppolino	Hopkins	Musto	Thomas
Coyne	Horn	Myers	Toll
Crawford	Hornier	Needham	Ustynoski
Crowley	Hovis	Novak	Valicenti
Dager	Hutchinson	O'Brien	Vann
Davis, D. M.	Irvis	O'Connell	Walsh
Davis, E. B.	Johnson, G. R.	O'Donnell	Wansacz
Davis, R. O.	Johnson, J. J.	O'Pake	Wargo
DeMedio	Kahle	Pancoast	Weidner
Dinhmi	Katz	Parker, B. L.	Wells
Dembrowski	Kaufman	Parkor, E. H.	Westerberg
Dorsey	Kelly, A. P.	Perry	Williams
Doyle	Kelly, J. B.	Pezak	Wilson
Dreibelbis	Kerucdy	Pievsky	Wilt, E. W.
Early	Kester	Piper	Wilt, W. W.
Eckenberger	Kistler	Prendergast	Wise
Engelhart	Klepper	Rappaport	Wojdak
Fawcett	Klunk	Reminger	Worrlow
Fee	Knepper	Renwick	Wright
Fennich	Kolter	Reynolds	Yahner
Fischer	Kowslyshyn	Rieger	Yohn
Four	Kury	Ritter	Zearfoss
Foster	LaMarca	Rowe	Zeller
Fox	Laudadio	Ruzane	Zimmerman
Frank	Loderer	Ruggiero	Zord
Frankenburg	Lee	Rush	
Fryer	Lehr	Ryan	
Gallagher	Lotterman	Rybak	Fineman, Speaker

The SPEAKER pro tempore. Two hundred two members having indicated their presence, a master roll is established.

### CALENDAR

### BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 14, printer's No. 53, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania prohibiting the denial or abridgment of rights because of sex.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of House bill No. 31, printer's No. 54, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of Senate bill No. 24, printer's No. 27, entitled:

And said bill having been considered the second time and agreed to,  
Ordered, to be transcribed for third consideration.

### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

Agreeable to order,  
The House proceeded to second consideration of House bill No. 193, printer's No. 213, entitled:

An Act making an appropriation to the Department of Community Affairs for payments in lieu of taxes to certain tax levying authorities of the political subdivisions of the Commonwealth in which Commonwealth owned real property is situate.

And said bill having been considered the second time and agreed to,  
Ordered, to be transcribed for third consideration.

### BILLS ON THIRD CONSIDERATION

Agreeable to order,  
The House proceeded to second consideration of House bill No. 14, printer's No. 53, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania prohibiting the denial or abridgment of rights because of sex.

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

And said bill having been considered on three different days and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—199

Alexander	Gallen	Letierman	Savitt
Allen, F. M.	Geasey	Lutty	Seaton
Allen, W. W.	Geisler	Lynch, Francis	Scheaffer
Anderson, J. H.	Gekas	Lynch, Frank	Schmitt
Anderson, S. A.	Gelfand	Malady	Schulze
Arthurs	Gillette	Manbeck	Seirica
Barber	Gleason	Manderino	Seitzer
Bellomini	Gleeson	Martino	Semanoff
Bennett	Gleeson	Mastrangelo	Shane
Beron	Good	McClatchy	Shelhamer
Berkas	Goodman	McCue	Shelton
Berson	Greenfield	McCurdy	Sherman
Bittle	Gring	McGraw	Shuman
Bixler	Halverson	McMongle	Shugnik
Blair	Hamilton, J. H.	Mabus	Smith
Bonetto	Hamilton, R. K.	Mcholchick	Spencer
Braig	Harrier	Melton	Steele
Brueney	Haskell	Miller	Stenander
Burkardt	Hayes, D. S.	Moore	Stone
Butera	Hayes, S. E.	Morris	Stout
Caputo	Hepford	Moscrip	Sullivan
Cesar	Hotchick	Mullen, M. M.	Taylor
Comer	Hill	Mullen, M. P.	Thomas
Coppolino	Hamer	Murtha	Toll
Coyne	Hopkins	Mosto	Ustynoski
Crawford	Horn	Myers	Vajcenti
Crowley	Hornor	Needham	Vann
Dager	Hovis	Novak	Walsh
Davis, D. M.	Hutchinson	O'Brien	Wansack
Davis, E. B.	Irvin	O'Connell	Wargo
Davis, R. O.	Johnson, G. E.	O'Fate	Weidner
DeMedio	Johnson, J. J.	Pancosast	Wells
Delamini	Kable	Parker, B. L.	Westberg
Dombrowski	Katz	Parker, H. S.	Williams
Dorsey	Kaufman	Perry	Wilson
Doyle	Kelly, A. P.	Picovsky	Witt, H. W.
Dreibelbis	Kelly, J. B.	Piper	Witt, W. W.
	Kennedy		

Early	Kester	Prndergast	Wise
Eckensburger	Kistler	Rappaport	Wojdak
Engelhart	Klepper	Benninger	Warrlow
Fawcett	Klunk	Renwick	Wright
Foo	Knepper	Reynolds	Yahner
Fenrich	Kolter	Rieger	Yohn
Fischer	Kowalsky	Ritter	Zeaross
Foor	Kirby	Rowe	Zeller
Foster	LaMarca	Ruane	Zimmerman
Fox	Laudadio	Ruggiero	Zord
Frank	Ledger	Rush	
Frankenburg	Lee	Rybak	Fineman, Speaker
Fryer	Lehr	Saloom	
Gallagher			

#### NAYS—0

#### NOT VOTING—3

O'Donnell Perak Ryan

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

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

Agreeable to order,  
The House proceeded to third consideration of House bill No. 31, printer's No. 54, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

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

And said bill having been considered on three different days and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—199

Alexander	Gallen	Letierman	Savitt
Allen, F. M.	Geasey	Lutty	Seaton
Allen, W. W.	Geisler	Lynch, Francis	Scheaffer
Anderson, J. H.	Gekas	Lynch, Frank	Schmitt
Anderson, S. A.	Gelfand	Malady	Schulze
Arthurs	Gillette	Manbeck	Seirica
Barber	Gleason	Manderino	Seitzer
Bellomini	Gleeson	Martino	Semanoff
Bennett	Good	Mastrangelo	Shane
Beron	Goodman	McClatchy	Shelhamer
Berkas	Greenfield	McCue	Shelton
Berson	Gring	McCurdy	Sherman
Bittle	Halverson	McGraw	Shuman
Bixler	Hamilton, J. H.	McMongle	Shugnik
Blair	Hamilton, R. K.	Mabus	Smith
Bonetto	Harrier	Meholchick	Spencer
Braig	Haskell	Melton	Steele
Brueney	Hayes, D. S.	Miller	Stenander
Burkardt	Hayes, S. E.	Moore	Stone
Butera	Hepford	Morris	Stout
Caputo	Hickrick	Moscrip	Sullivan
Cesar	Hill	Mullen, M. M.	Taylor
Comer	Hamer	Mullen, M. P.	Thomas
Coppolino	Hopkins	Murtha	Toll
Coyne	Horn	Mosto	Ustynoski
Crawford	Hornor	Myers	Vajcenti
Crowley	Hovis	Needham	Vann
Dager	Hutchinson	Novak	Walsh
Davis, D. M.	Irvin	O'Brien	Wansack
Davis, E. B.	Johnson, G. E.	O'Connell	Wargo
Davis, R. O.	Johnson, J. J.	O'Fate	Weidner
DeMedio	Kable	Pancosast	Wells
Delamini	Katz	Parker, B. L.	Westberg
Dombrowski	Kaufman	Parker, H. S.	Williams
Dorsey	Kelly, A. P.	Perry	Wilson
Doyle	Kelly, J. B.	Picovsky	Witt, H. W.
Dreibelbis	Kennedy	Piper	Witt, W. W.

