

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, APRIL 30, 1980

Session of 1980

164th of the General Assembly

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE JOHN M. PERZEL, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray:

Heavenly Father, as we gather here to legislate the future of this, our Commonwealth, please look down on us with Your wisdom. You, Lord, who make the final decision, give us, the people who have government by petition, the benefit of heavenly guidance. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, April 29, 1980, will be postponed until printed.

HOUSE BILLS
INTRODUCED AND REFERRED

No. 2484 By Representative BURNS.

An Act regulating the ownership, leasing, acquiring, importing, training, handling, housing and sale of guard dogs in the Commonwealth of Pennsylvania.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 29, 1980.

No. 2485 By Representatives McClatchy, PIEVSKY AND CALTAGIRONE.

An Act making an appropriation to the City of Reading.

Referred to Committee on APPROPRIATIONS, April 29, 1980.

No. 2486 By Representatives McClatchy, PIEVSKY AND CALTAGIRONE.

An Act making an appropriation to the Reading, Pennsylvania School District.

Referred to Committee on APPROPRIATIONS, April 29, 1980.

No. 2487 By Representative TADDONIO.

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Franklin Township, Westmoreland County.

Referred to Committee on TRANSPORTATION, April 29, 1980.

No. 2488 By Representatives TADDONIO, KOLTER, PETRARCA AND RASCO.

An Act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements.

Referred to Committee on CONSUMER AFFAIRS, April 29, 1980.

No. 2489 By Representatives WILT, GLADECK, LASHINGER, ARMSTRONG, THOMAS, REED, BOWSER, STEWART, POLITE, KUKOVICH, PERZEL, SIRIANNI, McINTYRE, MADIGAN, DAVIES, WENGER, POTT, NOYE, MILLER, CHESS, PRATT, McVERRY, PETERSON, KOLTER, BURD, KOWALYSHYN, PYLES, CESSAR, LEVI AND MOWERY.

An Act providing for group self-insurance funds for private and public employers for workers' compensation liabilities and providing for the establishment of employee protections through the use of aggregate excess insurance and a guaranty fund.

Referred to Committee on LABOR RELATIONS, April 29, 1980.

No. 2490 By Representatives FREIND, DURHAM, CIVERA, ARTY, GANNON, ALDEN, MICOZZIE AND KLINGAMAN.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for copayments by recipients for prescriptions under the medical assistance program.

Referred to Committee on HEALTH AND WELFARE, April 29, 1980.

No. 2491 By Representatives FREIND, DURHAM, CIVERA, GANNON, ARTY, ALDEN, MICOZZIE AND SPITZ.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs.

Referred to Committee on JUDICIARY, April 29, 1980.

No. 2492 By Representatives FREIND, DURHAM, CIVERA, GANNON AND ARTY.

An Act amending the "Local Tax Collection Law," approved May 25, 1945 (P. L. 1050, No. 394), increasing the maximum amount of the penalty on unpaid taxes.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1980.

No. 2493 By Representatives GALLEN AND BROWN.

An Act amending the "Metropolitan Transportation Authorities Act of 1963," approved August 14, 1963 (P. L. 984, No. 450), further providing for the definition of "metropolitan area," and for the appointment of board members.

Referred to Committee on TRANSPORTATION, April 29, 1980.

No. 2494 By Representatives ARTY, EARLEY, FREIND, CIMINI AND DURHAM.

An Act amending the "Local Tax Collection Law," approved May 25, 1945 (P. L. 1050, No. 394), changing provision relating to penalties on taxes.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1980.

No. 2495 By Representatives HALVERSON, BENNETT, YOHN AND GRIECO.

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further providing for interest rates.

Referred to Committee on BUSINESS AND COMMERCE, April 29, 1980.

No. 2496 By Representatives HALVERSON, BENNETT, YOHN AND GRIECO.

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further providing for reserves.

Referred to Committee on BUSINESS AND COMMERCE, April 29, 1980.

No. 2497 By Representatives HALVERSON, BENNETT, YOHN AND GRIECO.

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further providing for the powers of credit unions.

Referred to Committee on BUSINESS AND COMMERCE, April 29, 1980.

No. 2498 By Representatives ALDEN, DURHAM, MICOZZIE, SPITZ, ARTY, CIMINI, FREIND, TELEK, M. R. CLARK AND PICCOLA.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance, without charge, of replacement drivers' licenses, registration cards, plates and other documents.

Referred to Committee on TRANSPORTATION, April 29, 1980.

No. 2499 By Representatives SHUPNIK, DAVIES, CIMINI, BORSKI AND WARGO.

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to detectives and private police and making repeals.

Referred to Committee on PROFESSIONAL LICENSURE, April 29, 1980.

No. 2500 By Representatives THOMAS, FRYER, LEVI AND A. C. FOSTER, JR..

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, removing certified public accountants and appointed auditors.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1980.

No. 2501 By Representatives ZWIKL, GALLEN, HONAMAN, HOFFEL, COCHRAN, COLE, DAWIDA, STEWART, RITTER, J. L. WRIGHT, JR., FISCHER, BROWN, RAPPAPORT, PRATT, CALTAGIRONE, SPITZ, PISTELLA, McINTYRE, KOWALYSHYN, ALDEN, WENGER, LETTERMAN, DAVIES, WHITE, REED, BRANDT, McCALL, SALVATORE, MILLER, GANNON, E. Z. TAYLOR, DeWEESE AND KUKOVICH.

An Act requiring every administrative department, board and commission and every independent commission to establish a forms and publications management plan meeting certain standards and providing for their implementation.

Referred to Committee on BUSINESS AND COMMERCE, April 29, 1980.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 227 By Representatives L. E. SMITH, DORR, McCALL, POLITE AND BITTLE.

Amend Rule 43, Standing Committees and Sub-Committees.
Referred to Committee on RULES, April 29, 1980.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.
Mr. S. E. HAYES. I request a leave for the gentleman from Allegheny, Mr. KNEPPER, for today, and for the gentleman from Philadelphia, Mr. McKELVEY, for today.

The SPEAKER. Without objection, leaves will be granted.

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, for the Democratic leaves of absence.

Mr. PIEVSKY. I request a leave of absence for the gentleman from Lackawanna, Mr. ZITTERMAN, for today's session only.

The SPEAKER. Without objection, leave will be granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. We are about to take today's master roll. Only those members on the floor of the House may be recorded.

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—3

Dumas	Maiale	Shadding
-------	--------	----------

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

WELCOMES

The SPEAKER. The Chair welcomes to the floor of the House Mr. Jack Kliebenstein of Danville, Montour County, who is here today as the guest of Mr. Merle Phillips.

The Chair recognizes the gentleman from Dauphin, Mr. Piccola, to make an announcement.

The Chair recognizes Mr. Piccola. He may proceed.

Mr. PICCOLA. Some members of the House may recall that about a year ago at this time, I had the high honor of introducing to the members of the House and to the Governor the only undefeated basketball team in the State of Pennsylvania that year, Susquehanna Township High School girls' basketball team, who were the PIAA class A champions. I almost had that high honor again this year. We came within one game—in fact, a double-overtime game—of having that team repeat that accomplishment this year. However, I still have an honor to perform this year, and that is to present to the members of the House of Representatives and to the Governor the class A boys' basketball team state champions for 1980, the Susquehanna Township boys' basketball team.

I would like to introduce the members of that team and the individuals who are accompanying them today. They are seated at the rear of the House, and I would ask that they rise when I call their names.

The members of the team are Brian Dean—and, incidentally, Brian is all-state and he has been elected to go to Penn State University, and I can see that school being a powerhouse in national competition in the not too distant future—Troy Keys, Chuck Cleckner, Bill Beistline, Andy Williams, Greg Mosten, Reiner Alfredson, Marc Toser, Eric Kleiman, Edward Nork, Ardee Burno, Jim Burger, and Adrian Robinson. That is the 1980 class AA boys' championship basketball team.

They are accompanied today by their outstanding coach and assistant coach, Coach William Gaffey and his assistant, Randy Brenner, and by some of the people who work behind the scenes to make these kinds of things possible: Lana Glaser, the athletic director; Thomas J. Miles, principal of the high school; Dr. John Dunlap, superintendent of schools; David Schmidt, who is the trainer; Howard Taksen, who is the statistician; Stephanie Diamond and Sue Katz, who are the managers.

Thank you for providing them with a warm welcome. Thank you, Mr. Speaker.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1425, PN 2925**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), eliminating cross-filing by candidates for the offices of judge, justice of the peace and school directors.

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

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

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I want to alert the members who are in some normal state of confusion that this happens to be an extremely important bill. This is not a routine bill. Look at it carefully. A vote for this bill means that we eliminate cross-filing for candidates for the offices of judge, justice of the peace, and school director. Be careful of that bill.

I do not know whether they are cheering the announcement or whether they are cheering the idea. Do not tell me.

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

Mr. LAUGHLIN. Mr. Speaker, just briefly, I would like to address the fact that in Beaver County the manner of cross-filing has brought to the courts of Beaver County the finest judges whom we have ever had in that area. I would think that prohibiting judges from cross-filing would work to the detriment of the courts and would again put them back in the position of involvement in politics. I do not think we want that.

Once again, Mr. Speaker, I do not know what they are applauding either, but, Mr. Speaker, I would ask in all earnestness that the members of the House vote this bill down and guarantee the courts and guarantee the men and the women who wish to file for this office the opportunity to cross-file and to be representative of all the people. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, I have voted in the past for the elimination of cross-filing so far as school directors are concerned, because there is no prohibition to candidates for school board being divorced from politics. However, in other legislation which will continue to be effective, we have written the judges and justices of the peace out of politics, and passing this bill does not change that. They will still be out of politics, yet not be able to cross-file. Until we can correct both at the same time, I think that this bill ought to be defeated. I do not think that we ought to eliminate cross-filing so far as judicial candidates and justices of the peace are concerned without putting them back into politics, if that is what we want to do. Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, I wish to speak in support of this proposal. I think all of us have seen what has happened through the method of cross-filing. We have in a sense eliminated many choices for office by the matter of cross-filing, so that the voters go to the polls and they do not face a choice. I think that we should offer the voters a choice.

I think that if a person is good in their position, whether they be a judge or what, I think that they should stand for election and stand under competition, because the matter of the election is a soviet-type election, voting "yes" or "no." I think it is wrong. It is completely contrary to our democratic process, and I think we are denying the voters a choice so that hopefully we could have the better candidate. I think if we look back and just see the results as it has happened in our areas—and in particular, I would like to say that as far as judges are concerned, I see nothing wrong with them coming down from the bench and going out and running for reelection. I think then they are exposed to the average person whom they represent, knowing what their problems are, what their concerns are, rather than being set up in a chamber which is removed from the process.

As far as politics is concerned by judges, I think we have all had experiences and we know this ideal of removing them from politics is just a saying, an empty expression. I say, give the voters a choice and let us vote "yes" on this bill.

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

Mr. CUNNINGHAM. Mr. Speaker, I urge the passage of this bill for three reasons. Judges have successfully insulated themselves from accountability with regard to the people of this Commonwealth over a very long period of time. They are first of all able to cross-file, and in so doing, they truncate or they terminate the election process without ever really giving a legitimate choice to the voters of the Commonwealth.

Secondly, they are able to seek reelection by a retention without any challenge from any other candidate, thereby eliminating any adversary process that might legitimately draw out the issues that should be considered in every single judicial election.

Thirdly, they have been able by court rules to insulate themselves from the probing inquiry of the press and of their constituents by being prohibited from discussing issues on the merits. So there is virtually no way that we can have any way of knowing what a judicial candidate's views are philosophically on any issue.

I think all three of these impediments to accountability should be eliminated, and I in fact have introduced legislation to eliminate one of them. But I urge the adoption of this bill, because I think it is terribly important that the judges of this Commonwealth, the judicial candidates, be accountable to the people whose votes they seek, and cross-filing unconscionably shortens the campaigning process and makes the philosophical inclinations of the judges virtually unknowable. I urge the adoption of the measure.

On the question recurring,
Shall the bill pass finally?

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

Alden	Foster, Jr., A.	Letterman	Scheaffer
Anderson	Fryer	Levi	Schmitt
Armstrong	Gallen	Lewis	Serafini
Arty	Gamble	Livengood	Sirianni
Belardi	Gatski	Lynch, E. R.	Smith, E. H.
Bennett	Geesey	McCall	Smith, L. E.
Bittle	Geist	McClatchy	Spencer
Bowser	George, C.	Mackowski	Steighner
Brandt	George, M. H.	Madigan	Stewart
Burd	Gladeck	Manmiller	Stuban
Caltagirone	Goebel	Miller	Swift
Cessar	Goodman	Moehlmann	Taylor, E. Z.
Cimini	Grieco	Mowery	Taylor, F.
Clark, M. R.	Hagarty	Nahill	Telek
Cochran	Halverson	Noye	Thomas
Cole	Hasay	O'Brien, B. F.	Vroon
Cornell	Hayes, Jr., S.	Peterson	Wass
Coslett	Helfrick	Phillips	Wenger
Cunningham	Hoeffel	Piccola	Wilson
DeVertter	Honaman	Pitts	Wright, D. R.
DiCarlo	Hutchinson, A.	Pratt	Wright, Jr., J.
Davies	Hutchinson, W.	Punt	Yahner
Dietz	Johnson, E. G.	Pyles	Zeller
Dininni	Johnson, J. J.	Rasco	Zord
Dorr	Kanuck	Ritter	Zwilk
Duffy	Klingaman	Rocks	
Durham	Lashingner	Rodgers	Seltzer,
Foster, W. W.	Lehr	Ryan	Speaker

NAYS—74

Beloff	Freind	McVerry	Rappaport
Berson	Gallagher	Manderino	Richardson
Borski	Gannon	Michlovic	Rieger
Brown	Grabowski	Micozzie	Salvatore
Burns	Gray	Milanovich	Seventy
Cappabianca	Greenfield	Mrkonic	Shupnik
Chess	Gruppo	Mullen	Sieminski
Civera	Harper	Murphy	Spitz
Clark, B. D.	Irvin	Novak	Stairs
Cohen	Itkin	O'Brien, D. M.	Street
Cowell	Knight	O'Donnell	Sweet
DeMedio	Kolter	Oliver	Taddonio
DeWeese	Kowalyshyn	Perzel	Trello
Dawida	Kukovich	Petrarca	Wachob
Dombrowski	Laughlin	Pievsky	Wargo
Donatucci, R.	Lescovitz	Pistella	White
Earley	Levin	Polite	Wilt
Fee	McIntyre	Pott	Yohn
Fischer	McMonagle		

NOT VOTING—11

Austin	Jones	Reed	Shadding
Dumas	Maiiale	Rhodes	Williams
Giammarco	Pucciarelli	Schweder	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

* * *

The House proceeded to third consideration of **HB 1899, PN 2356**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), authorizing a lease for oil rights at Woodville State Hospital.

On the question,
Will the House agree to the bill on third consideration?
Mr. SWEET offered the following amendments:

Amend Title, page 1, line 21, by removing the period after "Hospital" and inserting and further providing for the powers and duties of the Department of Environmental Resources.

Amend Bill, page 3, by inserting between lines 11 and 12

Section 2. The act is amended by adding a section to read:

Section 1904-A.1. Uranium Tailings.—(a) The Department of Environmental Resources shall have the power and its duty shall be:

(1) To enter into such cooperative agreements with the United States Department of Energy as are described in section 103 of the Uranium Mill Tailings Radiation Control Act of 1978, Public Law 95-604, 42 U.S.C. § 7901 et seq. to perform remedial actions at each processing site in Pennsylvania designated by the Secretary of the United States Department of Energy under the Uranium Mill Tailings Radiation Control Act of 1978.

(2) To acquire, in consultation with the United States Government, by purchase or by eminent domain, such property or interest therein as is necessary for performance of remedial action.

(3) To pay, in cooperation with the United States Government, to both tenants and owners in fee of such property as is acquired by purchase, in addition to the purchase price, those moving and removal expenses and other damages as are provided for in Article VI of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(4) To dispose of any property or interest therein acquired under the provisions of this section in accordance with the terms and conditions of cooperative agreements entered into pursuant to clause (1).

(5) To perform, in cooperation with the United States Government, such other remedial action as may be necessary.

(b) For the purposes of this section "processing site" means:

(1) any site in the Commonwealth, including the mill, containing residual radioactive materials at which all or substantially all of the uranium was produced for sale to any Federal agency prior to January 1, 1971, under a contract with any Federal agency; or

(2) any other real property or improvement which is in the vicinity of such site and is determined by the Secretary of the United States Department of Energy to be contaminated with residual radioactive materials derived from such site.

Amend Sec. 2, page 3, line 12, by striking out "2." and inserting 3.

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

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

Mr. SWEET. Mr. Speaker, I would like to begin by thanking the sponsor, Mr. Gamble, for allowing me to offer this amendment to a routine and noncontroversial bill.

This amendment allows Pennsylvania to participate in the 1978 Federal legislation, the Uranium Tailings Act. There are 23 sites around the United States that have been identified by this act. One of them happens to be in my district. All this amendment does is give Pennsylvania the legislative authority to participate in this program. There are currently contractual arrangements going on between the Federal

Government and the state concerning this matter, and I would ask for an affirmative vote on the amendment.

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

The following roll call was recorded:

YEAS—177

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

NAYS—2

Brown	Pyles
-------	-------

NOT VOTING—16

Anderson	Freind	Micozzie	Rhodes
Austin	Gallen	Mrkonic	Shadding
DiCarlo	Lewis	Pucciarelli	Street
Dumas	Maiale	Reed	Williams

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

REMARKS ON VOTE

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

Mr. FREIND. I was not in my seat on that last vote. I would like to be recorded in the affirmative on that amendment, Mr. Speaker.

