

# Legislative Journal

TUESDAY, SEPTEMBER 25, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 67

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

### PRAYER

REV. DR. GEORGE S. HEWITT, senior pastor of Drexel Hill United Methodist Church of Delaware County, guest chaplain and brother of the lady from Bucks, Mrs. George, offered the following prayer:

Let us pray:

Our Gracious Heavenly Father, we ask Your blessing upon these legislators who this day will make decisions that will affect the lives of many people for years to come.

Amid high emotion, let them understand that the Eternal God is their refuge and underneath are the everlasting arms, guiding them to make decisions in the light of permanent standards. As we belong to You, so let each one know that while he and she are individuals, they are members of this House, belonging to one another, and while they may disagree, help them to refrain from being disagreeable, that out of diversity there may come unity, out of discord there may come harmony, and as evening shadows fall, Almighty God, may each legislator, looking back over their activities of this day, be able still to like themselves and be able to say it mattered that I was in the House today. Amen.

### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, September 24, 1979, will be postponed until printed.

### JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of January 2 and 16, February 5, 6, 12, 13, 19, 20 and 21, March 5, 6, 7, 12, 13, 19, 20, 26, 27 and 28, April 23, 24, 25, 30, and May 1, 2, 7, 8, 17, and 21, 1979?

If not, and without objection, the Journals are approved.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1721 By Mr. GOEBEL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the holidays of State employes.

Referred to Committee on State Government.

No. 1722 By Mr. GOEBEL

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the transportation of pupils.

Referred to Committee on Education.

No. 1723 By Mr. GOEBEL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring that rules and regulations relating to inmates at penal and correctional institutions apply equally to both male and female inmates.

Referred to Committee on State Government.

No. 1724 By Mr. GOEBEL

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the election of school directors.

Referred to Committee on Education.

No. 1725 By Mr. GOEBEL

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the termination of an annuity of a person who renders services to the Commonwealth as an independent contractor.

Referred to Committee on State Government.

No. 1726 By Mr. GOEBEL

An Act amending the "Public Employee Relations Act," approved July 23, 1970 (P. L. 563, No. 195), further providing for collective bargaining agreements.

Referred to Committee on State Government.

No. 1727 By Messrs. D. R. WRIGHT and WILT

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), exempting persons manufacturing ethyl alcohol solely for use as motor fuel or experimental purposes from certain license requirements.

Referred to Committee on Liquor Control.

No. 1728 By Messrs. GOEBEL, KUKOVICH, PERZEL and LETTERMAN

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), excluding residential construction from taxation.

<p>Referred to Committee on Finance.</p> <p><b>No. 1729</b> By Messrs. WASS, WENGER, MANMILLER, DININNI and CUNNINGHAM</p> <p>An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, amending a route in Indiana County.</p> <p>Referred to Committee on Transportation.</p> <p><b>No. 1730</b> By Messrs. A. K. HUTCHINSON, LETTERMAN, TRELLO, KNIGHT, GEORGE, FEE, KOLTER, LIVENGOOD and STAIRS</p> <p>An Act amending the act of June 17, 1976 (P. L. 162, No. 81), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians," further providing for exemption of drivers from examination.</p> <p>Referred to Committee on Transportation.</p> <p><b>No. 1731</b> By Messrs. A. K. HUTCHINSON, FRYER, LIVENGOOD, CLARK, ITKIN and STAIRS</p> <p>An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing reimbursement by the Commonwealth for county administration expenses for campaign expense reports.</p> <p>Referred to Committee on Appropriations.</p> <p><b>No. 1732</b> By Messrs. A. K. HUTCHINSON, FRYER, LIVENGOOD, CLARK, ITKIN and STAIRS</p> <p>An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, providing reimbursement by the Commonwealth for county administration expenses incurred for filing certain reports.</p> <p>Referred to Committee on Appropriations.</p> <p><b>No. 1733</b> By Messrs. J. L. WRIGHT, RODGERS and BURNS</p> <p>An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for summary offenses involving vehicles.</p> <p>Referred to Committee on Judiciary.</p> <p><b>No. 1734</b> By Mr. HOFFFEL</p> <p>An Act amending the "Pennsylvania No-Fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing for the disclosure of demerit rating plan information.</p> <p>Referred to Committee on Insurance.</p> <p><b>No. 1735</b> By Messrs. PETRARCA, KOLTER, DeMEDIO, SCHEAFFER and W. W. FOSTER</p> <p>An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for disabled veteran registration plates.</p> <p>Referred to Committee on Transportation.</p>	<p><b>No. 1736</b> By Messrs. SWEET, NOYE and WACHOB</p> <p>An Act providing for a productivity improvement program for the development and utilization of productivity measurements in the application of State resources; and requiring the submission of productivity improvement reports by the Governor to the General Assembly.</p> <p>Referred to Committee on State Government.</p> <p><b>No. 1737</b> By Messrs. SWEET and NOYE</p> <p>An Act providing for the establishment of the Commonwealth Productivity Council and prescribing its powers and duties.</p> <p>Referred to Committee on State Government.</p> <p><b>No. 1738</b> By Messrs. SALVATORE, D. M. O'BRIEN, McKELVEY, ROCKS and PERZEL</p> <p>An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), making it illegal to possess or deliver controlled paraphernalia.</p> <p>Referred to Committee on Judiciary.</p> <p><b>No. 1739</b> By Messrs. DOMBROWSKI, D. S. HAYES, BENNETT, BOWSER, KLINGAMAN, CAPPABIANCA, DiCARLO, DORR and A. C. FOSTER</p> <p>An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for the filing of accounts.</p> <p>Referred to Committee on Judiciary.</p> <p><b>No. 1740</b> By Messrs. PRATT, CAPPABIANCA and MILANOVICH</p> <p>An Act providing for the licensing of clubs to conduct certain games of chance; providing for suspension and revocations of licenses; requiring records, and prescribing penalties.</p> <p>Referred to Committee on Liquor Control.</p> <p><b>No. 1741</b> By Messrs. PRATT, CAPPABIANCA and STUBAN</p> <p>A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for recall of elected public officers.</p> <p>Referred to Committee on State Government.</p> <p><b>No. 1742</b> By Messrs. PRATT, CAPPABIANCA and STUBAN</p> <p>An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for special elections in the recall of elective officers.</p> <p>Referred to Committee on State Government.</p> <p><b>No. 1743</b> By Messrs. PRATT and MOEHLMANN</p> <p>An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for periodicals and publications excluded from the sales tax.</p> <p>Referred to Committee on Finance.</p> <p><b>No. 1744</b> By Mr. PRATT</p>
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An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the Fire and Panic Act, requiring the installation of smoke detectors and fire alarm systems in hotels and motels.

Referred to Committee on Business and Commerce.

**No. 1745** By Messrs. PETRARCA, DeMEDIO, YAHNER, TADDONIO, CLARK, LIVENGOOD and MANDERINO

An Act amending the "Pennsylvania Sewage Facilities Act," approved January 24, 1966 (1965 P. L. 1535, No. 537), further defining the responsibility of the Department of Environmental Resources to abate pollution in certain rivers and streams.

Referred to Committee on Conservation.

**HOUSE RESOLUTION INTRODUCED AND REFERRED**

**No. 126**  
(Concurrent) By Messrs. PERZEL, NOYE, COCHRAN, RITTER, SALVATORE, VROON, Mrs. TAYLOR, Mrs. ARTY, Mr. PICCOLA, Mrs. DURHAM and Mr. CLARK

The General Assembly of the Commonwealth of Pennsylvania memorialize the Congress and the President of the United States of America that the free economic and political system of the People of Taiwan should continue.

Referred to Committee on Federal-State Relations.

**LEAVES OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. HELFRICK and DININI for today's session.

The SPEAKER. The Chair recognizes the minority leader.

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

The SPEAKER. Without objection, leaves are granted.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**

**HB 606, PN 2133** (Amended) By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exclusion from sales tax.

Finance.

**HB 1683, PN 2055** (Unanimous) By Mr. ZORD

An Act relating to the inspection and visitation of hospitals and hospital-related health care facilities; providing that the Department of Health coordinate inspections by all State agencies; providing for a single inspection of hospitals by the Department of Health; and repealing the annual inspection requirement by the Department of Health.

Health and Welfare.

**SB 602, PN 634** By Mr. F. J. LYNCH

An Act amending the act of June 20, 1919 (P. L. 521, No.

258), entitled, as amended, "Transfer Inheritance Tax Law," changing the rate of commission and increasing the maximum.

Finance.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair asks the members who have amendments to HB 640, the divorce reform bill, to please have their amendments circulated so that the various caucuses will have their amendments to discuss, and also it is the intent of the Chair to call the bill up as quickly as we can after the caucuses have discussed the amendments and the merits of the bill. As of now, the Chair has been informed that there are five amendments which have been prepared and circulated.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take the master roll call.

The following roll call was recorded:

**YEAS—194**

Alden	Freind	Lynch, E. R.	Salvatore
Anderson	Fryer	Lynch, F.	Scheaffer
Armstrong	Gallagher	Mackowski	Schmitt
Arty	Gallen	Madigan	Schweder
Austin	Gamble	Manderino	Scirica
Barber	Gannon	Manmiller	Serafini
Belardi	Gatski	McCall	Seventy
Beloff	Geesey	McClatchy	Shadding
Bennett	Geist	McIntyre	Shupnik
Berson	George, C.	McKelvey	Sieminski
Bittle	George, M.	McVerry	Sirianni
Bowser	Giammarco	Michlovic	Smith, E.
Brandt	Gladeck	Micozzie	Smith, L.
Brown	Goebel	Milanovich	Spencer
Brunner	Goodman	Miller	Spitz
Burd	Grabowski	Moehlmann	Stairs
Burns	Gray	Mowery	Steighner
Caltagirone	Greenfield	Mrkonc	Stewart
Cappabianca	Grieco	Mullen, M. P.	Street
Cessar	Gruppo	Murphy	Stuban
Chess	Halverson	Musto	Sweet
Cimini	Harper	Nahill	Swift
Clark, B.	Hasay	Novak	Taddonio
Clark, R.	Hayes, D. S.	Noye	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, B.	Telek
Cohen	Hoefel	O'Brien, D.	Thomas
Cole	Honaman	O'Donnell	Trello
Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Irvis	Peterson	Wagner
Cunningham	Itkin	Petrarca	Wargo
Davies	Johnson, E.	Piccola	Wass
Dawida	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeVerter	Kanuck	Pitts	White
DeWeese	Kernick	Polite	Williams
DiCarlo	Klingaman	Pott	Wilson
Dietz	Knepper	Pratt	Wilt
Dombrowski	Knight	Pucciarelli	Wright, D.
Dorr	Kolter	Punt	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Dumas	Lashinger	Rappaport	Yohn
Durham	Laughlin	Reed	Zeller
Earley	Lehr	Rhodes	Zitterman,
Fec	Letterman	Rieger	Zord
Fischer, R. R.	Levi	Ritter	Zwinkl
Fisher, D. M.	Levin	Rocks	

Foster, A.	Lewis	Rodgers	Seltzer,
Foster, W.	Livengood	Ryan	Speaker

NAYS—0

NOT VOTING—9

Borski	Donatucci	Kowalyshyn	Richardson
Cianciulli	Helfrick	McMonagle	Taylor, F.
Dininni			

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

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1011, PN 2036; HB 1514, PN 1779; HB 1618, PN 1946; SB 603, PN 1081; SB 731, PN 981; SB 732, PN 982; SB 733, PN 983; SB 734, PN 984; SB 856, PN 987; HB 1340, PN 1863; HB 1468, PN 1696; SB 525, PN 545; and HB 1155, PN 2068.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives notice that it has given permission to WIIC TV and to WTAE TV and WTVI TV to shoot silent footage.

SPECIAL ORDER OF BUSINESS

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 357, PN 913, entitled:

An Act reenacting and amending the act of November 26, 1978 (P. L. 1179, No. 276), entitled "An act authorizing the Department of General Services with the approval of the Governor and the Secretary of Public Welfare to convey a certain tract of ground situate in Susquehanna Township, Dauphin County," further describing the tract.

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

Amend Sec. 1 (Sec. 2), page 5, line 18, by striking out "public purposes" and inserting a water filtration and treatment facility

Amend Sec. 1 (Sec. 2), page 5, line 21, by striking out "public purposes," and inserting a water filtration and treatment facility.

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

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

Mr. PICCOLA. This amendment will limit the use to which the city of Harrisburg can put the land to a water filtration and treatment facility which is, in fact, what they intend to use it for.

By way of background, this legislation had been adopted and signed into law last session; and the reason for the bill is because of an improper deed description.

This amendment will limit the use of the land, and if for any reason the city would not need the land for that purpose, it would revert back to the Commonwealth or the Commonwealth would have to change the conditions of the grant.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—12

Borski	Donatucci	McMonagle	Taylor, F.
Cianciulli	Helfrick	Richardson	Trello
Dininni	Kowalyshyn	Street	Williams

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—186

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

NAYS—2

Clark, B. Fryer

NOT VOTING—15

Borski Helfrick Musto Taylor, F.  
Cianciulli Kowalshyn Richardson Trello

Dininni Manderino Smith, E. Williams  
Donatucci McMonagle Street

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

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

CALENDAR BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. KUKOVICH, the House resumed consideration on final passage of **HB 630, PN 1858**, 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.

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?

RECONSIDERATION OF VOTE  
ON HB 630

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

Mr. KUKOVICH. Mr. Speaker, I move that the vote by which HB 630 was placed on the final passage postponed calendar be reconsidered.

Mr. ZITTERMAN. I second the motion.

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

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

Mr. KUKOVICH offered the following amendments:

Amend Sec. 1, (Sec. 19), page 2, line 14, by striking out the brackets before "six" and after "(6%)"

Amend Sec. 1, (Sec. 19), page 2, line 15, by striking out "SEVEN PERCENT (7%)"

Amend Sec. 1, (Sec. 19), page 2, line 15, by removing the period after "year" and inserting, except that for the period between the effective date of this amendatory act and October 1, 1980, the simple interest rate per annum calculated on the unpaid balance of the principal amount financed as determined under section 14B.6., which yields the same finance charge over the term of the contract as a contract for the same term with the finance charge calculated at six and one-half percent (6½%) on such principal amount financed.

Amend Sec. 1 (Sec. 19), page 3, by inserting between lines 11 and 12

Section 2. Subsection C of section 22 of the act, amended May 2, 1949 (P. L. 812, No. 211), is amended to read:

Section 22. Refund for Prepayment of Contract.—

\* \* \*

C. [The] Except for the actuarial rebates required for simple interest rate loans for Class I motor vehicle contracts, the un-

earned finance charge to be rebated to the buyer shall represent at least as great a proportion of the total finance charge as the sum of the periodical time balances after the date of prepayment bears to the sum of all the periodical time balances under the schedule of payments in the original agreement: Provided, however, The holder shall not be required to rebate any portion of such unearned finance charge which results in a net minimum finance charge on the contract less than ten dollars (\$10.00): And provided further, the holder shall not be required to rebate any unearned finance charge when the amount due, computed as herein set forth, is less than one dollar (\$1.00).

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 Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, the number of this amendment is A2991.

Very briefly, it does three things, the most important of which is a compromise on the rate. This would make it a 6½ percent add-on rate. The other two changes are that it would put in a sunset provision so that as of October 1, 1980, the rate would go back to what it currently is. Thirdly, down in section c of the amendment, it would change the way prepayments are made based on an actuarial rate, which means that the actual amounts and the actual time involved would be the basis rather than the current rule, called the rule of '78, which is based on an approximation which is in bias of the lender.

So this is a proconsumer amendment from that standpoint. I think it is a reasonable compromise. Due to the fluctuation we have seen in various interest rates, I think a sunset provision is a wise thing to do at this point in time and can be reconsidered at a later date.

I would appreciate your support for this amendment.

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

Mr. L. E. SMITH. Mr. Speaker, could I interrogate the gentleman, please?

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

Mr. L. E. SMITH. Mr. Speaker, I really have not had an opportunity to examine this amendment, but can you tell me, would the sunset provision apply only to class 1 vehicles?

Mr. KUKOVICH. Yes, it would.

Mr. L. E. SMITH. That is all, Mr. Speaker.

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

Mr. L. E. SMITH. Mr. Speaker, I oppose this amendment.

When this bill was introduced, it was introduced at 8 percent add on. We then accepted a 7-percent amendment. I think we have compromised as far as we can go.

The 7 percent is not even meaningful in today's money market. So I would ask for a "no" vote on the 6½ percent.

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

Mr. BENNETT. Mr. Speaker, I rise in opposition to the Kukovich amendment and would just share the thoughts ex-

pressed by the majority chairman of the Business and Commerce Committee.

