

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 12, 1980

Session of 1980

164th of the General Assembly

No. 12

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

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

It has been said that democracy is based upon the conviction that there are extraordinary possibilities in ordinary people.

We ask You, Lord, that You bless this group of ordinary Pennsylvanians with the courage and capacity to rise to this most difficult of human endeavors - the making of just laws.

We ask that You grant us the wisdom to make our statutes and resolutions fair and just reflections of Your law of "Agape," the natural law of love. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 11, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2256 By Representatives M. H. GEORGE, BURNS, FREIND, J. L. WRIGHT, JR., WILSON, WEIDNER AND SIEMINSKI.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for liability for tuition of out-of-state students and making editorial changes.

Referred to Committee on EDUCATION, February 11, 1980.

No. 2257 By Representatives GALLAGHER, BURNS, J. L. WRIGHT, JR., WILSON AND M. H. GEORGE.

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), further providing for the terms of a board of school authority.

Referred to Committee on EDUCATION, February 11, 1980.

No. 2258 By Representatives SEVENTY, DAWIDA, PETRARCA, MURPHY, GRABOWSKI, KNIGHT, TRELLO, MICHLOVIC, CHESS, LETTERMAN, B. D. CLARK, GATSKI, FRYER, A. K. HUTCHINSON, McVERRY, TELEK, M. R. CLARK, STEIGHNER, PISTELLA, C. GEORGE, DeWEESE, KUKOVICH, FISHER, DUFFY, POTT, WARGO, SHUPNIK AND COCHRAN.

An Act authorizing and directing the Department of Revenue to acquire and distribute additional lottery machines or terminals and making an appropriation.

Referred to Committee on APPROPRIATIONS, February 11, 1980.

No. 2259 By Representatives ALDEN, MICOZZIE, ARTY, SERAFINI, COSLETT, MACKOWSKI, DURHAM AND F. TAYLOR.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for package or case quantity of containers of malt or brewed beverages.

Referred to Committee on LIQUOR CONTROL, February 11, 1980.

No. 2260 By Representatives DAWIDA, HOFFEL, MRKONIC, KNIGHT, MICHLOVIC, GAMBLE, PISTELLA, DUFFY, MURPHY AND TADDONIO.

An Act requiring certain information to be solicited in connection with the consideration of legislation by the General Assembly; providing for the licensing, registration and certification of members of an occupation or profession.

Referred to Committee on PROFESSIONAL LICENSURE, February 11, 1980.

No. 2261 By Representatives RHODES, FISHER, BERSON, LASHINGER, WHITE, W. D. HUTCHINSON, KUKOVICH, WACHOB AND HOFFEL.

An Act providing for official visitations of jails and prisons by certain officials.

Referred to Committee on JUDICIARY, February 11, 1980.

No. 2262 By Representatives FISHER, RHODES, LASHINGER, WHITE, WACHOB, KUKOVICH, HOFFEL AND BERSON.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the imposition of probation.

Referred to Committee on JUDICIARY, February 11, 1980.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 179 By Representatives HOFFEL, MRKONIC, KNIGHT, MICHLOVIC, GAMBLE, SEVENTY, PISTELLA, DUFFY, MURPHY AND TADDONIO.

Amend House Rules by adding Rule 19(b), Professional Licensure Bills.

Referred to Committee on RULES, February 11, 1980.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

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

Mr. FEE. Mr. Speaker, I request leave of absence for Mr. JONES for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take today's master roll.

The Chair takes up the master roll and only those members in their seats may be recorded. Members will proceed to vote. The members will report to the floor. The master roll is being taken.

(A master roll call was taken and later retaken.)

STATEMENT BY MR. DeWEESE

The SPEAKER. The gentleman from Greene, Mr. DeWeese, asks for unanimous consent to make a few brief remarks about a very distinguished man.

The Chair hears no objection.

Mr. DeWEESE. Mr. Speaker, I am reading some words that I would like to have incorporated into the record and passed along to Washington, D.C.

Whereas February 12, 1980, commemorates the 100th birthday of John L. Lewis—coal miner, union organizer and tenacious advocate of the rights of the American working man; and

Whereas the influence of John L. Lewis—embodied initially in his organization of the United Mine Workers of America until his assumption of its presidency in 1920; and

Whereas the intrepidity of his courage in boldly engaging in combat Presidents of the United States, industrialists, fellow unionists, politicians of both parties when he believed them inattentive and unresponsive towards the health and dignity of his men; and

Whereas he labored over a span of nearly six decades to harmonize the discordant elements that later composed the modern American labor movement in the United States: The Committee for Industrial Organization in 1935; his own United Mine Workers of America; and the American Federation of American Labor—attempting to compel them to accept the truth of his vision—despite often acrimonious disputation; and

Whereas the United Mine Workers of America today—while separated from the larger umbrella of the AFL-CIO—remain largely the creation of John L. Lewis and the inheritor of his legacy; and

Whereas he unswervingly believed in the purpose of his fight to ensure that the nation recognize the primacy of coal, both in industrial furnace and in domestic hearth;

BE IT RESOLVED That the State House of Representatives, of the Commonwealth of Pennsylvania, suitably mark the occasion of the birth of a man whose life and work profoundly altered America's perception of the value of human life in the work place and who never hesitated with all the fiery impetuosity of his nature, to say what he thought and to act upon it.

Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House Jim Colletta, who is president of the Young Democrats of Allegheny County. He is here today as the guest of Mr. Frank Pistella.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 348, PN 370

By Rep. SCHEAFFER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for pay of officers and enlisted personnel.

MILITARY AND VETERANS AFFAIRS.

HB 1543, PN 1820

By Rep. McCLATCHY

An Act providing for adoption of capital projects to be financed from current revenues of the Game Fund.

APPROPRIATIONS.

HB 1935, PN 2421

By Rep. SCHEAFFER

An Act amending the act of October 11, 1972 (P. L. 899, No. 213), entitled "An act providing scholarships for certain dependents of members of the armed services ***" providing for an increase in the amount of the scholarship.

MILITARY AND VETERANS AFFAIRS.

HB 2134, PN 2714

By Rep. McCLATCHY

An Act amending the act of June 30, 1979 (No. 7A), entitled "An act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs," increasing the appropriation.

APPROPRIATIONS.

HB 2135, PN 2715 By Rep. McCLATCHY

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

APPROPRIATIONS.

HB 2137, PN 2718 By Rep. SCHEAFFER

An Act amending the act of May 21, 1943 (P. L. 302, No. 140), entitled, as amended, "An act providing for the admission of children to, and their education and maintenance in, and their discharge from the Scotland School for Veterans' Children; ****" providing for the admission of children of veterans who did not serve during a time of war or armed conflict.

MILITARY AND VETERANS AFFAIRS.

HB 2146, PN 2733 By Rep. McCLATCHY

An Act making an appropriation to the United Cerebral Palsy of Delaware County, Pennsylvania.

APPROPRIATIONS.

HB 2204, PN 2804 By Rep. McCLATCHY

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), further providing for use of moneys in the contingency fund.

APPROPRIATIONS.

HB 2237, PN 2859 By Rep. McCLATCHY

A Supplement to the act of , entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing emergency public improvement projects to be constructed by the Department of General Services together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects, stating the estimated useful life of the projects, and making an appropriation.

APPROPRIATIONS.

HB 2238, PN 2860 By Rep. McCLATCHY

An Act amending the "Korean Conflict Veterans' Compensation Bond Act," approved May 4, 1959 (P. L. 285, No. 39), to reduce the authorization.

APPROPRIATIONS.

HB 2239, PN 2861 By Rep. McCLATCHY

An Act amending the act of April 22, 1949 (P. L. 715, No. 175), entitled "An act empowering, **** and making an appropriation," to reduce the maximum amount of bonds to be issued.

APPROPRIATIONS.

SB 911, PN 1042 By Rep. McCLATCHY

An Act making an appropriation to the Lackawanna County Branch of the Pennsylvania Association for the Blind for the provision of services to the blind.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 326, PN 346 By Rep. McCLATCHY

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), limiting the authority of the Department of Environmental Resources and courts in requiring construction of sewerage facilities by municipalities.

APPROPRIATIONS.

HB 1933, PN 2535 By Rep. McCLATCHY

A Supplement to the act of April 11, 1974 (P. L. 252, No. 62), entitled "An act authorizing the indebtedness, with approval of the electors, of one hundred million dollars for the repair, reconstruction and rehabilitation of nursing homes and providing the allotment of proceeds from borrowing hereunder," authorizing, with approval of the electors, part of the funds for nursing homes to be used for loans to repair, reconstruct and rehabilitate boarding homes.

APPROPRIATIONS.

SB 290, PN 293 (Unanimous)

By Rep. McCLATCHY

An Act authorizing the Department of Transportation with the approval of the Governor and the Department of Justice to acquire title to a certain parcel of land in Millstone Township, Elk County.

APPROPRIATIONS.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. DININNI presented the Report of the Committee of Conference on **SB 915, PN 1547**.

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

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB No. 173.

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE, HARRISBURG**

February 8, 1980

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 173, Printer's No. 2832, entitled "An act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' removing certain incompatible offices, providing for leaves of absence for certain public officials and further providing for hearings for the suspension and expulsion of pupils.

**DICK THORNBURGH
GOVERNOR**

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in HB 2045, PN 2678.

SENATE MESSAGE

HOUSE AMENDED SENATE BILL CONCURRED IN

The Senate informed that it has concurred in House amendments to SB 790, PN 1403.