Rakensberger	Kistler	Benninger	Wojdak
Englehart	Klepper	Reynolds	Worrlow
Fawcett	Klunk	Reynolds	Wright
Fee	Knepper	Rieger	Yahner
Fenrich	Kolter	Ritter	Yohn
Fischer	Kowalsky	Rowe	Zearfoss
Foor	Kury	Ruane	Zeller
Foster	LaMarca	Ruggiero	Zimmerman
Fox	Laudadio	Rush	Zord
Frank	Lederer	Ryan	
Frankenburg	Lee	Rybak	Fineman, Speaker
Fryer	Lehr	Saloom	
Gallagher			

## NAYS—0

## NOT VOTING—3

O'Donnell Parker, H. S. Pezak

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

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 93, printer's No. 104, entitled:

A Joint Resolution proposing an amendment to article one, section six of the Constitution of the Commonwealth of Pennsylvania authorizing the General Assembly to provide by law that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

On the question,

Will the House agree to the bill on third consideration?

It was agreed to.

And said bill having been considered on three different days and agreed to,

On the question,

Shall the bill pass finally?

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

## YEAS—167

Anderson, J. H.	Gelfand	Lynch, Frank	Rybak
Anderson, S. A.	Gillette	Malady	Savitt
Arfurs	Gleason	Manderino	Scanlon
Barber	Gleason	Martino	Scheaffer
Bellomini	Good	Matrangola	Schulze
Bennett	Goodman	McClatchy	Scirica
Beren	Greenfield	McCurdy	Seltzer
Bertus	Gring	McGraw	Scmanoff
Berson	Hamilton, R. K.	McMonagle	Shane
Bittle	Haskill	Mebus	Shelhamer
Bixler	Hayes, D. S.	Melchick	Shelton
Blair	Hayes, S. E.	Melton	Sherrman
Bonetto	Hedrick	Miller	Shupnik
Braig	Hill	Morris	Smith
Bruner	Homer	Moscrip	Spencer
Burkhardt	Hopkins	Mullen, M. M.	Steele
Buters	Horn	Mullen, M. P.	Stemmler
Caputo	Hornar	Murtha	Stone
Cassar	Hovis	Musto	Stout
Comer	Ivins	Myers	Sullivan
Coppolino	Johnson, J. J.	Needham	Taylor
Crawford	Kahle	Novak	Thomas
Crowley	Katz	O'Brien	Toll
Dager	Kaufman	O'Connell	Ustynski
Davis, D. M.	Kelly, A. P.	O'Pake	Vallenti
Davis, E. B.	Kelly, J. B.	Pancost	Walsh
Davis, E. O.	Kester	Parker, B. L.	Wansacz
DeMedio	Kistler	Parker, H. S.	Wargo
Donabrowski	Klepper	Perry	Weidner
Dorsey	Klunk	Pezak	Wells
Dreibelbis	Knepper	Plewsky	Wilson
Rakensberger	Kolter	Piper	Wilt, R. W.
Englehart	Kowalsky	Prendergast	Wise
Fawcett	Kury	Reininger	Wojdak
Fee	LaMarca	Reynolds	Worrlow
Fenrich	Laudadio	Rieger	Wright
Foor	Lederer	Rowe	Yahner
Foster	Lee		Yohn

Fox	Lehr	Ruane	Zearfoss
Fryer	Letterman	Ruggiero	
Geasey	Luffy	Rush	Fineman, Speaker
Geisler	Lynch, Francis	Ryan	
Gekas			

## NAYS—29

Alexander	Frankenburg	Johnson, G. R.	Schmitt
Allen, F. M.	Gallen	Kennedy	Shuman
Allen, W. W.	Halverson	Membeck	Westerberg
Coyne	Hamilton, J. H.	McCue	Williams
Dininni	Harrier	Moore	Wilt, W. W.
Doyle	Hepford	Rappaport	Zeller
Fischer	Hutchinson	Saloom	Zimmerman
Frank			

## NOT VOTING—6

Early Gallagher O'Donnell Ritter Vann Zord

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

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

## QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Wilt. For what purpose does the gentleman rise?

Mr. W. W. WILT. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it. Mr. W. W. WILT. Mr. Speaker, my switch was operated in the "nay" position, but it was not recorded on the board. I wish to be recorded as voting "nay," please.

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

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

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

The SPEAKER pro tempore. The gentleman will state it. Mr. RITTER. Mr. Speaker, when the vote was taken on House bill No. 93, printer's No. 104, I was attending a meeting of the State Highway and Bridge Authority. I would like the record to show had I been in my seat and voting, 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 Allegheny, Mr. Coyne. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it. Mr. COYNE. Mr. Speaker, on House bill No. 93 I would like to have the record show I voted "aye" instead of "nay."

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

## PHOTOGRAPHS TO BE TAKEN

The SPEAKER pro tempore. The Chair at this time will give the members notice that there will be some pictures taken in the hall of the House, but not in the aisles.

## BILLS INTRODUCED AND REFERRED

By Messrs. COMER, SULLIVAN, BRAIG, Mrs. KELLY,

# Legislative Journal

MONDAY, FEBRUARY 8, 1971

Session of 1971

155th of the General Assembly

Vol. 1, No. 9

## SENATE

MONDAY, February 8, 1971

The Senate met at 3:00 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Ernest P. Kline) in the Chair.

## PRAYER

The Chaplain, The Reverend JOSEPH ADONIZIO, Pastor of Saint Mary of the Immaculate Conception Church, Wilkes-Barre, offered the following prayer:

In the name of the Father, Son and Holy Spirit. Amen.  
Keep us, God, from pettiness. Let us be large in thought, in word and in deed. Let us be done with fault-finding and leave off self-seeking. May we never be hasty in judgment and always generous. Let us take time for all things. Make us grow calm, serene and gentle. Teach us to put into action our better impulses, straightforward and unafraid. Grant that we may realize that it is the little things which create differences; that in the big things of life, we are as one.

May we finally strive to touch and to know the heart of God, and, Lord God, let us not forget, in this life, to be kind.

In the name of the Father, Son and Holy Spirit. Amen.

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Mr. LAMB and Mr. SMITH, further reading was dispensed with, and the Journal was approved.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 14, 31 and 93**, which were referred to the Committee on Rules.

### SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate, **SB 27**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will be laid on the table.

## BILL SIGNED

The President (Lieutenant Governor Ernest P. Kline) in the presence of the Senate signed the following bill: **HB 2**.

## BILLS INTRODUCED AND REFERRED

Mr. CIANFRANI presented to the Chair **SB 254**, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," redefining the offense concerning actions of officers of State-aided institutions interested in certain contracts with their institutions.