This bill has been compromised to a great extent. It actually has been lowered from 8 percent down to 7 percent. I would ask an opposition vote to the Kukovich amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—69

Armstrong	Gatski	Kukovich	Rodgers
Austin	George, C.	Levin	Schmitt
Barber	George, M.	Manderino	Seventy
Berson	Goebel	McIntyre	Shadding
Brown	Grabowski	Michlovic	Shupnik
Chess	Gray	Mrkonic	Stairs
Clark, B.	Greenfield	Murphy	Stewart
Cochran	Harper	Musto	Telek
Cohen	Hasay	Oliver	Trello
Cowell	Hoeffel	Pievsky	Wachob
Dawida	Hutchinson, A.	Pistella	Wargo
DeWeese	Irvis	Pratt	White
Duffy	Itkin	Pucciarelli	Wright, D.
Dumas	Johnson, J.	Reed	Zeller
Fee	Kernick	Rhodes	Zitterman
Fischer, R. R.	Klingaman	Rieger	Zord
Fryer	Knight	Ritter	Zwikl
Gamble			

NAYS—122

Alden	Foster, W.	Mackowski	Salvatore
Anderson	Freind	Madigan	Scheaffer
Arty	Gallagher	Manmiller	Schweder
Belardi	Gallen	McCall	Scirica
Beloff	Gannon	McClatchy	Serafini
Bennett	Geesey	McKelvey	Sieminski
Bittle	Geist	McVerry	Sirianni
Bowser	Giammarco	Micozzie	Smith, E.
Brandt	Gladeck	Milanovich	Smith, L.
Brunner	Goodman	Miller	Spencer
Burd	Grieco	Moehlmann	Spitz
Burns	Gruppo	Mowery	Steighner
Caltagirone	Halverson	Mullen, M. P.	Stuban
Cappabianca	Hayes, D. S.	Nahill	Sweet
Cessar	Hayes, S. E.	Novak	Swift
Cimini	Honaman	Noye	Taddonio
Clark, R.	Hutchinson, W.	O'Brien, B.	Taylor, E.
Cole	Johnson, E.	O'Brien, D.	Thomas
Cornell	Jones	O'Donnell	Vroon
Coslett	Kanuck	Perzel	Wagner
Cunningham	Knepper	Peterson	Wass
Davies	Kolter	Petrarca	Weidner
DeVerter	Lashinger	Piccola	Wenger
DiCarlo	Laughlin	Pitts	Wilson
Dietz	Lehr	Polite	Wilt
Dombrowski	Letterman	Pott	Wright, J. L.
Dorr	Levi	Punt	Yahner
Durham	Lewis	Pyles	Yohn
Earley	Livengood	Rappaport	
Fisher, D. M.	Lynch, E. R.	Rocks	Seltzer,
Foster, A.	Lynch, F.	Ryan	Speaker

NOT VOTING—12

Borski	Dininni	Kowalshyn	Street
Cianciulli	Donatucci	McMonagle	Taylor, F.
DeMedio	Helfrick	Richardson	Williams

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 as amended on third consideration?

Mr. KUKOVICH offered the following amendment:

Amend Sec. 1 (Sec. 19), page 2, line 15, by removing the period after "year" and inserting for the period between the effective date of this amendatory act and October 1, 1980 and at six percent (6%) on the principal amount financed as determined under section 14B.6. beginning October 1, 1980 and thereafter.

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Mr. Speaker, this is amendment A2933. All this does is once again create a sunset provision whereby the rate would be restored as of October 1, 1980. The current rate would be restored if this body does not move to do otherwise.

I would again speak to the wisdom of doing this because of the fluctuation and because of the confusion among the banking and lending industry.

If you remember, last June when we debated this bill and this bill was defeated, I read on the record letters from Chase Manhattan Bank and other major banks which said that the prime rate is going down. They had in fact reduced it in May. We come back after the summer recess and the prime rate has gone back up.

Obviously, those people who should know what is going on, do not. So, I would suggest to you that once we give in and raise the rate legislatively, rarely do we ever rescind that and bring it back down. I think it would be very wise to put on a sunset provision and force us to take a positive action in the future, if it is justified. I would ask for your support of this amendment.

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

Mr. L. E. SMITH. I see no reason to put a sunset provision on one section of a bill that encompasses six different categories of vehicles. Any time we decide that that ceiling is too high, we can come back and reduce it. I see no need for a sunset provision and I would ask for a "no" vote on this amendment.

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

Mr. ZELLER. Mr. Speaker, whenever the banking institutions or any other investment company gives you an increase, it usually comes in what you call quarter percent on your investment, half, quarter, and there are big sign boards all over the place about how they are taking care of you and they are competing against other banks, and other banks do not do it, we do it. Originally they came out with an almost one-third increase, and then it is down to about 15. Now we tried to get one at five-tenths, or half of it, which would be a 13-percent increase. Now the cost-of-living increase around the country, I guess, was at

seven. Here, in just one big lump, 13 percent.

I know there are a lot of big spenders in here, evidently, with these bankers. I just cannot understand the protection for the consumer. All we are asking for is sunset legislation, because I remember back—there was a 1 percent put in back, I believe, during the Honorable Governor Scranton's administration, in the Transportation Department on gasoline, and that has never left the books, and it is not going to the veterans; it is going somewhere else. That never had sunset legislation, and if you do not do it, you will never get rid of it. That is why these people do not want sunset legislation, because they do not want to get rid of it. That is the whole secret to it, so if you are really out to protect the consumer, what is wrong in having a sunset legislation. In other words, you have to stand up and be counted, that is all. Whose side are you on?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—79

Armstrong	Fryer	Kukovich	Ritter
Austin	Gallagher	Levin	Rodgers
Barber	Gamble	Manderino	Schmitt
Berson	Gatski	McCaill	Seventy
Brown	George, C.	McIntyre	Shadding
Burns	George, M.	Michlovic	Shupnik
Caltagirone	Goebel	Miller	Stairs
Chess	Grabowski	Mrkonic	Steighner
Clark, B.	Gray	Murphy	Stewart
Clark, R.	Greenfield	Novak	Telek
Cochran	Harper	O'Donnell	Trello
Cohen	Hasay	Oliver	Wachob
Cowell	Hoeffel	Petrarca	Wargo
Dawida	Hutchinson, A.	Pievsky	White
DeWeese	Irviss	Pistella	Wright, D.
DiCarlo	Itkin	Pratt	Zeller
Duffy	Johnson, J.	Pucciarelli	Zitterman
Dumas	Kernick	Reed	Zord
Fee	Klingaman	Rhodes	Zwinkl
Fischer, R. R.	Knight	Rieger	

NAYS—112

Alden	Freind	Mackowski	Schweder
Anderson	Gallen	Madigan	Scirica
Arty	Gannon	Manmiller	Serafini
Belardi	Geesey	McClatchy	Sieminski
Beloff	Geist	McKelvey	Sirianni
Bennett	Giammarco	McVerry	Smith, E.
Bittle	Gladeck	Micozzie	Smith, L.
Bowser	Goodman	Milanovich	Spencer
Brandt	Grieco	Moehmann	Spitz
Brunner	Gruppo	Mowery	Stuhan
Burd	Halverson	Musto	Sweet
Cappabianca	Hayes, D. S.	Nahill	Swift
Cessar	Hayes, S. E.	Noye	Taddonio
Cimini	Honaman	O'Brien, B.	Taylor, E.
Cole	Hutchinson, W.	O'Brien, D.	Thomas
Cornell	Johnson, E.	Perzel	Vroon
Coslett	Jones	Peterson	Wagner
Cunningham	Kanuck	Piccola	Wass
Davies	Knepper	Pitts	Weidner
DeMedio	Kolter	Polite	Wenger
DeVertter	Lashingner	Pott	Wilson
Dietz	Laughlin	Punt	Wilt
Dombrowski	Lehr	Pyles	Wright, J. L.
Dorr	Letterman	Rappaport	Yahner

Durham	Levi	Rocks	Yohn
Earley	Lewis	Ryan	
Fisher, D. M.	Livengood	Salvatore	Seltzer,
Foster, A.	Lynch, E. R.	Scheaffer	Speaker
Foster, W.	Lynch, F.		

## NOT VOTING—12

Borski	Donatucci	McMonagle	Street
Cianciulli	Helfrick	Mullen, M. P.	Taylor, F.
Dininni	Kowalshyn	Richardson	Williams

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

On the question recurring,

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

Mr. ZITTMAN offered the following amendment:

Amend Sec. 1 (Sec. 19), page 2, line 15, by striking out "SEVEN PERCENT (7%)" and inserting six and one half percent (6½%)

On the question,

Will the House agree to the amendment?

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

Mr. ZITTMAN. Mr. Speaker, my colleague, Mr. Kukovich, presented an amendment which reduced the purported rate of increase from 7½ to 6½ percent on new-car loans. I am breaking down his amendment to take one third of his amendment and asking this House to "Amend Sec. 1 (Sec. 19), page 2, line 15, by striking out 'SEVEN PERCENT (7%)' and inserting six and one half percent (6½%)".

When we discussed this bill previously, Mr. Speaker, we reduced the House bill from 8 percent, which was over 15 percent, 15.68, and the Smith amendment reduced it to 13.68. This amendment realistically reduces that amendment to 12 percent APR — Approximate Percentage Rates.

During my tour throughout the industry, the banking industry and the automobile industry, I find that it is not difficult for a new car dealer to finance paper at 12 percent and to live viably on that 12 percent. In fact, some of the banks that I discussed the 11 percent rate with advised me just last week that they are discounting the paper from auto dealers at a rate of 10½ percent in rebating approximately ½ percent to the car dealer.

Mr. Speaker, there has been a lot of controversy about prime rate and how prime rate affects the new-car business. As one banker from Allentown stated, it does. It is like throwing a penny into a bucket of water. It causes a little ripple, but it does not theoretically affect the car-financing business. What it generally does, it affects the car-financing floor/plan business, and in most cases the car-financing floor/plan business demands a rate of between 12 and 18 percent, depending on the type of risk involved; and when we talk about the floor plan, the risk is higher because of the fact that the car dealer who buys a car for approximately \$3,000 sells this car for \$5,000 and can live with the \$2,000 markup should he get the \$5,000. He, therefore, is

willing to pay a higher rate of money, which is approximately \$600 on 15 percent, to keep the car in his lot with the expectation that if he can sell that car and have it in his possession for over the \$600, he has not lost any money at all. The turnover on these cars is approximately 6 months, giving him a yield on the sale of his cars.

Secondly, we talk about the cost of money in banking. Everyone says they cannot put the money out. The average cost of money in banks, including the savings accounts, the bonds, the notes, the long-term paper, the mortgages, as of last Friday is approximately 9.7 percent. That is the lowest amount that they charge, 11.7 percent. My philosophy is this: that a new-car dealer has the customer sign for a piece of paper. He is allowed to charge 11 percent. We have to look at some of the other advantages that he has: Number one, he has the markup on the sale of cars. Number two, in most cases the car dealer collects the insurance. He collects 3 years' insurance in advance, charges the 11.7-percent finance charge on the 3-year total; however, he does not disburse the money except on semi-annual payments, which also increases his yield. Thirdly, let us talk about the consumer effect. The new-car dealer puts a piece of paper on the book and charges a flat rate of 11.07 percent. If the car customer, the purchaser, pays off his loan in advance, if he pays it off in 2 years, generally the rate on this loan goes up from 11.07 to approximately 14 or 14½ percent.

Now let us talk about the banks. Theoretically the banks working in conjunction with the new-car dealers are allowed to charge by law approximately 13<sup>36</sup>/<sub>100</sub> percent to purchase the paper from the new-car dealer. Secondly, the banking industry has a right, being in the banking business, to contract with that car dealer and purchase the paper directly from the buyer of the car and not go through the car dealer. As I said, Mr. Speaker, this was a compromise.

I have talked to some of the people in the banking industry. I talked to the people in the car industry and they say that they would well accept the 12-percent rate of interest, Mr. Speaker. Mr. Speaker, I am saying that if the car dealers remain car dealers, we are talking about an increase in my rate from 6 to 6½ percent, which on a 4-year program increases that rate of interest by \$200. Detroit is screaming, let us sell our cars. The Federal Government is allowing money to banks so that they could put out the low interest rates on cars. The car dealer in some cases, in Allentown and Philadelphia, is offering a \$1,200 discount. The Chrysler Corporation is offering a \$400 discount, and our car dealers now are saying, we want to sell cars by offering you a \$400 discount, but we want to increase your rate by \$200, giving you a net of \$200.

Mr. Speaker, I am asking for the House's approval and a "yes" vote on amendment No. 2959 to reduce the rate from a 7 to 6½ percent add-on. Thank you, Mr. Speaker.

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

Mr. L. E. SMITH. Mr. Speaker, this amendment was included in the Kukovich amendment. I would just ask for a "no" vote.

On the question recurring,



Will the House agree to the amendment?

The following roll call was recorded:

YEAS—77

Armstrong	Gamble	Kukovich	Rodgers
Austin	Gatski	Levin	Schmitt
Barber	George, C.	Manderino	Seventy
Berson	George, M.	McCall	Shadding
Brown	Goebel	Michlovic	Shupnik
Burns	Grabowski	Milanovich	Steighner
Caltagirone	Gray	Miller	Telek
Chess	Greenfield	Mrkonic	Trello
Clark, B.	Harper	Murphy	Wachob
Clark, R.	Hasay	Novak	Wargo
Cochran	Hoeffel	Oliver	Wass
Cohen	Hutchinson, A.	Pievsky	White
Cowell	Irviss	Pistella	Wilson
Dawida	Itkin	Pott	Wright, D.
DeWeese	Johnson, J.	Pratt	Wright, J. L.
Duffy	Jones	Pucciarelli	Zeller
Dumas	Kernick	Reed	Zitterman
Fee	Klingaman	Rieger	Zord
Fischer, R. R.	Knight	Ritter	Zwinkl
Gallagher			

NAYS—112

Alden	Foster, W.	Lynch, F.	Scheaffer
Anderson	Freind	Mackowski	Schweder
Arty	Fryer	Madigan	Scirica
Belardi	Gallen	Manmiller	Serafini
Beloff	Gannon	McClatchy	Sieminski
Bennett	Geesey	McKelvey	Sirianni
Bittle	Geist	McVerry	Smith, E.
Bowser	Giammarco	Micozzie	Smith, L.
Brandt	Gladeck	Moehlmann	Spencer
Brunner	Goodman	Mowery	Spitz
Burd	Grieco	Musto	Stairs
Cappabianca	Gruppo	Nahill	Stewart
Cessar	Halverson	Noye	Stuban
Cimini	Hayes, D. S.	O'Brien, B.	Sweet
Cole	Hayes, S. E.	O'Brien, D.	Swift
Cornell	Honaman	O'Donnell	Taddonio
Coslett	Hutchinson, W.	Perzel	Taylor, E.
Cunningham	Johnson, E.	Peterson	Thomas
Davies	Kanuck	Petrarca	Vroon
DeMedio	Knepper	Piccola	Wagner
DeVerter	Kolter	Pitts	Weidner
DiCarlo	Lashinger	Polite	Wenger
Dietz	Laughlin	Punt	Wilt
Dombrowski	Lehr	Pyles	Yahner
Dorr	Letterman	Rappaport	Yohn
Durham	Levi	Rocks	
Earley	Lewis	Ryan	Seltzer,
Fisher, D. M.	Livengood	Salvatore	Speaker
Foster, A.	Lynch, E. R.		

NOT VOTING—14

Borski	Helfrick	Mullen, M. P.	Street
Cianciulli	Kowalyshyn	Rhodes	Taylor, F.
Dininni	McIntyre	Richardson	Williams
Donatucci	McMonagle		

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

On the question recurring,

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

Mr. ZITTERMAN offered the following amendments:

Amend Bill, page 3, by inserting between lines 11 and 12 Section 2. Subsection C of section 22 of the act, amended May 2, 1949 (P. L. 812, No. 211), is amended to read:  
Section 22. Refund for Prepayment of Contract.—

C. The unearned finance charge to be rebated to the buyer shall [represent at least as great a proportion of the total finance charge as the sum of the periodical time balances after the date of prepayment bears to the sum of all the periodical time balances under the schedule of payments in the original agreement] be determined by the actuarial method of computation: Provided, however, The holder shall not be required to rebate any portion of such unearned finance charge which results in a net minimum finance charge on the contract less than ten dollars (\$10.00); And provided further, the holder shall not be required to rebate any unearned finance charge when the amount due, computed as herein set forth, is less than one dollar (\$1.00).

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 Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, it appears that the House at this time is willing to increase the bank rates and the interest rates on new-car loans from 11.07 percent to 13.68 percent. This amendment will ensure that the rate of 13.68 percent, should this bill be passed, remains constant throughout the term of that contract.

This amendment amends Section 2, subsection C, section 22, "Refund for Prepayment of Contract." And what this does is to guarantee the fact that if we are going to charge a customer 13.36- or 13.68-percent interest, that the rate throughout the contract for the amount of money that was borrowed will remain constant.

Currently, the provision in the law allows banks and new-car dealers to rebate on what we call a Rule of 78. The Rule of 78 is a very simple process. It says, for 1 year we will add up the months from 1-2-3-4, up to 12 and that adds up to 78.

If a customer pays off his loan at the end of the first month, the finance charge is 12.78 percent of the original cost or the finance charge.

I am saying that we should have an actuarial, a steady rate.

Now, let me give you an example of how this affects our consumers. We have under the current law a \$1,000 contract at a rate of 12 percent for interest. If the gentleman pays his regular monthly payments for 6 months, his total finance charge for the yearly contract is \$120. If he pays off the contract in 6 months, under the actuarial method his interest would cost him approximately \$60, or one-half of the \$120 interest charge.

The current law now states that if this gentleman pays 6 monthly payments on his 12-month contract, and after 6 months pays off his contract, his interest charge is almost \$100 in comparison to the \$60.

This amendment, Mr. Speaker, will keep the rates constant, because under the current provision we are penalizing the consumer for paying off his account in advance. Under the current law, Mr. Speaker, at the end of 12 months, the actuarial rate of a payoff or a rebate is 20-percent simple interest.

I am asking for support for this consumer amendment, Mr. Speaker.

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

Mr. L. E. SMITH. Mr. Speaker, I have no way of checking the gentleman's math. It went a little too fast for me.

I would hope that we would not do this to one section of this Motor Vehicle Finance Act and cause the confusion in the industry. I would ask for a "no" vote.