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

CONSIDERATION OF HB 1899 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

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

NAYS—0

NOT VOTING—16

Austin	Hutchinson, W.	Maiiale	Serafini
Dumas	Johnson, E. G.	Pucciarelli	Shadding
Geist	McClatchy	Reed	Street
Giammarco	McIntyre	Rhodes	Williams

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

* * *

The House proceeded to third consideration of **SB 543, PN 1739**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the withdrawal of candidates, for filing of reports and affidavits, and for certain audits and amending a definition.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendment:

Amend Sec. 8 (Sec. 1627), page 11, line 24, by inserting after "SECTION." However, if a political committee makes aggregate expenditures as defined in section 1621 in an amount less than two hundred fifty dollars (\$250) or incurs aggregate debt in an amount less than two hundred fifty dollars (\$250) during the calendar year to influence an election, it need not file an annual report; provided that this exception shall not be applicable to a candidate's political committee or to a State or county committee of a political party or political body or to a political action committee of a corporation or unincorporated association.

On the question,

Will the House agree to the amendment?

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

Mr. FRYER. Mr. Speaker, this amendment embodies all the features of HB 2104, which passed on the date of January 29 by a vote of 183-1. The Senate has not acted on this bill as of this date, and it is my hope that by inserting this amendment which relates to political clubs setting a minimum of \$250 for not requiring the annual report, if we act in the affirmative on this matter, we are merely affirming what we had in HB 2104, which passed by a vote of 183-1. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for one or two questions of interrogation?

Mr. FRYER. I will, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, in the amendment in its essence, would it be possible for a club to collect more than \$250 in a given calendar year and then delay a contribution to a member beyond, let us say, the last day of December and beginning in January to a particular candidate in the amount again of another \$250 after that specific date? Is there any prohibition in this amendment to take care of that sort of contribution?

Mr. FRYER. Mr. Speaker, we are not changing anything in the present election law except the fact that if a political club spends \$250 to influence an election, then they are subject to it. Failing to meet that \$250 mark, they would not have to file that annual report.

The gentleman refers to manipulation of reports. I cannot speak for that or against it. It would be, however, contrary to the election law, as I know it to be.

Mr. DAVIES. All right, sir, and, also, even though they raised considerable amounts beyond the \$250 by their club, they would only be responsible for those contributions to any individual candidates in the sums of the \$250 to the individuals. In other words, they could collectively put together coffers in a county exceeding supposedly \$8,000, \$9,000, \$10,000, and then be able to distribute it at a limit of, let us say, the maximum \$249 to each one of those candidates without the necessity of filing under this provision.

Mr. FRYER. In answer to the gentleman's question, Mr. Speaker, that could not be done because we are talking about the total that they spent, not limited to one candidate but their entire expenditures. If they go over the \$250 mark, they are subject to the law. If they are less than \$250, they are excluded from that portion of the law.

Mr. DAVIES. All right, sir. Then it is not dependent upon the contributions to the individual, but the \$250 is the sum total of all of those contributions to all of those candidates.

Mr. FRYER. That is correct, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I would just like to interrogate Mr. Fryer for a second, please, if he will agree.

Mr. FRYER. Gladly, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, much of the content of SB 543 is intended and has been intended to relieve the burden that has so often been addressed in floor debate here that confronts candidates and committees and what have you. My only concern is that this exemption does not specifically talk about political clubs although in your remarks you continually use the words "political club," but, in fact, you say a political committee that might spend less than \$250 although later on in your amendment you try to provide for some exceptions to the words "political committee." Are you suggesting to us that the bottom line after you have taken into consideration all of those exemptions would be

political committees that have no other function than to act as a political club? I am not sure because we do not use the words "political club" anywhere in the amendment although you continually use them in your debate.

Mr. FRYER. Mr. Speaker, possibly I was in error there. However, in reading the amendment, it states quite clearly that it is not applicable to a political committee. I think the amendment is very clear and speaks for itself, and if I did refer to the point of political committees, I was actually referring to political clubs.

Mr. COWELL. Mr. Speaker, in your attempt to provide exemptions or exceptions for candidates, political committees, or state and county committees, et cetera, et cetera, as you try to reduce the field down to what you perceive to be political clubs, how would you deal with an independent political committee, if you will, that is operating in some unauthorized fashion but might in fact be operating in a local municipality as an independent political committee that gets involved in elections? Would you define that as a political club as you have used the word?

Mr. FRYER. Mr. Speaker, I cannot speak for the various individuals who will be following this law. It has always been my observation that I have yet to see a law that will make an honest person out of a corrupt one. I say that this amendment speaks to itself, and I might add further that Common Cause has endorsed this bill; also, the election board has endorsed this bill. Mr. Speaker, I feel as though we are plowing the ground all over again, and whatever thoughts the gentleman has, I wish he would follow the regular procedure of this House, introduce a bill with his expertise, and I am sure it would receive the approval of this House of Representatives. Until then, Mr. Speaker, let us move ahead on this bill. Thank you.

Mr. COWELL. Mr. Speaker, may I make some remarks, please?

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

Mr. COWELL. Unfortunately, Mr. Speaker, too often when the prior speaker does not have an answer to a question, we hear the rhetorical comments about you cannot make an honest person out of a crook, and the amendment speaks for itself. That does not answer the question. I am concerned that the use of the words "political committee" in this amendment goes far beyond what has been the stated intention, and that is, to provide relief to political clubs. This amendment in no way speaks to the question of political clubs. It speaks to the question of political committees.

My fear is that although there are certain exceptions or exemptions provided elsewhere in the amendment, it might still be too broadly interpreted. Secondly, the gentleman who was responding to my question did correctly state that groups like Common Cause and the election bureau and any number of other organizations have endorsed this bill, but let us emphasize they have not endorsed this amendment. Let us not play games with that either. They have endorsed this bill. I support this bill, but I oppose this amendment. Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, may I interrogate the author of the amendment?

Mr. FRYER. Yes, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, just as a point of clarification, your amendment contains so many exceptions, what are we left with? What specifically are we trying to do? What group are we trying to exempt from this filing requirement? Please clarify this for me.

Mr. FRYER. Mr. Speaker, under present law, all items received by a political club that pass through their books are interpreted under the heading of contributions, which means—

Mr. VROON. Mr. Speaker, there is so much noise in the House that I cannot hear the author of the amendment.

Mr. FRYER. Under present law, Mr. Speaker, all contributions that are received by a political club are regarded under the heading of contributions. For instance, that small political club that holds monthly meetings—and they generally have some form of lunch and refreshments—that bill goes towards the total. So, therefore, under the interpretation of the law, all of these clubs, these small clubs, are subject to that annual reporting. We already have had, in Berks County, two political clubs that have disbanded because of the effect of this. Now the thrust of this is the fact that we interpret the moneys that are spent to influence elections; in other words, the moneys that they would give to a county committee or to a candidate. What we are saying is, if they go over \$250, then they are subject to the law; if the total is under \$250 spent to influence an election, then they are exempt from the law. And, Mr. Speaker, in clarification of this for the former interrogator, I said HB 2104 has been endorsed by Common Cause and by the election board and the amendment that I am seeking here is HB 2104, which passed the House by a vote of 183 to 1.

Have I answered the gentleman's question, Mr. Speaker?

Mr. VROON. Yes. Thank you very much, Mr. Speaker.

May I make just a few remarks please?

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

Mr. VROON. I think this amendment is very much in order. I strongly support it. The only criticism I have is that it does not go far enough. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—162

Alden	Freind	Levi	Ryan
Anderson	Fryer	Levin	Salvatore
Armstrong	Gallagher	Lewis	Scheaffer
Arty	Gallen	Livengood	Schmitt
Austin	Gamble	Lynch, E. R.	Schweder
Belardi	Gannon	McCall	Serafini
Beloff	Gatski	McClatchy	Seventy
Bennett	Geesey	McMonagle	Shupnik
Bittle	Geist	Mackowski	Sieminski

Bowser	George, C.	Madigan	Sirianni
Brandt	George, M. H.	Manderino	Smith, E. H.
Brown	Giammarco	Manmiller	Smith, L. E.
Burd	Gladeck	Michlovic	Spencer
Burns	Goebel	Micozzie	Spitz
Caltagirone	Goodman	Milanovich	Stewart
Cappabianca	Grabowski	Miller	Stuban
Cessar	Gray	Moehlmann	Sweet
Cimini	Greenfield	Mowery	Swift
Civera	Grieco	Mrkonic	Taddonio
Clark, B. D.	Gruppo	Mullen	Taylor, E. Z.
Clark, M. R.	Hagarty	Nahill	Taylor, F.
Cochran	Halverson	Novak	Telek
Cole	Harper	Noye	Thomas
Coslett	Hasay	O'Brien, B. F.	Trello
DeMedio	Hayes, Jr., S.	O'Brien, D. M.	Vroon
DeVerter	Helfrick	Perzel	Wargo
DeWeese	Honaman	Peterson	Wass
DiCarlo	Hutchinson, A.	Petrarca	Wenger
Davies	Hutchinson, W.	Phillips	White
Dawida	Irvis	Piccola	Wilson
Dietz	Itkin	Pievsky	Wilt
Dininni	Johnson, E. G.	Pitts	Wright, D. R.
Dombrowski	Kanuck	Polite	Wright, Jr., J.
Donatucci, R.	Klingaman	Pott	Yahner
Dorr	Knight	Punt	Yohn
Duffy	Kolter	Pyles	Zeller
Durham	Kowalshyn	Rasco	Zord
Earley	Lashingner	Rieger	Zwilk
Fee	Lehr	Ritter	
Foster, W. W.	Lescovitz	Rocks	Seltzer,
Foster, Jr., A.	Letterman	Rodgers	Speaker

NAYS—23

Berson	Cunningham	Murphy	Reed
Borski	Fischer	O'Donnell	Richardson
Chess	Hoeffel	Oliver	Stairs
Cohen	Kukovich	Pistella	Steighner
Cornell	Laughlin	Pratt	Wachob
Cowell	McVerry	Rappaport	

NOT VOTING—10

Dumas	McIntyre	Rhodes	Street
Johnson, J. J.	Maiale	Shadding	Williams
Jones	Pucciarelli		

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

On the question,

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

Mr. DORR offered the following amendments:

Amend Sec. 8 (Sec. 1627), page 11, line 1, by inserting brackets before and after "EACH" and inserting immediately thereafter the prior

Amend Sec. 8 (Sec. 1627), page 11, line 17, by inserting after "CANDIDATE" or political committee

Amend Sec. 9, page 13, line 5, by striking out "in 60 days." and inserting immediately

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment does three things. The first two are technical. It changes the word

"each" when designating the year of the annual report, and instead of "each" it says the "prior" year. So the date, December 31, refers to the prior year which you are making your report with respect to. And the second technical change adds the words "political committee" where it was inadvertently deleted from the language with respect to the termination statements and annual reports. The last change is more substantive. It changes the effective date to an immediate effective date.

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

The following roll call was recorded:

YEAS—185

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

NAYS—0

NOT VOTING—10

Dumas	O'Donnell	Shadding	Thomas
Maiale	Pucciarelli	Street	Williams
Micozzie	Rhodes		

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, SB 543 will be passed over temporarily. The Chair hears none.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony on behalf of the House, Major Jerry Harless and 27 students from Carson Long Institute, who are here today as the guests of Fred Noye of Perry County.

The Chair also welcomes to the balcony James Williams, who is the candidate for the House of Representatives from the 188th district of Philadelphia, and Dwight Evans who is a candidate for the 203rd legislative district in Philadelphia, who are here today as the guests of Mr. Street.

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 785, PN 2825**, entitled:

An Act requiring political subdivisions to permit the use of solar energy and to make certain provisions relating to energy in local land-use controls; establishing requirements for solar skyspace easements; and requiring the Department of Community Affairs to publish guidelines and otherwise assist political subdivisions in energy matters.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 785, on page 6, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House Mr. Sam Cali, the register of wills of Lackawanna County, who is here today as the guest of Frank Serafini, Fred Belardi and Joseph Wargo.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest that we break now until 2 o'clock for the purpose of lunch and for the purpose of caucus.

Now just listen for a moment, if you will. If you will look at page 16 of your calendar for today, you will find that that is the start of five pages of resolutions that were introduced on a bipartisan basis. The resolutions are the result of the studies made by the special TMI committee. I would like to go into caucus, review those resolutions and have lunch after the caucus, and when we return to the floor, take up the balance of the calendar as marked by the leadership and these resolutions. So I am suggesting to you, I guess, that if you are interested in the resolutions, you better go into the caucus. If you are interested in being recorded as voting on those resolutions, you better come back to the floor.

The SPEAKER. Does the majority leader announce the time of the caucus?

Mr. RYAN. There will be a Republican caucus on the declaration of the recess.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, when did Mr. Ryan announce his caucus?

Mr. RYAN. On the declaration of the recess, and return at 2 o'clock.

Mr. MANDERINO. Mr. Speaker, I would ask that Democratic members report immediately to the caucus room for a caucus on some resolutions that are on the calendar that we want to caucus on having to do with Three Mile Island. I think that that can be handled quickly, and we can return to the floor, as scheduled, after lunch.

The SPEAKER. There is a Democratic caucus called immediately upon the declaration of the recess and also a Republican caucus upon the declaration of the recess.

RECESS

The SPEAKER. Without objection, the House does now stand in recess until 2 p.m.

AFTER RECESS

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

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House Max Pavlovich from Richland Township, Cambria County, who is here today as the guest and friend and campaign strategist of Mr. Bill Telek.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, while we are waiting, I wonder whether you might take a point of parliamentary inquiry from Mr. Gatski?

PARLIAMENTARY INQUIRY

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

Mr. GATSKI. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GATSKI. Mr. Speaker, can you inform the members the date you have selected for the special election to fill the unexpired term of Mr. Ray Musto, who was just sworn in as a Congressman 2 weeks ago, just 13 days before the primary? I can recall a while ago for seven House members you called a special election, I believe, 13 days after their resignation, saying how important it was that their districts be represented. I would assume that that case is also true in Mr. Musto's 118th district.

Could the Speaker tell of his intentions as far as filling this House seat?

The SPEAKER. In response to the gentleman, the Chair did not know until yesterday at noontime that Mr. Musto's letter of resignation was here and the Chair has not given any consideration at all to the question. So at this time I have not set a date. I have not even thought about whether or not it would be appropriate to call a special election for the remainder of this year.

The Chair would welcome the gentleman, Mr. Gatski, coming down to the office, and the Chair would welcome his advice and counsel on it as well as other people from that area.

Mr. GATSKI. Thank you, Mr. Speaker. We will be there.

The SPEAKER. The Chair is in error. The date was on Monday at noontime. I was just advised that it was not yesterday that I knew about it.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2393, PN 3130**, entitled:

An Act amending the "Motor Vehicle Sales Finance Act," approved June 28, 1947 (P. L. 1110, No. 476), further providing for the finance charge of certain motor vehicles.

On the question,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments:

Amend Sec. 1 (Sec. 19), page 2, line 14 by removing the period after "tractors" and inserting a comma

Amend Sec. 1 (Sec. 19), page 2, line 14 by inserting brackets before and after "seven percent (7%)" and inserting immediately thereafter eight percent (8%)

Amend Sec. 1 (Sec. 19), page 2, line 14 by inserting after "year" for a period of three years

Amend Sec. 1 (Sec. 19), pages 2 and 3 by striking out "SO LONG AS THE" in line 22 and all of lines 23 through 30, page 2; all of lines 1 through 13, page 3

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, the amendment that I am offering today in some way helps the consumer to curtail the increased cost of interest on the purchase of a motor vehicle. It helps it in this manner: If we pass HB 2393 as it is presently structured, we will be faced with an approximately 18.75-percent interest rate at its maximum rate on the purchase of the vehicle. I am asking the members of the House to consider this amendment so that we can have a cap on these interest rates.

At the present time the prime interest rate is falling; the banks are having less and less of a problem in getting money; the availability of money is there for the banking interests, and I would hope that the members would consider this amendment in the light that it is consumer oriented and that it will still provide those who wish to purchase a car with the necessary moneys from the financial institutions. Thank you, Mr. Speaker.

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

Mrs. TAYLOR. Mr. Speaker, I wonder if the gentleman, Mr. Laughlin, would stand for interrogation.

The SPEAKER. The gentleman, Mr. Laughlin, indicates that he will stand for interrogation. Mrs. Taylor may proceed.

Mrs. TAYLOR. Mr. Speaker, is it your understanding that if HB 2393 were to pass in its original form, the add-on rate would be at 9 percent? Is that your understanding at the present time?

Mr. LAUGHLIN. At the present time, Mr. Speaker, there is also an additional add-on that you are not taking into consideration, and that is the surcharge that is added to the discount rate when you purchase a vehicle. It is in addition to that. You are not just talking about a direct 9-percent add-on to the discount rate; you are talking about additional interest that is charged by the bank in the event that there is a surcharge. Now, this bill provides that any and all institutions may charge a surcharge if in fact any bank charges one, and as you know, the banks that have in excess of \$500,000 in credit out must provide additional revenue to the Federal Reserve in order to maintain that loan. So I would add to that that whenever you total the present 13-percent discount rate with the 9-percent add-on and you figure in the surcharges with it, you are now talking about an 18.75-percent interest rate ceiling on a purchase of a vehicle.

Mrs. TAYLOR. Mr. Speaker, could I continue my interrogation?

The SPEAKER. The lady may proceed.

Mrs. TAYLOR. I am wondering on how many weeks or how many years are you quoting the cost, because in front

of me I have an actuarial equivalent for the add-on rates, and what I have in front of me, Mr. Speaker, says that if the add-on rate goes to 9, we would then have to look at whether or not that money was being borrowed for 3 months or 9 months or 36 months or the usual 42 months. What I have in front of me at the present time is 16.12 percent, and that was what I was questioning, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, the facts that you present are accurate with the exception of the fact that you are not dealing with the surcharge that is added to those institutions that presently have that requirement. In addition to that, the figures that are presently given as an add-on would amount to 18.75 as opposed to the present 12.83, which is a difference of 5.92 percent.

Mrs. TAYLOR. Thank you very much.