Which was committed to the Committee on Judiciary.

Messrs. STAUFFER, HANKINS, DUFFIELD, DENG-LER, HOBBS, EWING, MURPHY, NOLAN, DWYER and Mrs. REIBMAN presented to the Chair **SB 255**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," precluding future administrative increases in State school building reimbursement levels and repealing time limitation on construction.

Which was committed to the Committee on Education.

They also presented to the Chair **SB 256**, entitled:

An Act requiring the State Public School Building Authority to initiate and coordinate a component systems school construction program; authorizing all school districts to participate therein; and making an appropriation.

Which was committed to the Committee on Education.

Messrs. STAUFFER, HANKINS, DUFFIELD, DENG-LER, HOBBS, EWING, MURPHY, NOLAN and DWYER presented to the Chair **SB 257**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," requiring the approval of the electors prior to the construction or lease of a public school building.

Which was committed to the Committee on Education.

They also presented to the Chair **SB 258**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," permitting single construction contracts for school buildings.

Which was committed to the Committee on Education.

Messrs. STAUFFER, HANKINS, DUFFIELD, DENG-LER, HOBBS, EWING, MURPHY, NOLAN, DWYER and Mrs. REIBMAN presented to the Chair **SB 259**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the provisions relating to building standards; providing for hearings on exceptions; changing the composition of the Advisory Committee on Standards; and requiring benefit-cost justifications for revisions.

Which was committed to the Committee on Education.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing that additional appropriations for increased existing appropriations may be made during a fiscal year to increase the salaries of the employes of the board.

Which was committed to the Committee on Education.

Mrs. REIBMAN and Mr. FRAME presented to the Chair **SB 289**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for salaries of certain professional and temporary professional employes under local salary schedules.

Which was committed to the Committee on Education.

Mrs. REIBMAN and Messrs. STAPLETON, NOLAN, MESSINGER and FRAME presented to the Chair **SB 290**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for confidentiality of student communications.

Which was committed to the Committee on Education.

Mrs. REIBMAN and Messrs. MESSINGER, HESS and DWYER presented to the Chair **SB 291**, entitled:

An Act making an appropriation to the Department of Education for the purpose of reimbursing school districts for costs involved in ending de facto segregation.

Which was committed to the Committee on Appropriations.

Mrs. REIBMAN and Messrs. MESSINGER, MELLOW, LAMB, W. E. FLEMING and DENGLER presented to the Chair **SB 292**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for courses in dental hygiene and increasing the reimbursement by the Commonwealth to school districts for the employment of dental hygienists.

Which was committed to the Committee on Education.

Mrs. REIBMAN and Mr. MURRAY presented to the Chair **SB 293**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for the cost of defending civil and criminal actions brought against certain employes, and school directors, trustees, student teachers and faculty members.

Which was committed to the Committee on Education.

Mrs. REIBMAN presented to the Chair **SB 294**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," implementing the constitutional right of appeal in cases of adjudications by the State Board of Education concerning changes in school district boundaries.

Which was committed to the Committee on Education.

She also presented to the Chair **SB 295**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "The Third Class City Code," further providing for payments to widows and children of policemen retired on pension or who die while in the service.

Which was committed to the Committee on Judiciary.

Messrs. STROUP and HILL presented to the Chair **SB 296**, entitled:

An Act amending the act of December 27, 1951 (P. L.

1742), entitled, as amended, "The Realty Transfer Tax Act," further providing for content of certain affidavits.

Which was committed to the Committee on Judiciary.

Messrs. BELL, STAUFFER, DENGLER, HOLL and W. E. FLEMING presented to the Chair **SB 297**, entitled:

An Act amending the act of August 5, 1932 (P. L. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect, or to provide for the levying, assessment and collection of, certain additional taxes for general revenue purposes; . . ." prohibiting the imposition of wage, income or occupation taxes on nonresidents and abolishing such taxes heretofore imposed.

Which was committed to the Committee on Local Government.

Messrs. DWYER, BELL, CIANFRANI, MAZZEI and ROVNER presented to the Chair **SB 298**, entitled:

An Act amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, "Tax Act of 1963 for Education," exempting from the tax certain motor vehicles purchased by servicemen.

Which was committed to the Committee on Finance.

## REPORTS FROM COMMITTEE

Mr. GERHART, from the Committee on Rules, reported, as committed, **HB 14, 31, 93 and 127**.

## RESOLUTION REPORTED FROM COMMITTEE

Mr. GERHART, from the Committee on Rules, reported without amendment, Senate Resolution, Serial No. 5, entitled:

Senate Committee to study the administration of all phases of public assistance.

The PRESIDENT. The resolution will be placed on the Calendar.

## BILL REREFERRED

Mr. GERHART, from the Committee on Rules, returned to the Senate, **SB 1**, which was rereferred to the Committee on Constitutional Changes and Federal Relations.

## SENATE RESOLUTION

### CONGRATULATING LOUELLA FURLONG ON HER 100TH BIRTHDAY ANNIVERSARY

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

In the Senate, February 8, 1971.

On December 22, 1970, Louella Furlong celebrated her one hundredth birthday. To this day she has enjoyed wonderful physical and mental health. She has had a long and eventful life and has gained the love and admiration of all who have come to know her; therefore be it

**RESOLVED**, That the Senate of the Commonwealth of Pennsylvania extends its heartiest best wishes to Louella Furlong on the occasion of her one hundredth birthday and expresses its hope that she will continue to enjoy life for many more years; and be it further

**RESOLVED**, That a copy of this resolution be delivered to Louella Furlong, 526 Simms Street, Philadelphia, Pennsylvania, 19116.

## SENATE CONCURRENT RESOLUTION

### WEEKLY ADJOURNMENT

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

In the Senate, February 8, 1971.

RESOLVED (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 15, 1971 at a time to be fixed by the Senate, and when the House of Representatives adjourns this week it reconvene on Monday, February 15, 1971 at a time to be fixed by the House of Representatives.

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

### BILLS ON FIRST CONSIDERATION

Mr. LAMB. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from Committees for the first time at today's Session.

Mr. MURRAY. Mr. President, I second the motion. The motion was agreed to.

The bills were as follows:

HB 14, 31, 93 and 127.

And said bills having been considered for the first time, Ordered, To be laid aside for second consideration.

### BILL SIGNED

The President (Lieutenant Governor Ernest P. Kline) in the presence of the Senate signed the following bill:  
SB 27.

### ADJOURNMENT

Mr. LAMB. Mr. President, I move that the Senate do now adjourn until Tuesday, February 9, 1971, at 10:30 a.m., Eastern Standard Time.