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

The following roll call was recorded:

YEAS—90

Armstrong	Gallagher	Levi	Rodgers
Austin	Gamble	Levin	Scheaffer
Barber	Gatski	Lynch, E. R.	Schmitt
Belardi	George, C.	Manderino	Seventy
Beloff	George, M.	McCall	Shadding
Berson	Goebel	McIntyre	Shupnik
Brown	Grabowski	Michlovic	Stairs
Burns	Gray	Milanovich	Steighner
Caltagirone	Greenfield	Miller	Stewart
Chess	Harper	Mrkoncic	Taddonio
Clark, B.	Hasay	Mullen, M. P.	Telek
Cochran	Hoeffel	Murphy	Treilo
Cohen	Hutchinson, A.	Novak	Wachob
Cowell	Irvis	Oliver	Wargo
Dawida	Itkin	Pievsky	White
DeMedio	Johnson, J.	Pistella	Wilson
DeWeese	Jones	Pratt	Wright, D.
Duffy	Kanuck	Pucciarelli	Wright, J. L.
Dumas	Kernick	Pyles	Zeller
Fee	Klingaman	Reed	Zitterman
Fischer, R. R.	Knight	Rieger	Zord
Foster, W.	Kolter	Ritter	Zwilk
Fryer	Kukovich		

NAYS—101

Alden	Foster, A.	Madigan	Schweder
Anderson	Freind	Manmiller	Scirica
Arty	Gallen	McClatchy	Serafini
Bennett	Gannon	McKeivey	Sieminski
Bittle	Geesey	McVerry	Sirianni
Bowser	Geist	Micozzie	Smith, E.
Brandt	Giammarco	Moehlmann	Smith, L.
Brunner	Gladeck	Mowery	Spencer
Burd	Goodman	Musto	Spitz
Cappabianca	Grieco	Nahill	Stuban
Cessar	Gruppo	Noye	Sweet
Cimini	Halverson	O'Brien, B.	Swift
Clark, R.	Hayes, D. S.	O'Brien, D.	Taylor, E.
Cole	Hayes, S. E.	O'Donnell	Thomas
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, W.	Peterson	Wagner
Cunningham	Johnson, E.	Petrarca	Wass
Davies	Knepper	Piccola	Weidner
DeVerter	Lashinger	Pitts	Wenger
DiCarlo	Laughlin	Polite	Wilt
Dietz	Lehr	Pott	Yahner
Dombrowski	Letterman	Punt	Yohn
Dorr	Lewis	Rappaport	
Durham	Livengood	Rocks	Seltzer,
Earley	Lynch, F.	Ryan	Speaker
Fisher, D. M.	Mackowski	Salvatore	

NOT VOTING—12

Borski	Donatucci	McMonagle	Street
Cianciulli	Helfrick	Rhodes	Taylor, F.
Dininni	Kowalyshyn	Richardson	Williams

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

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

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

The question is, shall the bill pass finally?

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

Mr. KUKOVICH. Mr. Speaker, I would urge that we vote in opposition to this bill and I would just like to relate a few reasons why.

I am a little discouraged that the attempts to be reasonable were rejected, and before we vote on final passage, I would like the members to reflect on what was rejected.

First of all, an increase that would be within Federal guidelines means that if you vote for this bill, you will be voting in essence for a 16-percent increase in the interest rates. You rejected a more equitable system of rebates that is based on true facts and figures, not approximations that favor the lender. And, thirdly, you rejected a sunset provision which was important because, as I said earlier, I think the last few months have shown how volatile interest rates can be. And you also know that every time this body gives something away or raises an interest rate, the chances of bringing that back down, no matter what the economy says, is very slim.

I am disappointed those amendments failed. What we are doing is once again adding the inflationary spiral to the tune of 16 percent. We are putting another extra burden on the consumers. And I would like to remind you that on June 29 this bill failed 110 to 85. One of the reasons why it failed was that nobody showed a need for this increase. I would suggest to you that that need still has not been shown, although we have received letters that the new-car dealers are promoting and selling and they have not been suffering whatsoever. I think the mere facts of the last 3 months prove even more conclusively that we were right on June 29 when we defeated this bill.

I was reading the New York Times the other day and I read in the Sunday Times—and it surprised me because I have heard the argument that banks just do not have the money to put into car financing—and I was shocked to see that Bank of America and Citicorp, for example, at the end of this quarter, will probably have \$100 billion in assets. Now I cannot even comprehend a figure like that. But what that means is that banks with their amounts of assets are only \$5 billion less than the entire United States Defense Budget for 1978. It could pay for 13 Trans-Alaskan oil pipelines. It could renovate 10,000 Yankee Stadiums and it could finance the construction of 100 World Trade Centers. They do not seem to be doing too badly.

I could run through a little litany here of how the other banks are doing, including Chase Manhattan, which has assets of about \$63 billion and it will close this quarter with about \$70 billion, but I am not going to bore you with those figures.

I think we have to seriously consider exactly what we are doing. Those little figures of 6 to 7 percent might not seem like much to you, but they are going to hit very hard on the people of this Commonwealth. I would appreciate it if you would think seriously before voting on this bill and vote in the negative. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, in my way of thinking this is a relatively simple problem that we have in some ways tried to complicate.

The prior speaker indicates that the automobile dealers have continued to promote and sell automobiles. And that is true in my area as well in many others. But the problem I have is that my people are paying a much higher rate, a much higher rate now for that automobile financing than they will if we raise the rate from 6 percent to 7 percent. Now, I would like to prove that point, if I may. And I have checked this out with my financial institutions and have asked others to do the same and it is what is happening all over the Commonwealth, maybe not in toto, but it is happening.

If you were to go into an automobile dealer today and purchase a new motor vehicle that you had to finance \$4,000 of and you went under the Motor Finance Act at the current 6-percent rate, say for a 3-year period, the rate would be 11.08 percent. Now that sounds like a lot, I grant you. But that is not what is happening. What is happening is, the banks are paying it out on investments at 10, 10½ percent, and, yes, some at 11 percent, and what they are saying is, there is no variance between what they are investing money at and what they are receiving on the money they loan. So they are effectively shutting off the money under the Motor Vehicle Finance Act. And what they are saying to the customers and to the new-car dealers is, send your customer into us and we will finance his paper on a 6-percent discount rate. You know what that rate is for a 3-year contract? It is 13.38 percent. And if he goes for 4 years, it is 14.17 percent.

Now, even moving the 6-percent discount rate to 7 percent on a 4-year contract, the maximum rate he can charge is not what Mr. Zitterman said of 13.68 percent. He missed a percentage someplace. It is 12.68 percent, and that is almost a full percent less than he can get the same loan on a personal discounted note at the bank.

I do not know how your constituency feels, but if they do not have the ability to go in and get the loan under a normal situation through their new-car dealer, they are going to have to go in for that personal loan. And when they do, I assure you, as I have been assured back home as to what is happening, they are going to pay that higher discount rate on 6 percent, which as I say, totals up to 14 percent if you go for a 4-year contract.

Now, in addition to that, nobody is looking at those who perhaps do not have the best credit rating in the world and are

forced to a finance company. Do you know what they are paying a finance company, depending on the term of the contract? Up to as high as 23-point plus percent. Now is that what you want for your people, to force them to a finance company position when an auto dealer is willing to go into a financial institution and ensure a loan? I think not.

Mr. Speaker, we have taken an awful lot of time, perhaps, on this subject. All I am saying is: I feel that I will be cheating the people in my district if they do not get this because they are going to be forced into another money market. And once they go into that other money market, they are going to pay a far higher percentage than they currently do. I would ask for an affirmative vote on HB 630. Thank you.

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

Mr. SCHMITT. Mr. Speaker, HB 630 certainly does not help the consumer. If this bill is passed, the consumer will be forced to reduce his purchasing power for other commodities and goods.

I think that the auto merchants ought to recognize the fact that the more money that is put into the automobile financing, the more dollars that are taken out of the consumers' pockets and the less purchasing power he might have for other commodities, such as a refrigerator, a pair of shoes or, for that matter, even groceries.

I think that the members of this House ought to recognize the fact that they represent certainly a lot more people than they do banks. If we go through with this bill, it only means one thing: The banks will get richer and the rest of us will get poorer.

I think it is time that we, as members of this House, recognize the fact that we represent an awful lot of people who are going to be affected by this interest rate because everyone at some time in his lifetime needs to buy a new car. And in view of the fact that we are paying \$1 for gasoline, you are going to pay a lot more for energy. The consumer is getting hit from all sides, and all we are doing is contributing to this man's misfortune by adding interest rates that benefit only the banks which need more money like they need a hole in the head.

If you take a look at the statistics, you will find out that they had the most profitable quarter they have ever had in their history. I think we owe it to our consumers to oppose this bill, Mr. Speaker.

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

Mr. O'DONNELL. Mr. Speaker, I would like to urge the House to vote against this bill. I think one of the contributing causes to inflation in this country is the credit mechanism. Ordinarily, I think the theory is that the supply and demand will determine the price of goods.

When people go into the marketplace to buy something and it turns out they do not have enough money to buy it, the theory is that the price of the goods will have to come down so that it meets the available demand. That is supposed to make the system work.

Well, the system is not going to work if at that point when folks cannot afford an item, somebody steps in and says, it is okay. We can raise the price and sell you the item anyway simply because we can lend you the money.

The credit mechanism is completely haywire and has contributed to the undermining of those laws of supply and demand and jacking the price of everything up, and certainly new cars is no exception.

The second point I want to make is one that was made by a banker in a letter to me. He indicated that government is now involved with the regulation of that part of the marketplace and that unless we approve this bill, there was a good chance that banks would divert their capital away from the financing of new-car purchases.

I think that is okay. I think banks, if the return is not good enough, ought to divert their flow of capital away from there. And that flow of capital ought to be diverted away from things that are not really that socially productive. Now that is kind of presumptuous for us to decide what is socially productive and what is not. But as long as we as government have gotten involved in the marketplace and in fact we are going to decide one way or another what the rate of return is going to be for different types of investment, and as long as we are going to decide whether the rate of return for investment in financing new cars is going to be high or low, then I say, let us make it low. Let us let that capital flow into things like the financing of new homes, the financing of small apartment buildings, that need to be rehabilitated, and away from the financing of purchasing of \$10,000 and less cars. Thank you.

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

Mr. ZITTERMAN. Mr. Speaker, I totally agree with my colleague, Mr. O'Donnell, and not to belabor the point, Mr. Speaker, the proponents of this bill say, let us raise the rate from 11.07 percent to 13.68 percent because we will help the poor people. Mr. Speaker, I want you to know that the poor people in my district cannot afford to pay \$7,000 for a car.

Secondly, when we talk about sending customers, potential customers, to other finance companies where they are going to pay an astronomical rate of 23 percent, let us now reflect in the code that the finance companies and the car dealers are allowed to charge 20 percent on a used car.

I would be the first to say, if my colleague on the other side of the aisle would like to reduce those rates to an appropriate 15 percent, I would be happy to go along with him.

And, Mr. Speaker, in closing, when we talk about the low interest rates at banks versus the high interest rates in the banks, the philosophy of banking is: The higher the risk, the higher the rate. The customers who go in who are able to pay back will pay a lower rate, and the higher risks, the higher rate.

Mr. Speaker, I am asking my colleagues on both sides of the aisle to vote against HB 630. Thank you, Mr. Speaker.

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

Mr. L. E. SMITH. I just want to make a very short statement

to remind the members that this bill applies only to new cars. It applies only to third-party paper. This rate has been in place since 1947 and we are not establishing a rate. We are establishing a new ceiling on new automobile third-party paper. I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to HB 630 for a number of reasons.

I think that there is no more complicated subject matter that comes before the floor of this House when we begin talking about interest rates and how they affect the flow of money, and there have been many valid points made today taken in their context.

Mr. DeVerter talked about the money and the interest that is paid to people for their deposits. He talked in terms of 10 percent and 11 percent being paid on deposits. There are some deposits that are receiving that kind of return. There are a lot of deposits that are still receiving a 5½-percent return. There is money in banks that is receiving no return when it lays in a checking account. There are 6-percent notes. There are certificates of deposit for 1 month, for 3 months, for 6 months, for 3 years, up to 5 years, and each one of those, each one of those different kinds of deposits pays a different interest rate. But the longer the money is there, the better chance you have of earning more interest on your money.

Mr. Speaker, I do know this, that Mr. O'Donnell when he talks about this kind of a bill, raising the interest rate on the money in Pennsylvania that people use in financing the new cars through the dealers, is certainly going to contribute to the double-digit inflation that we have.

Mr. Speaker, just on the 24th of September—I do not know if that yesterday or today—the Wall Street Journal ran an article which spoke that the boosts in state usury ceilings were hurting the Federal Government's effort to slow down the demand for credit. That is what we are doing here today.

We have a Federal Government, through the Federal Reserve Bank, through rediscount rates, which few of us understand, that is trying to tighten the flow of credit so as to control this double-digit inflation that hurts all of our constituents. We on the state level work contrary to those attempts by just simply saying, well, we will raise what can be charged for credit in Pennsylvania.

Mr. Speaker, we do take out of the consumer's pocket as Mr. Schmitt indicated. This is very costly to the consumer.

What are the arguments that have been made for the bill? The Bankers Association in its testimony before the committee or at least submitted to the members—I am not sure where the information came from. I know that I read it—talked in terms of the prime rate. The prime rate, as Mr. Zitterman says, has very little, has maybe a small effect, but very little to do with what we are talking about today in the Motor Vehicle Sales Financing Act.

The prime rate is what is lent to customers, unsecured on a very short term. And the shorter the term, the higher the interest rate you are going to pay.

We have heard the argument so often in this General Assem-

bly, just take that cap off and it is not going to go up. It will seek its own level and it will come back down. It has never come back down. It has never come back down on home financing since we put in the add-on over and above the cost of money at the Federal Reserve. We have tagged it to some index and it has just gone up and always stayed at the top of what was allowed. The cost of money does seek its own level, and that level is the level at which the General Assembly pegs the cost of that money usury. It seeks that level and stays there and costs the consumer money.

The AFL-CIO — American Federation of Labor and Congress of Industrial Organizations — was up here to meet with many of the members last week. Some of us were here and some of us had gone away. But they had picked out areas of concern for the working people of Pennsylvania and they numbered about seven areas, as I remember. And one of the areas of their concern was the rising interest rates not only in motor vehicle sales financing but across the board. And, specifically, they pointed to HB 630 and made a specific point with the members with whom they met that they were vehemently opposed to the passage of HB 630.

Mr. Speaker, HB 630 is not necessary. It will not do a thing, Mr. Speaker, except bring more money in for those who lend money. Those who lend money—and the banks are ultimately the moneylenders—I do not know any of them that their profit return sheets at the end of the year show any red ink. They are making terrific profits and they play one field of financing against the other. When they want the mortgage interest rate to go up, they come in and tell us that they can make more money financing cars than they can lending money on home mortgages; and when we raise that, then they come in and say we can lend more money and make better profit on home mortgages than we can on cars this year, so you had better move that up; and if we move this up next year, they will come in and say that they can make more money in another area or in sales financing of cars, and so they want another area raised. All of this contributes to the declining purchasing power of our dollar and our constituents' paychecks.

Mr. Speaker, I know that there has been much activity on both sides of this question, and I try to view, when I get this kind of bill before me, what is it that we are trying to correct? I am told that what we are really trying to correct is the unavailability of money in this market, and, Mr. Speaker, then I read the Philadelphia paper and the Pittsburgh paper and the auto dealers' ads, and I see that there is plenty of money available. Every one of them is advertising for you to come in and get some of that money and finance a new automobile, and they advertise the rates, and the rates are the present rates. I know that we were told before we broke for our summer recess that there was not going to be this kind of credit available unless we passed HB 630 at that time, that there would be no sales financing of new cars and that we would see that this was so and that the banks would withdraw from that market. And we are here several months later and it has not happened, and it will not happen, because that market is lucrative and remains lucrative.

We ought not just to favor our allies or we ought not just to

favor our friends in considering this kind of legislation. What we ought to do is to see whether it is right at this time, considering the national economy, considering the purchasing power of the dollar, considering the need to pass such legislation, and, Mr. Speaker, on all of these criteria this bill fails to meet the standards, and I ask for a negative vote. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. It is indeed encouraging that a dull, dry field of economics and interest rates can arouse such emotion. Mr. Speaker, I was particularly interested in the comments of my good friend from Philadelphia, Mr. O'Donnell, and I think he summed up the issues very well. If you are in favor of reducing the sales of new cars and of a contracting economy at this time, then you should vote against this bill, and there is a lot to be said for that argument, a tremendous amount to be said for it. I do not happen to agree with it at this particular point; however, it is a valid philosophical position. If, however, you believe in an expanding economy, especially since Pennsylvania is becoming a producer of new cars, then we must look at what is going on in the world of finance and the world of interest rates.

Yes, a 13-percent interest rate is inflationary, and the Wall Street Journal 2 days ago made that very point. To be deflationary, interest rates must go up to 16 or 17 percent, and that is what the Federal Reserve is afraid to do politically right now, but it may come to that, because our inflation rate is 13 percent. When you loan your money out at anything less than 13 percent, you are losing money. People who buy savings bonds are foolish in today's economy. That is why the interest rates per dollars in Europe are about 13 percent.

Now let me ask you, if you were the chief lending officer for one of the major banks in Pennsylvania—let us pay tribute to our colleagues from western Pennsylvania and say Mellon Bank—and every day you have to invest \$50 million or \$100 million, how are you going to lend that money out? In gobs of \$7,000 at 11½ percent interest, where you have collection problems and somebody misses his payment and you have to go through a lot of clerical work to put it on your computer? Or are you going to lend it out in globs of \$10 million and \$50 million at 13 and 14 percent interest? Now, bankers are not stupid. Occasionally, I admit, they may be greedy, but they are not stupid, and that is what the major money market banks are going to do.