I would just like to comment on the Representative's amendment and to say that today when we have the fluctuation that we are all experiencing, it would appear to me that it would be wrong to put on a cap. We might be back here again in 6 months or 1 year, asking again for us to consider the same problem. I think if we do not put the cap on, then we will have resolved the problem of the fluctuating money market. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to clarify one point that was made by Mr. Laughlin. Yesterday we concurred in the Senate amendments on HB 1805, and the question of the surcharge came up in a discussion prior to that bill coming to the floor, and I inquired of the Secretary of Banking whether or not the surcharge would also be applicable to the 5 percent above the discount rate. The answer was no. So I inquired about whether or not the surcharge would be permitted in HB 2393, and the answer was also no; the surcharge would not apply.

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

Mr. LAUGHLIN. Mr. Speaker, in closing, I would like to say in response to the last gentleman's remarks that the surcharge is, as a matter of fact, based on the Federal requirement of all those institutions with in excess of \$500 million out in consumer credit, that they then match the Federal Reserve requirement of additional percentages of money put into the Federal Reserve as a hedge against that loan. That is the surcharge we are talking about, Mr. Speaker. It is with regard to the bank putting the money into the Fed.

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

Mr. L. E. SMITH. Mr. Speaker, I am well aware of the surcharge and the reason for it and what it is all about. What I am trying to convey to the gentleman is that it would not apply to this legislation.

The SPEAKER. Does the minority whip, Mr. Manderino, wish to be recognized on the amendment?

Mr. MANDERINO. Mr. Speaker, I am concerned about the information that we just received from Mr. Smith, that

the Secretary of Banking says that the surcharge will not be applied when we figure out the interest rate that would be applicable on this kind of loan. The bill itself, on page 3, defines "Federal Reserve discount rate," and it says that it shall be "...the rate for advances or discounts for member banks in effect from time to time at the Federal Reserve Banks of the Federal Reserve Districts which include Pennsylvania...." Then there is a parenthetical clause, and it continues: "...plus any surcharge or other cost or charge added to such rate or associated with it for any class of banks, as determined by the Secretary of Banking." I think right in the bill it is very clear that the discount rate is not what we are using as a guide, but it is the discount rate plus the surcharge. It states that in the bill. Mr. Speaker, that being the case, Mr. Laughlin is entirely correct when he says that his amendment is an attempt to place a cap at 8 percent.

In December this House of Representatives and this General Assembly and the Governor signing the bill increased the add-on rate on these types of transactions to 7 percent, which made an annual percentage rate on a 3-year loan of 12.83 percent, and if we allow this bill to pass as it is written without the Laughlin amendment, you would be allowed a 10 1/2-percent add-on, an annual interest rate - an annual APR - of 18.75 percent. Now, that represents, Mr. Speaker, a 46-percent increase in the actual interest rate that would be allowed over present law. It would represent a 70-percent increase over what was allowed prior to December and the passage of the bill allowing it to go to 7 percent. It seems to me that we are just getting way out of hand, and we have got to cap these kinds of bills, and Mr. Laughlin's amendment has merit, Mr. Speaker. I urge its support.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Does the gentleman, Mr. Itkin, wish to debate the amendment? The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. I am sorry, I thought this was on the bill. I apologize, Mr. Speaker.

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

The following roll call was recorded:

YEAS—80

Armstrong	Fischer	Levin	Schmitt
Austin	Fryer	Livengood	Schweder
Belardi	Gallagher	McCall	Seventy
Borski	Gamble	McIntyre	Shupnik
Brown	Gatski	McMonagle	Stairs
Caltagirone	Goodman	Manderino	Steighner
Cappabianca	Grabowski	Michlovic	Stewart
Chess	Gray	Milanovich	Street
Clark, B. D.	Greenfield	Mrkonjac	Stuban
Cochran	Harper	Murphy	Sweet
Cohen	Hoeffel	Novak	Swift
Cole	Hutchinson, A.	O'Donnell	Taylor, F.

Cowell	Irvis	Oliver	Telek
DeMedio	Itkin	Petrarca	Trello
DeWeese	Johnson, J. J.	Pistella	Wachob
Dawida	Knight	Pratt	Wargo
Dombrowski	Kolter	Pucciarelli	White
Donatucci, R.	Kowalshyn	Pyles	Wright, D. R.
Duffy	Kukovich	Rieger	Yahner
Fee	Laughlin	Rodgers	Zeller

NAYS—102

Alden	Foster, Jr., A.	Lewis	Reed
Anderson	Freind	McClatchy	Rocks
Arty	Gallen	McVerry	Ryan
Beloff	Gannon	Mackowski	Salvatore
Bennett	Geesey	Madigan	Scheaffer
Berson	Geist	Manmiller	Serafini
Bittle	George, C.	Micozzie	Sieminski
Brandt	George, M. H.	Miller	Sirianni
Burd	Gladeck	Moehlmann	Smith, E. H.
Burns	Grieco	Mowery	Smith, L. E.
Cessar	Gruppo	Mullen	Spencer
Cimini	Hagarty	Nahill	Spitz
Civera	Halverson	Noye	Taddonio
Clark, M. R.	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Coslett	Helfrick	Perzel	Vroon
Cunningham	Honaman	Peterson	Wass
DeVerter	Hutchinson, W.	Phillips	Wenger
DiCarlo	Johnson, E. G.	Piccola	Wilson
Davies	Kanuck	Pievsky	Wilt
Dietz	Klingaman	Pitts	Wright, Jr., J.
Dininni	Lashingier	Polite	Yohn
Dorr	Lehr	Pott	Zwikel
Durham	Lescovitz	Punt	
Earley	Letterman	Rappaport	Seltzer,
Foster, W. W.	Levi	Rasco	Speaker

NOT VOTING—13

Bowser	Jones	Rhodes	Shadding
Dumas	Lynch, E. R.	Richardson	Williams
Giammarco	Maiale	Ritter	Zord
Goebel			

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

REMARKS ON VOTES

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

Mr. RITTER. On the last roll call, Mr. Speaker, I thought I voted in the negative. Someone said my vote did not record over on that side. I thought I saw it over there. Can the Speaker check?

The SPEAKER. The Chief Clerk informs me that the gentleman is not recorded.

Mr. RITTER. Mr. Speaker, I wish to be recorded in the negative on the Laughlin amendment.

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

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

Mr. A. C. FOSTER. Mr. Speaker, I find myself recorded in the affirmative on HB 1425, PN 2925. That is an error, Mr. Speaker. I would like to be recorded in the negative.

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

CONSIDERATION OF HB 2393 CONTINUED

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, I was rising to speak on the bill, but I understand there is another amendment.

The SPEAKER. The Chair has no notice of any additional amendments.

Mr. MANDERINO. Mr. Speaker, then I yield to the gentleman, Mr. Hutchinson.

MOTION TO TABLE

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

Mr. A. K. HUTCHINSON. I would like to make a motion, but I would like to have a few remarks before.

Yesterday we voted on HB 1805, and I read in the paper today that one of the persons who made the amendment in the Senate is a little bit befuddled. He does not know what he did, and the Secretary of Banking said that we were going to raise the interest on automobiles with the same HB 1805. With that, I would like to make a motion to lay this bill on the table until next week, until we find out what is going to happen to HB 1805.

The SPEAKER. The gentleman from Westmoreland, Mr. Hutchinson, moves that HB 2393 be laid on the table. This is not a debatable motion. Those in favor of laying the bill on the table will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—73

Armstrong	Gallagher	McCall	Rodgers
Austin	Gamble	McIntyre	Schmitt
Borski	Gatski	McMonagle	Schweder
Brown	George, C.	Manderino	Seventy
Caltagirone	Grabowski	Michlovic	Shupnik
Cappabianca	Gray	Milanovich	Stairs
Chess	Greenfield	Moehlmann	Steighner
Clark, B. D.	Harper	Mrkonic	Stewart
Cochran	Hoeffel	Mullen	Street
Cohen	Hutchinson, A.	Murphy	Stuban
Cole	Irvis	O'Donnell	Swift
Cowell	Itkin	Oliver	Taylor, F.
DeMedio	Knight	Petrarca	Telek
DeWeese	Kolter	Pistella	Trello
Dawida	Kukovich	Pratt	Wachob
Dombrowski	Laughlin	Pucciarelli	Wargo
Duffy	Lescovitz	Reed	Wass
Fee	Levin	Ritter	Zeller
Fryer			

NAYS—110

Alden	Foster, Jr., A.	Levi	Rasco
Anderson	Freind	Lewis	Richardson
Arty	Gallen	Livengood	Rocks
Belardi	Gannon	Lynch, E. R.	Ryan
Beloff	Geesey	McClatchy	Salvatore

Bennett	Geist	McVerry	Scheaffer
Berson	George, M. H.	Mackowski	Serafini
Bittle	Gladeck	Madigan	Sieminski
Bowser	Goebel	Manmiller	Sirianni
Brandt	Goodman	Micozzie	Smith, E. H.
Burd	Grieco	Miller	Smith, L. E.
Cessar	Gruppo	Mowery	Spencer
Cimini	Hagarty	Nahill	Spitz
Civera	Halverson	Novak	Taddonio
Clark, M. R.	Hasay	Noye	Taylor, E. Z.
Cornell	Hayes, Jr., S.	O'Brien, B. F.	Thomas
Coslett	Helfrick	O'Brien, D. M.	Vroon
Cunningham	Honaman	Perzel	Wenger
DeVerter	Hutchinson, W.	Peterson	White
DiCarlo	Johnson, E. G.	Phillips	Wilt
Dietz	Johnson, J. J.	Piccola	Wright, D. R.
Dininni	Jones	Pievsky	Yahner
Donatucci, R.	Kanuck	Pitts	Yohn
Dorr	Klingaman	Polite	Zord
Durham	Kowalshyn	Pott	Zwinkl
Earley	Lashingner	Punt	
Fischer	Lehr	Pyles	Seltzer,
Foster, W. W.	Letterman	Rappaport	Speaker

NOT VOTING—12

Burns	Giammarco	Rieger	Williams
Davies	Maiale	Shadding	Wilson
Dumas	Rhodes	Sweet	Wright, Jr., J.

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, very briefly, HB 2393 permits the interest rate on third-party transactions on the purchase of automobiles to rise, depending upon what the Federal discount rate is as defined in the bill, and the bill defines the Federal discount rate as that rate at which advances and borrowings can take place from the Federal Reserve Board by member banks plus any surcharge in effect at the time. Presently the Federal discount rate is at 13 percent and there are many banks that have the 3-percent surcharge added; so that rate, as defined by this bill that we are pegging ourselves to, is now at 16 percent. And that 16 percent will permit, under the provisions in this bill, an add-on interest rate of 10 1/2 percent. Prior to December, the rate was an add-on rate of 6 percent. In December we allowed on these kinds of transactions a 1-percent increase, that is, a 1-percent add-on, which really meant that the annual percentage rate went to 12.83 percent.

If we allow this bill to pass and become law, under the provisions of this bill the top interest rate could be 18.75 percent on these kinds of transactions. And, as I said before, this bill in itself raises the interest rate or permits the interest rate to rise 46 percent over current law. It permits a rise in interest rate over what has been the law in this Commonwealth for many, many, years, which we changed in December, and permits the rate to rise over last year's rate by 70 percent.

Again, with all the arguments we made yesterday on HB 1805 about placing the burden of inflation upon the consumer and making the special interest hole apply in this bill, the only persons, the only people that are going to be hurt by this bill are those who purchase cars on time and pay interest in third-party transactions. When you go to your automobile dealer and sign all your papers there, you sign your loan papers there, instead of paying interest at the rate of 12.83 percent, you will probably be paying interest at the rate of 18.75 percent. All of the arguments made yesterday and some today about how money is becoming more available to those who lend it at cheaper rates apply. We should not, we should not pass this kind of legislation allowing for this great gap, this great increase, in interest rates to a great detriment of the consumers across this Commonwealth. I urge a negative vote on the bill.

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

Mrs. TAYLOR. Mr. Speaker, first of all as most of the members of the House know, this bill concerns itself with the finance charges permitted by law on the purchases of automobiles under the Motor Vehicle Sales Finance Act. And if there is any one point that I would like to get across very clearly, and I will say it like two ways, this bill does not raise the interest rate. This bill does not establish a law that will raise the interest rate. This bill is not a nonconsumer bill. This bill might be labeled a consumer bill because right now we do not have any consumers for our new automobiles. Our automobile industry is in trouble. The bill is different from the one that we passed in the House yesterday. Yesterday we passed a bill that dealt with direct, direct loans. Today we are talking about a bill that involves a third-party loan. It is obvious, I am sure, to every member of this House that the automobile industry in this country is a barometer, and right now that barometer is falling. And I suggest to you, ladies and gentlemen of the House, that this may not be a bill that we would pass if circumstances were different, but circumstances are not different. We need this bill; consumers need this bill; automobile dealers need this bill; and I suggest to you that we pass the bill and also remember that the automobile industry is supportive of the Pennsylvania steel industry, the Pennsylvania glass industry and the Pennsylvania automobile manufacturers - tires, what have you.

Let me share with you some information that I received concerning what is happening in our surrounding states. In Maryland, as of April, their rate for automobile dealers, 21 1/2 percent. In New York, they are in the process of changing their law. New Jersey had a 7-percent add-on, but now it is up to 9-percent. Ohio has an APR - Annual Percent Rate - 15 percent to 18 percent. Delaware has a floating rate with a discount; and that, Mr. Speaker, is what we are trying to do in HB 2393, and I urge the passage of this legislation. Thank you very much.

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

Mr. COWELL. Would Mrs. Taylor consent to interrogation, please?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, I am trying to just determine with certainty exactly how the adjustment mechanism will work and from what base it will work as it is described on page 2, starting with the new language. Now it is rather clear, the language is rather clear, that when the discount rate is less than 11 percent, the finance charge will be 7. And it states clearly that when the discount rate is at 11 percent, the discount rate will be 8 percent. I am concerned and my question relates to the language that begins on line 25 of page 2. It says, "Whenever the Federal Reserve discount rate exceeds eleven percent (11%)...", and today it does. Today it is 13 percent. So I am assuming that we are beginning with a base of 13 percent today and an interest rate of 7 percent. It says whenever it exceeds, as it does today when it is 13 percent, "...the Secretary of Banking shall as promptly as possible following" an additional "change..." I am inserting the word "additional," but "...following a change in such rate....", which means that if it goes from 13 now up to 14, then the rate of finance charge can be increased or decreased appropriately.

I am asking, does that language say all that you intend it to say? As I read it and as I interpret it here, that 7-percent rate is not going to increase and the Secretary of Banking cannot increase it until and unless the discount rate is increased above 13 percent. But if the discount rate decreases below 13 percent, there will be no change whatsoever. I do not think that is what you intend, but that is what it seems to say.

Mrs. TAYLOR. Mr. Speaker, if I could attempt to answer the question, at the present time the discount rate is 13 percent. If this bill were to be law today, the add-on rate would be 9 percent. As the discount rate goes up 1 percentage point, the add-on rate would rise half a point. So I believe the Secretary of Banking is not going to make any adjustments, Mr. Speaker. The Secretary of Banking is merely going to announce, he is going to inform the community as to what the discount rate would be at a certain time if it has changed. If the discount rate has gone from 11 to 12 or 11 to 13—and I believe it is at 13 today—then I think the bill is saying that the add-on rate would then be 9 percent.

Mr. COWELL. Mr. Speaker, I appreciate your interpretation and I thought that the intent was that the add-on rate would be 9 percent today, but in fact there is not a change occurring from 11 percent to 13 percent after the adoption of this law, if it is adopted. The base will be 13 percent. That is what we have today and that is what will be in effect probably if this bill becomes law immediately. And my interpretation is that any changes will be from that 13-percent base or whatever base exists at the time the law is adopted rather than from the base of 11 percent that perhaps existed at the time this bill was written. And I am concerned that this is going to end up being very confusing,

not just for us but for the Secretary of Banking and, more importantly, for some judge who gets called in to make some determination. The language that was struck on lines 14 through 22 seems to have addressed that question more clearly than does the language that was inserted.

Mrs. TAYLOR. Mr. Speaker, I was going to suggest that, you know, we might be confused about it but hopefully the Secretary of Banking will not be. It seems to me that it does very clearly, Mr. Speaker, on page 2, line 22, where it reads, "So long as the Federal Reserve discount rate is less than eleven percent (11%) and eight percent (8%) per year when the Federal Reserve discount rate is eleven percent (11%)." I think what it is saying there is that, you know, that is the base, 11 percent is the base. However, as of today we are now at a discount rate of 13 percent.

Mr. COWELL. Mr. Speaker, if I may make a brief remark, please.

The SPEAKER. The Chair recognizes Mr. Cowell. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I was concerned about HB 2393 at the beginning because it is an open-ended proposition. We really do not know what the rates might be in the future, and I find it difficult to support interest bills that are open-ended. But equally as important now following this discussion, I am concerned that the language, the new language, that we propose to insert into this law is equally unclear and perhaps may even work to the detriment of the cause that is supposedly being served by this bill and is trying to be served by the proponents of this bill.

We can be very clear in terms of interest language, interest rates, if we chose to be, and that is what we ought to be. That is the approach we ought to use. I am opposed to open-ended language and I am very opposed to this language that currently exists in HB 2393, because I do not even think it clearly states the intent of the proponents of the legislation. And on that basis, I would urge that we defeat it.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think that part of the confusion that arises—and I must insist that we look at this hard—is that the Federal Reserve discount rate that Mrs. Taylor is talking about, at 13, is not the Federal Reserve discount rate that this bill talks about. This bill defines for itself what Federal Reserve discount rate means, and it says that it means the 13 percent at the Federal Reserve Board and the 3-percent surcharge. So we really start out with a discount rate of 16. Now there is no way to deny the language that appears on page 3 of the bill, at lines 7 through 13, which says, "...the 'Federal Reserve discount rate' shall"—"for the purpose of this paragraph"—"be..." and it does not mean the 13 percent that Mrs. Taylor is talking about because it defines something else. There is no question that the add-on permitted by this bill is not 9 percent but it is 10 1/2 percent, which is substantially above what even Mrs. Taylor evidently intends. The bill does not do what it is purported to do.