Mr. MURRAY. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 4.48 p.m., Eastern Standard Time.



her appointment she was President of Tucker Associates Public Relations. Some of her other accomplishments are these:—Vice-Chairman of the Pennsylvania State Democratic Committee; Executive Board member of the Pennsylvania Equal Rights Council; Vice-President of the Pennsylvania NAACP; Member of the United Fund Board of Trustees; Board member of the Philadelphia YWCA; Vice-President of the Fellowship Commission; Vice-Chairman of the Pennsylvania Negro Democratic Committee; Member of the Tribune Charities; Member of the Urban Coalition—Board of Directors; and, Board member of the New School of Music; therefore be it

**RESOLVED**, That the Senate of the Commonwealth of Pennsylvania congratulates Mrs. C. DeLores Tucker on being the first black person appointed as Secretary of the Commonwealth and wishes her well in the performance by her of the duties of that high office; and be it further

**RESOLVED**, That a copy of this resolution be delivered to Mrs. C. DeLores Tucker, Secretary of the Commonwealth of Pennsylvania.

#### **COMMENDING ZENON C. R. HANSEN FOR HIS EFFORTS IN DEVELOPING THE BULLDOG SAFETY DRIVERS' INSURANCE**

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

In the Senate, February 9, 1971.

Mr. Zenon C. R. Hansen, President and Chairman of the Board of Mack Trucks, Inc., was the prime force in developing the Bulldog Safety Drivers' Insurance. This low cost accident protection plan is available to members of the trucking industry who have completed one year of safe driving, and represents substantial progress in the area of highway safety; therefore be it

**RESOLVED**, That the Senate of the Commonwealth of Pennsylvania, recognizes this action as paramount in the promotion of highway safety and wishes to commend Mr. Hansen for his laudable efforts as a concerned Pennsylvanian; and be it further

**RESOLVED**, That a copy of this resolution be delivered to Mr. Zenon C. R. Hansen, President and Chairman of the Board of Mack Trucks, Inc., Mack Boulevard and Devonshire Road, Allentown, Pennsylvania 18103.

#### **SENATE CONCURRENT RESOLUTION**

##### **REQUESTING THE RELEASE AND PROPER TREATMENT OF AMERICANS HELD CAPTIVE IN NORTH VIETNAM**

Messrs. LAMB and R. D. FLEMING, on behalf of the entire Membership of the Senate, offered the following resolution (Serial No. 205), which was read, considered and adopted:

In the Senate, February 9, 1971.

Hundreds of American servicemen are being held as prisoners by the government of North Vietnam in violation of the Geneva Convention. The time has come to end the horrible treatment of these men.

The families of these prisoners and in particular the families of the men who are from Pennsylvania add their voices to the urgings communicated to the captors for the humane treatment of the men and for the immediate negotiation of their repatriation; therefore be it

**RESOLVED** (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania requests the release and proper treatment of the Americans now held captive in North Vietnam; and be it further

**RESOLVED**, That a copy of this resolution be delivered to the North Vietnamese Delegation, Paris Peace Conference, Paris, France.

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

#### **REPORT OF SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 59, SUBMITTED**

Mr. HOLL submitted the following communication and report of the Senate Committee to investigate construction of atomic generating plants in Pennsylvania, Session of 1970.

The communication was read by the Clerk as follows:

##### **SENATE OF PENNSYLVANIA**

February 9, 1971.

The Honorable Ernest P. Kline  
Lieutenant Governor  
Commonwealth of Pennsylvania  
200 Main Capitol Building  
Harrisburg, Pennsylvania

Dear Governor:

As Chairman of the Select Senate Committee created June 29, 1970 with the adoption of Senate Resolution No. 59, having to do with the manufacture of electric energy through the use of nuclear power, I hereby forward to you a report of said Committee signed by Senators Stapleton, Hill, Gerhart, Hawbaker, Davis and myself.

Yours truly,  
/s/ EDWIN G. HOLL  
Senator

EGH:djs  
Enclosure

The PRESIDENT. This report will be printed in the Appendix to the Legislative Journal.

#### **CALENDAR**

##### **SECOND CONSIDERATION CALENDAR**

##### **AMENDMENTS TO THE CONSTITUTION ON SECOND CONSIDERATION**

**HB 14** (Pr. No. 53); **HB 31** (Pr. No. 54); **HB 93** (Pr. No. 104) and **HB 127** (Pr. No. 138)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

##### **SENATE RESOLUTION, SERIAL No. 5 CALLED UP**

Mr. LAMB, without objection, called up from page 2 of the Calendar, Senate Resolution, Serial No. 5, entitled: Senate Committee to study the administration of all phases of public assistance.

On the question,  
Will the Senate adopt the resolution?

##### **SENATE RESOLUTION, SERIAL No. 5, ADOPTED**

Mr. LAMB. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 5.

Mr. SESLER. Mr. President, I second the motion.

The motion was agreed to and the resolution was adopted.

#### **SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL NO. 5**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of the following, pursuant to Senate Resolution, Serial No. 5, which



## SENATE CONCURRENT RESOLUTION WEEKLY ADJOURNMENT

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

In the Senate, February 15, 1971.

RESOLVED (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 22, 1971 at a time to be fixed by the Senate, and when the House of Representatives adjourns this week it reconvene on Monday, February 22, 1971 at a time to be fixed by the House of Representatives.

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

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### AMENDMENTS TO THE CONSTITUTION ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 14 (Pr. No. 53)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—45

Ammerman,	Fleming, R. D.,	Mahady,	Reibman,
Arlene,	Fleming, W. E.,	Manbeck,	Rovner,
Bell,	Gerhart,	Mazzei,	Sesler,
Cianfrani,	Hawbaker,	McCreesh,	Smith,
Confair,	Hess,	Mellow,	Snyder,
Coppersmith,	Hill,	Messinger,	Stapleton,
Davis,	Hobbs,	Murphy,	Stauffer,
Dengler,	Holl,	Murray,	Stroup,
Donolow,	Howard,	Nolan,	Tilghman,
Duffield,	Lamb,	Noszka,	Wade,
Dwyer,	Lentz,	Oesterling,	Wood,
Ewing,			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 31 (Pr. No. 54)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—45

Ammerman,	Fleming, R. D.,	Mahady,	Reibman,
Arlene,	Fleming, W. E.,	Manbeck,	Rovner,
Bell,	Gerhart,	Mazzei,	Sesler,
Cianfrani,	Hawbaker,	McCreesh,	Smith,
Confair,	Hess,	Mellow,	Snyder,
Coppersmith,	Hill,	Messinger,	Stapleton,
Davis,	Hobbs,	Murphy,	Stauffer,
Dengler,	Holl,	Murray,	Stroup,
Donolow,	Howard,	Nolan,	Tilghman,
Duffield,	Lamb,	Noszka,	Wade,
Dwyer,	Lentz,	Oesterling,	Wood,
Ewing,			

#### NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 93 (Pr. No. 104)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—44

Ammerman,	Fleming, R. D.,	Mahady,	Reibman,
Arlene,	Fleming, W. E.,	Manbeck,	Rovner,
Bell,	Gerhart,	Mazzei,	Sesler,
Cianfrani,	Hawbaker,	McCreesh,	Smith,
Confair,	Hess,	Mellow,	Snyder,
Coppersmith,	Hill,	Messinger,	Stapleton,
Dengler,	Hobbs,	Murphy,	Stauffer,
Donolow,	Holl,	Murray,	Stroup,
Duffield,	Howard,	Nolan,	Tilghman,
Dwyer,	Lamb,	Noszka,	Wade,
Ewing,	Lentz,	Oesterling,	Wood,

#### NAYS—1

Davis,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 127 (Pr. No. 138)**—Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEAS—44

Ammerman,	Fleming, R. D.,	Mahady,	Reibman,
Arlene,	Fleming, W. E.,	Manbeck,	Rovner,
Bell,	Gerhart,	Mazzei,	Sesler,
Cianfrani,	Hawbaker,	McCreesh,	Smith,
Confair,	Hess,	Mellow,	Snyder,
Davis,	Hill,	Messinger,	Stapleton,
Dengler,	Hobbs,	Murphy,	Stauffer,
Donolow,	Holl,	Murray,	Stroup,
Duffield,	Howard,	Nolan,	Tilghman,
Dwyer,	Lamb,	Noszka,	Wade,
Ewing,	Lentz,	Oesterling,	Wood,

#### NAYS—1

Coppersmith,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being intro-

duced, informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

### BILLS SIGNED

The President (Lieutenant Governor Ernest P. Kline) in the presence of the Senate signed the following bills: SB 160, HB 14, 31, 93 and 127.