If you do not want credit for people to be able to buy new cars, you vote "no" on this bill. If, on the other hand, you think credit should be available for the purchase of new cars, then I think you must vote for this bill, and I hold up the example of Arkansas. Unlike this General Assembly, they did not set increased rates for home mortgages. Their usury rate, according to their constitution, I believe, is 8 percent, and you cannot get a home mortgage today in the State of Arkansas. Everything is at a standstill. I do not think we want that for Pennsylvania. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I agree with what Mr. Manderino and other colleagues said in regard to voting against this bill. We tried to reach a compromise.

One of the problems that bothers me and was not mentioned is mass transit. As long as we are going to be buying foreign cars—and that market is being pushed hard in this country—with 500,000 unemployed in Detroit alone, and find that Chrysler and other companies trying to push their merchandise, American merchandise, are offering \$400 checks, and other American, American, American institutions are trying to get employment for their people—that is why the AFL-CIO has been fighting to get employment, to get people jobs—then we say to allow this manipulation. I say that I am for the free enterprise system as long as it is fair, but the Wall Street brokers, the coupon clippers, are playing games with you, and you are walking right into their hands. As long as you keep raising that interest rate and stopping the government from being able to hold down the inflationary trend, then you run back home and you tell your constituents, I am in Harrisburg and I am fighting to stop this inflation; it is terrible, because your paycheck does not go very far, and I know that. At the same time you turn around and play into the hands of an inflationary move. I cannot understand it. I just cannot believe the thinking, and I am not a financier. I have a hard time rubbing two dimes together, and I have a heck of a time making the paycheck stretch, but I can say this: I know a little bit about the fact of what is going on right now from not only trying to read some of the stuff that comes out of the newspapers but also going to institutions that are involved and assessing the problem.

Now to wind it up, I have never since I have been down here—outside of the Sunday sales deal, by taking people on trips all over and getting that bill through—I have not found anything that has had more pressure than this one, even the divorce bill, any one of them. This is the biggest move I have seen. I have never been clobbered harder by banks, and I have always worked closely with the free enterprise system, but this has gotten absurd. They call me almost daily. Half of them, I believe, want to go to bed with me. They are calling me all night, all hours of the day, so interested in getting this bill through, and it really bothers me when they use the tactics that Mr. Manderino stated. I remember when the interest rate on real estate, on homes, was increased, they used the move about we are going to put the money in automobiles, other areas. Now they are using the scalper deal we heard here. The scalpers are going to get you. You are going to be paying 16 percent. They use every tactic in the world to get their bill through, and if you want to fall for it, that is your problem, but I know what I am going to tell my constituents.

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

Mr. ARMSTRONG. Mr. Speaker, I rise to oppose HB 630 and for various reasons. You look back here a couple of years and we raised the corporate net income tax from 9½ to 10½ percent; we raised the personal income tax from 2 to 2.2 percent; we forgot about the banks. They do not pay corporate net income tax. We just completely overlooked them.

As to their income tax, as we stated before, I talked to a lot of banks over the recess, and a lot of them said they would not be paying income taxes, Federal income taxes, of any significance until 1982 because of a change in the Federal levels, but they do say they pay a lot of capital stock taxes, and I think the figure quoted was around \$70 million. Well, I did some research on this, and this comes out to be about 3½ percent. So where other corporations in Pennsylvania pay 10½ percent, they pay approximately 3½ percent.

I am not saying raise their taxes, but when you consider we raised the corporate net income tax and the personal income tax and forgot about the banks, it is not quite fair. They say that this will get more money for the consumers and will lower our costs and lower their costs. Well, if you lower the taxes on Volkswagen, they will lower the price of their automobiles. They have to pay taxes, too. You lower anybody's taxes and they will lower their costs. Their argument is that the discount rate is now around 11 percent; this is the price they borrow money at. They cannot borrow money at 11 percent and then have it cost them 11 percent on the other side. Well, they are forgetting about the 18-percent installment loans; they are forgetting about the free checking accounts; they are forgetting about the 5¼-percent, 5½-percent vacation and Christmas clubs you join. Their average cost of money is several percentage points lower than 11 percent. They still have money now for mortgages, and the mortgage rate is about 11 percent or 10¾ percent. Most of these loans through dealers are non-recourse or guaranteed loans. If someone absconds with a car, they can write back to the dealer and say, we want our money back, and most dealers have to come up with the money. So this is a guaranteed loan for the bank.

Those of you who voted against this the last time have gotten a lot of political pressure, I am sure. All of your banker friends have notified you and maybe free lunches and things like this.

But I think we should do what is right for the consumers this time and vote against HB 630 for various reasons: They do not pay their fair share of taxes. They have had record earnings. They are complaining about high interest rates, but their earnings are at record high. Each quarter they have record earnings.

Their average cost is not 11 percent, which they say it is, for borrowing money. Their average cost is several percentage points lower. And these are guaranteed non-recourse loans.

We all remember about a year, a year and a half ago when the banks were advertising and saying, come in to see us and we will pay for your tags. Come in and see us and we will give you a toaster. Well, that was only about a year or a year and a half ago. Things were pretty nice then. They were making all kinds of money. Well, you go through these cycles. So I think in the long run they will make money on these loans. And if interest rates continue higher, perhaps then we should look at it. But let us see where interest rates go, say 6 months from now. If they start heading down, they will make their fair share. Thank you.

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

Mr. L. E. SMITH. Mr. Speaker, I want to make a brief re-

sponse to Mr. Manderino.

Back 2 months ago when we debated this bill, he said that we should not pass it then because the prime rate would probably be coming down. Well, prime has gone up 1 percent since he made that statement. Now he pleads that we should hold interest rates in Pennsylvania, the state should hold interest rates because the Federal Government is encouraging this to slow down credit. Well, if the Federal Government is so interested in slowing down interest rates and credit, why did they raise the discount rate in the past 2 months by 1 percent? They cannot have it both ways. If they are going to continue to raise the discount rates on banks, they are going to have to live with the inflationary spiral that they are creating.

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

Mr. BENNETT. Mr. Speaker, it would be nice, I am sure, if we here in Pennsylvania in the House of Representatives could control the inflationary spiral and if we here by our vote today could create a panacea for all the world to look at and say, is it not wonderful that the Pennsylvania House of Representatives has solved all the problems? It would be nice, but it is not going to happen. You know it and I know it.

I think just in summary, Mr. Speaker, I ought to make some comments about some statements that were made by my colleagues. A couple of them have said that all you need to do is pick up a newspaper and see the ads that banks are saying, come on in and we will lend you money on a new car. But you do not see those anymore. You have not seen them for a long time. The fact of the matter is, Mr. Speaker, as Mr. Smith has indicated to you just a moment ago, the prime rate is up. The other interest rates are up. We are not going to solve that on a national level. But here, Mr. Speaker, we talk about compromise. When this bill came out, it came out from 6 to 8 percent. Those of us who sought compromise said, fine, let us cut it in half and let us go at 7 percent. Politics is the art of compromise, Mr. Speaker. We who are in favor of this bill believe that we had. I would ask for an affirmative vote on the bill.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there are two speakers who spoke after I spoke who questioned some of the things I had said. One of them indicated that I was using old information when I said that the car dealers were still advertising, come on in and hear the interest rates that you will pay. Mr. Speaker, what I pointed out—and the articles that I held up are September 20, 1979 articles and September 19, 1979 articles—they appeared in major newspapers in our major cities just over this past weekend. This is not old information still advertising, come in. The money is available. We will finance the car.

Mr. Speaker, when we talk about predicting what that prime rate is going to be, I do not hope to give you my predictions, because I would not know where to start to predict what that prime rate is going to be.

I do know this, Mr. Speaker, that there are two econometric models, Chase and Wharton in this state, Mr. Speaker, whom we asked for the prediction from. And the available economic evidence overwhelming indicates that the prime rate will drop

sharply over the next 3 to 5 years. Mr. Speaker, using its econometric model, its computer, the Wharton Econometric Forecasting Associates, Inc. of the University of Pennsylvania has predicted that the prime rate of interest will be 8.7 percent over the next 3 years and 8.3 percent over the next 5 years. The Chase Manhattan Bank, also providing information from its econometric model, tells us that the prime-rate forecast that they used is 9.1 percent over the next 3 years and 9.1 percent over the next 5 years.

Mr. Speaker, these are not my figures. They are the best information available to me and, I think, to any member of this Assembly. Mr. Speaker, if someone has better information, a better forecast, using acceptable data, bring it forth.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—121

Alden	Freind	Lynch, F.	Schweder
Anderson	Gallen	Mackowski	Scirica
Arty	Gannon	Madigan	Serafini
Beloff	Geesey	Manmiller	Sieminski
Bennett	Geist	McCall	Sirianni
Bittle	George, M.	McClatchy	Smith, E.
Bowser	Giammarco	McKelvey	Smith, L.
Brandt	Gladeck	McVerry	Spencer
Brunner	Goodman	Micozzie	Spitz
Burd	Grieco	Miller	Stairs
Cappabianca	Gruppo	Mowery	Stuban
Cessar	Halverson	Musto	Sweet
Chess	Hayes, D. S.	Nahill	Swift
Cimini	Hayes, S. E.	Noye	Taddonio
Clark, R.	Honaman	O'Brien, B.	Taylor, E.
Cole	Hutchinson, A.	O'Brien, D.	Thomas
Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Johnson, E.	Peterson	Wagner
Cunningham	Johnson, J.	Petrarca	Wass
Davies	Jones	Piccola	Weidner
DeVerter	Kanuck	Pitts	Wenger
DiCarlo	Kernick	Polite	White
Dietz	Klingaman	Pott	Wilt
Dombrowski	Knepper	Pucciarelli	Wright, D.
Dorr	Lashinger	Punt	Wright, J. L.
Durham	Lehr	Pyles	Yahner
Earley	Letterman	Rappaport	Yohn
Fischer, R. R.	Levi	Rocks	
Fisher, D. M.	Lewis	Ryan	Seltzer,
Foster, A.	Livengood	Salvatore	Speaker
Foster, W.	Lynch, E. R.	Scheaffer	

NAYS—71

Armstrong	Fryer	Levin	Rodgers
Austin	Gallagher	Manderino	Schmitt
Barber	Gamble	McIntyre	Seventy
Belardi	Gatski	Michlovic	Shadding
Berson	George, C.	Milanovich	Shupnik
Brown	Goebel	Moehlmann	Steighner
Burns	Grabowski	Mrkonac	Stewart
Caltagirone	Gray	Mullen, M. P.	Street
Clark, B.	Greenfield	Murphy	Telek
Cochran	Harper	Novak	Trello
Cohen	Hasay	O'Donnell	Wachob
Cowell	Hoefel	Oliver	Wargo
Dawida	Irvis	Pievsky	Wilson
DeMedio	Itkin	Pistella	Zeller

DeWeese	Knight	Pratt	Zitterman
Duffy	Kolter	Reed	Zord
Dumas	Kukovich	Rhodes	Zwilk
Fee	Laughlin	Ritter	

NOT VOTING—11

Borski	Donatucci	McMonagle	Taylor, F.
Cianciulli	Helfrick	Richardson	Williams
Dininni	Kowalyszyn	Rieger	

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.

SPECIAL ORDER OF BUSINESS

RESOLUTION ADOPTED

Messrs. RYAN and IRVIS called up HR 125, PN 2104, entitled:

General Assembly welcomes Pope John Paul II to Pennsylvania.

On the question, Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. On the resolution, Mr. Speaker, the majority leader and I co-signed the resolution out of convenience, recognizing that there was a time limit on this. We have been requested by a number of members for permission to add their names to the resolution. I would suggest, Mr. Speaker, that two things be done with this resolution. One, once it is passed that it be held available for the additions of names of all the members of the House of Representatives, and if there be any who does not wish his or her name added, he or she should privately notify the chief clerk, privately notify the chief clerk if any name is not to be added to this resolution of welcome. That means that anyone who does not notify the chief clerk will find his or her name attached to the resolution.

Secondly, I would suggest, Mr. Speaker, that once the resolution is passed, that it be given to the delegation going from the House of Representatives to the mass to deliver to His Holiness or to the delegate from His Holiness's office so that there would be an official reason for the visit of the delegation to the mass in Philadelphia.

Other than that, Mr. Speaker, I call for the passage of the resolution.

The SPEAKER. For the information of the minority leader, Mr. Irvis, it was the hope of the Chair that this resolution could be considered by this House and sent on to the Senate with the sponsorship, which it now has, because it is a concurrent resolution. The Chair would suggest as an alternative that there is a second resolution which is going to be offered by Mr. Mackowski on behalf of himself and a long list of other members, which he is going to ask unanimous consent to have considered immediately, and it might be possible at that time to have the other members added to that one, because that is only a House resolution.

The Chair would like to get the concurrent resolution over to the other body as quickly as possible.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I had been aware of the fact that there was another resolution but I did not know that it was a House resolution. I think that might satisfy those people who had made the request to us to add their names to the first resolution.

I would concur in the Chair's judgment on that.

On the question recurring, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—11

Borski	Donatucci	McMonagle	Taylor, F.
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Cianciulli      Helfrick      Miller      Williams  
Dininni      Kowalyszyn      Richardson

The question was determined in the affirmative, and the resolution was adopted.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the only thing that would have been funnier is if it had been Marty Mullen who did that.

Mr. Speaker, I would ask that the House consider the immediate adoption of a resolution about to be presented by Mr. Mackowski.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I would request that the rules be suspended so that a resolution that I am about to offer may be considered immediately.

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

The following roll call was recorded:

**YEAS—189**

Alden	Foster, W.	Lynch, E. R.	Salvatore
Anderson	Freind	Lynch, F.	Scheaffer
Armstrong	Fryer	Mackowski	Schmitt
Arty	Gallagher	Madigan	Schweder
Austin	Gallen	Manderino	Scirica
Barber	Gamble	Manmiller	Serafini
Belardi	Gannon	McCall	Seventy
Beloff	Gatski	McClatchy	Shadding
Bennett	Geesey	McIntyre	Shupnik
Berson	Geist	McKelvey	Sieminski
Bittle	George, C.	McVerry	Sirianni
Bowser	George, M.	Michlovic	Smith, E.
Brandt	Giammarco	Micozzie	Smith, L.
Brown	Gladeck	Milanovich	Spencer
Brunner	Goebel	Miller	Spitz
Burd	Goodman	Moehlmann	Stairs
Burns	Grabowski	Mowery	Steighner
Caltagirone	Gray	Mrkonic	Stewart
Cappabianca	Greenfield	Mullen, M. P.	Stuban
Cessar	Grieco	Murphy	Sweet
Chess	Gruppo	Musto	Swift
Cimini	Halverson	Nahill	Taddonio
Clark, B.	Harper	Novak	Taylor, E.
Clark, R.	Hasay	Noye	Telek
Cochran	Hayes, D. S.	O'Brien, B.	Thomas
Cohen	Hayes, S. E.	O'Brien, D.	Trello
Cole	Hoeffel	O'Donnell	Vroon
Cornell	Honaman	Oliver	Wachob
Coslett	Hutchinson, A.	Perzel	Wagner
Cowell	Hutchinson, W.	Peterson	Wargo
Cunningham	Irviss	Petrarca	Wass
Davies	Itkin	Piccola	Weidner
Dawida	Johnson, E.	Pievsky	Wenger
DeMedio	Jones	Pistella	White
DeVerter	Kanuck	Pitts	Wilson
DeWeese	Kernick	Polite	Wilt
DiCarlo	Klingaman	Pott	Wright, D.
Dietz	Knepper	Pratt	Wright, J. L.
Dombrowski	Knight	Pucciarelli	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kukovich	Pyles	Zeller

Dumas      Lashingner      Rappaport      Zitterman  
Durham      Laughlin      Reed      Zord  
Earley      Lehr      Rieger      Zwikl  
Fee      Letterman      Ritter  
Fischer, R. R.      Levin      Rocks      Seltzer,  
Fisher, D. M.      Lewis      Rodgers      Speaker  
Foster, A.      Livengood      Ryan

**NAYS—0**

**NOT VOTING—14**

Borski      Helfrick      McMonagle      Street  
Cianciulli      Johnson, J.      Rhodes      Taylor, F.  
Dininni      Kowalyszyn      Richardson      Williams  
Donatucci      Levi

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

**REMARKS ON VOTE**

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

Mr. LEVI. Mr. Speaker, I was out of my seat when the vote was taken to suspend the rules on the Mackowski resolution. Had I been in my seat, I would have voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

**RESOLUTION**

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I offer the following resolution as corrected.

The SPEAKER. The resolution will be read.  
The following resolution was read by the clerk:

In the House of Representatives,

WHEREAS, Pope John Paul II is scheduled to visit the United States from October 1 through October 7, 1979; and

WHEREAS, The Pope's itinerary includes a stop in the "City of Brotherly Love" on October 3 and 4, 1979; and

WHEREAS, Pope John Paul II is the first reigning pope to travel extensively in the United States; and

WHEREAS, Pope John Paul II is the first man of Polish origin to attain the Office of Pope in the Roman Catholic Church; and

WHEREAS, The Polish-American community is exceedingly proud of this outstanding accomplishment; and

WHEREAS, All residents of the Commonwealth of Pennsylvania are honored by the Pope's visit; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania welcomes this distinguished visitor; and be it further

RESOLVED, That on behalf of the citizens of Pennsylvania the House of Representatives wishes Pope John Paul II a most pleasant and rewarding stay in the United States and extends to him an invitation to return to the Commonwealth in the future; and be it further

RESOLVED, That a copy of this resolution be presented to Pope John Paul II on the occasion of his visit to the City of Philadelphia.

MACKOWSKI, WILLIAM B.  
ALDEN, JOHN  
ANDERSON, JOHN HOPE  
ARMSTRONG, GIBSON E.