Mr. Speaker, I urge a negative vote and, on this important measure, I ask that only members in their seats and present here vote.

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

Mr. RAPPAPORT. We have been hearing today about how high the rates can go. And, indeed, if our inflation rate keeps up, the true interest rate of money will continue to go up, because, historically, interest rates have gone between 2 and 4 percent above the inflation rate. So the people know that they are getting their money back when they invest it plus a modest return, which is in effect what is going on today.

I must point out that if this 3-percent surcharge comes off in the near future, as many people expect it to be, then the rate for the purpose of this bill will be 13 percent, not 16 percent. The rates are coming down; good. Then these rates will come down in tandem with it. Rates go up. Rates come down. The problem with the last 5 years has been that the fluctuation in rates has been very extreme and the pendulum has swung wider than it has historically, and we really have not gotten adjusted to that in our thinking, and this series of bills tries to do that. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, I have a friend who is in the meatpacking business, just as the Speaker is or was. He is fond of telling a story about—this happened years ago—one of his customers calling him and saying, How much are your franks this week, Charlie? He said, I am selling franks for 49 cents a pound. He said, Seltzer is selling them for 39 cents a pound. Charlie said, Well, why don't you go buy them from Seltzer? He said, Seltzer doesn't have any. Charlie said, Oh, when I don't have any, I sell them for 19 cents a pound.

The SPEAKER. Come into the 20th century, man.

Mr. GALLEN. Mr. Speaker, today banks and lending institutions are unwilling to make automobile loans on new cars, old cars, or anything else, because they just cannot make money on them. They are paying more for their money than that. Wealthy people can buy cars today. They buy new cars because they have the money. Poor people cannot buy cars or people of modest incomes cannot buy cars because nobody will lend them the money. Mr. Speaker, if this bill becomes law, these people will be able to purchase automobiles. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

The Chair never heard the gentleman more eloquent.

Mr. GEORGE. Mr. Speaker, I wish you would explain to me how the bankers stopped that microphone on me because I am against this bill.

Well, I would not say it is just the automobile dealers, my friends. I would say that it is everything in high finance. And I would also say, from the debate I have heard just a little while ago or for the last half hour, there are a lot of people in here who pay cash for their automobiles, because

it is evident that not many of you are forced to finance. And it is also quite evident to me that we must live under that old adage that "talk is cheap and it takes money to buy whiskey," because that is the way you are acting today. And if you are going to stand there and tell this membership and go out in November and tell those constituents how you care, then you better go back to your printer and get some of your literature changed, because you really do not care. I am not here to embarrass you. I would be just as embarrassed if I was caught up in this thing, and I think I speak from some expertise as far as an automobile dealer.

I know all about reserve and I know what the situation is, and I guess a long time ago they were absolutely right when the three men asked what the best invention was and who were those people responsible. And it has been decided, Mr. Speaker, that it was not electricity or it was not the telephone; that, in fact, it was interest. That, indeed, is the best invention.

And what are we doing? We are taking that average individual that we speak for and in behalf of and we say that it does not make any difference that when you are unemployed and all the benefits cease, you no longer have health coverage or health protection, and if something happens within your family that is going to take an extra \$50 or \$60, it will not make any difference, because, Mister, you are going to lose your automobile. It is going to be repossessed.

Do not let anybody kid you that this bill is not before us today because it is not going to make somebody some money. And if it is going to make somebody some money, it is not the little guy that is going to benefit; it is the little guy that is going to pay. And I can tell you that the same amount of automobiles will be sold in Pennsylvania next year as there would have been if we had not passed this bill. So if these bankers and these dealers are telling you that this bill is necessary to help them sell automobiles, I am saying to you that for too long and for too many times we have stood here in this House and we have said to that honest individual that makes his payments, we are now going to charge you more because the banks and the dealers want more money for that individual that is a bad risk. And that is all this is about.

In these times when no one can predict what is going on, I would say that we should be ashamed of ourselves for even insisting that we would look into the merits of a bill like this at this moment. I would encourage you to vote no for this bill.

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

Mr. ITKIN. Mr. Speaker, I would like to ask the sponsor to consent to a brief interrogation.

The SPEAKER. Does the lady consent to be interrogated?

Mrs. Taylor indicates that she will stand for interrogation. Mr. Itkin may proceed.

Mr. ITKIN. Mr. Speaker, I am having some difficulty appreciating the nonuniform application of this particular

amendment to the Motor Vehicle Sales Finance Act. I see that there are a number of categories of interest rates permitted for different classes and different uses of motor vehicles, and I see that the only category that is being uncapped and allowed to rise, as the cost of money increases, is category 1. I wonder whether the lady would be able to comment on why she saw fit only to uncap the interest charges in one category while leaving all the other caps on?

Mrs. TAYLOR. Mr. Speaker, I will take a stab at that. The new car dealers are the dealers that are in trouble. This classification refers to new cars. It also refers to, I think, and the classification says that it is new motor vehicles except those having a cash value of \$10,000 or more that would be used for commercial purposes.

So, directly speaking, Mr. Speaker, I think the answer to that question is that that classification was looked at because it was in that classification that not only were the new dealers having difficulty, but the people, the consumers, were the ones who went to the bank and found that they could not get any money in order to buy in the new-car market.

Mr. ITKIN. Mr. Speaker, you talk about new cars, and let us only deal with the concept of new-car sales. Yet there is another category that deals with new-car sales, and you mentioned it briefly in your response - those vehicles over \$10,000 which are used primarily for commercial purpose.

Now as I understand the existing law, which you are not changing in this particular area, you are still, by your amendment, permitting a cap on new cars selling for over \$10,000, with a cap of an add-on interest rate of 7 1/2 percent. Now if your concern is for the person procuring a car being able to do so and getting the money available, why are you not being so generous to those individuals who purchase vehicles for commercial applications who, from your own testimony, will not be able to get the financing and be able to conduct their business? I mean, why did you not allow the same increase on those particular applications?

Mrs. TAYLOR. I will take a stab at that, and then I will let some of the financiers make a statement.

The point, I think, is that if you were buying a commercial vehicle over \$10,000 and you went to the bank, there would be money for that kind of purchase. There is not money at the present time—as was pointed out several times during the debate—for the average, ordinary consumer who needs to use his car or her car privately for their daily work. I would assume that money would be more available for commercial loans, because it is the commercial loans where, I guess, the banks make most of their profits and not on what we are talking about now.

Mr. ITKIN. Well, I do not know. Perhaps someone else will want to respond, because it does not seem clear to me if the basis of the argument is that money goes to where you can make the greatest return on investments. You are telling me that there is adequate money to purchase vehicles if I say I am going to use it for a commercial purpose and

that it is satisfactory to have a 7 1/2-percent add-on, but then you tell me that I can go to the same bank and say, well, no, I really want to use this as a personal car, I do not really wish to use it for a commercial application, and they can say, well, we have no money for you; if you would say to us that you use it for a commercial purpose and you will buy a more expensive car, we would certainly give it to you at the 7 1/2-percent cap. I just do not see it. I see just the contrary.

What I see is an attempt to make money flow into the car financing operations by imposing additional interest rates on the average car purchaser and giving deference to the larger car purchaser who may use a more expensive car or vehicle for a commercial purpose and telling him that he can get away at very, very low interest rates, and I do not understand how you can in good conscience sock it to the average car purchaser and then allow those who purchase more expensive vehicles from not feeling the same type of problem.

Mrs. TAYLOR. I am sorry, Mr. Speaker, but I did not hear the question.

The SPEAKER. The lady indicated she was unable to hear the question. Will the gentleman, Mr. Itkin, please repeat the inquiry?

Mr. ITKIN. Well, Mr. Speaker, I guess I am asking for the second time, what was the motive for uncapping interest rates on vehicles used for noncommercial—

Mr. RYAN. Mr. Speaker, may we have a 2-minute recess for a second, please?

Mr. ITKIN. A 1-second or a 2-minute recess?

Mr. RYAN. I caught that mistake myself.

The SPEAKER. Will the gentleman, Mr. Itkin, yield to the majority leader?

Mr. ITKIN. Yes, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have discussed with the prime sponsor and the minority whip the need for an amendment, and, accordingly, I would ask that this bill be set aside temporarily and that the House go back and take up SB 543 while we are awaiting the amendment.

The SPEAKER. Without objection, the Chair will pass over HB 2393 temporarily. The Chair hears none.

CONSIDERATION OF SB 543 RESUMED

On the question recurring,

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

Mr. MANDERINO offered the following amendments:

Amend Sec. 8 (Sec. 1635), page 12, line 22, by striking out "INCLUDING LEGISLATIVE DISTRICTS"

Amend Sec. 8 (Sec. 1635), page 12, line 24, by inserting after "COMMONWEALTH." For the purpose of this subsection, a legislative or senatorial district shall be considered a public office.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment has to do with the portion of the bill that indicates that the financing accounts of 5 percent of all the persons running for public office will be audited. The language that was used in the bill, Mr. Speaker, in my opinion, was confusing in that it talked of 5 percent of all public offices including legislative districts for which candidates must file nominating petitions or papers with the Secretary of the Commonwealth would be audited, and legislative district is not a precise term. It does not speak to senatorial districts, and it does not make it clear whether 5 percent of all these will be audited or whether 5 percent of all the offices elected would be audited.

I simply make a very minor change, and I will read to you the way the change makes the section read. "The Secretary of the Commonwealth shall select by lottery, at a public drawing, forty days after each general and municipal election five per cent of all public offices," and I have taken out "including legislative districts", and I just continued, "for which candidates must file nominating petitions or papers with the Secretary of the Commonwealth." I have added this line: "For the purpose of this subsection, a legislative or senatorial district shall be considered a public office." That means that each legislative district and each senatorial district and each other office that is elected in the statewide election or any election where the filing has to be with the Secretary of the Commonwealth, 5 percent of all of those will be audited. I change nothing but make it clear that we are talking about legislative districts meaning senatorial as well as House districts. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I reviewed this amendment with Mr. Manderino earlier and I agree with his statement that this cleans up the language of the act, and I will support it.

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

The following roll call was recorded:

YEAS—184

Alden	Foster, Jr., A.	Levin	Rocks
Anderson	Freind	Lewis	Rodgers
Armstrong	Fryer	Livengood	Ryan
Arty	Gallagher	Lynch, E. R.	Salvatore
Austin	Gallen	McCaill	Scheaffer
Belardi	Gamble	McClatchy	Schmitt
Beloff	Gannon	McMonagle	Serafini
Bennett	Gatski	McVerry	Seventy
Berson	Geesey	Mackowski	Shupnik
Bittle	Geist	Madigan	Sieminski
Borski	George, C.	Manderino	Sirianni
Bowser	George, M. H.	Manmiller	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.
Brown	Goebel	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Gray	Moehlmann	Steighner

Cessar	Greenfield	Mowery	Stewart
Chess	Grieco	Mrkonic	Street
Cimini	Gruppo	Mullen	Stuban
Civera	Hagarty	Murphy	Sweet
Clark, B. D.	Halverson	Nahill	Swift
Clark, M. R.	Harper	Novak	Taddonio
Cochran	Hasay	Noye	Taylor, E. Z.
Cohen	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cole	Helfrick	O'Donnell	Telck
Cornell	Hoefel	Oliver	Thomas
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson, A.	Peterson	Vroon
Cunningham	Hutchinson, W.	Petrarca	Wachob
DeMedio	Irvis	Phillips	Wargo
DeVerter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	Wenger
DiCarlo	Johnson, J. J.	Pistella	White
Davies	Jones	Pitts	Williams
Dawida	Kanuck	Polite	Witt
Dietz	Klingaman	Pott	Wright, D. R.
Dininni	Knight	Pratt	Wright, Jr., J.
Dombrowski	Kolter	Pucciarelli	Yahner
Donatucci, R.	Kowalshyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zord
Durham	Laughlin	Rasco	Zwilk
Earley	Lehr	Reed	
Fee	Lescovitz	Rhodes	Seltzer,
Fischer	Letterman	Ritter	Speaker
Foster, W. W.	Levi		

NAYS—0

NOT VOTING—11

Burns	McIntyre	Richardson	Shadding
Dumas	Maiale	Rieger	Wilson
Giammarco	O'Brien, D. M.	Schweder	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

WELCOME

The SPEAKER. The Chair welcomes to the balcony 20 students from the Lancaster Mennonite High School with their teachers, Mr. George and Mr. Weber. They are here today as the guests of the Lancaster County delegation.

CONSIDERATION OF SB 543 CONTINUED

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

Mr. MANDERINO offered the following amendments:

Amend Sec. 6 (Sec. 1626), page 9, line 10, by removing the period after "COPYING" and inserting as herein provided. Any person may inspect or copy such vouchers by filing a request with the appropriate supervisory office which shall notify the candidate or political committee of such request. The candidate or political committee shall have the option of either forwarding such vouchers to the supervisor for such purpose or making the vouchers available to the requesting person.

Amend Sec. 6 (Sec. 1626), page 9, line 12, by striking out "ANY PERSON"

Amend Sec. 6 (Sec. 1626), page 9, line 13, by striking out "WHEN NOTIFIED OF SUCH FAILURE," and inserting such officer

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this has to do with the section of the bill which permits the candidate, rather than to file vouchers, to keep vouchers on file which must then be made available upon request for copying to anyone who wants to copy or to review the same. I simply add to that section of the bill, Mr. Speaker:

Any person may inspect or copy such vouchers by filing a request with the appropriate supervisory office which shall notify the candidate or political committee of such request. The candidate or political committee shall have the option of either forwarding such vouchers to the supervisor for such purpose or making the vouchers available to the requesting person.

I am trying to eliminate the coming to your home and your office of many individuals who may want to review it, and I am simply saying that anyone who wants to review it makes a request of the supervisor and we furnish then the vouchers to the supervisor for review. If you want to give them to the person who requests it, we can also. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I reviewed this amendment also with Mr. Manderino and I am of an opinion that it makes sense and should be adopted.

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

The following roll call was recorded:

YEAS—180

Anderson	Foster, Jr., A.	Lewis	Rocks
Armstrong	Freind	Livengood	Rodgers
Arty	Fryer	McCall	Ryan
Austin	Gallagher	McClatchy	Salvatore
Belardi	Gallen	McMonagle	Scheaffner
Beloff	Gamble	McVerry	Schmitt
Bennett	Gannon	Mackowski	Serafini
Berson	Gatski	Madigan	Seventy
Bittle	Geesey	Manderino	Shupnik
Borski	Geist	Manmiller	Sieminski
Bowser	George, C.	Michlovic	Sirianni
Brandt	George, M. H.	Micozzie	Smith, L. E.
Brown	Gladeck	Milanovich	Spencer
Burd	Goebel	Miller	Spitz
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Gray	Mowery	Steighner
Cessar	Greenfield	Mrkonic	Stewart
Chess	Grieco	Mullen	Street
Cimini	Gruppo	Murphy	Stuban
Civera	Hagarty	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Harper	Noye	Taddonio
Cochran	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cole	Helfrick	O'Donnell	Telek
Cornell	Hoeffel	Oliver	Thomas
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson, A.	Peterson	Vroon

Cunningham	Hutchinson, W.	Petrarca	Wachob
DeMedio	Irviss	Phillips	Wargo
DeVerter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	Wenger
DiCarlo	Jones	Pistella	White
Davies	Kanuck	Pitts	Williams
Dawida	Klingaman	Polite	Wilt
Dietz	Knight	Pott	Wright, D. R.
Dininni	Kolter	Pratt	Wright, Jr., J.
Dombrowski	Kowalshyn	Pucciarelli	Yahner
Donatucci, R.	Kukovich	Punt	Yohn
Dorr	Lashingner	Pyles	Zeller
Duffy	Laughlin	Rappaport	Zord
Durham	Lehr	Rasco	Zwilk
Earley	Lescovitz	Reed	
Fee	Letterman	Rhodes	Seltzer,
Fischer	Levi	Ritter	Speaker
Foster, W. W.	Levin		

NAYS—0

NOT VOTING—15

Alden	Goodman	Maiale	Shadding
Burns	Johnson, J. J.	Richardson	Smith, E. H.
Dumas	Lynch, E. R.	Rieger	Wilson
Giammarco	McIntyre	Schweder	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

Mr. MANDERINO offered the following amendments:

Amend Sec. 6, page 8, line 30, by striking out "SUBSECTIONS" and inserting Clause (4) of subsection (b), subsections

Amend Sec. 6 (Sec. 1626), page 9, by inserting between lines 4 and 5 (b) Each report shall include the following information:

(4) [Each and] Except as provided herein, every expenditure, the date made, the full name and address of the person to whom made and the purpose for which such expenditure was made. An expenditure of twenty-five dollars (\$25) or less for a campaign worker or a poll watcher shall be listed only as a total sum of all such expenditures.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment addresses the section of this bill that deals with expenditures of \$25 or less in any campaign. Presently we are allowed under the law to report contributions of less than \$25 in the aggregate. We can say that we received 17 contributions of less than \$25 or 150 less than \$25 and we can report the total sum. This speaks to the expenditure side but limits the same kind of aggregate filing of \$25 or less to the expenditures made for campaign workers and poll watchers.

Mr. Speaker, the rationale and the purpose of this amendment is to eliminate what appears to be a requirement in existing law that reports include the names and addresses of all campaign workers. The mechanics of

paying such workers makes it extremely difficult to comply with this requirement. This exception is limited to campaign workers. Mr. Speaker, I urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have reviewed this amendment with Mr. Manderino, and I disagree with him.

I think the bill as drafted, requiring on the expenditure side a list of those people to whom money was paid by the campaign committee, should be held intact. And I understand the illogic of that position in that contributions of less than \$25 may be grouped and expenditures of less than \$25 may not be grouped, but I think it is proper.

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

Mr. CHESS. Mr. Speaker, I join with the majority leader in opposition to this amendment.