BILLS SIGNED BY SPEAKER

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

HB 2045, PN 2678

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal years 1979-1980," itemizing a public improvement project, *** stating the estimated useful life of the project and making an appropriation.

SB 507, PN 1503

An Act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen.

MASTER ROLL CALL RETAKEN

The SPEAKER. The Chair has been informed that the master roll which was taken moments ago was not recorded and it will be necessary to take another master roll. Members will proceed to vote.

The following roll call was recorded:

YEAS—182

Table listing names of members who voted 'YEAS' for the roll call, including Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Cimini, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, Foster, Jr., A., Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goebel, Goodman, Grabowski, Greenfield, Grieco, Gruppo, Harper, Hasay, Hayes, Jr., S., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Itkin, Johnson, E. G., Kanuck, Klingaman, McIntyre, McKelvey, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, Murphy, Musto, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Oliver, Perzel, Petrarca, Piccola, Pievsky, Pistella, Salvatore, Scheaffer, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass.

Table listing names of members who voted 'NAYS' or 'NOT VOTING', including DeVerter, DeWeese, DiCarlo, Davies, Dawida, Dietz, Dininni, Dombrowski, Dorr, Duffy, Dumas, Durham, Fee, Fischer, Fisher, Foster, W. W., Knepper, Knight, Kolter, Kowalysbyn, Kukovich, Lashingfer, Laughlin, Lehr, Letterman, Levi, Levin, Lewis, Livengood, Lynch, E. R., McCall, McClatchy, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Reed, Rhodes, Richardson, Rieger, Ritter, Rocks, Rodgers, Ryan, Wenger, White, Williams, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, Zord, Zwikl, Seltzer, Speaker.

NAYS—0

NOT VOTING—14

Table listing names of members who did not vote, including Beloff, Chess, Earley, Freind, Giammarco, Gray, Halverson, Hayes, D. S., Irvis, Johnson, J. J., Jones, Peterson, Schmitt, Weidner.

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

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1845, PN 2271, entitled:

An Act prohibiting the utilization of the terms "mongolism" or "mongoloid" as a synonym for the genetic disorder known as Down's syndrome.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—176

Table listing names of members who voted 'YEAS' for the final passage, including Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Cimini, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Foster, Jr., A., Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goebel, Goodman, Grabowski, Greenfield, Grieco, Gruppo, Harper, Hasay, Hayes, Jr., S., Helfrick, Hoeffel, Honaman, Hutchinson, A., Oliver, McKelvey, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, Murphy, Musto, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Scheaffer, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello.

Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Itkin	Petrarca	Wachob
Cowell	Johnson, E. G.	Piccola	Wargo
Cunningham	Kanuck	Pievsky	Wass
DeMedio	Klingaman	Pistella	Wenger
DeVerter	Knepper	Pitts	White
DeWeese	Knight	Polite	Wilson
DiCarlo	Kolter	Pott	Wilt
Davies	Kowalshyn	Pratt	Wright, D. R.
Dawida	Kukovich	Punt	Wright, Jr., J.
Dietz	Lashinger	Rappaport	Yahner
Dininni	Laughlin	Reed	Yohn
Dombrowski	Lehr	Richardson	Zeller
Dorr	Letterman	Rieger	Zitterman
Duffy	Levi	Ritter	Zord
Durham	Levin	Rocks	Zwinkl
Fee	Lewis	Rodgers	
Fischer	Livengood	Ryan	Seltzer,
Fisher	Lynch, E. R.	Salvatore	Speaker
Foster, W. W.	McCall		

NAYS—0

NOT VOTING—20

Beloff	Giammarco	Johnson, J. J.	Pyles
Chess	Gray	Jones	Rhodes
Dumas	Halverson	Nahill	Schmitt
Earley	Hayes, D. S.	Peterson	Weidner
Freind	Irvis	Pucciarelli	Williams

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.

HB 1888 PASSED OVER TEMPORARILY

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

Mr. ITKIN. Mr. Speaker, I am having an amendment drafted to HB 1888. I wonder if we can pass over this bill?

The SPEAKER. The Chair has no indication on his marked calendar that there are any amendments to be offered. Has the gentleman sent his amendments to the desk?

Mr. ITKIN. They are now being done.

The SPEAKER. Without objection, HB 1888 will be passed over temporarily.

BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed consideration on final passage of **SB 702, PN 753**, entitled:

An Act regulating the practices of feature motion picture exhibitors and distributors or licensors and providing remedies for violations and penalties.

On the question recurring,
Shall the bill pass finally?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, SB 702 is a bill that, in my opinion, interjects the state government into an area of contractual relationship that should be restricted to private enterprise. A similar bill, but less restrictive, has been passed in the State of Ohio, and its constitutionality had been questioned before the District Court of Ohio in October of 1979. That decision has not yet been rendered; hopefully, it will be done so shortly.