ARTY, MARY ANN  
 AUSTIN, ROBB  
 BARBER, JAMES  
 BALARDI, FRED  
 BELOFF, LELAND  
 BENNETT, REID  
 BERSON, NORMAN  
 BITTLE, R. HARRY  
 BORSKI, ROBERT, JR.  
 BOWSER, HARRY E.  
 BRANDT, KENNETH E.  
 BROWN, HAROLD  
 BRUNNER, JOHN  
 BURD, JAMES M.  
 BURNS, EDWARD F., JR.  
 CALTAGIRONE, THOMAS  
 CAPPABIANCA, ITALO S.  
 CESSAR, RICHARD J.  
 CHESS, RICHARD B.  
 CIANCIULLI, MATTHEW, JR.  
 CIMINI, ANTHONY J.  
 CLARK, BRIAN D.  
 CLARK, RITA  
 COCHRAN, HARRY YOUNG  
 COHEN, MARK  
 COLE, KENNETH J.  
 CORNELL, ROY W.  
 COSLETT, FRANKLIN  
 COWELL, RONALD R.  
 CUNNINGHAM, GREGG L.  
 DAVIES, JOHN S.  
 DAWIDA, MICHAEL M.  
 DeMEDIO, A. J.  
 DeVERTER, WALTER F.  
 DeWEESE, WILLIAM  
 DiCARLO, DAVID  
 DIETZ, CLARENCE E.  
 DININNI, RUDOLPH  
 DOMBROWSKI, BERNARD J.  
 DONATUCCI, RONALD R.  
 DORR, DONALD W.  
 DUFFY, ROGER F.  
 DUMAS, ALJIA  
 DURHAM, KATHRYNANN  
 EARLEY, ARTHUR F.  
 FEE, THOMAS J.  
 FISCHER, ROGER RAYMOND  
 FISHER, D. MICHAEL  
 FOSTER, A. CARVILLE  
 FOSTER, WILLIAM W.  
 FREIND, STEPHEN F.  
 FRYER, LESTER K.  
 GALLAGHER, JAMES J. A.  
 GALLEN, JAMES J.  
 GEESEY, EUGENE R.  
 GEIST, RICHARD A.  
 GEORGE, CAMILLE  
 GEORGE, MARGARET H.  
 GIAMMARCO, HENRY J.  
 GLADECK, JOSEPH M., JR.  
 GOEBEL, RONALD P.  
 GOODMAN, JAMES A.  
 GRABOWSKI, STEPHEN S.  
 GRAY, CLIFFORD  
 GREENFIELD, ROLAND  
 GRIECO, JOSEPH V.  
 GRUPPO, LEONARD Q.  
 HALVERSON, KENNETH  
 HARPER, RUTH B.  
 HASAY, GEORGE C.  
 HAYES, DAVID S.  
 HAYES, SAMUEL E., JR.  
 HELFRICK, EDWARD W.  
 HOEFFEL, JOSEPH M.  
 HONAMAN, JUNE N.  
 HUTCHINSON, AMOS K.

HUTCHINSON, WILLIAM D.  
 IRVIS, K. LEROY  
 ITKIN, IVAN  
 JOHNSON, EDWIN G.  
 JOHNSON, JOEL J.  
 JONES, JAMES F., JR.  
 KANUCK, GEORGE J.  
 KERNICK, PHYLLIS T.  
 KLINGAMAN, WILLIAM K., SR.  
 KNEPPER, JAMES W., JR.  
 KNIGHT, WILLIAM W.  
 KOLTER, JOSEPH P.  
 KOWALYSHYN, RUSSELL  
 KUKOVICH, ALLEN G.  
 LASHINGER, JOSEPH A., JR.  
 LAUGHLIN, CHARLES P.  
 LEHR, STANFORD I.  
 LETTERMAN, RUSSELL P.  
 LEVI, JOSEPH, II  
 LEVIN, STEPHEN E.  
 LEWIS, MARILYN S.  
 LIVENGOOD, HENRY  
 LYNCH, E. RAYMOND  
 LYNCH, FRANK J.  
 McCALL, THOMAS J.  
 McCLATCHY, RICHARD A., JR.  
 McKELVEY, GERALD J.  
 McINTYRE, JAMES  
 McMONAGLE, GERALD  
 McVERRY, TERRENCE F.  
 MADIGAN, ROGER A.  
 MANDERINO, JAMES J.  
 MANMILLER, JOSEPH C.  
 MICHLOVIC, THOMAS A.  
 MICOZZIE, NICHOLAS A.  
 MILANOVICH, FRED R.  
 MILLER, MARVIN E., JR.  
 MOEHLMANN, NICHOLAS B.  
 MOWERY, HAROLD F., JR.  
 MRKONIC, EMIL  
 MULLEN, MARTIN P.  
 MURPHY, THOMAS J., JR.  
 MUSTO, RAPHAEL  
 NAHILL, CHARLES F.  
 NOVAK, BERNARD R.  
 NOYE, FRED C.  
 O'BRIEN, BERNARD F.  
 O'BRIEN, DENNIS M.  
 O'DONNELL, ROBERT W.  
 OLIVER, FRANK L.  
 PERZEL, JOHN M.  
 PETERSON, JOHN E.  
 PETRARCA, JOSEPH A.  
 PICCOLA, JEFFREY E.  
 PIEVSKY, MAX  
 PISTELLA, FRANK J.  
 PITTS, JOSEPH R.  
 POLITE, ROOSEVELT I.  
 POTT, GEORGE F., JR.  
 PRATT, RALPH D.  
 PUCCIARELLI, NICHOLAS A.  
 PUNT, TERRY L.  
 PYLES, VERN  
 RAPPAPORT, SAMUEL  
 REED, STEPHEN R.  
 RHODES, JOSEPH, JR.  
 RICHARDSON, DAVID P., JR.  
 RIEGER, WILLIAM W.  
 RITTER, JAMES P.  
 ROCKS, M. JOSEPH  
 RODGERS, JOHN M.  
 RYAN, MATTHEW J.  
 SALVATORE, FRANK A.  
 SCHEAFFER, JOHN E.  
 SCHMITT, C. L.  
 SCHWEDER, J. MICHAEL

SCIRICA, ANTHONY J.  
 SELTZER, H. JACK  
 SERAFINI, FRANK A.  
 SEVENTY, STEVE  
 SHADDING, DAVID L.  
 SHUPNIK, FRED J.  
 SIEMINSKI, EDMUND J.  
 SIRIANNI, CARMEL  
 SMITH, EARL H.  
 SMITH, L. EUGENE  
 SPENCER, WARREN H.  
 SPITZ, GERALD J.  
 STAIRS, JESS M.  
 STEIGHNER, JOSEPH A.  
 STEWART, WILLIAM J.  
 STREET, T. MILTON  
 STUBAN, TED  
 SWEET, DAVID W.  
 SWIFT, TOM  
 TADDONIO, LEE C.  
 TAYLOR, ELINOR Z.  
 TAYLOR, FRED  
 TELEK, WILLIAM  
 THOMAS, RENO H.  
 TRELLO, FRED A.  
 VROON, PETER R.  
 WACHOB, WILLIAM  
 WAGNER, GEORGE O.  
 WARGO, JOSEPH G.  
 WASS, PAUL  
 WEIDNER, MARVIN D.  
 WENGER, NOAH W.  
 WHITE, JOHN F., JR.  
 WILLIAMS, HARDY  
 WILSON, BENJAMIN H.  
 WILT, ROY W.  
 WRIGHT, DAVID R.  
 WRIGHT, JAMES L., JR.  
 YAHNER, PAUL J.  
 YOHN, WILLIAM H., JR.  
 ZELLER, JOSEPH R.  
 ZITZTERMAN, FRANK J.  
 ZORD, JOSEPH V., JR.  
 ZWIKL, KURT

On the question,

Will the House adopt the resolution?

The SPEAKER. For the information of the members, it is the intention of the Chair that as soon as this resolution is adopted, the resolution will be laid here on the floor of the House for additional sponsors until the end of today's session.

The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I thank you very much for this opportunity. However, I am sure that there are many members who would like to be on there, but I have asked in the resolution for the Senate's concurrence.

The SPEAKER. The Chair has been made aware of that. The Chair was in error and we will get it to the Senate this evening.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would it not be possible for the gentleman to offer an amendment to strike the concurrence of the Senate? The concurrence of the Senate is not necessary for the House to send its congratulations and welcome and if that were stricken from the resolution, it would then be a simple House resolution and could be immediately passed and there would be no delay.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I have no objection to having those words stricken from the resolution.

The SPEAKER. Will the gentleman yield?

It is the suggestion of the Chair that if those members will follow on the resolution which has been circulated, that on line 13 of the first page "(the Senate concurring)" should be struck, and continuing on that line, "General Assembly" should be struck and "House of Representatives" inserted therein; and, on line 17, "General Assembly" be struck for the second time and "House of Representatives" be inserted therein. Is the gentleman in accord with that?

Mr. MACKOWSKI. It is perfectly agreeable with me, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

## NAYS—0

## NOT VOTING—11

Borski	Donatucci	McMonagle	Taylor, F.
Cianciulli	Helfrick	Rhodes	Williams
Dininni	Kowalyszyn	Richardson	

The question was determined in the affirmative, and the resolution was adopted.

## REMARKS ON VOTE

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

Mr. RHODES. Mr. Speaker, I was out of my seat on the last rollcall vote on the Mackowski resolution. I would like to be recorded in the affirmative had I been in my seat.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, with all due respect to the Chair, it was my suggestion that all names be added automatically to this resolution, unless we were privately instructed to do otherwise. That would simplify it rather than to have people walking up and adding their names.

The SPEAKER. Without objection, the Chair will change its decision as to sponsorship and that all members' names will be added as sponsors of the resolution which is adopted, unless specifically asked by members not to have their names added. Is there any objection to that? The Chair hears none.

## BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I call from the table, HBs 176 and 211.

The SPEAKER. It is moved by the majority leader that HB 176 and HB 211 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

## REQUEST FOR RECESS AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, at this time I am going to suggest that we recess for the purpose of lunch and caucus. I am going to suggest to our caucus chairman that we go to caucus at 2:30, which gives the members an hour to eat, answer their mail or whatever they are going to do; that we stay in caucus until 3:30 and that during that hour period we review the no-fault divorce bill; that we return to the floor at 3:30 and begin to take amendments on the bill and that we continue taking those amendments until 5:30 or 6 tonight, and if we have not finished them, then we start up again the first thing tomorrow morning with the amendments to no-fault divorce.

I would ask that those members who have amendments give a

copy to the respective caucus chairman and also—and this is important—I would ask that those members who are going to offer amendments be prepared to explain them on the floor at the time of offering them. It is my feeling—and I think this feeling is shared by the leadership on the other side—that it will not be necessary to caucus in detail on each amendment because we feel they may very well be cumulative and the prime sponsors, Mr. Berson and Mr. Scirica, in the respective caucuses can tell us what we might anticipate, but the fine points of some of the amendments may be required to be reviewed by the person offering the amendment.

Mr. Speaker, by way of further announcement, I think the members should understand that we will not be in session next Monday because of the Jewish holidays; that we will be in session on Tuesday, with a joint session with the Senate to hear an address by the Governor of the Commonwealth. We will not be in session next Wednesday, but we will be in on Tuesday.

## ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to announce that members of the House are being invited to attend the celebration next Wednesday, and that those Democratic members who are interested in going should see Mr. Mullen and Mr. Goodman and those Republican members who are interested in going should speak with Mr. McClatchy. It is urgent that the members who wish to be included, talk to those respective members immediately, because a report must be given to the proper authorities this afternoon. So will those Republican members speak to Mr. McClatchy and those Democratic members to Mr. Goodman and Mr. Mullen.

## REMARKS SUBMITTED FOR THE RECORD

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

Mr. DAVIES. Mr. Speaker, I request unanimous consent to submit a statement for the legislative record relative to the last resolution.

The SPEAKER. The gentleman asks for consent to submit some remarks for the record. The Chair hears no objection. The gentleman may submit them.

Mr. DAVIES presented the following remarks for the Legislative Journal:

Mr. Speaker:

I voted for both resolutions to Pope John Paul II to clearly indicate my "yes" vote and sponsorship of the same as the recognition to a chief of state of the Vatican. This action is in keeping with my constant position for maintaining a clear separation between church and state.

## DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, before all the Democratic members leave, we will meet in caucus in 2:30 also, and especially on the no-fault divorce bill. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 3:30 p.m.

AFTER RECESS

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

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in HR 125, PN 2104.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

SB 593, PN 625

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," authorizing the establishment or designation of certain reserved areas to be used solely for parking by handicapped individuals.

SB 594, PN 626

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," authorizing the establishment or designation of certain reserved areas to be used solely for parking by handicapped individuals.

SB 595, PN 627

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the establishment or designation of certain reserved areas to be used solely for parking by handicapped individuals.

SB 596, PN 628

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing the establishment or designation of certain reserved areas to be used solely for parking by handicapped persons.

SB 597, PN 629

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," authorizing the establishment or designation of certain reserved areas to be used solely for parking by handicapped individuals.

SPECIAL ORDER OF BUSINESS

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 640, PN 1571, entitled:

An Act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. SCIRICA offered the following amendments:

Amend Table of Contents, page 2, line 16, by striking out all of said line

Amend Sec. 103, page 4, line 27, by inserting after "ACT." This act shall not affect any marital agreement executed prior to the effective date of this act or any amendment or modification thereto.

Amend Sec. 104, page 5, line 4, by inserting after "a" where it appears the second time decree granting a

Amend Sec. 301, page 11, line 13, by striking out "of" where it appears the first time and inserting in

Amend Sec. 301, page 11, lines 15 and 16, by striking out "the divorce action or in one separate action" and inserting in conjunction with any decree granting a divorce or annulment

Amend Sec. 301, page 12, line 2, by striking out "The approval of any" and inserting Any

Amend Sec. 401, page 14, line 26, by removing the period after "SUBSECTION" and inserting and upon final disposition, the court may award costs to the party in whose favor the order or decree shall be entered, or may order that each party shall pay his or her own costs, as it shall appear just and reasonable.

Amend Sec. 401, page 16, line 2, by striking out all of said line

Amend Sec. 401, page 16, line 4, by striking out "subsequent to" and inserting during

Amend Sec. 401, page 16, line 10, by inserting after "before" , during

Amend Sec. 401, page 16, line 18, by striking out "subsequent to" and inserting during

Amend Sec. 403, page 17, line 30, by inserting after "child" and spousal

Amend Sec. 403, page 18, line 13, by removing the comma after "annulment and inserting or

Amend Sec. 403, page 18, lines 13 and 14, by striking out "or legal separation"

Amend Sec. 404, page 18, lines 26 through 30, by striking out all of said lines

Amend Sec. 501, page 19, line 12, by inserting after "amount," duration,

Amend Sec. 501, page 19, line 23, by inserting after "THE" other

Amend Sec. 503, page 20, line 23, by removing the comma after "alimony" and inserting or

Amend Sec. 503, page 20, line 23, by striking out "or counsel fees and expenses."

Amend Sec. 503, page 21, by inserting between lines 1 and 2 (4) Award interest on unpaid installments. (5) Require security to insure future payments.

Amend Sec. 503, page 21, line 2, by striking out "(4)" and inserting (6)

Amend Sec. 703, page 26, line 22, by inserting after "any" matrimonial

Amend Sec. 801, page 27, lines 4 through 8, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. SCIRICA. This may be the only noncontroversial amendment offered today. This is an omnibus amendment that is largely technical in nature, but I would like to explain a couple of the provisions.

This amendment is primarily technical in that it removes some of the ambiguities in the bill that came to our attention after the bill was reported out of committee. However, it does make some changes that I would like to bring to your attention.

In the first place, it provides that "This act," if it passes, "shall not affect any marital agreement executed prior to the effective date of this act or any amendment or modification thereto." This is consistent with another provision of the bill

that says that once a decree in divorce has been entered prior to the effective date, it cannot be reopened, and the intent of this part of the amendment is to treat those matters that have been settled, either in court or out of court, as settled, and not allow parties to open them up.

Secondly, it clears up another ambiguity with respect to the awarding of alimony or equitable distribution of property by making it clear that those awards will only be made in conjunction with the granting of the decree in divorce, which was what we intended. It moves the section on payment of costs from one part of the bill to another part of the bill, but it retains that. It clears up some language with respect to the acquisition of marital property to make sure that it applies after the date of marriage and not after the date of the divorce.

It makes an important change in the standards for awarding alimony by inserting the word "duration" into those criteria, so that the court in considering the award of alimony would also consider first whether alimony should be awarded, and, secondly, the amount and the duration, which means that in certain cases it would be for a fixed or limited period of time.

Lastly, it makes clear that the confidentiality between lawyer and client and any matrimonial counselor is confined only to matrimonial causes of action.

If there are any questions, I would be delighted to explain them. Mr. Berson and Mr. O'Donnell have gone over these amendments, and I believe they are agreed to by them.

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

Mr. ZELLER. Mr. Speaker, on the section 501 portion, I would like to ask Mr. Scirica if he would consent to a brief interrogation.

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

Mr. ZELLER. Mr. Speaker, would you explain to me and to other members who may be concerned, are you clearing the portion in 501 where an individual leaves their spouse? In other words, they have created a problem, and the provider now who was innocent of any of these actions has to pay alimony. Because I know the fathers are in distress; many of them have sent letters in; and also there are some women who are the providers where the husband left, and I would like to know if you would clear that for us, please.

Mr. SCIRICA. No. Mr. Speaker, this amendment does not affect that problem at all. It simply inserts into the standard the fact that the court shall consider the possible duration of any alimony. So they may impose it for a fixed period of time, but it does not affect your problem one way or the other.

Mr. ZELLER. Well, the reason why I asked that is, by including it in here it will not have any affect on an amendment I understand is coming up that will correct this, because the wording may conflict. That is why I am wondering.