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LAMB. Mr. President, at the request of the Committee Chairman, I announce a meeting of the Committee on Finance, to be held immediately, during which time the Senate can proceed with its business.

The PRESIDENT. There being no objection, the Committee on Finance will proceed with its meeting.

### UNFINISHED BUSINESS

#### BILLS INTRODUCED AND REFERRED

Messrs. DONOLOW, CIANFRANI, OESTERLING, MURRAY, McCREESH, LAMB, SESLER, GERHART and WADE presented to the Chair SB 329, 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 year July 1, 1970 to June 30, 1971, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1970.

Which was committed to the Committee on Appropriations.

Messrs. R. D. FLEMING, LAMB, OESTERLING and STROUP presented to the Chair SB 330, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," changing the minimum number of signatures required for the nomination of State-wide candidates and prohibiting the certification of votes cast on irregular ballots in primaries for certain persons unless the number is equal to or greater than the number of signatures required on a nomination petition for the particular office.

Which was committed to the Committee on Elections and Reapportionment.

Messrs. HILL, CIANFRANI, ARLENE, HANKINS, SMITH, ROVNER and McCREESH presented to the Chair SB 331, entitled:

An Act to provide for thirty additional law judges of the court of common pleas in the first judicial district.

Which was committed to the Committee on Judiciary.

Messrs. HILL, SMITH, MURRAY and McCREESH presented to the Chair SB 332, entitled:

An Act regulating the business of repairing motor vehicles; providing for the licensing of persons engaged therein; prescribing powers and duties of the Secretary of Revenue; prescribing penalties and making an appropriation.

Which was committed to the Committee on Highways.

Messrs. HILL, STAPLETON, BELL, DAVIS, W. E. FLEMING, NOLAN, MESSINGER, MELLOW, LAMB, SESLER, COPPERSMITH, AMMERMAN, GERHART and SMITH presented to the Chair SB 333, entitled:

An Act providing for the custody and control of abandoned and unclaimed property; providing for its disposition; imposing powers and duties on the Secretary of Revenue; and imposing penalties.

Which was committed to the Committee on State Government.

Mrs. REIBMAN and Mr. CIANFRANI presented to the Chair SB 334, entitled:

An Act amending the act of August 24, 1963 (P. L. 1132), entitled "Community College Act of 1963," further providing for the tuition charge of community colleges.

Which was committed to the Committee on Education.

They also presented to the Chair SB 335, entitled:

An Act amending the act of August 24, 1963 (P. L. 1132), entitled "Community College Act of 1963," increasing the maximum reimbursement by the Commonwealth of certain costs and expenses; providing for the lease or rental of capital equipment and furniture; and deleting the provisions dealing with the crediting of Federal funds.

Which was committed to the Committee on Education.

They also presented to the Chair SB 336, entitled:

An Act amending the act of June 1, 1959 (P. L. 350), entitled "Public School Employees' Retirement Code of 1959," adding State employes with multiple service to the definition of "contributor" for the purpose of purchasing certain service credits.

Which was committed to the Committee on Finance.

They also presented to the Chair SB 337, entitled:

An Act amending the act of June 1, 1959 (P. L. 392), entitled "State Employees' Retirement Code of 1959," further defining "contributor" for the purpose of purchasing credited service.

Which was committed to the Committee on Finance.

Messrs. HAWBAKER, STROUP, WADE, CIANFRANI, OESTERLING and NOLAN presented to the Chair SB 338, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978), entitled, as amended, "State Harness Racing Law," imposing permanent taxes on revenues of such plants for general school purposes in school districts of the first class.

Which was committed to the Committee on State Government.

Mr. SNYDER presented to the Chair SB 339, entitled:

An Act amending the act of May 2, 1945 (P. L. 382), entitled "Municipality Authorities Act of 1945," authorizing Authorities to have audits of their accounts prepared and to make certain reports on either a calendar year or fiscal year basis.

Which was committed to the Committee on Local Government.

Messrs. EWING, ROVNER, CIANFRANI and MURPHY presented to the Chair SB 340, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for referenda for Sunday sales by certain licensees.

Which was committed to the Committee on Law and Order.

# Legislative Journal

MONDAY, FEBRUARY 15, 1971

Session of 1971

155th of the General Assembly

Vol. 1, No. 17

## HOUSE OF REPRESENTATIVES

The House convened at 3 p.m., e.s.t.

THE SPEAKER PRO TEMPORE (C. L. Schmitt) IN THE CHAIR

### PRAYER

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

Heavenly Father, to Thee be the honor and the praise for all of the blessings of life which Thou hast seen fit to share with us. Out of a compulsion to express our thanks, we pause before Thee in sincerity of gratitude and thanksgiving.

On this day when we celebrate the birthday of the Father of Our Country, we thank Thee for the life of George Washington and for the integrity of life he exhibited; and we are especially grateful for the stalwart faith he inspired in Thee to those who followed his leading.

We humbly pray that the stamina of faith which he showed may be ours, the persistence of determination which he possessed we may attain, and the care and concern which he had for others we may likewise display. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Saturday, February 13, 1971, will be postponed until printed. The Chair hears no objection.

### MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Stout, who moves that the rules of the House be suspended to consider a privileged resolution.

On the question,

Will the House agree to the motion?

It was agreed to.

The SPEAKER pro tempore. The rules are so suspended and the clerk will read the resolution.

### RESOLUTION

#### CONGRATULATING JOHN TIMO ON SUCCESSFUL CLIMB

Mr. STOUT requested and obtained unanimous consent to offer the following resolution for immediate consideration, which was read, considered and adopted:

In the House of Representatives, February 15, 1971.

WHEREAS, John "Bucky" Timo of Bentleyville, Pennsylvania, became the first man to scale the world's highest waterfalls, Venezuela's Angel Falls Cliffs, beginning his ascent on January 4, 1971 and completing it on January 13, 1971. Plans for a community-wide salute to "Bucky" are being made for a dinner to be held on February 20, 1971.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania, congratulates John "Bucky" Timo on the successful completion of this historic climb and further directs that a copy of this citation be delivered to Mr. John Timo, Bentleyville, Pennsylvania 15314

J. BARRY STOUT  
BEN L. PARKER  
A. J. DeMEDIO  
JOHN L. BRUNNER

### SENATE MESSAGE

#### TIME OF NEXT MEETING

The clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read:

In the Senate, February 15, 1971.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 22, 1971 at a time to be fixed by the Senate, and when the House of Representatives adjourns this week it reconvene on Monday, February 22, 1971 at a time to be fixed by the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

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

#### HOUSE BILL No. 14

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania prohibiting the denial or abridgment of rights because of sex.