In districts such as my own and some of my colleagues' from Allegheny County, where we do not pay our poll workers and we are often up against the machine which does nothing but pay the poll workers, there is often a question of who is working for whom; where the money is being spent; who is getting what money; how is it filtering down. In many cases the money goes to two or three individuals, and the amounts may filter down to \$25 or less per individual, but one person is getting maybe \$200, \$300, \$400, \$500, and I think it raises some very serious questions if we would delete this amendment. I oppose the amendment.

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

Mr. ZELLER. Mr. Speaker, I agree with our minority leader. What Mr. Chess is saying is true. What a political group can do is just list X amount that was given to so many campaign workers, and there is no saying that it really went to campaign workers. It took care of wetting the whistle of some powerful district politician who was taken care of because he can deliver, and we want to know who those workers are so they can be checked out. It is not going to go to some kingpin who is going to be calling the shots. That is a fact. What will happen is all they will list is X amount of money went out to X amount of people without listing names. This is no way to work it because, as a matter of fact, they can list one hunk of money that went out to so many people in an area and here some powerful district politician got the money because he is going to deliver that area. That is one of the reasons why I am very much afraid of it.

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

The following roll call was recorded:

YEAS—49

Austin	Grabowski	McMonagle	Rodgers
Beloff	Gray	Manderino	Schmitt
Caltagirone	Greenfield	Milanovich	Seventy
Cappabianca	Harper	Mrkonic	Shupnik
Clark, B. D.	Hutchinson, A.	Mullen	Steighner

Cochran	Irvis	Novak	Street
DeMedio	Jones	Oliver	Sweet
Donatucci, R.	Knight	Pievsky	Trello
Duffy	Kolter	Pratt	Wargo
Fee	Lescovitz	Pucciarelli	White
Gallagher	Levin	Rappaport	Williams
Gamble	McCall	Rhodes	Zeller
Gatski			

NAYS—133

Alden	Earley	Letterman	Ryan
Anderson	Fischer	Levi	Salvatore
Armstrong	Foster, W. W.	Lewis	Scheaffer
Arty	Foster, Jr., A.	Livengood	Serafini
Belardi	Freind	Lynch, E. R.	Sieminski
Bennett	Fryer	McClatchy	Sirianni
Berson	Gallen	McVerry	Smith, E. H.
Bittle	Gannon	Mackowski	Smith, L. E.
Borski	Geesey	Manmiller	Spencer
Bowser	Geist	Michlovic	Spitz
Brandt	George, C.	Micozzi	Stairs
Brown	George, M. H.	Miller	Stewart
Burd	Gladeck	Moehlmann	Stuban
Cessar	Goebel	Mowery	Swift
Chess	Goodman	Murphy	Taddonio
Cimini	Grieco	Nahill	Taylor, E. Z.
Civera	Gruppo	Noye	Taylor, F.
Clark, M. R.	Hagarty	O'Brien, B. F.	Telek
Cohen	Halverson	O'Brien, D. M.	Thomas
Cole	Hasay	O'Donnell	Vroon
Cornell	Hayes, Jr., S.	Perzel	Wachob
Coslett	Helfrick	Peterson	Wass
Cowell	Hoeffel	Petrarca	Wenger
Cunningham	Honaman	Piccola	Wilt
DeVerter	Hutchinson, W.	Pistella	Wright, D. R.
DeWeese	Itkin	Pitts	Wright, Jr., J.
DiCarlo	Johnson, E. G.	Polite	Yahner
Davies	Kanuck	Pott	Yohn
Dawida	Klingaman	Punt	Zord
Dietz	Kowalyshyn	Pyles	Zwinkl
Dininni	Kukovich	Rasco	
Dombrowski	Lashingier	Reed	Seltzer,
Dorr	Laughlin	Ritter	Speaker
Durham	Lehr	Rocks	

NOT VOTING—13

Burns	McIntyre	Phillips	Schweder
Dumas	Madigan	Richardson	Shadding
Gjammarco	Maiale	Rieger	Wilson
Johnson, J. J.			

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

REMARKS ON VOTE

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

Mr. E. H. SMITH. Mr. Speaker, on the Manderino amendment No. 6320, I was out of my seat. I would like to be recorded in favor of that amendment.

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

CONSIDERATION OF SB 543 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—176

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

NAYS—4

Cornell	Kukovich	O'Donnell	Street
---------	----------	-----------	--------

NOT VOTING—15

Burns	Levin	Pucciarelli	Shadding
Dumas	Lynch, E. R.	Richardson	Smith, E. H.
Giammarco	McIntyre	Rieger	Wilson
Goebel	Maiale	Schweder	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

REMARKS ON VOTES

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

Mr. ZELLER. Mr. Speaker, I had my individuals crossed on the last amendment. I was in favor of what the majority leader was saying, and I voted wrong. I want to be voted in the negative on the amendment A6328. Sorry.

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

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

Mr. LEVIN. Mr. Speaker, I pushed my button, but I did not see the light in the affirmative on the final passage of SB 543. Could you check and see whether I was recorded?

The SPEAKER. The gentleman, Mr. Levin, is not recorded.

Mr. LEVIN. I would like the record to reveal that I would have voted "yes" had it been operative.

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

The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, I was out of my seat on the Manderino amendment A6328. I wish to be recorded in the negative.

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

OBJECTION TO PASSING BILLS OVER

The SPEAKER. Without objection, all bills on page 10 will be passed over.

Mr. MANDERINO. Mr. Speaker, I have an objection to passing all the bills over on page 10.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, HB 2135 is a change in the appropriation in the Motor License Fund which will pay state policemen, I am told, who have already been informed that their next paycheck cannot be forthcoming because this bill has not run.

Now, I do not know why this bill was not run. It has been on the calendar for 15 legislative days; it went on and off the table yesterday. I have several amendments to the bill, Mr. Speaker, but I think that the bill ought to be called up, the amendments dealt with, and send the bill on its way so that the State Police can get paid.

The SPEAKER. Without objection, HB 2032, HB 2101, and HB 2114 will be passed over. The Chair hears none.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, two things: First, the leadership marked their calendar this morning, and this bill was marked for a hold. I had no inclination that Mr. Manderino intended to call it up, although I marked the calendar that Mr. Manderino had an amendment for it.

Mr. MANDERINO. I told you this morning when we marked the calendar that I had every intention of calling up HB 2135.

Mr. RYAN. I have no recollection of that. I honestly do not. In any event, your calendar and my calendar show that it was not caucused on by the Republican side, and that is the reason it was held over along with any number of other bills, two others on that particular page not having been caucused on by the Democratic side.

The reason I am told that we did not caucus on it was that the Appropriations Committee is of an opinion that inasmuch as this is a House bill, the State Police problem will be quicker reached and quicker solved through another process, and I would be happy to yield to Mr. McClatchy, who would discuss that with you if you like. Other than that, Mr. Speaker, I would again ask for—and I recognize my mistake this time—a 2- or 3-minute recess for a second.

Would you like to interrogate or hear from Mr. McClatchy on it, Mr. Speaker?

Mr. MANDERINO. Mr. Speaker, I am asking that HB 2135 be called up. My specific reason is that I am beginning to get calls from the State Police in my district who are telling me that they are not going to get paid because I have amendments to HB 2135. I do not know where they are getting that information, but certainly if this is the vehicle that is going to give them the pay, I do not want to hold it up. I want it to move.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, would the gentleman advise me, is it his interest in solving the State Police problem by calling this bill up and voting on it finally without amendment?

Mr. MANDERINO. No, Mr. Speaker. I had announced that I had amendments on this at least 15 legislative days ago, and the majority leader for some reason continues to choose not to call the bill up. Now, it has come to the point that it will be critical, and I do not want any longer to be blamed for holding up HB 2135.

Mr. RYAN. Mr. Speaker, I guess the gentleman did not understand my question, but that really does not surprise me.

My impression then is that the gentleman is not as interested in calling the bill up to solve the State Police problem as he is interested in inserting his amendments in a bill that will move through this House.

Mr. MANDERINO. Mr. Speaker, I am certainly interested in offering my amendments. They have been filed with the clerk; many of them have been distributed as long as 3 and 4 and 5 weeks ago. And, Mr. Speaker, I am not delaying the State Police getting paid; you are. You have refused to call the bill up.

Mr. RYAN. Well, this is not in response necessarily to Mr. Manderino's statement, but by way of explanation, it is the intention of Mr. McClatchy to review the State Police problem and insert it into HB 1623, which is a bill that has passed both the House and the Senate and is in a conference committee. That can solve the problem immediately and on time. The committee, I understand, will meet next week for this purpose. The pronounced intent of Mr. Manderino to solve that problem with HB 2135 falls somewhat short in that being a House bill, it must leave this Chamber, go through the Senate committee process, the Senate floor, and return for signature by both the House and the Senate. I suspect and recommend that the McClatchy approach is the more realistic approach of solving the problem than with controversial amendments attached to this.

Now, if the gentleman wants to solve the State Police problem and move this bill through without amendments, I would be happy to call it up. Other than that, I would ask that the bill be held over, and whatever the appropriate motion is to accomplish that, I would move to that effect now.

The SPEAKER. The minority whip, Mr. Manderino, objects to HB 2135 being passed over. The Chair recognizes the majority leader, Mr. Ryan, who objects to the bill being considered.

The question is, will the House consider the bill? Those who would vote in the affirmative would vote to consider the bill immediately. Those who object to the bill being considered immediately will vote "no."

PARLIAMENTARY INQUIRY

The SPEAKER. The motion is not debatable, but the Chair recognizes the minority whip.

Mr. MANDERINO. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, do not the rules of this House provide for an order of business to be taken up and that each bill be called up in its order, and do not the rules provide further that any variation from that must be done by suspension of the rules?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, rather than go through this parliamentary debate, I would concede that the bill be called up, at which point I would like to be recognized so that I might move to lay the bill on the table.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2135**, **PN 2715**, entitled:

An Act amending the "Motor License Fund Supplement to the General Appropriation Act of 1979," approved July 4, 1979 (No. 11A), increasing the appropriation to the Pennsylvania State Police.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2135 be laid upon the table.

The SPEAKER. This is not a debatable motion, but the Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, it is my understanding that the leadership of each party, by precedent, is able to make a statement even on the nondebatable motion. Is that correct?

The SPEAKER. It is the intention of the Chair to permit both the minority leader and the majority leader to make a statement on the motion but not to debate the motion. So the Chair recognizes the gentleman, Mr. Manderino, if he would like to make a statement on the motion.

Mr. MANDERINO. Mr. Speaker, the majority leader has asked that the bill be laid on the table. Implicit in his request, I think, is the fact that he feels that the State Police problem can be better accomplished by another vehicle which is presently in a conference committee. There is no guarantee that the conference committee will insert the amendment that we are talking about for the State Police in that. There is no guarantee that either the House or the Senate will accept HB 1623 when it gets amended in committee, because it is an appropriation bill which may end up dealing with many subjects.

Mr. Speaker, had we moved this expeditiously when it first came on the calendar, we would not be in this pickle today. I think that we ought not to lay this on the table but to take it up immediately.

The SPEAKER. The Chair recognizes the majority leader for a brief statement.

Mr. RYAN. Mr. Speaker, Mr. Manderino's statement surrounds itself with conjecture, and I think I can do the same thing. If this bill is considered today without amendments and sent to the Senate, I would suppose that the Senate might act quickly on it. If controversial amendments are inserted in it, then I think Mr. Manderino, by offering such amendments, jeopardizes the very solution to a problem that he is attempting to solve.

Accordingly, my offer stands that if we want to bring HB 2135 up to solve a State Police problem, let us do it. We will have that plus the additional insurance and assurance that the conference committee can solve the problem. If we are going to offer amendments and clutter this bill up with controversial amendments, then I suggest that the bill be laid upon the table and we attempt to solve the State Police problem through conference committee. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—97

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

NAYS—86

Beloff	Gallagher	Letterman	Rhodes
Bennett	Gamble	Levin	Ritter
Berson	Gatski	Livengood	Rodgers
Borski	George, C.	McCall	Schmitt
Brown	George, M. H.	McMonagle	Seventy
Caltagirone	Goodman	Manderino	Shupnik
Cappabianca	Grabowski	Michlovic	Steighner
Chess	Gray	Milanovich	Stewart
Clark, B. D.	Greenfield	Mullen	Street
Cochran	Harper	Murphy	Stuban
Cohen	Hoeffel	Novak	Sweet
Cole	Hutchinson, A.	O'Brien, B. F.	Taylor, F.
Cowell	Irvic	O'Donnell	Trello
DeMedio	Itkin	Oliver	Wachob
DeWeese	Johnson, J. J.	Petrarca	Wargo
DiCarlo	Jones	Pievsky	White
Dawida	Knight	Pistella	Williams
Dombrowski	Kolter	Pratt	Wright, D. R.
Donatucci, R.	Kowalyshyn	Pucciarelli	Yahner
Duffy	Kukovich	Rappaport	Zeller
Fee	Laughlin	Reed	Zwilk
Fryer	Lescovitz		

NOT VOTING—12

Austin	Giammarco	Mrkonic	Schweder
Burns	McIntyre	Richardson	Shadding
Dumas	Maiale	Rieger	Wilson

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

The SPEAKER. Without objection, HB 2003 will be passed over. The Chair hears none.

For what purpose does the lady from Bucks, Mrs. George, rise?

Mrs. GEORGE. I object to passing over HB 2003.

The SPEAKER. The lady from Bucks, Mrs. George, objects to HB 2003 being passed over.

The Chair recognizes the majority leader.

Mr. RYAN. I have no objection, Mr. Speaker, to calling up HB 2003.

The House proceeded to third consideration of **HB 2003, PN 2656**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the sale of certain unused and unnecessary lands and buildings.

On the question,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments:

Amend Title, page 1, lines 5 and 6, by striking out "further providing for the sale of" in line 5 and all of line 6 and inserting providing for handicapped student programs in excess of one hundred eighty days.

Amend Sec. 1, page 1, line 9, by striking out "Section 707," and inserting The

Amend Sec. 1, page 1, line 11, by striking out "clause" and inserting section

Amend Sec. 1 (Sec. 707), page 1, lines 12 through 17; page 2, lines 8 through 26, by striking out all of said lines and inserting

Section 1372.1. Educational Program in Excess of One Hundred Eighty (180) Days for Certain Exceptional Children.

—(a) Where ordered by the courts, the Secretary of Education, school districts and intermediate units shall assure that an exceptional student is provided with a program in excess of one hundred eighty (180) days per year if the condition which requires the student to be classified as exceptional predisposes the student to severe regression and limited recoupment capacity rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of his or her handicapping condition.

(b) The program shall be directed at minimizing recoupment time necessary for the student to overcome regression that takes place when normal programs are interrupted. The program provided may be as minimal as fifteen (15) minutes of therapy per week, using home visits by itinerant teachers and shall address only those skills and behavior areas where regression has occurred.

(c) School districts and intermediate units who offer service in excess of the court order will receive no State reimbursement for these additional services.

(d) An actual experience of severe regression with significant recoupment time is not necessary in order to establish that a child requires programming in excess of one hundred eighty (180) days per year. In the event of a dispute between the school district and a parent or guardian concerning the necessity of a program in excess of one hundred eighty (180) days, the burden of proof in such dispute shall rest with the complaining party.

Amend Sec. 2, page 2, line 27, by inserting a period after "immediately"

Amend Sec. 2, page 2, lines 27 through 29, by striking out "and shall" in line 27 and all of lines 28 and 29

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. Thank you, Mr. Speaker, and thank you to the majority leader and to others who helped get this considered now.

Mr. Speaker, this amendment, A5218, addresses a recent court decision that has come down here in the Commonwealth. This court decision guarantees education to handicapped children in excess of 180 days. The purpose of this amendment is to further define the court order and to address the fiscal implications. The major aspects of the amendment are to limit school districts and intermediate units to the specific requirements of the court order and to make it clear that if school districts and intermediate units provide programs in excess of the court order, they will receive no state reimbursement.

I urge adoption of this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Two things: First, I would like to thank the lady for her patience. She has had this amendment for several weeks now. It was no one's intent to delay consideration of the lady's amendment, but she was very patient and I thank her for that.

Number two, the lady is in her amendment addressing an issue which the General Assembly should address. There is some question as to what the court is requiring the school districts of this Commonwealth to provide with regard to exceptional children, and the lady's amendment does provide a prospective statute which does define—I wonder if the lady would consent to interrogation before I make a further statement.

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. S. E. HAYES. Does the lady have a fiscal note on her amendment?

Mrs. GEORGE. A fiscal note was provided by the Appropriations Committee. I have serious questions about the validity of the fiscal note, however.

Mr. S. E. HAYES. What are your questions?

Mrs. GEORGE. The fiscal note seems to imply that by this amendment I am creating additional costs to the state. What I am trying to do by my amendment is to limit the fiscal implications. There is no provision for this in the budget at this time. The Secretary of Education, in testimony before one of the committees in Washington, said that this could cost anywhere between \$200 million and \$500 million. The fiscal note is considerably less than that. At the moment it is really hard to tell what the fiscal implications are.

Mr. S. E. HAYES. Since there is some question, Mr. Speaker, I wonder if you and I could just exchange some questions and answers.

Mrs. GEORGE. Fine.

Mr. S. E. HAYES. Does your amendment not provide the prospect of saving our school districts money where there is misunderstanding as to what the court decision is requiring? Does not your amendment make it possible for a school district to provide an educational program that is no different than that provided for normal students with regard to the number of days?

Mrs. GEORGE. Well, now you threw in something there at the end. Let me say that it will provide savings not only

to school districts, but in my view, it will provide a considerable savings to the Commonwealth, which is responsible for the excess cost for special education. It limits what the school district is required to do. Some of the school districts and intermediate units are providing programs that are quite elaborate. This is trying to limit what school districts are required to do and will do.

Now, if you want to restate your question a little bit, I do not quite catch it.