Mr. SCIRICA. Yes. No, I was aware of those other amendments that were drawn to the alimony section, and this will not in any way conflict with that.

Mr. ZELLER. I thank you.

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Alden.

Mr. ALDEN. Will Mr. Scirica stand for interrogation?

The SPEAKER. The gentleman, Mr. Scirica, indicates that he will. The gentleman, Mr. Alden, may proceed.

Mr. ALDEN. Mr. Speaker, directed to your amendment, looking to the amendment of section 503, page 20, line 23, where you strike out "or counsel fees and expenses," what would be the result of that? What would that do?

Mr. SCIRICA. Mr. Speaker, this bill provides for additional economic protections in the way of increased remedies to enforce court-ordered alimony or property distribution or child support, what have you, and that is the section that deals with enforcement of arrearages. We made a determination after the bill came out of committee that those remedies which are in most cases pretty extraordinary remedies should apply only to the matrimonial or familial obligations and should not apply to counsel fees or expenses. So, therefore, we have deleted that in this amendment from the enforcement of arrearages section.

Mr. ALDEN. Mr. Speaker, would that in effect make those fees and expenses uncollectible?

Mr. SCIRICA. No, it would not, but it means that they would not be able to be collected under the remedies that are outlined in that section.

Mr. ALDEN. How would they be collected under the bill?

Mr. SCIRICA. The court could order that these be paid, but they would not, for example, be able to attach wages in order to pay counsel fees and expenses.

Mr. ALDEN. They could not enter a judgment on those fees and expenses?

Mr. SCIRICA. That is correct. The court still would have its general contempt power in order to enforce counsel fees and expenses.

Mr. ALDEN. Thank you.

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

Mr. McVERRY. Mr. Speaker, would Mr. Scirica submit to a brief interrogation?

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

Mr. McVERRY. Mr. Speaker, with respect to your amendment of section 301, page 12, line 2, striking out "The approval of any" and inserting the word "Any", may I ask if it is the intention of the drafter of the bill that any and all property settlement agreements that are entered into pursuant to a divorce action between consenting adults be approved by a court in either a consensual, a unilateral no-fault or a fault-type divorce, under this bill?

Mr. SCIRICA. No. We struck the word "approval," Mr. Speaker, in this amendment so that the court, if it were presented with that property settlement agreement, would have to accept it.

Mr. McVERRY. Although you struck the word "approval," it appears to me that the act as currently written with this amendment could be interpreted to mean that any property settlement agreement must be submitted as compared to being approved, but must be in fact the subject of being incorporated in

the decree of divorce.

It is a practice in many other states, upon the granting of alimony or the granting of a divorce, that the final decree incorporates property settlement agreement.

My question to you is: Does this bill contemplate the incorporation of property settlement agreements into every decree of divorce?

Mr. SCIRICA. Mr. Speaker, it does, if the parties agree to incorporate it.

If you look at the language on page 12, line 4, it says, ". . . any property settlement, . . . as submitted by the parties."

If the parties did not submit that agreement, then it would not be incorporated.

Mr. McVERRY. So it is your intention then that the bill be interpreted in such a fashion that it is not a requirement that such bills be submitted?

Mr. SCIRICA. Yes, Mr. Speaker, that is correct.

Mr. McVERRY. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Foster, W.	Lewis	Ryan
Anderson	Freind	Livengood	Salvatore
Armstrong	Fryer	Lynch, F. R.	Scheaffer
Arty	Gallagher	Lynch, F.	Schmitt
Austin	Gallen	Mackowski	Schweder
Barber	Gamble	Madigan	Scirica
Belardi	Gannon	Manderino	Serafini
Beloff	Gatski	Manmiller	Seventy
Bennett	Geesey	McCall	Shupnik
Berson	Geist	McClatchy	Sieminski
Bittle	George, C.	McKelvey	Sirianni
Bowser	George, M.	McVerry	Smith, E.
Brandt	Giammarco	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spencer
Brunner	Goebel	Milanovich	Spitz
Burd	Goodman	Miller	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Stuban
Cessar	Grieco	Mullen, M. P.	Sweet
Chess	Gruppo	Murphy	Swift
Cimini	Halverson	Musto	Taddonio
Clark, B.	Harper	Nahill	Taylor, E.
Clark, R.	Hasay	Novak	Telek
Cochran	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien, B.	Trello
Cole	Hoeffel	O'Brien, D.	Vroon
Cornell	Honaman	O'Donnell	Wachob
Coslett	Hutchinson, A.	Oliver	Wagner
Cowell	Hutchinson, W.	Perzel	Wargo
Cunningham	Irvs	Peterson	Wass
Davies	Itkin	Petrarca	Weidner
Dawida	Johnson, E.	Piccola	Wenger
DeMedio	Johnson, J.	Pievsky	White
DeVertter	Jones	Pistella	Wilson
DeWeese	Kanuck	Pitts	Wilt
DiCarlo	Kernick	Polite	Wright, D.
Dietz	Klingaman	Pott	Wright, J. L.
Dombrowski	Knepper	Pratt	Yahner
Dorr	Knight	Pucciarelli	Yohn
Duffy	Kolter	Punt	Zeller
Dumas	Kukovich	Pyles	Zitterman
Durham	Lashingier	Rappaport	Zord

Earley	Laughlin	Reed	Zwinkl
Fee	Lehr	Rhodes	
Fischer, R. R.	Letterman	Ritter	Seltzer,
Fisher, D. M.	Levi	Rocks	Speaker
Foster, A.	Levin	Rodgers	

NAYS—0

NOT VOTING—14

Borski	Helfrick	Richardson	Street
Cianciulli	Kowalysbyn	Rieger	Taylor, F.
Dininni	McIntyre	Shadding	Williams
Donatucci	McMonagle		

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. SCIRICA offered the following amendments:

Amend Sec. 201, page 6, lines 22 through 24 by striking out "specifying that the spouses are" in line 22 and all of lines 23 and 24 and inserting alleging that the marriage is irretrievably broken and:

(1) ninety days has elapsed from the date of filing of the complaint and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce; or

Amend Sec. 201, page 6, lines 25 through 30, and page 7, line 1 by striking out all of said lines

Amend Sec. 201, page 7, line 2 by striking out "(2) when 12" and inserting (2) twelve

Amend Sec. 202, page 7, by inserting between lines 8 and 9

(a) Whenever section 201(a)(6) is the ground for divorce, the court shall require up to a maximum of three counseling sessions where either of the parties requests it.

(b) Whenever section 201(c)(1) is the ground for divorce, the court shall require up to a maximum of three counseling sessions within the 90 days following the filing of the complaint where either of the parties requests it.

Amend Sec. 202, page 7, line 9 by striking out "(a)" and inserting (c)

Amend Sec. 202, page 7, lines 16 through 18 by striking out all of said lines and inserting

(d) Whenever section 201(a)(6) or (c)(1) or (2) is the ground for divorce, the court shall upon filing of the complaint, notify both parties of the availability of counseling and upon request, provide both parties a list of qualified professionals who provide such services.

Amend Sec. 202, page 7, line 19 by striking out "(c)" and inserting (e)

Amend Sec. 202, page 7, line 22 by striking out "(d)" and inserting (f)

On the question,

Will the House agree to the amendments?

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

Mr. SCIRICA. Mr. Speaker, this is an important amendment to this bill. Mr. Speaker, this is a major amendment in that it changes one of the two no-fault grounds for divorce. The amendment is being offered by Mr. Rocks and myself, not as a compromise measure, but I think as an improvement over what was in the bill and an amendment that he had prepared prior to today's session. We present it jointly for your consideration.

Under the bill as written, both spouses may obtain a divorce by mutual consent if they have lived separate and apart for a

period of 3 months and a witness has so testified to that and if both parties file an affidavit with the court that they are consenting to the divorce.

This amendment would maintain the ground of mutual consent but would delete the requirement that they live separate and apart for 3 months prior to filing the divorce action and instead substitute a 90-day cooling off period from the time of the filing of the complaint. So it would read, that a divorce by mutual consent could be obtained where one spouse files the complaint, where both spouses file affidavits evidencing their consent and where 90 days have elapsed from the filing of the complaint. We felt that it was better to allow this cooling-off period to give people a chance to reconsider and perhaps take advantage of the conciliation sections that are also a part of this amendment.

The second part of the amendment does a couple of things. It extends the conciliation provision that we have provided for under the unilateral grounds to the grounds of indignities and mutual consent where one of the spouses requests it, but only where one of the spouses requests it. I think it is not likely that it will be requested under those circumstances, but it may be, and if it is, parties will have it available to them.

It also provides that when a divorce is filed under these enumerated grounds, the court shall notify the party who was not filing the complaint and also the party who filed the complaint of the availability of counseling and upon request would provide the parties a list of qualified professionals who provide for such services. "Qualified professionals" is defined in the bill as marriage counselors, psychiatrists, psychologists or priests, ministers, rabbis or other persons who are competent to deal in this area.

I would ask for your favorable consideration for this amendment.

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

Mr. ROCKS. Mr. Speaker, very briefly, I would like to thank Mr. Scirica for his agreement, offer also my support to it and ask that all the members would please vote "yes" on this amendment.

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

Mr. MULLEN. Mr. Speaker, I would like to do that also but I cannot.

First of all, in my discussions with Mr. Rocks, Mr. Rocks had indicated to me that the subject matter of this amendment was to cover a couple of amendments that he and I had introduced. This is not so. There is a provision in here, and I think this ought to be deleted, which provides that under Section 201, (6) the particular clause dealing with indignities to the person on page 6, lines 7 to 9. It provides now that the conciliation services will only be provided if one of the parties requests that it be provided.

Now the amendments that Mr. Rocks and I had, provided that it would be mandatory, that the provisions of section 202, which are going to be the conciliation provisions, would be mandatory as to that particular section and it is not mandatory

in Mr. Scirica's amendment. It is unilateral. In other words, if only one person requires it, okay, but it is not mandatory and it should be mandatory.

So if you do not mind, Mr. Scirica, what I would like to do—and I think we can probably separate this, and you can help me do it—I would like to make a motion to separate it and to go along with the other provisions in the amendment and delete that particular provision and then offer a separate amendment to reflect what was originally Mr. Rock's opinion and my opinion. Would you have any objection to that? In other words, we would go along with the amendment as is except that we would delete that one section.

Mr. SCIRICA. No, I will not agree, Mr. Speaker, but certainly the gentleman can divide the amendments and we can vote on the various sections.

#### REQUEST TO DIVIDE AMENDMENTS

Mr. MULLEN. Well, I would prefer to have it that way then, Mr. Speaker. I would suggest that the amendment be divided. I think probably the easiest way to divide it is just take the one section I referred to and we could start where it says, "Amend Sect. 202, page 7, by inserting between lines 8 and 9" and then it says, "where either of the parties requests it." I would like to keep that as a separate amendment and then I have no objections to the rest.

Could we just have a minute until I discuss it with Mr. Scirica?

The SPEAKER. The House will be at ease.

Will the gentleman, Mr. Mullen, and the gentleman, Mr. Scirica, please come to the desk?

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

Mr. A. K. HUTCHINSON. I would like to ask a couple of questions before I make a motion.

The SPEAKER. Will the gentleman yield until the conference is completed at the rostrum?

Mr. A. K. HUTCHINSON. Well, they might not need the conference if I get my motion on the floor.

The SPEAKER. For what purpose does the gentleman, Mr. Hutchinson, rise?

Mr. A. K. HUTCHINSON. All these people who are arguing today and have amendments for this bill, are they all from the Judiciary Committee?

The SPEAKER. The Chair was unable to hear the gentleman. Will the gentleman please repeat his question?

Mr. A. K. HUTCHINSON. All these amendments that are on my desk, they seem to all be from lawyers. Are all the lawyers of this House on the Judiciary Committee?

The SPEAKER. It is the impression of the Chair that the answer is "no."

Mr. A. K. HUTCHINSON. All right.

I have read in the paper the last 2 months that they had a beautiful bill for no-fault divorce and everything was worked out. I come here and there are about 60 amendments. I would like to make a motion that we send this back to the Judiciary



Committee, recommit it, and come back with a bill that we can look at and not have 60 amendments by all of the lawyers. Thank you very much.

**REQUEST TO DIVIDE AMENDMENTS WITHDRAWN**

The SPEAKER. The gentleman from Philadelphia, Mr. Mullen, has removed his suggestion that the amendment be divided, and the question recurs, Will the House agree to amendment A3024?

Mr. A. K. HUTCHINSON. I have a motion to recommit the bill to the Judiciary Committee to recommit it.

**PARLIAMENTARY INQUIRY**

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

Mr. BENNETT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. My point of parliamentary inquiry is, does a motion to recommit precede the motion that is on the floor?

The SPEAKER. For the information of the gentleman, Mr. Bennett, the Chair did not recognize the gentleman from Westmoreland for the purpose of making a motion. The Chair recognized the gentleman to ask for what purpose he arose.

The question before the House is the amendment offered by the gentleman, Mr. Scirica.

The Chair recognizes the majority leader. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I agree with the Speaker, however, we are not going to hear the end of Mr. Hutchinson, so let us just take his motion, defeat it, get on with the business of the House and be done with it. I hate to ask the Speaker to reverse himself, but I know Amos is chomping at the bit to continue to press for his motion. I think we should just vote it, get rid of it, stay here, take these amendments, and get rid of this bill.

**MOTION WITHDRAWN**

The SPEAKER. The Chair is agreeable to first take the vote on the amendment. When the amendment has been considered, the Chair will then recognize Mr. Hutchinson.

Mr. A. K. HUTCHINSON. I withdraw mine.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—177**

Alden	Fisher, D. M.	Lynch, E. R.	Schmitt
Anderson	Foster, A.	Lynch, F.	Schweder
Armstrong	Foster, W.	Madigan	Scirica
Arty	Freind	Manderino	Serafini
Austin	Fryer	Manmiller	Seventy
Barber	Gallagher	McCall	Shupnik
Belardi	Gallen	McClatchy	Sierninski
Beloff	Gamble	McKelvey	Sirianni
Bennett	Gannon	Michlovic	Smith, E.
Berson	Gatski	Micozzie	Smith, L.
Bittle	Geist	Milanovich	Spencer

Bowser	George, C.	Miller	Spitz
Brandt	George, M.	Moehlmann	Stairs
Brown	Giammarco	Mowery	Steighner
Brunner	Gladeck	Mrkonic	Stewart
Burd	Goodman	Mullen, M. P.	Stuban
Burns	Greenfield	Murphy	Sweet
Caltagirone	Grieco	Musto	Swift
Cappabianca	Gruppo	Nahill	Taddonio
Cessar	Halverson	Novak	Taylor, E.
Chess	Hasay	Noye	Telek
Cimini	Hayes, D. S.	O'Brien, B.	Thomas
Clark, B.	Hayes, S. E.	O'Brien, D.	Trelio
Clark, R.	Hoefel	O'Donnell	Vroon
Cochran	Honaman	Oliver	Wachob
Cohen	Hutchinson, W.	Perzel	Wagner
Cole	Irvis	Peterson	Wargo
Cornell	Itkin	Petrarca	Wass
Coslett	Johnson, E.	Piccola	Wiedner
Cowell	Johnson, J.	Pievsky	Wenger
Cunningham	Jones	Pistella	White
Davies	Kanuck	Pitts	Wilson
Dawida	Kernick	Polite	Wilt
DeMedio	Klingaman	Pucciarelli	Wright, D.
DeVerter	Knepper	Punt	Wright, J. L.
DeWeese	Knight	Pyles	Yahner
DiCarlo	Kolter	Rappaport	Yohn
Dietz	Lashinger	Reed	Zeller
Dombrowski	Laughlin	Rhodes	Zitterman
Duffy	Lehr	Ritter	Zord
Dumas	Letterman	Rocks	Zwilk
Durham	Levi	Rodgers	
Earley	Levin	Ryan	Seltzer,
Fee	Lewis	Salvatore	Speaker
Fischer, R. R.	Livengood	Scheaffer	

**NAYS—7**

Dorr	Goebel	Kukovich	McVerry
Geesey	Grabowski	Mackowski	

**NOT VOTING—19**

Borski	Harper	McMonagle	Shadding
Cianciulli	Helfrick	Pott	Street
Diminni	Hutchinson, A.	Pratt	Taylor, F.
Donatucci	Kowalyszyn	Richardson	Williams
Gray	McIntyre	Rieger	

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. ROCKS offered the following amendments:

Amend Sec. 201, page 6, lines 24 and 25 by striking out "and;" in line 24 and all of line 25 and inserting where an affidavit is filed by each of the parties

Amend Sec. 201, page 6, line 30 by removing the semicolon after "divorce" and inserting a period

Amend Sec. 201, page 7, lines 1 through 7 by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. ROCKS. Mr. Speaker, the purpose or the effect of this amendment is to eliminate the unilateral no-fault provision from HB 640.

If we were gathered here today in an attempt to evaluate unilateral no-fault divorce and were not faced with a serious dilemma, I would suggest that there would be no controversy regarding it. It would be very clearly seen as so obviously good or so obviously bad that it would be relatively easy to accept or reject.

I would suggest, Mr. Speaker, that the controversy does exist as this is the most radical and also controversial provision in this bill and removing it could well bring about the necessary consensus to pass the bill. I urge you to vote "yes" on this amendment and I would like, if I may, to state some reasons that I think are very important for the record.

This provision is not necessary to bring about badly needed divorce reform in Pennsylvania. Other states, New York as an example, have reformed their divorce laws, eliminated adversary proceedings in the majority of cases, and yet have not adopted this extreme provision which makes divorce available to everyone regardless of merit and makes defending against divorce impossible for everyone also regardless of merit. It is not just the elimination of fault which this feature provides, advantageous as that might be in some cases; it is the elimination of justice and due process in many other cases, too, that we should not enact as public policy in the Commonwealth of Pennsylvania.