This being the case, I hereby move that SB 702 be rereferred to the House Committee on Judiciary.

The SPEAKER. It has been moved by the gentleman from Tioga, Mr. Spencer, that SB 702 be recommitted to the Committee on Judiciary.

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

Mr. BENNETT. Let me preface my remarks, Mr. Speaker, by saying to the Speaker that I hope and I will do my best to confine my remarks to the motion before us, the motion to recommit. Mr. Speaker, in so doing, I would remind the members of this body that this is the second attempt to recommit SB 702. I rise in opposition to that motion and I would hope that I could persuade the members of this House to oppose the motion.

Mr. Speaker, the gentleman, Mr. Spencer, alluded to several points that I would like to respond to. The gentleman indicated to this body that there should be no government intervention relative to SB 702. Mr. Speaker, in my argument I would like to present to this House the fact that this House and this legislature, in its wisdom, has argued many times on legislation similar to SB 702, and I would indicate that the Uniform Commercial Code is one; antitrust legislation, the recently passed Condominium Code, interest rates on automobiles, landlord-tenant relationships. All of those kinds of legislation, Mr. Speaker, are similar in nature to SB 702.

The gentleman argues that there is a Supreme Court decision now pending in Ohio on the validity of legislation similar to SB 702, and I would submit to the members of this House, Mr. Speaker, that even though that kind of legislation is in court, the State of Ohio now is under the law similar to SB 702, and, as a matter of fact, since that court action on that legislation has been introduced, Mr. Speaker, 11 states in this United States have passed blind bidding bills similar to SB 702. I do not see any reason why that argument ought to prevail here, that this House ought to recommit this particular legislation, when it may take years for that kind of a decision to come down. Mr. Speaker, I only want a chance to bring to the members of this body the arguments relative to SB 702. I think that time is now; I think we ought to vote the bill up or down; we ought to argue the bill today. Mr. Speaker, I urge the members to vote against recommitment.

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

Mr. VROON. Mr. Speaker, if this were a bill which does nothing else but interfere with contractual relationships between companies, then we would have one thing, but it is

far from that. The very gist of this bill, the very thrust of this bill, is consumerism. This bill deals with what kind of movies you and I are going to be seeing in our neighborhood theaters.

The SPEAKER. The Chair asks the gentleman to please confine his remarks to the recommittal motion, rather than the subject matter of the bill. The gentleman may proceed.

Mr. VROON. Mr. Speaker, I am explaining that this should not be recommitted because it is not merely a matter of tinkering with contractual relations. It is a consumer interest bill, and for that reason we should not permit it to be recommitted and thereby, in effect, buried. That is what will happen to it if this thing gets recommitted to committee, it is going to be buried in the Judiciary Committee. I strongly urge that we face up to this thing and treat it like what it is. It is a consumer bill. Let us face up to it right now and let us vote on it.

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

Mr. STREET. Mr. Speaker, I rise in support of the recommittal motion. I will argue the merits of the bill; I will argue at some later time, if it is not recommitted, what this bill was intended to do. I will submit at this time that the bill was not in the interests of the consumer or the constituent, so I would urge my colleagues to vote for a recommittal.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—62

Alden	Geesey	McKelvey	Ryan
Anderson	Geist	Mackowski	Salvatore
Arty	George, C.	Madigan	Spencer
Berson	George, M. H.	Manmiller	Spitz
Bittle	Gladeck	Miller	Stewart
Bowser	Grabowski	Moehlmann	Street
Cochran	Harper	Mowery	Sweet
Cohen	Helfrick	Murphy	Taylor, F.
Cunningham	Hoeffel	O'Brien, D. M.	Thomas
Davies	Honaman	O'Donnell	Wachob
Dininni	Klingaman	Oliver	Wenger
Duffy	Kukovich	Pievsky	Zitterman
Durham	Lashingier	Rhodes	Zord
Fischer	Livengood	Richardson	
Foster, W. W.	Lynch, E. R.	Ritter	Seltzer,
Gallen	McCall	Rocks	Speaker

NAYS—118

Armstrong	Fisher	McIntyre	Scheaffer
Austin	Foster, Jr., A.	McMonagle	Schweder
Barber	Fryer	McVerry	Serafini
Belardi	Gallagher	Manderino	Seventy
Bennett	Gamble	Michlovic	Shadding
Borski	Gannon	Micozzie	Shupnik
Brandt	Gatski	Milanovich	Sieminski
Brown	Goebel	Mrkonic	Sirianni
Burd	Goodman	Mullen	Smith, E. H.
Burns	Greenfield	Musto	Smith, L. E.
Caltagirone	Grieco	Nahill	Stairs
Cappabianca	Gruppo	Novak	Steighner
Cessar	Hasay	Noye	Stuban
Cimini	Hayes, Jr., S.	O'Brien, B. F.	Swift
Clark, B. D.	Hutchinson, A.	Perzel	Taddonio
Clark, M. R.	Hutchinson, W.	Petrarca	Taylor, E. Z.
Cole	Itkin	Piccola	Telek
Cornell	Johnson, E. G.	Pistella	Trello