Mr. S. E. HAYES. What your amendment would do would be to provide a definition in law as to what is really expected by the intermediate units and the school districts with regard to the number of days of education for exceptional children.

Mrs. GEORGE. Not the number of days, no, but what is required past the number of days, and it requires a very minimal program.

Mr. S. E. HAYES. Yes, and if a school district wants to go beyond that, they do so voluntarily, and if an intermediate unit wants to do that, they do so voluntarily. But this amendment would preclude them from having to do that if they choose not to.

Mrs. GEORGE. Yes; it would, and if they do go beyond it, the state will not reimburse them in any way for it.

Mr. S. E. HAYES. And if there are some in the department who interpret the court decision as to meaning possibly year-round school for these children, there would be a tremendous impact as far as the Commonwealth and possibly the intermediate units and the local school districts.

Mrs. GEORGE. That is correct, and some members of the department have already interpreted it that way and it has gotten into the press to be interpreted in that fashion.

Mr. S. E. HAYES. And your amendment is an effort to make it possible for a school district or an intermediate unit to say that we are not in fact required to provide a year-round program for these children just as we do not provide a year-round program for other classifications of students?

Mrs. GEORGE. Yes; that is correct.

Mr. S. E. HAYES. There are those who would like if you would offer to the House your thoughts with regard to the fiscal impact as it pertains to your amendment, what you view to be the fiscal impact of your amendment.

Mrs. GEORGE. The fiscal impact of my amendment will be to limit it considerably. I cannot give it in dollars. The court interpretation plus the interpretation of the Department of Education plus interpretations by school districts and intermediate units could make the fiscal implications go sky-high without my amendment. With my amendment here, it limits whatever the implications of the court case are.

Mr. S. E. HAYES. I believe that the lady has addressed the problem correctly. I support the lady's amendment, and what I suggest we do is this: We vote on the lady's amendment and then we hold the bill so that those people who have questions can obtain answers to those questions. I believe the lady's motives are laudatory. I believe she has come to this House with an amendment that does offer a

solution to a very difficult fiscal question, and if the lady would agree to my suggestion, we take her amendment and hold the bill until it is in final print so that those persons who have lingering questions can answer for themselves and with the department whatever questions they may have.

I personally think the lady is pointed right. I think she has brought a question to this House that should be brought to this House. I believe it is a matter that will save the Commonwealth, the intermediate units, and school districts the expenditure of unnecessary dollars. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. I do not understand "holding the bill". Just what do you mean by that?

Mr. S. E. HAYES. We adopt the amendment and then send the bill to the printer and it will come back on the calendar with a new printer's number with the amendment in the bill.

Mrs. GEORGE. All right.

Mr. S. E. HAYES. I just ask the lady's patience once again as you have been so gracious to do on previous occasions, because there is no doubt that your intent is pure and so is the intent of those who are asking these questions. There is no intent to scuttle your amendment or what you are trying to do. I believe that this House will stand with you in your effort.

Mrs. GEORGE. Okay.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the lady from Bucks consent to brief interrogation on the amendment?

The SPEAKER. The lady indicates that she will. The gentleman, Mr. Hutchinson, may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, would the lady advise me what court decision we are talking about? Do you know the name of the case?

Mrs. GEORGE. I am sorry. It is the Armstrong v. Kline case.

Mr. W. D. HUTCHINSON. And in what court was that case?

Mrs. GEORGE. The Federal court in Philadelphia, Judge Newcomer.

Mr. W. D. HUTCHINSON. The eastern district?

Mrs. GEORGE. Judge Newcomer—

Mr. W. D. HUTCHINSON. Yes; that is the eastern district.

Mrs. GEORGE. The date of it was June 21 of last year.

Mr. W. D. HUTCHINSON. Now, one further question: Is it correct that as a result of that decision, the Department of Education has interpreted or has indicated that it plans to interpret the decision as requiring year-round school for exceptional children?

Mrs. GEORGE. Not only are as they planning to do these things, the school districts all over this Commonwealth today have planned programs to begin this summer

for exceptional children. Parents have been called in, and a big program is under way.

Mr. W. D. HUTCHINSON. Is that under mandate from the department? Is that because of some instructions the Department of Education has issued in connection with the court decision?

Mrs. GEORGE. Yes.

Mr. W. D. HUTCHINSON. Okay. And the school districts or the intermediate units have been quick to comply with that—is that correct?—and set up programs.

Mrs. GEORGE. That is correct.

Mr. W. D. HUTCHINSON. Is it the lady's understanding that there is some dispute or serious question about whether or not the decision in the *Armstrong v. Kline* case requires the setting up of that type of program?

Mrs. GEORGE. It is the types of programs that are set up. I believe the *Armstrong v. Kline* decision requires something to be set up, yes, but I think it is the extent of the program that is being set up.

Mr. W. D. HUTCHINSON. Something over and above. It purports to require this Commonwealth on a constitutional ground to set up something over and above the education for normal students. Is that how the decision is interpreted?

Mrs. GEORGE. Yes.

Mr. W. D. HUTCHINSON. Thank you very much I believe I understand it.

One other question: I think that is a third-circuit decision, is it not?

Mrs. GEORGE. I have it here. It is the eastern district of Pennsylvania.

Mr. W. D. HUTCHINSON. All right; it is in the district. I think Judge Newcomer is the circuit judge, but it may have been a three-judge district court; I do not know. It probably would have been. All right.

Now, Mr. Speaker, just a brief comment. That concludes my interrogation.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I urge all of the members on both sides of the aisle to vote for the lady's amendment. It seems to me that a very important principle is at stake, and that pending clarification of the meaning of the court decision, we should not permit the administrative bodies of this Commonwealth, the Department of Education or the local intermediate units, to tumble all over themselves to put into place the most expensive possible interpretation of the court decision. I think if we were to permit them to do that, we would be abdicating our function with respect to the control of the appropriation process and the spending process in this Commonwealth. I would hope that all members would support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. If the lady and I and the other members could just chat about this a short while, the case that the lady has been referring to is *Armstrong v. Kline*,

and it is my understanding that that particular decision is on appeal at the present time. Obviously there is no one who can say for sure what the outcome of that appeal may be. I believe that our record today, and whatever record we establish another day, should show very clearly that it is not our intent to write law if in fact the appeal accrues to the benefit of the Commonwealth, the intermediate units, and the local school districts. What I mean is this: I do not believe that we should be writing law in this area if there is no need to write the law. I think we should only write law if in fact the decision is sustained by the higher court and it becomes necessary then for this General Assembly to guide our executive branch, specifically the Department of Education, with regard to their implementation of the court order. If we do nothing more than write law in this way and the appeal is rendered in favor of the Commonwealth and its instrumentalities, we may in fact be begging educational programs that extend beyond the usual recognized 180 days. There may be judges in this Commonwealth at various levels who believe we have spoken on this day or some day in the future with the notion that maybe there are provisions or situations which require a program that goes beyond 180 days. That I do not believe is the lady's intent. That I do not believe should be our intent. Our intent with this amendment on this day or any other day should only be to provide guidance to our Department of Education if—if—the appeal is not rendered in favor of the Commonwealth, the intermediate units, and the school districts.

I would just ask the lady to consider that over the next couple of days. I do not know whether we should just hurry and pass this legislation. We do have it up front. I believe the Department of Education knows what our intent really is, but I do not know whether we should put something in the School Code hastily that on another day could come back and haunt us with some judge somewhere or some administrator in the department saying, well, the General Assembly has already spoken and said there may be conditions whereby we provide education beyond the 180 days. The lady's intent is good, but let us not allow for the frustration of her intent or our intent. Let us adopt the lady's amendment, get the bill printed, and think about what we want to do in terms of time. Thank you, Mr. Speaker.

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

Mr. O'DONNELL. Mr. Speaker, will the lady consent to interrogation?

Mrs. GEORGE. Yes.

The SPEAKER. The lady indicates that she will. The gentleman may proceed.

Mr. O'DONNELL. I think I understand the intent, but I am not sure that I really understand the amendment. In the first part of the amendment it seems to be triggered by "ordered by the courts." It seems as if this amendment would come into play only where a school district or an intermediate unit or the secretary or whatever has been ordered by a court. Is that the case?

Mrs. GEORGE. That is the case and that is the intent, and I think it would address what Mr. Hayes just spoke to.

Mr. O'DONNELL. Well, I think that would create a situation where even if *Armstrong v. Kline* is sustained on appeal and some program is attempted to be adopted, if the law of this Commonwealth is such that exceptional children are going to be given more education than 180 days, the effect of this amendment would then be that no school district could implement any program unless they themselves were sued, because no court order could be issued unless it was directed at the individual defendants. In other words, I think that the language of the amendment—I think I understand it—but the language of the amendment, it would appear from your answer, would require that every school district in the state would have to be sued, because otherwise they cannot implement a program; they can only implement it pursuant to a court order. Usually, I think, what happens is that they read the case law and decide, we are probably under this obligation; we will implement it.

The second question I have is in part (b). It appears that in that section the program could only address areas where regression has actually occurred in fact. Is that true?

Mrs. GEORGE. I am sorry; I did not hear that.

Mr. O'DONNELL. In part (b) it seems that the program could only address areas in which the student has in fact regressed.

Mrs. GEORGE. That is what the court decision says.

Mr. O'DONNELL. And, of course, that court decision might be modified, but this would become law independent of *Armstrong v. Kline*. So we would be adopting that position as a matter of law. Is that correct? That is the intent?

Mrs. GEORGE. Yes.

Mr. O'DONNELL. Mr. Speaker, may I be recognized on the amendment?

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

Mr. O'DONNELL. I think something clearly has to be done about *Armstrong v. Kline*, and I think something clearly has to be done about the state legislature asserting itself in areas especially that have been our traditional prerogative and not permit the Federal courts under the guise of rights created in the Federal law to reshape our entire educational system the way they have done with some other areas. But I do not think that an amendment is the appropriate way to do this, because I think it is a fairly complex area. I think it is a problem that we have to address, but I think it would be much more appropriately done in a bill and under the scrutiny of a committee, and on that basis and that basis alone, I intend to vote against it and would urge the members to do so also.

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

Mrs. ARTY. Mr. Speaker, will the lady from Bucks agree to be interrogated?

The SPEAKER. The lady indicates she will stand for interrogation. Mrs. Arty may proceed.

Mrs. ARTY. Do you have at hand the court's ruling on the *Armstrong v. Kline* case?

Mrs. GEORGE. Yes.

Mrs. ARTY. Does it say exceptional children or severely handicapped children?

Mrs. GEORGE. I did have it. I just lent it to someone.

Mrs. ARTY. Okay.

Mrs. GEORGE. It is handicapped students.

Mrs. ARTY. The term "exceptional" can be used at times in different ways, Mr. Speaker, and my suggestion is that the language be very clear in whatever amendment is offered. Thank you, Mr. Speaker.

Mrs. GEORGE. May I address this on exceptional children? What the court said is that children who regress to the point that they cannot recoup what they have lost are entitled to this type of service or program. That is what it speaks to, not just plain regression because all children regress, but if they regress to the point that they cannot recoup it, that is it.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, just briefly in response to some of the questions that my good friend, Mr. O'Donnell, posed—and I think they are valid and important questions—I would say first of all that I think what is happening here is that none of us is absolutely sure of just what happens with the *Armstrong v. Kline* decision and we are not absolutely certain of what the status of the appeal is. I do not even know whether the order is a class action case or whether it is binding only on the local school district.

I do not think that the language of Mrs. George's amendment would require an actual binding order that would have to be imposed on a school district joined in an action. Aside from that, however, that could be handled by a class action. I do think that one thing is clear: The Education Department of this Commonwealth is falling all over itself to put into effect the broadest possible program it can under the decree and all of the local intermediate units are following through, and that is what is happening to us here; we are losing control of the process, and if we wait to put a bill in and not deal with it by amendment, the programs will be set up and it will be like unscrambling eggs.

Now, I think that the problems that we have on the technical basis with respect to the status of the appeal, what will happen if the appeal is granted, and so on, are real problems that need to be addressed. I think, however, they are appropriately addressed by Mr. Hayes' suggestion that we put the amendment in here today, send a message that we are serious with it, and then sometime between now and next week or the following week, that we sit down and, if necessary, fine-tune the amendment—and I think it can be done—to meet those two problems, because if we do not take action promptly, we are going to be picking up a bill of perhaps in the hundreds of millions of dollars that we have to make good out of taxpayers' money without regard to what finally happens in that court decision, because the

programs will be in place and we will be stuck with it, and I am tired of that. It is not that I am against the proper program for these people, but this General Assembly has got to assert its prerogative to control the money that is contributed by the taxpayers. I think we should vote the amendment now, and then next week if it needs some fine tuning, we can make an amendment to it and then run this bill. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think the gentleman, Mr. Hutchinson, is correct. The concern that Mrs. George has with the Armstrong v. Kline decision is that the school districts are beginning to interpret the Armstrong v. Kline decision so broadly and set up so many programs that almost every exceptional child will be in a program that will be beyond 180 days and perhaps extend through each and every summer, and this is going to put a tremendous burden on the coffers of the Commonwealth so far as paying for these programs is concerned.

The Armstrong v. Kline decision was a simple statement that if regression is going to take place in the education of a child and recouping the regression would take an inordinately long period of time, when the child returns to school, special programs must be set up. This is what Armstrong v. Kline ordered the school districts in this Commonwealth and the Secretary of Education to do - set up programs.

Now, Mrs. George is not setting up programs in her amendment. She is not mandating these programs. She is simply saying, when a court has made an order that additional education beyond 180 days is necessary in certain instances, that the school district, one, will set up such programs; two, they will set up such programs that will minimize the recoupment time. I think we are all interested in that, that the programs that are set up will minimize recoupment time, and that the programs are set up for those children who will not, within a very reasonable time, recoup without the additional 180 days. And, Mr. Speaker, I think what she is trying to do we all ought to heed, because the departments all across the Commonwealth, the school boards, because of directives and information they are getting from our Department of Education, are beginning to set up broad programs for almost every exceptional child in the school district without regard to the technical language of Armstrong v. Kline that called for programs to be established only when there would be an unreasonable length of recoupment time to recoup the regression. Mr. Speaker, I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Alden	Foster, W. W.	Levi	Rodgers
Anderson	Foster, Jr., A.	Levin	Ryan
Armstrong	Freind	Lewis	Salvatore
Arty	Fryer	Livengood	Scheaffer
Austin	Gallagher	Lynch, E. R.	Schmitt
Belardi	Gallen	McCall	Serafini
Beloff	Gamble	McMonagle	Seventy

Bennett	Gannon	McVerry	Shupnik
Berson	Gatski	Mackowski	Sieminski
Bittle	Geesey	Madigan	Sirianni
Borski	Geist	Manderino	Smith, E. H.
Bowser	George, C.	Manmiller	Smith, L. E.
Brandt	George, M. H.	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Caltagirone	Goodman	Miller	Steighner
Cappabianca	Grabowski	Mowery	Stewart
Cessar	Gray	Mrkoncic	Street
Chess	Greenfield	Mullen	Stuban
Cimini	Grieco	Murphy	Sweet
Civera	Gruppo	Novak	Swift
Clark, B. D.	Hagarty	Noye	Taddonio
Clark, M. R.	Halverson	O'Brien, B. F.	Taylor, E. Z.
Cochran	Harper	O'Brien, D. M.	Taylor, F.
Cohen	Hasay	Oliver	Telek
Cole	Hayes, Jr., S.	Perzel	Thomas
Cornell	Helfrick	Peterson	Trello
Coslett	Hoeffel	Petrarca	Vroon
Cowell	Honaman	Phillips	Wachob
Cunningham	Hutchinson, A.	Piccola	Wargo
DeMedio	Hutchinson, W.	Pievsky	Wass
DeVerter	Irvis	Pistella	Wenger
DeWeese	Itkin	Pitts	White
DiCarlo	Johnson, E. G.	Polite	Williams
Davies	Jones	Pott	Wilt
Dawida	Kanuck	Pratt	Wright, D. R.
Dietz	Klingaman	Pucciarelli	Wright, Jr., J.
Dininni	Knight	Punt	Yahner
Dombrowski	Kolter	Pyles	Yohn
Donatucci, R.	Kowalyszyn	Rappaport	Zeller
Dorr	Kukovich	Rasco	Zord
Duffy	Lashingier	Reed	Zwilk
Durham	Laughlin	Rhodes	
Earley	Lehr	Ritter	Seltzer,
Fee	Lescovitz	Rocks	Speaker
Fischer	Letterman		

NAYS—1

O'Donnell

NOT VOTING—14

Burns	McClatchy	Nahill	Schweder
Dumas	McIntyre	Richardson	Shadding
Giammarco	Majale	Rieger	Wilson
Johnson, J. J.	Moehmann		

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

On the question,

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

Mr. TRELLO offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "buildings" and inserting , and for the voluntary recitation of prayer in public schools.

Amend Bill, page 2, by inserting between lines 26 and 27

Section 2. Section 1516.1 of the act, added December 6, 1972 (P.L.1412, No.305), is amended to read:

Section 1516.1. Meditation and Prayer Periods.—(a) [In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of school directors by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all the pupils therein assembled.] The board of school directors may authorize the

recitation of prayer or silent meditation in the schools within the district.

(b) The [silent] prayer or silent meditation authorized by subsection (a) of this section is not intended to be, and shall not be conducted as, a religious service or exercise, but shall be considered as an opportunity for [silent] prayer or silent meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day. Participation in the recitation of prayer shall be voluntary.