#### HOUSE BILL No. 31

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

**HOUSE BILL No. 93**

A Joint Resolution proposing an amendment to article one, section six of the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to provide by law that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

**HOUSE BILL No. 127**

A Joint Resolution proposing an amendment to Article III, section 27 of the Constitution of the Commonwealth of Pennsylvania, providing for a change in salary of county officers when there is a change of classification of the county.

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

**HOUSE BILLS SIGNED BY SPEAKER**

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

**HOUSE BILL No. 14**

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania, prohibiting the denial or abridgment of rights because of sex.

**HOUSE BILL No. 31**

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

**HOUSE BILL No. 93**

A Joint Resolution proposing an amendment to article one, section six of the Constitution of the Commonwealth

of Pennsylvania, authorizing the General Assembly to provide by law that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

**HOUSE BILL No. 127**

A Joint Resolution proposing an amendment to Article III, section 27 of the Constitution of the Commonwealth of Pennsylvania, providing for a change in salary of county officers when there is a change of classification of the county.

Whereupon,

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

**SENATE BILL SIGNED BY SPEAKER**

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

**SENATE BILL No. 166**

A Joint Resolution proposing an amendment to article two, section six of the Constitution of the Commonwealth of Pennsylvania, further providing for the holding of other civil offices by Senators and Representatives.

Whereupon,

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

**ADJOURNMENT**

Mr. KISTLER moved that this House do now adjourn until Monday, February 22, 1971, at 3 p.m., e.s.t.

The motion was agreed to, and (at 3:50 p.m., e.s.t.) the House adjourned.

## No. 3

## A JOINT RESOLUTION

## HB 31

Proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania providing for the preservation and restoration of our natural resources.

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

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eleventh article thereof:

That article one of the Constitution of the Commonwealth of Pennsylvania be amended by adding at the end thereof, a new section to read:

*Section 27. Natural Resources and the Public Estate.—The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*

Section 2. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors of the State, at the primary election next held after the advertising requirements of article eleven, section one of the Constitution of the Commonwealth of Pennsylvania have been satisfied.

(This Joint Resolution was passed for the first time at the Legislative Session of 1970 as Joint Resolution No. 4.)

FRANKLIN L. KURY, MEMBER  
210 MARKET SQUARE  
SUNBURY, PENNSYLVANIA 17801



COMMITTEES  
BUSINESS AND COMMERCE  
CONSERVATION  
LOCAL GOVERNMENT

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG  
JOINT RESOLUTION 3

SHALL ARTICLE 1 OF THE CONSTITUTION BE AMENDED BY ADDING A NEW SECTION GUARANTEEING THE PEOPLE'S RIGHT TO CLEAR AIR AND PURE WATER AND THE PRESERVATION AND CONSERVATION, BY THE COMMONWEALTH, OF THE STATE'S NATURAL RESOURCES FOR THE PEOPLE'S BENEFIT?

YES ? OR NO ?

Joint Resolution 3 is, I believe, an important piece of legislation for the benefit of Pennsylvanians. It should be passed at the May 18 Primary Election. However, voter apathy or confusion could easily defeat it, particularly since there are four other amendments to be voted on at the same time.

To promote full public understanding of Joint Resolution 3, I have prepared a Question and Answer sheet explaining it. Other background material is also enclosed. Please feel free to publish or reprint any of this material.

If you would like further information, please call or write me at 142 Market Street, Sunbury, Pennsylvania, 17801 (AC 717/286-5866) or Box 115, House of Representatives, Harrisburg, Pennsylvania, 17120 (AC 717/787-3528).

Your active support of Joint Resolution 3 can make a substantial contribution to its approval on May 18.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin L. Kury".

Franklin L. Kury  
Chief Legislative Sponsor

JOINT RESOLUTION 3  
May 18 Primary Election

Q. What is Joint Resolution 3?

A. This is one of the five referendum questions which will appear on the ballot for voter approval or rejection at the May 18 primary election. It deals with conservation and it will read: "Shall Article I of the Constitution be amended by adding a new section guaranteeing the people's right to clean air and pure water and the preservation and conservation, by the Commonwealth, of the State's natural resources for the people's benefit?"

Q. If approved, what will this resolution or amendment do?

A. Joint Resolution 3, as a Constitutional Amendment, would add a new section to our State Constitution's Declaration of Rights. The basic provision of the amendment would give the people of Pennsylvania a fundamental legal right to a decent environment. The amendment also establishes that the public natural resources of the Commonwealth belong to all the people, including future generations, and that the Commonwealth is to serve as Trustee of our natural resources for future generations.

Q. Will the amendment make any real difference in the fight to save the environment?

A. Yes, once Joint Resolution 3 is passed and the citizens have a legal right to a decent environment under the State Constitution, every governmental agency or private entity, which by its actions may have an adverse effect on the environment, must consider the people's rights before it acts. If the public's rights are not considered, the public could seek protection of its legal rights in the environment by an appropriate law suit. The Resolution would benefit all of the people, and would go a long way toward tempering any individual, company, or governmental body which may have an adverse impact on our natural or historic assets.

In short, the amendment will incorporate three broad principles into our legal system:

1. The people have the right to a decent environment.
2. Our <sup>public</sup> natural resources belong to all the people, including future generations.
3. The State is the trustee of these natural resources for future generations.

Q. How do you read all of this into the short Resolution 3 stated on the ballot?

A. Because of space limitations on the ballot, the Secretary of State is required to condense the actual text into as brief a space as possible. The complete text of the Resolution, which was passed twice, and unanimously, by both Houses of the State Legislature, reads in its entirety: "Section 27. Natural Resources and the Public Estate.-- The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

Q. Will there be any "teeth" in the law, if passed?

A. It will be up to the courts to apply the three broad principles to legal cases. However, having this law passed will strengthen substantially the legal weapons available to protect our environment from further destruction. In the words of Robert Broughton, Associate Professor of Law at Duquesne University, the amendment "will, if passed, effectively change the balance of legal power and give environmental quality (and the human race) at least an even chance in the coming years."

Q. Is this bill supported by both Democrats and Republicans?

A. Yes, it has bi-partisan support. Joint Resolution 3 passed two successive sessions of the legislature with unanimous support by members of both parties. Both our Democratic



and Republican legislators apparently feel that we need this bill to protect our environment against air, water and land pollution, and because it will expand the base for citizens' legal action.

Q. What organizations are supporting this amendment?

A. Leading organizations are quite interested in seeing that Joint Resolution 3 is passed. Among them are: The Pennsylvania Bar Association, The Pennsylvania Federation of Sportsmen's Clubs, the Pennsylvania Environmental Council, and the League of Women Voters of Pennsylvania -- all known for their vigor in championing and protecting the rights of the individual. It should be noted that New York and Michigan have already enacted a similar amendment.