Coslett	Kanuck	Pitts	Vroon
Cowell	Knepper	Polite	Wargo
DeMedio	Knight	Pott	Wass
DeVerter	Kolter	Pratt	White
DeWeese	Kowalshyn	Pucciarelli	Wilson
DiCarlo	Laughlin	Punt	Wilt
Dawida	Lehr	Pyles	Wright, D. R.
Dietz	Letterman	Rappaport	Wright, Jr., J.
Dombrowski	Levi	Reed	Yahner
Dorr	Levin	Rieger	Zeller
Dumas	Lewis	Rodgers	Zwilk
Fee	McClatchy		

NOT VOTING—16

Beloff	Giammarco	Irvis	Schmitt
Chess	Gray	Johnson, J. J.	Weidner
Earley	Halverson	Jones	Williams
Freind	Hayes, D. S.	Peterson	Yohn

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

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF
VOTE ON SB 702

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

Mr. STREET. Mr. Speaker, I move that the vote by which SB 702 was agreed to on third consideration be reconsidered.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is my understanding that the purpose of this reconsideration is to allow the gentleman to offer amendments. Is that accurate?

The SPEAKER. The gentleman is correct, yes.
Mr. RYAN. Mr. Speaker, I urge a "yes" vote.

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

The following roll call was recorded:

YEAS—142

Alden	Foster, Jr., A.	Lynch, E. R.	Ritter
Anderson	Fryer	McCall	Rocks
Armstrong	Gallagher	McClatchy	Rodgers
Arty	Gallen	McIntyre	Ryan
Austin	Gannon	McKelvey	Salvatore
Barber	Geesey	McMonagle	Serafini
Belardi	Geist	Mackowski	Seventy
Bennett	George, C.	Madigan	Shadding
Berson	George, M. H.	Manderino	Sirianni
Bittle	Gladeck	Manmiller	Smith, E. H.
Borski	Goodman	Michlovic	Smith, L. E.
Brandt	Grabowski	Micozzie	Spencer
Brown	Gruppo	Milanovich	Spitz
Burns	Harper	Miller	Stairs
Caltagirone	Hasay	Moehlmann	Steighner
Cappabianca	Hayes, Jr., S.	Mullen	Stewart
Cessar	Hoeffel	Novak	Street
Cochran	Honaman	Noye	Stuban
Cohen	Hutchinson, A.	O'Brien, B. F.	Sweet
Cole	Hutchinson, W.	O'Brien, D. M.	Swift
Cowell	Itkin	O'Donnell	Taylor, E. Z.

Cunningham	Johnson, E. G.	Oliver	Taylor, F.
DeMedio	Kanuck	Perzel	Telek
DeVerter	Klingaman	Petrarca	Wachob
DeWeese	Knepfer	Pievsky	Wass
DiCarlo	Knight	Pistella	Wenger
Davies	Kowalshyn	Pitts	Wilson
Dawida	Kukovich	Polite	Wilt
Dietz	Lashinger	Pratt	Wright, D. R.
Dininni	Laughlin	Pucciarelli	Wright, Jr., J.
Dombrowski	Lehr	Pyles	Yahner
Dorr	Letterman	Rappaport	Zitterman
Dumas	Levi	Reed	Zwikel
Durham	Levin	Rhodes	
Fee	Lewis	Richardson	Seltzer,
Fisher	Livengood	Rieger	Speaker

NAYS—14

Burd	Grieco	Pott	Vroon
Clark, B. D.	Mrkonic	Scheaffer	White
Clark, M. R.	Nahill	Taddonio	Zeller
Cornell	Piccola		

NOT VOTING—40

Beloff	Gamble	Johnson, J. J.	Schweder
Bowser	Gatski	Jones	Shupnik
Chess	Giammarco	Kolter	Sieminski
Cimini	Goebel	McVerry	Thomas
Coslett	Gray	Mowery	Trello
Duffy	Greenfield	Murphy	Wargo
Earley	Halverson	Musto	Weidner
Fischer	Hayes, D. S.	Peterson	Williams
Foster, W. W.	Helfrick	Punt	Yohn
Freind	Irvis	Schmitt	Zord

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STREET offered the following amendments:

Amend Bill, page 8, by inserting between lines 3 and 4 Section 12. Maximum admission charge.

No exhibitor shall charge more than \$2.50 per person for exhibitions held Monday through Friday, nor more than \$3.50 per person for exhibitions held on Saturdays, Sundays or holidays.

Amend Sec. 12, page 8, line 4, by striking out "12." and inserting 13.

On the question,

Will the House agree to the amendments?