Amend Sec. 2, page 2, line 27, by striking out "2. This" and inserting 3. (a) Section 1 of this

Amend Sec. 2, page 2, by inserting after line 29 (b) Section 2 of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. TRELLO. Mr. Speaker, this amendment has been offered by a number of states in the area in regards to voluntary silent prayer in our school system. In view of the fact that they are teaching sex education, drug and alcohol abuse, at least we ought to give the ones who want to pray an opportunity. I would appreciate an affirmative vote on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—173

Alden	Foster, Jr., A.	Lewis	Rodgers
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Salvatore
Arty	Gallagher	McCall	Scheaffer
Austin	Gallen	McClatchy	Schmitt
Belardi	Gamble	McMonagle	Serafini
Bennett	Gannon	McVerry	Seventy
Bittle	Gatski	Mackowski	Shupnik
Borski	Geesey	Madigan	Sieminski
Bowser	Geist	Manderino	Sirianni
Brandt	George, C.	Manmiller	Smith, E. H.
Brown	George, M. H.	Michlovic	Smith, L. E.
Burd	Gladeck	Micozzie	Spencer
Caltagirone	Goebel	Milanovich	Spitz
Cappabianca	Goodman	Miller	Stairs
Cessar	Grabowski	Moehlmann	Steighner
Chess	Gray	Mowery	Stewart
Cimini	Greenfield	Mrkonic	Street
Civera	Grieco	Murphy	Stuban
Clark, B. D.	Hagarty	Nahill	Swift
Clark, M. R.	Halverson	Novak	Taddonio
Cochran	Harper	Noye	Taylor, E. Z.
Cohen	Hasay	O'Brien, B. F.	Taylor, F.
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Telek
Coslett	Helfrick	Oliver	Thomas
Cowell	Honaman	Perzel	Trello
Cunningham	Hutchinson, A.	Peterson	Vroon
DeMedio	Hutchinson, W.	Petrarca	Wargo
DeVerter	Irvis	Phillips	Wass
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson, E. G.	Pievsy	White
Davies	Jones	Pistella	Williams
Dawida	Kanuck	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D. R.
Dininni	Knight	Pott	Wright, Jr., J.
Dombrowski	Kolter	Pratt	Yahner
Donatucci, R.	Kowalyshyn	Pucciarelli	Yohn
Dorr	Kukovich	Punt	Zeller
Duffy	Lashingier	Pyles	Zord

Durham	Laughlin	Rasco	Zwikel
Earley	Lehr	Reed	
Fee	Lescovitz	Rhodes	Seltzer,
Fischer	Letterman	Ritter	Speaker
Foster, W. W.	Levi	Rocks	

NAYS—6

Berson	O'Donnell	Sweet	Wachob
Hoefel	Rappaport		

NOT VOTING—16

Beloff	Giammarco	McIntyre	Rieger
Burns	Gruppo	Maiale	Schweder
Cole	Johnson, J. J.	Mullen	Shadding
Dumas	Levin	Richardson	Wilson

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

CONSIDERATION OF HB 2393 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments:

Amend Sec. 1 (Sec. 19), page 3, lines 1 through 3, by striking out "IMMEDIATELY UPON ANNOUNCEMENT" in line 1, all of line 2 and "ANNOUNCEMENT" in line 3 and inserting upon publication by the Secretary of Banking

Amend Sec. 1 (Sec. 19), page 3, line 3, by inserting after "AND" thereafter

Amend Sec. 1 (Sec. 19), page 3, lines 4 and 5, by striking out "ANNOUNCEMENT, IF APPLICABLE" and inserting publication, if possible

On the question,

Will the House agree to the amendments?

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

Mrs. TAYLOR. Mr. Speaker, I believe that this is an agreed-to amendment. It is a technical amendment. The original bill said that the rate would become effective upon the announcement by the Secretary of Banking. The amendment will have the language read: "Such rate shall become effective upon publication by the Secretary of Banking in the Pennsylvania Bulletin and thereafter in public newspaper press releases." I think the original language had the cart before the horse, and they tell me that this is consistent with other pieces of legislation.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I talked with Mrs. Taylor about the amendment. I would like to ask her a question or two.

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, the rate having to be published in the Pennsylvania Bulletin, is that going into a section of the bill that would mean that it has to be published in the Bulletin whether or not the rate was going up or down or whether the rate was going up or down?

Mrs. TAYLOR. I thought it referred to the change in the rate, Mr. Speaker.

Mr. MANDERINO. My concern, Mr. Speaker, is that the speed in which the rate is raised is equal in when it is lowered, and that is the problem that I have.

Mrs. TAYLOR. I could not contest that statement. I think the only reason, Mr. Speaker, that they felt this was better, it was as if the Secretary of Banking was making the announcement before the announcement was made in the Pennsylvania Bulletin. The language is in an effort to say that it will be in the Bulletin at the same time that he makes that announcement.

Mr. MANDERINO. Mr. Speaker, I think the amendment is acceptable.

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

The following roll call was recorded:

YEAS—181

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

Earley	Lehr	Rasco	Seltzer,
Fee	Letterman	Reed	Speaker
Fischer	Levi	Rhodes	

NAYS—2

Lescovitz	Street
-----------	--------

NOT VOTING—12

Burns	Goebel	Richardson	Shadding
Dumas	McIntyre	Rieger	Sieminski
Giammarco	Maiale	Schweder	Wilson

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

On the question,

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

Mr. VROON offered the following amendments:

Amend Sec. 1 (Sec. 19), page 3, line 11, by inserting a period after "DIFFERENT"

Amend Sec. 1 (Sec. 19), page 3, lines 11 through 13, by striking out "PLUS ANY SURCHARGE OR OTHER COST OR CHARGE ADDED TO" in line 11 and all of lines 12 and 13

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, there has been a great deal of debate and misunderstanding on the concept of the surcharge to be added to the Federal discount rate. Now, lest there be any misunderstanding whatsoever about whether or not the surcharge is intended to be added in, this amendment eliminates all reference to such surcharge so that if this passes, the bill as it is written will pertain only to the basic Federal discount rate. This will result in a ceiling of 9 percent instead of 10 1/2 percent, as pointed out by the minority whip.

I urge the acceptance of this amendment as a proper solution. I think that when we pass this bill, we will have a ceiling, and I want to make it very clear to everybody involved here that this is a ceiling that we are setting and it is by no means a mandate to any financial institution to immediately up the rates to that 9-percent ceiling. The market rates which apply at the time this goes into effect will govern how much is being paid by the people who buy their automobiles, and it will not necessarily be 9 percent, but 9 percent is the absolute limit at this particular time, and I urge acceptance of this amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment takes out the definition of "surcharge" as it was written and makes it clear that the Federal Reserve discount rate shall be the rate that the Federal Reserve Board charges its member banks without the surcharge, and I urge an adoption of the amendment.

REMARKS ON VOTE

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

Mr. LESKOVITZ. Mr. Speaker, on the Taylor amendment I voted in error. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 2393 CONTINUED

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

The following roll call was recorded:

YEAS—184

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

NAYS—0

NOT VOTING—11

Burns	McIntyre	Rieger	White
Dumas	Maiale	Schweder	Wilson
Giammarco	Richardson	Shadding	

EXCUSED—7

Barber Fisher	Hayes, D. S. Knepper	McKelvey Weidner	Zitterman
------------------	-------------------------	---------------------	-----------

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

On the question recurring,

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

Bill was amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, only to urge only members in their seats to vote.

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

Mr. LAUGHLIN. Mr. Speaker, I am sure by now everybody in the House knows how they are going to vote on this legislation, but I would just like briefly to give you a brief rundown on what has happened in other areas with regard to interest rates.

We opened up the interest rates on housing mortgages. The Federal Government lifted the ceiling—

The SPEAKER. Will the gentleman yield? The Chair would ask that the gentleman confine his debate to the bill before us. The gentleman may proceed.

Mr. LAUGHLIN. I will, Mr. Speaker. I am leading into that.

Mr. Speaker, the effect of that interest rate—

The SPEAKER. The Chair is only attempting to help lead you.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

The interest rate that was increased on mortgages resulted very emphatically in a one-half reduction of the total home starts in the United States last year. We went from \$2 million down to \$1 million. Mr. Speaker, the interest-rate increase on the automobile that is being offered today is going to have the same type of effect. What it is going to do is put automakers in Detroit out of business. It is going to put the people who work in steel mills that make that steel for the vehicles out of business. We are going to have layoffs. We are going to have unemployment in our steel areas. The fact of the salesmen in the auto field is evidenced itself by the number of closings that have already happened. It is not because they cannot get money from banks. Their problem is that the interest rate, the prime rate that they are charging on their floor plan, is driving auto dealers into bankruptcy.

Mr. Speaker, this bill only adds to the weight of the consumer. It only revolves the money faster from their pockets and to the bank again; and Mr. Speaker, I offered today a rate that I felt was acceptable and would be acceptable to consumers as well as the auto dealers. It was turned down, and, for that reason, Mr. Speaker, I ask a "no" vote on this legislation.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, may I have just a few moments to check the roll, Mr. Speaker?

Mr. Speaker, is the gentleman, Mr. Zord, in the hall of the House?

The SPEAKER. Is the gentleman from Allegheny, Mr. Zord, in the hall of the House?

Mr. MANDERINO. That is Mr. Cessar.

The SPEAKER. Mr. Zord's vote has been struck.

Mr. MANDERINO. When did we get that capability on these machines, Mr. Speaker, without striking the whole roll?

The SPEAKER. To respond to the gentleman, when the automatic voting machine people were here about 6 weeks ago, they fixed the machine so we were able to do this.

Mr. MANDERINO. Thank you, Mr. Speaker. I did not know that it was possible.

Is the gentleman, Mr. Cimini, in the hall of the House?

The SPEAKER. The gentleman, Mr. Cimini, is in the hall of the House.

Mr. MANDERINO. Is the gentleman, Mr. Goebel, in the hall of the House?

Is the gentleman, Mr. McVerry, in the hall of the House? That is Mr. O'Brien.

The SPEAKER. Is the gentleman, Mr. McVerry, in the hall of the House? The gentleman, Mr. McVerry, is in the hall of the House.

Mr. MANDERINO. Is the gentleman, Mr. Punt, in the hall of the House?

The SPEAKER. Is the gentleman, Mr. Punt, in the hall of the House? Is the gentleman, Mr. Punt, on the floor of the House? Is the gentleman, Mr. Punt, on the floor of the House? Will the gentleman's vote be struck.

Mr. MANDERINO. Push the red button, Mr. Punt.

The SPEAKER. The gentleman, Mr. Punt, is on the floor of the House. Does the gentleman, Mr. Punt, wish to be recorded?

Mr. PUNT. I certainly do, Mr. Speaker, and on behalf of informing the monitor from Westmoreland, I am present and I am casting a favorable vote.

Mr. MANDERINO. Mr. Speaker, I would not have to monitor if they would not push a button when you were not here.

On the question recurring,
Shall the bill pass finally?

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

YEAS—110

Alden	Foster, Jr., A.	Levi	Rasco
Anderson	Freind	Lewis	Rocks
Arty	Fryer	Livengood	Ryan
Beloff	Gallen	McCall	Salvatore
Bennett	Gannon	McClatchy	Scheaffer
Berson	Geesey	McVerry	Sieminski
Bittle	Geist	Mackowski	Sirianni
Bowser	George, M. H.	Madigan	Smith, E. H.
Brandt	Gladeck	Micozzie	Smith, L. E.
Burd	Goodman	Miller	Spencer
Caltagirone	Grieco	Moehlmann	Spitz
Cessar	Gruppo	Mowery	Stairs
Cimini	Hagarty	Mullen	Swift
Civera	Halverson	Nahill	Taddonio
Cole	Hayes, Jr., S.	Noye	Taylor, E. Z.
Cornell	Hefrick	O'Brien, B. F.	Thomas
Cunningham	Honaman	O'Brien, D. M.	Vroom
DeVerter	Hutchinson, A.	Perzel	Wass
DeWeese	Hutchinson, W.	Peterson	Wenger
DiCarlo	Johnson, E. G.	Phillips	White
Davies	Johnson, J. J.	Pievsky	Wilt
Dietz	Jones	Pitts	Wright, D. R.
Donatucci, R.	Kanuck	Polite	Wright, Jr., J.
Dorr	Klingaman	Pott	Yohn
Durham	Kowalshyn	Pucciarelli	Zwikl
Earley	Lashingner	Punt	
Fischer	Lehr	Pyles	Seltzer,
Foster, W. W.	Letterman	Rappaport	Speaker

NAYS—67

Armstrong	Fee	Levin	Schmitt
Austin	Gallagher	McMonagle	Serafini
Belardi	Gamble	Manderino	Seventy
Borski	Gatski	Manmiller	Shupnik
Brown	George, C.	Michlovic	Steighner
Cappabianca	Goebel	Mrkonic	Stewart
Chess	Grabowski	Murphy	Street
Clark, B. D.	Gray	Novak	Stuban
Clark, M. R.	Harper	O'Donnell	Sweet
Cochran	Hasay	Oliver	Taylor, F.
Cohen	Hoeffel	Petrarca	Telek
Coslett	Itkin	Piccola	Trello
Cowell	Knight	Pistella	Wachob
DeMedio	Kolter	Pratt	Wargo
Dawida	Kukovich	Reed	Yahner
Dombrowski	Laughlin	Rhodes	Zeller
Duffy	Lescovitz	Ritter	

NOT VOTING—18

Burns	Irvis	Richardson	Shadding
Dininni	Lynch, E. R.	Rieger	Williams
Dumas	McIntyre	Rodgers	Wilson
Giammarco	Maiale	Schweder	Zord
Greenfield	Milanovich		

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. GALLEN. Mr. Speaker, I want to remind the members of the State Government Committee there will be

a meeting of that committee in room 401 immediately upon adjournment today.

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 1019, PN 2712**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting the elimination of cost advantageous residential rates.

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

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

The question is, shall the bill pass finally?

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

YEAS—178

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

NAYS—1

Hasay

NOT VOTING—16

Burns	Greenfield	McIntyre	Rieger
Donatucci, R.	Johnson, J. J.	Maiale	Schweder
Dumas	Jones	Rhodes	Shadding
Giammarco	McClatchy	Richardson	Wilson

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

REMARKS ON VOTE

The **SPEAKER**. The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, I was temporarily out of my seat when the vote on the Trello amendment A5135 was taken to HB 2003. I would like to be voted in the affirmative.

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

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **HB 1882, PN 2332**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Clearfield County.

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

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

The question is, shall the bill pass finally?

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

YEAS—179

Alden	Foster, W. W.	Levin	Rocks
Anderson	Foster, Jr., A.	Lewis	Rodgers
Armstrong	Freind	Livengood	Ryan
Arty	Fryer	Lynch, E. R.	Salvatore
Austin	Gallagher	McCall	Scheaffer
Belardi	Gallen	McClatchy	Schmitt
Beloff	Gamble	McMonagle	Serafini
Bennett	Gannon	McVerry	Seventy
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Borski	Geist	Manderino	Sirianni
Bowser	George, C.	Manmiller	Smith, E. H.
Brandt	George, M. H.	Michlovic	Smith, L. E.
Brown	Gladeck	Micozzie	Spencer
Burd	Goebel	Milanovich	Spitz
Caltagirone	Goodman	Moehlmann	Stairs
Cappabianca	Grabowski	Mowery	Steighner
Cessar	Gray	Mrkonic	Stewart

Chess	Grieco	Mullen	Street
Cimini	Gruppo	Murphy	Stuban
Civera	Hagarty	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Harper	Noye	Taddonio
Cochran	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cole	Helfrick	O'Donnell	Telek
Cornell	Hoeffel	Oliver	Thomas
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson, A.	Peterson	Vroon
Cunningham	Hutchinson, W.	Petrarca	Wachob
DeMedio	Irvis	Phillips	Wargo
DeVerter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	Wenger
DiCarlo	Kanuck	Pistella	White
Davies	Klingaman	Pitts	Wilt
Dawida	Knight	Polite	Wright, D. R.
Dietz	Kolter	Pott	Wright, Jr., J.
Dininni	Kowalshyn	Pratt	Yahner
Dombrowski	Kukovich	Pucciarelli	Yohn
Donatucci, R.	Lashinger	Punt	Zeller
Dorr	Laughlin	Pyles	Zord
Duffy	Lehr	Rappaport	Zwinkl
Durham	Lescovitz	Rasco	
Earley	Letterman	Reed	Seltzer,
Fee	Levi	Ritter	Speaker
Fischer			

NAYS—1

Williams

NOT VOTING—15

Burns	Johnson, J. J.	Miller	Schweder
Dumas	Jones	Rhodes	Shadding
Giammarco	McIntyre	Richardson	Wilson
Greenfield	Maiale	Rieger	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

* * *

The House proceeded to third consideration of **SB 1105**, PN 1331, entitled:

An Act naming the Pierce Street Bridge, between Kingston and Wilkes-Barre, the "T. N. Wood and Martin L. Murray Bridge."

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

SB 1105 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 1105 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 2290**, PN 3150, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the Barbers' License Law, further providing for one barber barber shops and manager-barber licenses.

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

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

The question is, shall the bill pass finally?