Q. Will Joint Resolution 3, if passed, benefit individual citizens personally?

A. Yes. At present individual citizens' legal rights in the environment are basically limited to protecting their property or person from actual or threatened damage. Joint Resolution 3 broadens these legal rights to include a legally protectable interest in the whole environment -- including the water we drink, the air we breathe, and the esthetics of the landscape.

Q. Will there be any cost involved?

A. No. Joint Resolution 3 will cost the taxpayer nothing. Resolution 3 will create no new state agency, bureau or commission. The amendment strengthens peoples' rights, it does not expand the government. It is a rare form of legislation. It will give, you won't.

Q. If passed by the electorate, how long will it take to make Resolution 3 law?

A. Resolution 3 becomes part of our State Constitution immediately. It will be an amendment to Pennsylvania's Declaration of Rights which is the State's version of the Federal Bill of Rights.

Q. Won't the right of eminent domain still exist?

A. Yes, however, it will have to be exercised in conformity with this amendment. A highway department or utility company could not take land without fully considering the public's right to a decent environment. Joint Resolution 3 should force a much more judicious use of eminent domain.

Q. Do most Pennsylvanians know about this resolution?

A. Not enough. This is why it is so important to spread the word. It has been proved that when people see referendums on the ballot, if they do not understand the question as stated, they may automatically vote "no." In this instance a "no" vote would be a tragic mistake. This is why we are trying to make every Pennsylvanian aware that he is vitally needed at the May 18 Primary, and that he should vote "yes" on Joint Resolution 3 which deals with conservation of our state's natural resources.

PROPOSED CONSTITUTIONAL AMENDMENTS

TO BE VOTED ON AT

THE PRIMARY ELECTION -- MAY 18, 1971

\* \* \* \* \*

JOINT RESOLUTION 1

Shall Article I, Section 6 of the Constitution be amended to permit a verdict, in a civil case, to be rendered by no less than five-sixths of the jury?

JOINT RESOLUTION 2

Shall Article I of the Constitution be amended by adding a new section, prohibiting any denial or abridgement of rights because of an individual's sex?

JOINT RESOLUTION 3

Shall Article I of the Constitution be amended by adding a new section guaranteeing the people's right to clear air and pure water and the preservation and conservation, by the Commonwealth, of the State's natural resources for the people's benefit?

JOINT RESOLUTION 4

Shall Article III, Section 27 of the Constitution be amended to permit the salary or emoluments during the term of a county officer to be increased or decreased only in the event a change in county classification requires it?

JOINT RESOLUTION 5

Shall Article II, Section 6 of the Constitution be amended to permit any Senator or Representative to resign and to be appointed to a civil office during the time for which he was elected so long as the civil office was not created nor its emoluments increased during the time for which he was elected and to provide for immediate forfeiture of the elective office for any person holding an office other than one so permitted?