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

Mr. STREET. Mr. Speaker, in gathering information about this piece of legislation that deals with blind bidding, it was clear to me that this bill had no particular impact on the people whom we were elected to represent. And if we are going to pass a blind bidding bill, then this amendment says—because I believe that the costs will be passed on to the people whom we represent, and this amendment simply says—that we are going to put a ceiling on the amount of money that these exhibitors can charge families for entering the movie. And the amendment says that there would be a ceiling of \$2.50 during weekdays and no more than \$3.50 per person on Saturdays, Sundays, and holidays. And that is the only way that I see that we can bring this bill in line so that it has some public impact.

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

Mr. BENNETT. Mr. Speaker, I would urge the members of this body to oppose the amendment offered by the gentleman from Philadelphia, Mr. Street, simply because what we are trying to do in the bill itself is to keep prices at a level commensurate with today's economy. The very fact of blind bidding is the vehicle by which the prices of admission are raised to theaters. What I am saying, Mr. Speaker, is the inordinate amounts that theater owners have to bid to get these are reflected in the costs of the movie admissions.

It would be nice, Mr. Speaker, if this whole economy in which we live in the total United States were to have some kind of a ceiling, but you and I know that that is not practical. I would certainly question the constitutionality of it if I thought that it had a chance of passing. Mr. Speaker, I would certainly ask the members and urge the members to oppose the amendment offered by Mr. Street.

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

Mr. STREET. Mr. Speaker, while apparently there is a bit of humor in this amendment, and rightfully so, I would suggest that we look at it now from a serious standpoint. What about a family of five who wants to go see Star Wars in some sections of this state? In Philadelphia you can go for \$4, but out in some of the other counties it costs as much as \$6. And if you have a family of five and you want to go to the movies in these economically hard times, you cannot even go to the movies because to take your family it costs you \$30 or \$25. And I will submit to you that if we pass this bill, the cost of making movies is going to be passed on to the consumer, and we are here to protect the consumer and to protect our constituents. With that, I urge the passage of this amendment. Thank you.

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

Mr. KOLTER. Mr. Speaker, the previous speakers take a strange method of protecting the consumer. I happen to have a firsthand knowledge of the industry. We have a theater in our family, and for the first time in 20 years, the year 1979, because of the filthy movies coming, we are showing a deficit; we are showing a loss. Is this consumer protection? It is hell. The previous speaker knows not what he talks about. I ask for a "no" vote on this amendment.

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

Mr. BENNETT. Mr. Speaker, I have a feeling that this amendment and, if my understanding is anywhere near accurate, a whole host of amendments or a series of amendments that will be offered to this legislation just may be amendments that try to either water it down or kill it. Mr. Speaker, I would urge opposition to this and any future amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—16

Clark, B. D.	Gannon	Kukovich	Richardson
Cohen	George, C.	Michlovic	Street
Fischer	Hasay	Pratt	Wachob
Fryer	Hutchinson, A.	Rhodes	Wright, Jr., J.

NAYS—160

Alden	Foster, Jr., A.	McMonagle	Scheaffer
Armstrong	Gallagher	McVerry	Schweder
Arty	Gallen	Mackowski	Seventy
Barber	Gamble	Madigan	Shadding
Belardi	Gatski	Manderino	Shupnik
Bennett	Geesey	Manmiller	Sieminski
Berson	Geist	Micozzie	Sirianni
Bittle	George, M. H.	Milanovich	Smith, E. H.
Borski	Gladeck	Miller	Smith, L. E.
Bowser	Goebel	Moehlmann	Spencer
Brandt	Goodman	Mowery	Spitz
Brown	Grabowski	Mrkonic	Stairs
Burd	Grieco	Mullen	Steighner
Burns	Gruppo	Murphy	Stewart
Caltagirone	Harper	Musto	Stuban
Cappabianca	Hayes, Jr., S.	Nahill	Sweet
Cessar	Helfrick	Novak	Swift
Cimini	Hoeffel	Noye	Taddonio
Clark, M. R.	Honaman	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hutchinson, W.	O'Brien, D. M.	Taylor, F.
Cole	Itkin	O'Donnell	Telek
Cornell	Johnson, E. G.	Oliver	Thomas
Coslett	Kanuck	Perzel	Trello
Cowell	Klingaman	Petrarca	Vroon
Cunningham	Knepper	Piccola	Wargo
DeMedio	Knight	Pievsky	Wass
DeVerte	Kolter	Pistella	Wenger
DeWeese	Kowalshyn	Pitts	White
DiCarlo	Lashinge	Polite	Wilson
Davies	Laughlin	Pott	Wilt
Dawida	Lehr	Punt	Wright, D. R.
Dietz	Letterman	Pyles	Yahner
Dininni	Levi	Rappaport	Yohn
Dombrowski	Levin	Reed	Zeller
Dorr	Lewis	Rieger	Zitterman
Duffy	Livengood	Ritter	Zord
Dumas	Lynch, E. R.	Rocks	Zwinkl
Durham	McCall	Rodgers	
Fee	McClatchy	Ryan	Seltzer,
Fisher	McIntyre	Salvatore	Speaker
Foster, W. W.	McKelvey		