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

YEAS—170

Alden	Foster, W. W.	Levin	Rocks
Anderson	Foster, Jr., A.	Lewis	Rodgers
Armstrong	Freind	Livengood	Ryan
Arty	Fryer	Lynch, E. R.	Scheaffer
Austin	Gallagher	McCall	Schmitt
Belardi	Gallen	McClatchy	Serafini
Beloff	Gamble	McMonagle	Seventy
Bennett	Gannon	McVerry	Shupnik
Berson	Gatski	Mackowski	Sieminski
Bittle	Geesey	Madigan	Sirianni
Borski	Geist	Manderino	Smith, E. H.
Bowser	George, C.	Manmiller	Smith, L. E.
Brandt	George, M. H.	Michlovic	Spencer
Brown	Gladeck	Milanovich	Spitz
Burd	Goebel	Miller	Stairs
Caltagirone	Goodman	Moehlmann	Steighner
Cappabianca	Grabowski	Mowery	Stewart
Cessar	Gray	Mrkonc	Street
Chess	Grieco	Murphy	Stuban
Cimini	Gruppo	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Harper	Noye	Taddonio
Cochran	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cole	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cornell	Helfrick	O'Donnell	Telek
Coslett	Hoeffel	Oliver	Thomas
Cowell	Honaman	Perzel	Trello
Cunningham	Hutchinson, A.	Peterson	Vroon
DeMedio	Hutchinson, W.	Petrarca	Wachob
DeVerter	Irvis	Phillips	Wargo
DeWeese	Johnson, E. G.	Piccola	Wass
DiCarlo	Kanuck	Pievsky	Wenger
Davies	Klingaman	Pistella	White
Dawida	Knight	Polite	Williams
Dietz	Kolter	Pratt	Wright, D. R.
Dininni	Kowalshyn	Pucciarelli	Yahner
Dombrowski	Kukovich	Punt	Yohn
Dorr	Lashinger	Pyles	Zeller
Duffy	Laughlin	Rappaport	Zord
Durham	Lehr	Rasco	Zwinkl
Earley	Lescovitz	Reed	
Fee	Letterman	Rhodes	Seltzer,
Fischer	Levi	Ritter	Speaker

NAYS—6

Civera	Itkin	Pitts	Pott
Hagarty	Micozzie		

NOT VOTING—19

Burns	Greenfield	Mullen	Shadding
Cohen	Johnson, J. J.	Richardson	Wilson
Donatucci, R.	Jones	Rieger	Wilt
Dumas	McIntyre	Salvatore	Wright, Jr., J.
Giammarco	Maiale	Schweder	

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

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

* * *

The House proceeded to third consideration of **HB 1948, PN 2892**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for a cash reimbursement in lieu of a grave marker.

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

HB 1948 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1948 be recommitted to the Committee on Appropriations.

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

SENATE MESSAGE**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 552, PN 2432**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), prohibiting assistance to certain students, further providing for identification and proof of residence, and prohibiting copayment plans.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the House nonconcur in the amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. May we have an explanation of the Senate amendments, Mr. Speaker, under the rules?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the reason for nonconcurrence is a portion of this bill has already passed the House and the Senate and is now Act 102 of 1979, and it is for this reason that we are asking that we concur. In addition, we believe that we can make use of this bill in a conference

committee to make an editorial change to an existing law, and the conferees should have an opportunity to look at that. I discussed this with Mr. Irvis, I guess it was, earlier today in the conference room.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. What was Mr. Irvis' position on the nonconcurrence? Did he indicate?

Mr. RYAN. Yes. He said there was no problem with it. Either he said it or you said it, but I—

Mr. MANDERINO. No, I do not remember discussing it.

Mr. RYAN. Then Mr. Irvis said it.

Mr. MANDERINO. Thank you.

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

Mr. RITTER. Mr. Speaker, would the majority leader consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Ryan, indicates that he will stand for interrogation. Mr. Ritter may proceed.

Mr. RITTER. Mr. Speaker, what portion of this bill is already existing law?

Mr. RYAN. Mr. Speaker, if you recall, going back earlier in last year's session, Mr. Lashinger and Mr. Gladeck had a bill—I forget the number of it—that dealt with college students being on welfare. That portion of it passed the House, passed the Senate, and is now law. This is duplicate language of that existing law and it is Act No. 102 of 1979. I forget the bill number of Gladeck and Lashinger's bill.

Mr. RITTER. Mr. Speaker, then what the Senate added was a determination that has to be made that a person is in fact a resident of this Commonwealth before he is eligible to receive assistance; that a person must in fact remain a resident of this Commonwealth in order to continue to receive assistance; and that if a person absents himself from this Commonwealth for a period of 60 days, or the country for 30 days, he is no longer deemed eligible for welfare? Is that what the Senate amended or the Senate added to this bill?

Mr. Speaker, the reason for the interrogation was because if that is what the Senate did, then I would urge that we concur.

Mr. RYAN. Mr. Speaker, it is not my intention to kill the bill in its entirety. It is only to kill that portion of it that is a duplicate of existing law. I think maybe the prudent thing for me to do at this time, until I get sufficient information to answer Mr. Ritter's question, is to ask that this bill be passed over.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. Mr. Speaker, if we have in fact passed a portion of this bill as another law and we now passed this bill which has the same identical language in it as that other law did—at least a portion of this bill—what then is the effect of present law, if we are simply restating existing law?

The SPEAKER. Is the gentleman, Mr. Ritter, directing his inquiry to the Chair?

Mr. RITTER. Yes, Mr. Speaker. It is a parliamentary inquiry.

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

Mr. RITTER. Mr. Speaker, on page 2 of the bill, apparently lines 2 through 5, the majority leader indicated that we had passed that portion of this bill in 1979, so it is now existing law. And that deals with college students. My question is, if we pass HB 552 with the Senate amendments in it, including that portion which apparently restates existing law, what effect does that have then on existing law?

The SPEAKER. The Chair is unable to answer that question. It is very seldom the Chair is not willing to answer questions, but I do not feel qualified to respond to that one.

Mr. RITTER. I thank the Speaker.

HB 552 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I had asked, and perhaps I should make it in the form of a motion, to pass HB 552 over. I do not want members on either side—and I see that I am winning on the nonconurrence. But I do not want members on either side—to misunderstand the purpose of the nonconurrence. Accordingly, I would request, even though I am winning on my own motion, that it be held over.

The SPEAKER. Without objection, HB 552 will be passed over.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **SB 316, PN 1612**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 316, PN 1612**:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for returns by collectors in certain cases; providing for notices prior to sales and confirmation of sales and providing a limited right of redemption after a sale.

On the question,

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

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

Mr. BRANDT. SB 316 is a piece of legislation that has run the full gambit from the Senate to the House and even-

tually wound up in a conference committee. And we met in conference committee on this issue and since the conference committee has been signed and the conference report given and even the Senate has passed this bill, there has been some serious challenges to the language that is in this bill. Particularly on page 2, there is a question of the workability of that section 306.1, and on back on page 6, apparently, for some reason a wrong section was amended when we inserted the date of April 15.

I rise today, Mr. Speaker, and for these two reasons, I ask for a "no" vote on the conference report.

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

Mr. FRYER. Mr. Speaker, I would urge the adoption of the conference committee report. This deals with a very important issue. The Senate held hearings on this matter, and this agreement that we have before us has been hammered out and, in my opinion, is a good version in treating this problem.

The gentleman, Mr. Brandt, mentioned a few sections. One section, which will be changed in another piece of legislation, is no necessity for refusing to accept this conference committee report. It is an important issue; it deals in an important area, and, in my opinion, it is a good piece of work. I would urge the House to adopt this conference committee report.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise to urge that we reject this conference report.

In the legislature as in the courts, hard cases will often make bad law. This legislation is a product of some, perhaps, harsh cases.

I would have no objection particularly to this conference report did it not contain the language on page 7, which provides for a period of redemption of, I believe, 60 days. It is actually 90 days, because within 30 days of the sale the sheriff must serve the person, personal service, in all cases, and then that person who owns the property has 60 days to redeem it.

Mr. Speaker, I oppose that on two grounds. I oppose it first on the grounds of the great cost it is going to impose on our local government to have that service made. Sheriff's service is running about \$25 to \$30 for a particular service in counties where these sales are held, and there will be a large number of services required.

In addition and the second reason I oppose it is I think we must go back to the purpose of the Real Estate Tax Sale Act of 1947, which this amends. Prior to that act no tax title in this Commonwealth could or would be certified by any competent attorney and no title insurance could be obtained. The reason it could not be obtained was because there was a redemption period and the requirements with respect to getting rid of that redemption were such that the risk was too great. This effectively prevented properties taken for taxes from ever getting back on the tax rolls, to the detriment of our local taxpayers - the vast majority of

people who pay their taxes. I think that we have taken a sledgehammer to kill a gnat, because there were a couple of cases where people were hurt.

Now, the first part of the bill, with respect to increased notices, with respect to other problems and the interim assessment, I see no problem with and I could go along with. But that sheriff's sale provision is going to take us right back to pre-1947 law, and you will not be able to get these properties back on the tax rolls in any case because of that period of redemption. I think it would be utterly mischievous to land titles in this Commonwealth to adopt this conference report, and I therefore think we should reject it. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I rise to be in favor of the conference committee report. We have had this very serious problem, and in the last 6 to 10 months you have heard here in the House about the problems in Bucks County and suburban areas where property was sold without proper notice, without the taxpayer being notified by realtors who were taking advantage of that situation. This bill is not the best bill that we could get together, but the conference committee came up with something plausible so that the property will not be sold without proper notice.

It may seem archaic. It may seem it goes back to 1937, but at least the people in this area and many other areas will not have the houses sold from under them without proper notice. So I urge that we concur in the conference committee report.

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

Mr. VROON. Mr. Speaker, I also join with my colleagues in urging a "no" vote on the acceptance of this conference report. In my case my objection is to a feature which demands the notation of unpaid interim taxes on a current tax bill. This is an unnecessary provision as far as I am concerned, and it invokes a hardship on every tax collector in the Commonwealth. It is a real pain in the neck to have to put unpaid taxes on a current tax bill. The computers are not set up to handle it, and I do not see any reason at all why it should be on the current tax bill. They get due notice through the mail, through all the laborious procedure which is described in this bill already, and I do not see any sense in doing this over and above everything else. It is just making work for people and causing a lot of hardship, as far as I am concerned, to local tax collectors. So for that reason, together with the reasons cited by my colleagues, I urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I urge my colleagues to vote "no" on this bill. I think it came about by a few isolated cases in the Commonwealth, and now we are going from being underregulated to overregulated again, causing more time in our tax sales and also a lot of red tape. So I urge a "no" vote on SB 316.

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

Mr. PICCOLA. Mr. Speaker, I also urge a negative vote on this conference committee report. Aside from the tax dollars that will be uncollected under this procedure, it is going to cost our counties too much money just to operate the procedure. I believe that there are adequate notice requirements under the existing law, that judges are quite reluctant to turn property over to and will upset a tax sale at the very least amount of impropriety, and that the present law is adequate to protect property owners under the present circumstances. I therefore would urge a negative vote primarily because of the cost to our counties.

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

Mr. FRYER. Mr. Speaker, it seems to me that the issue before us is the efficient operation of a tax claim bureau and the rights of the people who are affected. Now, if you want an efficient operating tax claim bureau that will operate and sell properties, then reject this report. But I say that to those people who are caught in this and lose their property and it goes to sale, a property which they bought over a period of time and have accumulated, I say that is wrong.

You argue about the cost. I was approached by the same people, by the tax claim bureau. They do not want to change. They want a nice, efficient operation. They want to sell that property and turn it over in the tax roll. That is fine; it is commendable. But think of those few people who are caught in this mesh of transactions. Would you deny, would you deny that one person who is aggrieved in this Commonwealth, who loses his property and it is sold? What would go? Reason does prevail.

This is a serious matter. Later, after we pass the collection—

But in all seriousness, to the people who have been caught in these tax claim sale laws, it is a terrible thing, and you have all read about it in the news media. You know what has happened to these people, and now I hear, well, this is going to cost too much money, or it is going to impede this operation. What do you want to do? Sell the property maybe if someone, through an error, is caught behind? You do not want to permit a 60-day redemption? What is wrong with that? Sure it impedes a little bit, but so does government, but basically it is for people. I say to you, think very seriously about this vote, because this—and I do not mean to embarrass anyone—is one for the people. Vote "yes."

On the question recurring,

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

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

YEAS—69

Beloff	Gray	Mullen	Shupnik
Berson	Harper	O'Brien, B. F.	Spitz
Borski	Hoeffel	O'Donnell	Steighner
Brown	Hutchinson, A.	Oliver	Stewart
Caltagirone	Itkin	Petrarca	Street

Clark, B. D.	Klingaman	Pievsky	Stuban
Cohen	Kolter	Pistella	Sweet
Cowell	Kukovich	Pitts	Trello
Cunningham	Laughlin	Pott	Wachob
DeMedio	Lescovitz	Pucciarelli	Wargo
Fee	Letterman	Rappaport	Williams
Fryer	Levin	Reed	Wright, D. R.
Gallagher	McCall	Rhodes	Wright, Jr., J.
Gallen	McMonagle	Ritter	Yahner
Gatski	Michlovic	Rodgers	Yohn
George, C.	Micozzie	Schmitt	Zeller
George, M. H.	Mrkonic	Seventy	Zwilk
Goodman			

NAYS—110

Alden	Dorr	Kowalyszyn	Punt
Anderson	Duffy	Lashinger	Pyles
Armstrong	Durham	Lehr	Rasco
Arty	Earley	Levi	Rocks
Belardi	Fischer	Lewis	Ryan
Bennett	Foster, W. W.	Livengood	Salvatore
Bittle	Foster, Jr., A.	Lynch, E. R.	Scheaffer
Bowser	Freind	McClatchy	Serafini
Brandt	Gamble	McVerry	Sieminski
Burd	Gannon	Mackowski	Sirianni
Cappabianca	Geesey	Madigan	Smith, E. H.
Cessar	Geist	Manderino	Smith, L. E.
Chess	Gladeck	Manmiller	Spencer
Cimini	Goebel	Milanovich	Stairs
Civera	Grabowski	Miller	Swift
Clark, M. R.	Grieco	Moehlmann	Taddonio
Cochran	Gruppo	Mowery	Taylor, E. Z.
Cole	Hagarty	Murphy	Taylor, F.
Cornell	Halverson	Nahill	Telek
Coslett	Hasay	Novak	Thomas
DeVertter	Hayes, Jr., S.	Noye	Vroon
DeWeese	Helfrick	O'Brien, D. M.	Wass
DiCarlo	Honaman	Perzel	Wenger
Davies	Hutchinson, W.	Peterson	White
Dawida	Irviss	Phillips	Zord
Dietz	Johnson, E. G.	Piccola	
Dininni	Kanuck	Polite	Seltzer,
Dombrowski	Knight	Pratt	Speaker

NOT VOTING—16

Austin	Giammarco	McIntyre	Schweder
Burns	Greenfield	Maiiale	Shadding
Donatucci, R.	Johnson, J. J.	Richardson	Wilson
Dumas	Jones	Rieger	Wilt

EXCUSED—7

Barber	Hayes, D. S.	McKelvey	Zitterman
Fisher	Knepper	Weidner	

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

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. POLITE

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

Mr. POLITE. To make a statement, Mr. Speaker. I listened to the debate on the "no" vote and the "yes" vote on the conference report, and I knew it was going to lose because the first three sponsors are all losers in the state-wide election.

REMARKS ON VOTE

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

Mr. PERZEL. Mr. Speaker, I inadvertently voted in the affirmative on HB 1805, PN 3056, yesterday and wish to be recorded in the negative.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

COMMUNICATIONS

April 16, 1980

Subject: Annual Legislative Report on the Intermediate Unit System

To: Members of the General Assembly
Commonwealth of Pennsylvania

From: Robert G. Scanlon
Secretary of Education

Under the terms of Section 924-A of the Pennsylvania Public School Code of 1949, as amended by Act 57 of 1974, the department is submitting to you the attached copy of the Final Annual Report to the General Assembly on the Intermediate Unit System: 1976-77, 1977-78. The first such evaluation, under Act 57, was completed and submitted to the General Assembly in 1975.

In accordance with Act 57 of 1974 (part (d) of Section 924-A of the School Code) the obligation to submit this report shall cease after June 30, 1980, unless specifically reenacted by the General Assembly.

It is anticipated that in lieu of any such reenactment, the department would engage in planning the continuance of some form of providing the General Assembly with annual intermediate unit system data.

(Report on file with the House of Representatives but not printed in the Appendix.)

Commonwealth of Pennsylvania
Department of Education
Harrisburg, Pennsylvania 17126

April 18, 1980

The Honorable H. Jack Seltzer
Speaker, House of Representatives
139 Capitol Building
Harrisburg, Pennsylvania

Dear Speaker Seltzer:

Subsection 12 of Section 2501 of the Public School Code, as amended by Act 59 of 1977, provides, "The Secretary of Education annually shall calculate the State 'Median Actual Instruction Expense per Weighted Average Daily Membership' and shall supply the same to the General Assembly."

For the school year 1978-79, the Median Actual Instruction Expense per Weighted Average Daily Membership was \$1,216.11.

Sincerely yours,
Robert G. Scanlon
Secretary of Education

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I wonder if I could have the attention of all members, please. In conversation with several of the leaders in the House and also the gentleman from Bucks, Mr. Gallagher, it is very likely that this House of Representatives will begin consideration of the proposed School Code, HB 1671. As Mr. Gallagher and I announced several weeks ago, we urged members who thought it necessary to have amendments drafted to do so. I would just ask you again at this time to, in the next couple of days—not the next couple of weeks but the next couple of days—be in touch with the Legislative Reference Bureau and have drafted those amendments which you believe should be offered. I am not suggesting that there should be a cascade of amendments to HB 1671. The House Committee on Education has done a commendable job in reconciling the differences which have existed over time with regard to a new School Code, but obviously there will be those who believe it necessary to offer amendments. That is part of our process here. I would just ask you if you would please, please, cooperate with those who have to help manage this bill, be in touch with the Legislative Reference Bureau tomorrow and Friday, and ask them to prepare for you any amendments that you believe should be offered, because in all probability we will begin our early consideration of this bill in the next few legislative days. Thank you, Mr. Speaker.

The SPEAKER. Does the majority leader have any further business? Does the minority whip have any further business?

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

Mr. GALLAGHER. In place of the minority leader—I am not taking his place, but just in place before he gets here—I ask the Democratic members to pay attention to what Mr. Hayes brought to your attention. Maybe next Monday or Tuesday we might be considering the School Code recodification. Please get your amendments, if any. There is no need for them, but if you think there is, let us know ahead of schedule.

Now I give you the minority leader.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. Does the minority whip have any further business?

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit for the record, in accordance with our rules, a list of additions and deletions of sponsors.

ADDITIONS

HB 1425, Fryer 77; HB 2353, Cornell 177.

DELETIONS

HR 185, Geesey 55; HB 2340, White 203.

ADJOURNMENT

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

Mr. DONATUCCI. Mr. Speaker, I move that this House do now adjourn until Monday, May 5, 1980, at 1:00 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:10 p.m., e.d.t., the House adjourned.