CONSTITUTIONAL AMENDMENTS	PROPOSED AMENDMENT TO THE CONSTITUTION No. 1 Shall Article I, Section 6 of the Constitution be amended to permit a verdict, in a civil case, to be rendered by no less than five-judges of the jury?		PROPOSED AMENDMENT TO THE CONSTITUTION No. 2 Shall Article II of the Constitution be amended by adding a new section providing for any denial or abridgment of right because of an individual's race?		PROPOSED AMENDMENT TO THE CONSTITUTION No. 3 Shall Article I of the Constitution be amended by adding a new section guaranteeing the people's right to clean air and pure water and the preservation and conservation, by the Commonwealth, of the State's natural resources for the people's benefit?		PROPOSED AMENDMENT TO THE CONSTITUTION No. 4 Shall Article III, Section 27 of the Constitution be amended to permit the salary or emoluments during the term of a county officer to be increased or decreased only in the event a change in county classification requires it?		PROPOSED AMENDMENT TO THE CONSTITUTION No. 5 Shall Article II, Section 6 of the Constitution be amended to permit a civil officer during the term for which he is appointed to a county office to be reappointed to the same office and the salary of such office was not created not its emoluments increased during the term for which he was elected and to provide for immediate forfeiture of office for any person holding an office other than one so permitted?		COUNTIES
Municipal Primary  May 18, 1971											
COUNTIES	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
Adams,	3,308	2,446	3,330	2,486	4,328	1,678	2,846	2,825	2,346	3,213	Adams,
Allegheny,	144,677	54,360	139,449	59,978	166,741	33,559	55,695	139,587	52,560	142,223	Allegheny,
Armstrong,	10,168	6,552	9,586	7,045	13,315	3,598	6,479	10,169	5,587	10,777	Armstrong,
Beaver,	25,464	15,648	23,678	16,910	33,784	9,766	14,707	25,271	12,289	25,729	Beaver,
Bedford,	2,837	2,377	2,846	2,430	3,758	1,582	2,286	2,795	1,861	3,309	Bedford,
Berks,	17,259	8,282	16,812	8,642	21,488	4,547	14,002	11,098	11,708	13,231	Berks,
Blair,	11,479	11,073	10,551	11,877	14,929	7,718	8,371	13,797	7,440	14,486	Blair,
Bradford,	6,203	4,683	6,336	4,638	8,476	2,623	5,514	5,250	4,683	5,855	Bradford,
Bucks,	18,662	7,423	17,785	8,800	22,707	4,049	15,174	10,795	13,190	12,703	Bucks,
Butler,	10,592	5,233	10,284	5,539	12,820	3,127	5,190	10,446	3,864	11,745	Butler,
Cambria,	19,314	11,696	18,485	12,331	24,608	6,638	12,769	17,940	11,696	18,511	Cambria,
Cameron,	1,190	552	1,171	605	1,536	278	960	788	730	967	Cameron,
Carbon,	2,005	968	1,770	1,117	2,434	629	1,587	1,158	1,373	1,519	Carbon,
Centre,	7,660	3,803	7,673	3,820	9,575	1,993	6,791	4,551	5,810	5,328	Centre,
Chester,	22,986	11,048	22,656	11,641	28,635	5,956	19,398	14,048	16,658	15,146	Chester,
Clarion,	3,589	2,733	3,694	2,582	4,881	1,614	2,211	4,162	1,844	4,456	Clarion,
Clearfield,	6,115	4,853	5,581	5,277	8,052	3,005	6,420	6,533	3,582	6,947	Clearfield,
Clinton,	4,534	2,994	4,260	3,275	6,438	1,219	4,063	3,364	3,441	3,892	Clinton,
Columbia,	6,696	4,597	6,007	5,052	8,757	2,565	5,500	5,311	4,479	6,273	Columbia,
Crawford,	5,404	2,753	5,431	2,690	6,645	1,585	3,803	4,099	3,367	4,494	Crawford,
Cumberland,	8,155	4,278	8,120	4,379	9,799	2,836	6,814	5,421	5,768	6,458	Cumberland,
Dauphin,	10,335	5,081	10,331	5,472	12,622	3,362	8,312	6,821	7,516	7,916	Dauphin,
Delaware,	32,423	10,371	29,558	13,112	36,564	6,417	24,371	16,313	21,072	19,398	Delaware,
Elk,	3,513	2,167	3,163	2,460	4,535	1,109	2,359	3,209	2,048	3,457	Elk,
Erie,	23,322	12,808	23,416	12,664	31,284	6,249	17,471	17,762	16,777	17,901	Erie,
Fayette,	7,537	5,161	7,434	5,202	8,986	3,915	3,280	8,973	3,035	9,087	Fayette,
*Forest,											Forest,
Franklin,	5,747	4,056	5,577	4,054	7,605	2,382	5,048	4,519	4,262	5,243	Franklin,
Fulton,	570	918	567	805	844	642	521	900	441	966	Fulton,
Greene,	4,773	3,379	4,716	3,479	6,217	2,113	3,041	5,063	2,741	5,290	Greene,
Huntingdon,	2,223	3,904	2,274	3,905	3,350	2,871	1,914	4,269	1,733	4,359	Huntingdon,
Indiana,	7,980	4,814	7,359	5,293	10,042	2,933	5,605	6,827	4,931	7,382	Indiana,
Jefferson,	6,759	4,080	6,469	4,258	8,842	2,325	4,340	6,228	3,613	6,929	Jefferson,
Juniata,	1,290	974	1,279	956	1,774	541	1,229	993	974	1,214	Juniata,
Lackawanna,	18,546	9,393	13,036	14,504	21,522	6,178	11,759	15,552	8,788	17,015	Lackawanna,
Lancaster,	13,320	6,009	10,640	8,369	13,674	5,783	8,733	10,009	7,440	11,144	Lancaster,
Lawrence,	9,001	5,543	8,851	5,602	11,524	3,131	5,783	8,433	4,247	9,828	Lawrence,
Lebanon,	6,002	2,644	5,625	2,884	7,118	1,638	4,902	3,537	4,209	4,157	Lebanon,
Lehigh,	13,895	5,113	12,171	6,830	16,321	3,044	10,802	7,658	8,470	9,783	Lehigh,
Luzerne,	12,936	5,830	11,271	7,077	21,371	7,073	9,080	7,403	12,464	15,467	Luzerne,
Lycoming,	11,158	8,200	11,052	8,280	15,382	4,354	9,377	9,750	7,271	11,614	Lycoming,
McKean,	2,076	1,210	2,053	1,213	2,576	772	1,646	1,548	1,443	1,654	McKean,
Mercer,	6,702	3,246	6,442	3,476	8,122	2,034	4,612	5,357	4,004	5,578	Mercer,
Mifflin,	2,652	1,979	2,732	2,058	3,625	1,253	2,387	2,326	1,933	2,658	Mifflin,
Monroe,	2,776	1,937	2,913	1,789	3,401	1,387	2,367	2,222	1,822	2,623	Monroe,
Montgomery,	35,897	11,233	33,278	14,564	41,402	6,456	28,994	17,274	24,828	20,161	Montgomery,
Montour,	2,142	1,410	1,962	1,577	3,063	678	1,862	1,659	1,542	1,933	Montour,
Northampton,	8,852	4,037	6,726	4,007	10,497	2,779	5,656	4,799	6,681	5,839	Northampton,
Northumberland,	10,185	7,758	9,686	8,166	14,320	4,006	8,681	8,766	6,894	10,835	Northumberland,
Perry,	1,993	1,568	1,952	1,580	2,630	990	1,761	1,713	1,403	2,005	Perry,
Philadelphia,	115,386	52,574	105,855	59,596	133,251	33,929	92,946	66,549	73,869	94,474	Philadelphia,
Pike,	619	390	642	387	809	227	558	421	459	502	Pike,
Potter,	2,100	1,401	2,010	1,388	2,551	884	1,237	2,066	1,065	2,155	Potter,
Schuylkill,	18,107	8,519	15,916	9,396	21,895	4,439	14,699	11,584	12,559	14,194	Schuylkill,
Snyder,	2,559	2,051	2,433	2,134	3,584	1,185	2,266	2,289	1,780	2,653	Snyder,
Somerset,	6,567	5,369	6,412	5,536	8,917	3,133	4,827	7,009	4,023	7,517	Somerset,
Sullivan,	820	555	824	576	1,104	320	734	655	570	761	Sullivan,
Susquehanna,	3,611	3,067	3,489	3,356	5,386	1,620	3,463	3,216	2,676	3,903	Susquehanna,
Tioga,	4,140	2,792	4,142	2,670	5,468	1,554	3,578	2,895	3,178	3,302	Tioga,
Union,	2,606	1,945	2,412	2,101	3,679	1,001	2,198	2,235	1,677	2,022	Union,
Venango,	4,708	2,865	4,979	2,526	6,409	1,272	3,186	4,203	2,683	4,036	Venango,
Warren,	2,692	1,338	2,735	1,332	3,302	794	2,227	1,748	2,073	1,815	Warren,
Washington,	25,706	14,823	24,316	15,403	32,536	7,911	15,307	24,056	13,613	25,786	Washington,
Wayne,	1,833	1,730	1,762	1,814	2,460	1,230	1,579	1,888	1,324	2,096	Wayne,
Westmoreland,	27,247	13,474	25,967	14,348	32,466	8,646	12,827	27,225	11,624	28,163	Westmoreland,
Wyoming,	2,489	1,706	2,399	1,893	3,442	1,060	2,145	1,999	1,641	2,203	Wyoming,
York,	6,971	5,812	9,110	5,676	11,164	3,794	7,222	7,274	6,284	7,958	York,
TOTALS	833,283	423,606	783,441	464,882	1,021,342	259,979	567,472	656,603	487,976	741,458	

\*Forest County \*No election in Forest County on the proposed Constitutional Amendments due to Co. Board of Elect. err.

Commonwealth of Pennsylvania



Governor's Office  
HARRISBURG

PROCLAMATION

CONSTITUTIONAL AMENDMENT—ARTICLE I

WHEREAS, Joint Resolution No. 3 of the 1971 Session of the General Assembly of Pennsylvania proposed to amend Article I of the Constitution of Pennsylvania by adding a new section thereof guaranteeing the people's rights to clean air and pure water and the preservation and conservation, by the Commonwealth, of the State's natural resources for the people's benefit, the said new section to read as follows:

"Section 27. Natural Resources and the Public Estate.—The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"; and

WHEREAS, The said Joint Resolution was passed by two successive General Assemblies of Pennsylvania; and

WHEREAS, The aforesaid proposed constitutional amendment was submitted for approval by the qualified electors of the Commonwealth at an election held on May 18, 1971; and

WHEREAS, The Secretary of the Commonwealth has certified to me that the aforesaid proposed constitutional amendment was approved by the electorate on the aforesaid day;

NOW, THEREFORE, I, Milton J. Shapp, Governor of the Commonwealth of Pennsylvania, do proclaim and pronounce that the aforesaid constitutional amendment was adopted by a majority of the electors voting thereon on May 18, 1971.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-third day of July, in the year of our Lord one thousand nine hundred and seventy-one, and of the Commonwealth the one hundred and ninety-sixth.

A handwritten signature in black ink, reading "Milton J. Shapp".

BY THE GOVERNOR:

MILTON J. SHAPP  
GOVERNOR

A handwritten signature in black ink, reading "Barton A. Fields".

Deputy Secretary of the Commonwealth