NOT VOTING—20

Anderson	Freind	Hayes, D. S.	Pucciarelli
Austin	Giammarco	Irvic	Schmitt
Beloff	Gray	Johnson, J. J.	Serafini
Chess	Greenfield	Jones	Weidner
Earley	Halverson	Peterson	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?
Mr. STREET offered the following amendments:

Amend Bill, page 7, by inserting between lines 13 and 14 Section 9. Consumer protection.
(a) Price restriction.—It shall be unlawful for any motion picture exhibitor to sell to the public any item of candy, popcorn, soft drink or other confectionary within or on the premises of a motion picture theatre at a retail price per item in excess of 10% above the average prevailing retail price for said item in the neighborhood where sold.
(b) Refunds.—Any consumer who has been charged in excess of the amount per item as specified in subsection (a), shall be entitled to have refunded to him or her by the

exhibitor twice the amount of the purchased item, upon presentation of the item at the place of purchase within the theatre.

(c) Notice displayed.—Notice of the obligation of the exhibitor to the consumer, as specified in subsection (b), shall be prominently displayed at the place of purchase within the theatre and at the box office where admission tickets are sold.

Amend Sec. 9, page 7, line 14 by striking out "9" and inserting 10

Amend Sec. 10, page 7, line 19 by striking out "10" and inserting 11

Amend Sec. 11, page 7, line 28 by striking out "11" and inserting 12

Amend Sec. 12, page 8, line 4 by striking out "12" and inserting 13

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

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

Mr. STREET. Mr. Speaker, since it was pretty obvious that we could not get a ceiling on the price that it would cost, and a lot of my constituents will probably have a hard time going to the movies, I think we can put a ceiling on the popcorn that is sold in the movies. I think that if it is going to cost people \$30, \$40 to take a family of five or six to the movies, and it is going to cost them \$1.50 or \$2 to buy a little thing of popcorn that they can buy on the outside of the movie for 25 cents or 50 cents, then we should put a ceiling on those goodies that are sold in the movies at prices that are sometimes 50 percent and 100 percent above the going rate outside of the movies. So I would urge the support of this amendment.

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

Mr. BENNETT. Mr. Speaker, I indicated to this House my feelings on the last amendment and this one, and I repeat that with just this addendum, if you do not want to buy the popcorn inside, buy it outside. I oppose the amendment.

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

The following roll call was recorded:

YEAS—17

Barber	Fischer	Miller	Richardson
Clark, B. D.	Fryer	Murphy	Street
Cohen	Gannon	Oliver	Trello
DeWeese	Hasay	Petrarca	Wright, Jr., J.
Dumas			

NAYS—158

Alden	Gallen	McKelvey	Schweder
Anderson	Gamble	McMonagle	Serafini
Armstrong	Gatski	McVerry	Seventy
Arty	Geesey	Mackowski	Shadding
Austin	Geist	Manderino	Shupnik
Belardi	George, C.	Manmiller	Sieminski
Bennett	George, M. H.	Michlovic	Sirianni
Berson	Gladeck	Micozzie	Smith, E. H.
Bittle	Goebel	Milanovich	Smith, L. E.
Borski	Goodman	Moehlmann	Spencer
Bowser	Grabowski	Mowery	Spitz
Brandt	Grieco	Mrkonic	Stairs
Brown	Gruppo	Mullen	Steighner
Burd	Hayes, Jr., S.	Musto	Stewart
Burns	Helfrick	Nahill	Stuban

Caltagirone	Hoeffel	Novak	Sweet
Cappabianca	Honaman	Noye	Swift
Cessar	Hutchinson, A.	O'Brien, B. F.	Taddonio
Cimini	Hutchinson, W.	O'Brien, D. M.	Taylor, E. Z.
Clark, M. R.	Itkin	O'Donnell	Taylor, F.
Cochran	Johnson, E. G.	Perzel	Telek
Cole	Kanuck	Piccola	Thomas
Cornell	Klingaman	Pievsky	Vroon
Coslett	Knepper	Pistella	Wachob
Cowell	Knight	Pitts	Wargo
Cunningham	Kolter	Polite	Wass
DeMedio	Kowalshyn	Pott	Wenger
DeVerter	Kukovich	Pratt	White
DiCarlo	Lashinger	Pucciarelli	Wilson
Davies	Laughlin	Punt	Wilt
Dawida	Lehr	Pyles	Wright, D. R.
Dietz	Letterman	Rappaport	Yahner
Dombrowski	Levi	Reed	Yohn
Dorr	Levin	Rieger	Zeller
Duffy	Lewis	Ritter	Zitterman
Durham	Livengood	Rocks	Zord
Fee	Lynch, E. R.	Rodgers	Zwinkl
Fisher	McCall	Ryan	
Foster, Jr., A.	McClatchy	Salvatore	Seltzer,
Gallagher	McIntyre	Scheaffer	Speaker