Advocates of unilateral no-fault argue that the state has no stake in preserving dead marriages. True as this might be, the problem with unilateral no-fault divorce in the 10 short years it has been tried in the United States is that it eliminates the state's stake in preserving any marriages, not just dead ones, for by making unilateral no-fault the state divorce policy, the only thing about any marriage the state is empowered to preserve is either partner's right to a divorce. I would suggest that this is a very dangerous legal framework for us to put every citizen in the Commonwealth of Pennsylvania.

Unilateral no-fault divorce looks upon marriage not as a commitment or a relationship involving serious mutual rights and responsibilities, but rather as an involuntary state of mind or emotion which escapes human control. But there is more to marriage than this, and when the emotional bond does sadly dissolve, some of the most serious responsibilities remain in a marriage. This is especially true in marriages of long duration, when a dependent spouse is incapable of supporting the partners of two marriages. Unilateral no-fault has no answer to these tragic cases except to say that they will exist anyway, but it is one thing to exist outside the law and another to be condoned as a policy as a matter of law in this Commonwealth.

A reform law which does not include unilateral no-fault but does include the other major provisions of HB 640 will solve the problems being experienced by the overwhelming majority of cases under the current law. For example, if I may, 30,321 couples divorced by mutual consent under the indignities grounds in 1977 in this state, out of a total, if you are interested, of 37,868 divorces in Pennsylvania, would not have had to resort to allegations of guilt and innocence. Dependent spouses with serious grounds for divorce but no economic protection under current law would be able to free themselves from intolerable situations without being reduced to poverty.

Dependent spouses opposed to accepting fault divorces filed against them might be more disposed to consenting to a no-fault divorce. Those whose economic demands might be too high would be inclined to prefer a reasonable settlement to an out-of-state no-fault divorce obtained by their spouse. Most of those who would suffer from the absence of unilateral no-fault would be financially independent spouses with no grounds and without sufficient mobility to move to another state, and in most cases like this, the dependent spouse would suffer much more from the availability of unilateral no-fault than the independent spouse would from its unavailability. Most spouses, then, suffering unjustly under Pennsylvania's current law either from unnecessary or unrealistic allegations of fault or from inadequate economic protection would experience significant relief under a bill like HB 640 without the unilateral no-fault provision. For the rest, those who would suffer from the inclusions of unilateral no-fault are both more numerous and more vulnerable than those who would benefit from it, and of these a minority would benefit justly.

In conclusion, Mr. Speaker, let me state that this bill is significantly more important than the highly technical legal language in the compilation of facts and statistics that are in front of us. What we are addressing is an effort to reform Pennsylvania's divorce law, a reform that I fervently feel is necessary. Many areas of the proposed HB 640 I stand here in agreement with, but not the unilateral concept, for it is an issue that touches the most basic unit of our society, that most important grouping of people that we tenderly call the family.

I do not mean to outline for any member of this assembly the growing list of dangers that you so well know that have weakened the family structure in this country, but I can assure you that HB 640, including the very controversial unilateral no-fault provision, can do nothing but further endanger the family unit.

Please cast a "yes" vote for this amendment which will eliminate unilateral no-fault divorce from HB 640. I thank you, Mr. Speaker.

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

Mr. SCIRICA. I am afraid this is a complicated issue. I would ask the indulgence of the House while I try to go through some of the arguments here.

I am afraid that this amendment goes to the heart of the bill and that if it goes in, it seriously changes the entire effect of the bill.

I think that you should all understand that if this bill becomes law, we will enact a modern divorce code in Pennsylvania, but we will not be in the vanguard of divorce reform in this country. Forty-four states have adopted some form of unilateral ground for divorce. Again, I apologize to my colleagues because I am afraid you are going to have to bear with Mr. Rocks and myself and listen to these arguments because it is something that even people who practice law in this area have a difficult time in understanding.

As you know, Pennsylvania is only one of three states in the country that does not have a fault ground for divorce. If this

amendment is adopted and we delete unilateral ground, we will join three other states, Mississippi, Tennessee and New York, as having only a mutual consent ground as our no-fault ground.

The other 44 states will, I think, have the laws that are fair and equitable. So this is not a radical proposal as was stated in the argument. In one form or another, it exists in 44 other states.

In trying to come to an agreeable solution on the provisions of this bill, we have made many compromises and allowed much leeway. But I think everyone should understand that this bill has five main components: The no-fault grounds of mutual consent and unilateral, the alimony, the equitable distribution of property and the conciliation section. Each one of those is interdependent. To delete one necessarily affects the others. To delete any one changes the relationships and substantially alters the objectives of the bill.

We can compromise within those five components. We can make many changes, but if we knock any one of them out, we have defeated divorce reform.

I think a question that ought to be presented is: Would the addition of this unilateral ground contribute to increased divorces in Pennsylvania? It is a question that many people have asked. *I think the answer has to be "no."* If we look at the experience of other states that have adopted no-fault and those that have not adopted no-fault, there is simply no correlation between the incidents of divorce and the kind of law they have got on the books.

Pennsylvania happens to have a fairly low incidence of divorce, 3.2 in 1977 out of 1,000 population. But New Jersey, which adopted no-fault in 1972, has an even lower incidence than we do — 3.0 I think every commentator agrees that the rise in divorce that occurred in the mid-sixties had nothing to do with the kind of law that was on the books.

In the first place, the first unilateral no-fault bill was not even in effect until 1970 and that was in the State of California. I think all of you have some understanding as to what *the grounds for divorce are under the present law and the fact that we have been operating since 1815 on a fault ground for divorce. The ground for indignities was not added until 1895. One spouse must allege that he or she is the innocent and injured party and the other spouse is guilty of one of the fault grounds.*

I think many of you have read and have heard from people who have been through that process and know that it causes a great deal of bitterness and, in certain cases, sanctions, perjury and lying.

If we allow unilateral divorce to stay in this law, it will not provide for divorce on demand. It provides that one couple can get the divorce only after they have lived separate and apart for a 12-month period. And, most importantly, it mandates conciliation when one spouse asks for it. Further it provides for economic protection for the dependent spouse in a way that is not even dreamed of under present law.

If the members could just bear with me a few more minutes, I think that it is important to understand what the effect will be of deleting the unilateral ground. *It will do three things. In the first place, it will leave us with only two grounds for divorce:*

mutual consent and the old traditional fault grounds.

Now under mutual consent, since both parties have to file an affidavit evidencing their consent, it is axiomatic that both will not do that or neither will do that until they have worked out their economic differences. If they can do that, they will go ahead with the mutual consent ground.

If they cannot agree on the property settlement and on the question of custody and child support and visitation and *distribution of property and post-divorce alimony*, if they cannot agree, then they have got two options available to them.

One is to go out of state and obtain a divorce there and the other is to proceed under the traditional fault grounds. I think you should be aware that at least in the southeastern part of this state, where the parties are at loggerheads, the one spouse or the other—and it is usually the male who moves to Delaware or New Jersey and establishes a residence there—obtains a unilateral no-fault divorce, and the party who is left in Pennsylvania—and it is usually the woman—has no recourse except to go to that other state and ask for alimony there.

The only problem is that the Pennsylvania Supreme Court has said that alimony is against public policy, since the legislature has decided it is not part of our law, and find alimony decrees, that is alimony decrees from other states, are not enforceable in Pennsylvania. When that happens, the dependent spouse, who is usually the woman, is left high and dry. And the only recourse she has is to petition jointly held property.

The other problem perhaps is even more insidious. It is the main reason why I think we should not accept the deletion of the unilateral ground. The reason is this: It would condemn a party seeking the economic protections of alimony and equitable property distribution to proceed under the old fault grounds. That will be the only way that individual can take advantage of the economic benefits.

Mr. Speaker, there are a lot of changes in this law, but there probably is no greater change than the concept of marital property. I think everybody should understand that before they vote on this bill.

Pennsylvania is a common-law property state. We are one of eight states left in the country that is a common law property state, which means that, upon the dissolution of a marriage, what is in your name is yours and what is in the other spouse's name is his or hers, and any joint property is *divided equally*.

Eight of the other states are community property jurisdictions, which means that everything that comes into the marriage is community property and upon a divorce it is split 50-50. The remainder of the states, which I would hope we would join since they are the great majority, are equitable distribution states. And it works this way: Upon the dissolution of a marriage, the court has the power to equitably divide property according to certain standards that are listed in the bill. Marital property is defined as all property acquired after the date of marriage regardless of who holds title to it.

There are certain exceptions to that which are also in the bill; specifically, property that is brought to the marriage by either spouse is excluded. Property acquired by bequest or by gift is excluded. *Property also may be excluded by antenuptial or postnuptial agreements.* This, Mr. Speaker, is probably the

major change in our law, changing the concept of marital property from common law to equitable distribution.

What does it mean now in practical terms? Well, for many women in this state it means a great deal because they have viewed marriage as a copartnership where there has been agreed-upon division of tasks. In most cases where there are children, the women have decided to keep the home and raise the children while the man is the principal or only wage earner.

In those cases where property is held in one name alone, it is more likely since the man is the wage earner that it will be held in his name rather than in the woman's name. So if there is a divorce in this state right now, the only thing the woman is entitled to is a division of jointly held property.

If we become an equitable property state and change the definition of marital property, it will mean that a woman, a dependent spouse, in most cases, would have a chance to get a share of all of that property.

Bringing it back to the unilateral debate, it means, Mr. Speaker, that if a dependent spouse were to take advantage of the alimony and equitable property sections, he or she—and it is usually the woman—would have to proceed in a contested divorce under the old fault grounds.

For those of you who do not know anything about contested divorces let me tell you that it is a lawyer's bonanza. I have been through a couple of them in representing clients. The scars rarely heal. It is the adversary system of justice that is most painful. It is a raw, searing battle that some commentators have likened to guerrilla warfare. The rancor and bitterness that comes out of a contested divorce almost guarantees the scaring of children, and it all goes into the notes of testimony which become a public document unless it is impounded by the court. Is that what we want to do? I do not think that we do.

I think we have compromised many areas of this bill, but in my opinion, this is the operative section—

#### POINT OF ORDER

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

Mr. GANNON. I rise to a point of order, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of order?

Mr. GANNON. Mr. Speaker, will the gentleman please confine his remarks to the amendment under consideration?

Mr. SCIRICA. Thank you, Mr. Speaker. I am doing that.

The problem with this amendment is that it cannot be considered only by itself because it affects other portions of the bill, and I am trying to explain why it does that.

The SPEAKER. The gentleman will confine his remarks as closely as possible to the amendment at hand, and the Chair will listen diligently to keep the gentleman on the proper track. The gentleman may proceed.

Mr. SCIRICA. Thank you, Mr. Speaker. In my opinion, this is the operative section of the bill. If this is deleted, the sections on alimony and equitable property distribution will not work.

I think that it is hypocritical for us in this bill to hold out the

promise of equity but then say to get it you have to run the gauntlet of a protracted, expensive, bitter contested divorce. Thank you, Mr. Speaker.

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

Mr. MULLEN. Mr. Speaker, I support Mr. Rocks' amendment. I support his amendment because, first of all, it is a good amendment. Mr. Scirica has clearly indicated to you that this is the meat of the bill. There is no question about that. They talk about divorce reform. What they really mean by divorce reform is absolute divorce. In other words, what they want to do, if they keep this provision in the bill, which Mr. Rocks' amendment will delete, is to say to every person or persons who get married, we can guarantee you a divorce.

This is wrong from the standpoint of public policy. I think that it is important that the State of Pennsylvania, in devising laws under which people are going to be governed, let it be made clear to all of the people who enter into marriage, that marriage is supposed to be a permanent thing.

We know, realistically, that marriage is not a permanent thing or we would not have had 38,000 divorces in Pennsylvania last year, but we have to recognize that if we change our laws to provide for unilateral divorce—and I think all of you understand what unilateral divorce is. It just means simply this: You can get a divorce regardless of what you did or what your spouse did. If you want a divorce, you file for a divorce and after 12 months you will get a divorce.

Mr. Scirica stated that if we do not have unilateral divorce, which we do not have now in Pennsylvania, a spouse who wishes to secure a divorce will go into another state and get a divorce and will thereby possibly deprive his spouse living in Pennsylvania of property rights. But even with unilateral divorce, what is going to prevent such a spouse from doing that? This is exactly what they will do. A man with substantial funds and substantial money will probably go into another state and secure a divorce, but what they are asking us to do in adopting this bill and what Mr. Rocks is trying to do with his amendment is to try to put into the Divorce Code an absolute divorce guarantee. If you put that into the bill, you may as well forget about marriage. You might as well not have any marriage at all because it is nothing more than a trial, because you know you are going to get a divorce, and this is wrong. No man or woman should be given a divorce where their wife contests the divorce, unless they have cause.

I am not denying that spouse the right to get a divorce if they have cause, but I do not think that we should eliminate cause where it is contested. We are all willing to go along with consensual separation where a man and wife have agreed that they cannot get along together as man and wife. They have exhausted all remedies of conciliation. I am not objecting to granting a divorce in that situation, but I am objecting to unilateral divorce because it is changing the concept of marriage and divorce in Pennsylvania 100 percent and it is going to do a great injustice to the other spouse, the person whom we usually consider the injured spouse, and I do not think that this is fair because in most instances that innocent spouse is usually a

woman with children and this can work a great hardship on that particular woman and, regardless of what Mr. Scirica says, that spouse can go into another state and get a unilateral divorce. He can go to California, for example, and get a unilateral divorce. It is not going to help the spouse in Pennsylvania, but if that man or woman is entitled to a divorce and they have existing grounds now, they can get a divorce, if they have reason, but if a scoundrel comes in there who is living with another woman or is doing all kinds of other things which are not morally right, why should he be granted a divorce under the laws of Pennsylvania against an innocent and injured spouse? This is wrong and this is why it is important that we should adopt Mr. Rocks' amendment, because it will eliminate this cause for divorce, and then I think the bill, with further additional amendments, will be satisfactory to pass, because it will provide for consensual separation, and I think that this is as far as we should go in Pennsylvania. To go any further is going all of the way, and I do not think that we should go all of the way because it is bad for public policy.

Let us look at the history of unilateral divorce in the United States when it was first adopted in California, as Mr. Scirica indicated, back in the early 70's and it spread throughout the land. What happened? The divorce rate has skyrocketed. Mr. Scirica indicated to you that the divorce rate in Pennsylvania is nowhere near as high as it is in nearby neighboring states on a percentage basis. The reason why it is not that high is because it is difficult, in a consent situation to get a divorce, and it should be that way if a guy does not have a right under the law to get a divorce. So I strongly urge everyone to vote for Mr. Rocks' amendment and eliminate unilateral divorce as a cause for a divorce in Pennsylvania. Thank you.

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

Mr. GOEBEL. Thank you, Mr. Speaker. I think by now they have thoroughly confused all of us pretty well, so would the gentleman, Mr. Rocks, consent to interrogation please?

The SPEAKER. Will the gentleman, Mr. Rocks, consent to interrogation?

Mr. ROCKS. Anything to help unconfuse you.

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

Mr. GOEBEL. Mr. Speaker, could you tell me, in 30 words or less or thereabouts, what your amendment does?

Mr. ROCKS. The amendment eliminates unilateral divorce as a provision of no-fault divorce in HB 640. Twenty-three words.

Mr. GOEBEL. And what do you define "unilateral divorce" as?

Mr. ROCKS. I think the sponsor of the bill could probably give his interpretation of it. Mine would be interpreted as unilateral divorce to me when any spouse who, for any reason, would want to terminate a marriage, given the one provision of this bill, that they be separated for a period of 12 months, they could file and be granted a divorce in Pennsylvania.

Mr. GOEBEL. How does your amendment affect property settlements?

Mr. ROCKS. My amendment simply strikes unilateral no-

fault divorce from this bill.

Mr. GOEBEL. It has nothing to do with property settlements?

Mr. ROCKS. No. If my amendment passes, the no-fault portion of this bill will be limited to one area, that of mutual consent where two people say that they want to terminate the marriage. I do not see that that has any impact on the economic provisions of the bill. I support the economic provisions of this bill.

Mr. GOEBEL. Thank you, Mr. Speaker. I think what we are doing here then is making it not so much a no-fault divorce bill as an alimony bill. So I think that I would be opposed to your amendment.

A marriage is like an egg. When you drop it, you cannot paste that shell back together again. If one person wants out of it, I do not see how you can force him into liking his situation and just staying there. I think that if we are going to consider a no-fault bill, then we may as well make it a no-fault bill and not just an alimony bill. So I will then oppose your amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker. It has been talked about as the family unit. I am going to ask that, for the sake of the family unit, the members oppose the amendment. For the decency of the family unit, for the common welfare of the family unit, I think that we have to oppose this amendment.

I guess it comes to how you define a family unit. I define a family unit as a unit where there is warmth, where there are feelings, where there is mutual respect, where there is decent conversation, whether it is serious conversation or small talk. I define the family unit as the unit where any member of that unit can come and talk about common problems. I would rather have a family unit of warm relationships as I described between a parent and a child than absolutely no relationship. I would rather have a family unit with a father and a mother, parent and child, but if you have a family unit where the mother and the father have lost respect, where there is constant belittling, constant bickering, arguing, settled hatred, you no longer have a family unit. I think you all have seen children who are products of such a marriage.

We do have unilateral divorce in Pennsylvania for a cause. If a husband is running around, if he beats up his wife, if he is a drunk, if he publicly humiliates her, she has grounds and can unilaterally ask for a divorce. All we are saying is that we would like the same thing for civilized couples who do not run around, who do not beat each other up, who do not constantly belittle each other. We are asking, in the case where you have a civilized marriage but they just do not get along. The ball game is over but there is settled hatred. There is no more family unit, and as long as the father and the mother do not get along, there will never be family picnics. There will never be the family outings. There will never be fun vacations. I think it is much better to have a warm relationship develop between the mother and the child or the father and the child on an individual basis than to have absolutely no relationship at all, and I would ask that

the amendment be defeated.

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

Mr. KUKOVICH. Mr. Speaker, I think I can speak to this subject with some expertise.

As an attorney I have been involved in a legal capacity in over 80 divorces, and I am aware of the kind of emotional hardship that people go through in trying to prove this fiction of fault in a divorce, and it is a very damaging thing to people emotionally. I have seen it damage people, whether they were in their teens and had only been married a short time or whether they were in their later years and had been married for 30 and 40 years, and I think that this is the first step that we have ever made to try to address that problem and deal with it honestly.

There have been some comments made about being profamily and worrying about an increasing divorce rate. The statistics would show that a unilateral divorce or any type of divorce reform similar to what is being proposed here today will have no effect whatsoever on promoting the family or increasing the divorce rate.

As a matter of fact, in the State of California, which has had no-fault divorce for the longest period of time, they have had a lower rate of increase in divorce than the nation as a whole. As a matter of fact, in the year 1977 they had a decrease in the divorce rate.

I would also say that if we do defeat this bill or if this amendment goes in, you are going to be putting an adverse effect on the women, who I had hoped could be most helped by this bill, and I am talking about the women who are in their 40's and 50's who have been married for a long period of time. If this goes through, what you will have, for the most part, are husbands who will be shopping around in the 40-odd other states where they can get a unilateral divorce, and once again these women will be left without any economic protection whatsoever. That would be the result of passing this amendment.

I would suggest that what we are doing by this amendment and in this bill is balancing, on one hand, by adding a touch of decency and humaneness and fairness in our divorce laws and, on the other hand, sticking to tradition, without any basis in fact, and I would urge your defeat of this amendment.

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

Mr. PITTS. Mr. Speaker, I rise to support this amendment. I think of all of the amendments offered today this is the most important.

The bill provides two grounds for no-fault divorce, one for the unilateral provision and one for mutual consent. I think the unilateral no-fault provision goes to the extreme and it guarantees really only one thing, and that is the absolute right to dissolve the marriage, even for a frivolous, the most frivolous and unjustifiable reason.

I think that we should be very careful in passing a state law and establishing the policy of our state with regard to marriage to make sure that marriages are dissolved for only serious reasons. We should discourage irresponsible decisions to abandon the marriage vows and the obligations of marriage and the fam-

ily. Marriage and the concept of marriage and family has always been a permanent union, and I think that unless we continue this policy of encouraging stable permanent marriages, we are doing damage to our society.

The aspect of including no-fault under mutual consent and the traditional fault grounds with the other provisions, I think, is an acceptable reform, but the unilateral provision which is being sponsored this afternoon as a reform, I think, would do damage to our marriage and structure of the family in this state and I oppose that provision. Therefore, I urge the adoption of this amendment.

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

Mr. VROON. Mr. Speaker, I also feel that this is one of the most important issues that we will ever discuss in this House and I am not one to belabor a point. Much has been said already with which I wholeheartedly agree. I too support this amendment.

From the very beginning marriage was instituted by God. In the very first chapters of the book of the Bible, called Genesis, it says, "Therefore shall a man leave his father and mother and cleave to his wife and they shall be one flesh. Therefore what God has put together, let no man put asunder." This is basic and whether you agree to the Judeo-Christian philosophy or not, this is the very basis on which our society was established. It is very important for us in this day and age to combat all of the forces that are being mastered to destroy our society.

On our television screens and on our movie screens, what do we see? We see an assault on Christian morals. We are seeing people act as if it is perfectly all right to have immoral affairs all of the time, right and left. Our society is deteriorating, and now we are trying to make divorce easy.

This unilateral provision here is a provision for easy divorcism, nothing else but. This is damaging to our society. This is the kind of thing that is going to eat at the very fabric of our society and it is going to destroy it. In all past civilizations, Mr. Speaker, the beginning of the end of that civilization was a decay of the family, the home and the morals. Let us not go into that kind of thing here.

I know that there are problems. I know there are problems that must be solved, and I understand the mutual consent very well and I am very pleased to see some provision being made here for alimony, but I certainly do not see the advisability or the responsibility of this legislature making an easy divorce bill in Pennsylvania. I think our duty is to protect society from further deterioration and decay. I think it is very important for us to eliminate this section from the bill altogether and do our very best to encourage people to live together. When they know that unilateral divorce is present in Pennsylvania, they are going to be married very flippantly, whereas before it took two people to consent to marry, and it is still that way. Thank God it takes two people to consent to marry and to enter into the marriage contract. Now we are saying that a contract can be blithely broken by one person, and I see people right nextdoor to me where the woman is going to be exploited. That poor woman has given her whole life to a man having no possibility

of making a proper living and she is being thrown over for a young frill who seduced her husband. This kind of thing is going to be aimed at women.

I say very emphatically that this unilateral section of this bill is aimed at women, poor, innocent women who are going to be exploited by men, who, where they have it in this bill, are not, and they want to exploit the woman economically and he is going to go to another state if he wants to, but one way or another he is going to deprive that woman of her accustomed standard of living which she is entitled to.

I do not like this at all, from a Christian point of view, which I espouse, and from the point of view of the good of our society. Let us not go along with this. Let us go along with the rest of the bill, which is proper, and I think it can work perfectly all right if we eliminate this part of it. I strongly support this amendment.

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

Mr. McVERRY. Mr. Speaker, I rise today in opposition to the amendment of Mr. Rocks. I would like to comment briefly that much ado has been made about the introduction of unilateral divorce in Pennsylvania being simply a guarantee of a right to a divorce. I submit to you, Mr. Speaker, that that is not the intention of the bill, and it is not the effect of the bill. In fact, you will have a right, if you are separated from your spouse for a period of 1 year under the knowledge that that marriage has irretrievably broken down, to dissolve that marriage. That is a recognition, however, that two humans should not be bound to one another to suffer, to cause the lives of their children and other persons in society to suffer because the state has said that you cannot be free from this yoke.

I submit to you, Mr. Speaker, that under the current status of our law—and I, too, am a practicing lawyer with a good deal of experience in domestic relations law—I will say to you that for all intents and purposes in Pennsylvania today we have mutual-consent divorce. People, lawyers, legislators, litigants may not like the machinations that must be gone through to accomplish the end; that is, severance of the marital bond. However, I can assure you that when two people in Pennsylvania want to be divorced, that divorce can be accomplished, so that the introduction of mutual consent, although it takes away some of the litigation—and, frankly, that will be very good for the legal community and the community at large—it is not giving us something that we do not already have. In Pennsylvania you can secure a divorce as uncontested if you have mutual consent. In order to stop one from securing a divorce who wants to be free from the marital bond, the responding spouse need only contest the granting of that divorce.

I can tell you that there are three basic reasons for the entry of a contest to a divorce in Pennsylvania under the current status of our law. Number one is the guarantee of support to an economically dependent spouse who has not the means or ability to support himself or herself, and since divorce under today's law cuts off all right of support, an economically dependent spouse must contest the divorce and maintain that marital bond in order to assure his or her future economic

security.

The second reason for entry of a contest to a divorce under today's status of the law is to secure a greater economic advantage from the standpoint of property division. As Mr. Scirica pointed out, we are a common-law property state. That which is titled to individual members of a marriage belongs their property, and under no circumstances can the other spouse deprive another spouse of his or her property rights. However, the entry of a contest to a divorce and the keeping of one's spouse from getting that which he or she desperately wants in fact puts the responding spouse in a position to give up certain property or economic protections which that spouse has in order to get what he or she wants. Many lawyers, myself as one, have used the axiom in advising a person who has been sued for divorce or is suing for divorce that he or she who waits the longest gets the most, and what that means is that if you as the defendant in a divorce action enter a contest, the longer you keep your spouse from getting that which he or she wants, the more property they will give up to get what they want — freedom from that marriage.

I submit to you, Mr. Speaker, that the new divorce reform code as proposed by Mr. Scirica and Mr. Berson solves that problem. It grants that economic security that has been woefully missing from the rights of an economically dependent spouse since the inception of this great Commonwealth. Not only does it grant alimony to which an economically dependent spouse is justly entitled; it also provides for the equitable distribution of property. Therefore, it in fact takes away the two most significant reasons for entering a contest to divorce under current law.

Lastly, I would point out to you that the final reason that comes to mind as to why people enter a contest to a divorce, other than the economics and property of the matter, is simply spite and hardheartedness, and by elimination of the unilateral ground for divorce from this bill, we will be saying, continue, married persons of Pennsylvania, continue to be spiteful and hardhearted; continue to require your spouse to be married to you and live in a hellacious circumstance because the state will not grant you freedom.

Mr. Speaker, I strongly urge you to defeat this amendment. Thank you.

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

Mr. ROCKS. Mr. Speaker, I would like to answer a couple of points that have been raised by several colleagues. First, I should tell Mr. Kukovich that I am not a lawyer. I do not know that that makes me any more or less expert in any area of discussion on this floor. I do know this, that each one of us is here today as a lawmaker, and what we are considering is a matter of grave import to every person in the Commonwealth of Pennsylvania.

I, too, and I think every speaker who has spoken on this issue have alluded to a concern that Mr. Wagner has brought forward about the family. What he speaks of is an ideal. This amendment, however, is not an amendment, as it sounds to me and it has been referred to. It is not the entire bill. It is an

amendment that removes unilateral no-fault divorce from HB 640.

As the sponsor of the bill has indicated, there are five major provisions to this bill. I personally stand in support of the provisions of alimony and equitable property settlement and mutual consent and conciliation as we have considered it in the previous amendment. However, unilateral no-fault divorce is radical, and it is controversial. It does two things in a thumb-nail. It eliminates permanence as a matter of state policy in every marriage. Secondly, it poses a serious economic threat to many dependent spouses divorced against their will, without having committed any marital misconduct.

I would suggest that we can pass HB 640 after having passed the amendment that is in front of you and we have taken a step in the direction of divorce reform. I do not believe that with one stroke of a broad reform brush in this state today we need to include unilateral no-fault divorce. Let us, 1 year, 2 years from now, see how mutual-consent, no-fault divorce is evaluated; look at it; if we need further reform, consider it then.

It brings me to a final point that was made by Mr. Scirica when he spoke about what has happened in this country in the last 10 years, beginning in the State of California. I do not accept as justification for what we must do here today and tomorrow the fact that other states have gone in a given direction. The rapid spread of unilateral no-fault divorce since its original enactment 10 years ago in California has not provided sufficient time to evaluate it as a policy which profoundly alters society's traditional concept of marriage. But since it is available in other states, the argument goes, Pennsylvania's lawmakers here today should adopt it, whether it is good or bad, just or unjust, helpful or harmful, as long-term social policy. I suggest that to succumb to this argument without weighing more substantive aspects of this issue would not be responsible lawmaking.

I would urge you finally, please, to consider a "yes" vote on the amendment which strikes unilateral from the no-fault divorce bill that is in front of us. Thank you, Mr. Speaker.

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

Mr. SCIRICA. Mr. Speaker, there are just a couple of factors I would like to clear up. We have in our office the divorce statistics for all the 50 states in the last 15 years, and I invite anyone to come up and look at them. They will see that the incidence of divorce rose rapidly, starting in the mid-1960's. The first no-fault divorce bill was enacted in California in 1970. They will see that the rate of divorce has continued to go up but that in the last couple of years it has not risen as rapidly as it did during those first 10 years. They will see that in a state like New Jersey, which has had unilateral no-fault since 1972 and which is a state similar to Pennsylvania, their incidence of divorce is slightly lower than Pennsylvania's. They will see that in Illinois, which is a fault state, one of the last three fault states, the incidence of divorce is twice as high as Pennsylvania's. I say this not to convince anyone that passing unilateral no-fault is going to help, but merely that it is going to have no effect whatsoever except making the law more fair.

I have to repeat, Mr. Speaker, that this is not a radical proposal. It has been adopted in one form or another in 44 other states. Without the option of unilateral no-fault, the economic protections offered by this bill are in fact a sham and you have condemned those seeking the economic benefits to proceed in a contested divorce under the fault grounds. Thank you, Mr. Speaker.

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

Mr. MULLEN. I will only be brief, Mr. Speaker, in answer to Mr. Scirica.

First of all, divorce, not only in California and every other state in the Union but in Pennsylvania, is a very serious matter. One out of every four of our marriages ends in divorce. Now if you make divorce easy, which is what you are going to do if you retain this provision in the bill, common sense will tell you you are going to have more divorces, because possibly some of these people who may seek divorces may not be able to get them, especially if they are at fault. This is what we are trying to prevent. We do not feel that a person who is at fault should be entitled to a divorce and work a great economic hardship on a spouse and children. We are interested in protecting the family, and you protect the family by trying to protect the marriage and hoping that the man will see the light of day and come back to his family and do something about it.

Do not let anybody tell you that by having absolute divorce in Pennsylvania you are going to reduce the divorce rate. You are not. The divorce rate will go up. Even by putting in consensual separation or mutual consent in this bill, you are going to increase the divorce rate. Now if you leave this thing in, this unilateral divorce, you are just going to increase it that much more, and I think that is bad, both for the state and for the family especially, the innocent spouse and children.

So I do urge you to vote for Mr. Rocks' amendment. I think it is a good amendment, and it will put a little sanity into this bill so it will not be so-called reform when it is not reform at all. It is an easy divorce bill.

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

The following roll call was recorded:

YEAS—95

Alden	Gatski	McKelvey	Serafini
Armstrong	Geist	Micozzie	Seventy
Arty	George, C.	Milanovich	Shupnik
Austin	Giammarco	Mrkonic	Sieminski
Belardi	Goodman	Mullen, M. P.	Sirianni
Brunner	Gray	Murphy	Smith, E.
Cappabianca	Grieco	Musto	Smith, L.
Cessar	Gruppo	Novak	Spitz
Cimini	Hasay	O'Brien, B.	Stairs
Clark, R.	Hayes, D. S.	O'Brien, D.	Steighner
Cole	Hayes, S. E.	Perzel	Stewart
Coslett	Johnson, E.	Peterson	Stuban
Cunningham	Jones	Petrarca	Taddonio
Dawida	Klingaman	Pitts	Taylor, E.
DeMedio	Knight	Polite	Telek
Dietz	Laughlin	Pott	Trello
Dombrowski	Lehr	Pratt	Vroon



Duffy	Letterman	Pucciarelli	Wargo
Fee	Lynch, E. R.	Pyles	Wass
Fischer, R. R.	Lynch, F.	Rieger	Wenger
Foster, A.	Mackowski	Rocks	Yahner
Freind	McCall	Rodgers	Zitterman
Gallen	McClatchy	Salvatore	Zord
Gannon	McIntyre	Schmitt	

**NAYS—96**

Anderson	Fisher, D. M.	Lashingner	Ritter
Barber	Foster, W.	Levi	Ryan
Bennett	Fryer	Levin	Scheaffer
Berson	Gallagher	Lewis	Schweder
Bittle	Gamble	Livengood	Scirica
Bowser	Geesey	Madigan	Shadding
Brandt	George, M.	Manderino	Spencer
Brown	Gladeck	Manmiller	Sweet
Burd	Goebel	McVerry	Swift
Burns	Grabowski	Michlovic	Thomas
Caltagirone	Greenfield	Miller	Wachob
Chess	Halverson	Mochlmann	Wagner
Clark, B.	Harper	Mowery	Weidner
Cochran	Hoeffel	Nahill	White
Cohen	Honaman	Noye	Wilson
Cornell	Hutchinson, A.	O'Donnell	Wilt
Cowell	Hutchinson, W.	Oliver	Wright, D.
Davies	Irvic	Piccola	Wright, J. L.
DeVerter	Itkin	Pievsky	Yohn
DeWeese	Johnson, J.	Pistella	Zeller
DiCarlo	Kanuck	Punt	Zwikl
Dorr	Kernick	Rappaport	
Dumas	Knepper	Reed	Seltzer,
Durham	Kolter	Rhodes	Speaker
Earley	Kukovich		

**NOT VOTING—12**

Beloff	Dininni	Kowalyszyn	Street
Borski	Donatucci	McMonagle	Taylor, F.
Cianciulli	Helfrick	Richardson	Williams

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

The SPEAKER. It is the suggestion of the Chair that this would be a logical point to break for the day. When we reconvene tomorrow at 11, the first item of business will be the further consideration of amendments to this bill.

Does the majority leader have any further business?  
 Mr. RYAN. No, Mr. Speaker.  
 The SPEAKER. Does the minority leader have any further business?  
 Mr. IRVIS. No, Mr. Speaker.

**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.

**REPORT OF COMMITTEE OF CONFERENCE PRESENTED**

Mr. BITTLE presented the Report of the Committee of Conference on **SB 181, PN 1108**.

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

**WELCOMES**

The SPEAKER. The Chair welcomes to the hall of the House from Altoona Mr. George Toth and Mr. Bill Ernest, who are the guests of Mr. Geist.

The Chair welcomes to the hall of the House the mother of a member, Mrs. Mary Johnson, and a group of Senior Wheels from West Philadelphia, who are the guests of Mr. Joel Johnson.

The Chair welcomes to the hall of the House Mr. and Mrs. Robert New of Johnstown, who are the guests of Mrs. Rita Clark.

**ADJOURNMENT**

Mr. ALDEN moved that this House of Representatives do now adjourn until Wednesday, September 26, 1979, at 11 a.m., e.d.t.

On the question,  
 Will the House agree to the motion?  
 Motion was agreed to, and at 5:55 p.m., e.d.t., the House adjourned.