NOT VOTING—21

Beloff	Giammarco	Hayes, D. S.	Peterson
Chess	Gray	Irviss	Rhodes
Dininni	Greenfield	Johnson, J. J.	Schmitt
Earley	Halverson	Jones	Weidner
Foster, W. W.	Harper	Madigan	Williams
Freind			

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?
Mr. SALVATORE offered the following amendments:

- Amend Title, page 1, line 3, by inserting after "penalties" and imposing a tax
- Amend Sec. 10, page 7, line 20, by inserting before "Any" (a) Injunctive relief.—
- Amend Sec. 10, page 7, by inserting between lines 27 and 28
- (b) Commencement of action.—The Attorney General of the Commonwealth is hereby empowered to commence actions against a distributor or exhibitor or both in the respective court of common pleas, wherein the distributor's or exhibitor's business is located for injunctive or other relief to enforce the provisions of this act. The Attorney General, if successful, may be awarded the costs of the action, including an allowance for attorney's fees for services in the action.
- (c) Tax imposed.—Notwithstanding any other provision of law, a tax of 1¢ per admission ticket to motion picture theatres is hereby imposed, the revenues of which shall be allocated to the Attorney General for the purposes of enforcement of this act.

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

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

Mr. SALVATORE. Mr. Speaker, this amendment is very practical. It sets forth who is going to enforce this bill once it becomes law, and, reading the bill, I find that there is no definition for anyone to enforce this piece of legislation. What I am asking is that the Attorney General be given the

power to enforce this piece of legislation and I am asking for a penny tax to be imposed on each admission ticket for funding the enforcement of this bill so that the Commonwealth does not incur any expenses at all in this piece of legislation.

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

Mr. VROON. Mr. Speaker, I cannot seem to find any trace of this amendment. Has it been distributed? I understand it is being distributed.

The SPEAKER. The Chair has been informed that the amendment is currently being distributed. The Chair would suggest that the House be at ease a moment until the gentleman, Mr. Vroon, gets a copy of his amendment.

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

Mr. BENNETT. Mr. Speaker, I have just now seen the amendment. I think really what it is is an effort to send the bill back to the Senate and somehow get it into a conference or whatever. Mr. Speaker, I do not see any need for this amendment whatsoever. It would appear to me that any law that this Commonwealth passes in the General Assembly will be enforced automatically by the Attorney General. I cannot see any reason to, as Mr. Street alluded to earlier, raise the price of tickets by even 1 cent to give some money purportedly to the Attorney General's office to do something that he already ought to be doing, and I would oppose the amendment.

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

Mr. ZELLER. Mr. Speaker, we have heard the cry today about protecting the consumer and the cost to the consumer. What is the State of Pennsylvania? The State of Pennsylvania is the consumer. It is the people. So put a tax on them and they are going to pay anyway. So what is the difference? I cannot understand Mr. Salvatore's issue here. All we are doing is going to penalize the consumer when already, as Mr. Bennett said, the Justice Department has the power now under due process. So I just cannot understand the thinking. It is, I feel, a means to kill the bill.

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

The following roll call was recorded:

YEAS—10

Berson	O'Brien, D. M.	Salvatore	Street
Gallen	Pratt	Spencer	Taylor, F.
Gannon	Rhodes		

NAYS—169

Alden	Foster, W. W.	McClatchy	Ryan
Anderson	Foster, Jr., A.	McIntyre	Scheaffer
Armstrong	Fryer	McKelvey	Schweder
Arty	Gallagher	McMonagle	Serafini
Austin	Gamble	McVerry	Seventy
Barber	Gatski	Mackowski	Shadding
Belardi	Geesey	Madigan	Shupnik
Bennett	Geist	Manderino	Sieminski
Bittle	George, C.	Manmiller	Sirianni
Borski	George, M. H.	Michlovic	Smith, E. H.
Bowser	Gladeck	Micozzie	Smith, L. E.
Brandt	Goebel	Milanovich	Spitz

Brown	Goodman	Miller	Stairs
Burd	Grabowski	Moehlmann	Steighner
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruppo	Mrkonic	Stuban
Cappabianca	Harper	Mullen	Sweet
Cessar	Hasay	Murphy	Swift
Cimini	Hayes, Jr., S.	Musto	Taddonio
Clark, B. D.	Helfrick	Nahill	Taylor, E. Z.
Clark, M. R.	Hoeffel	Novak	Telek
Cochran	Honaman	Noye	Thomas
Cohen	Hutchinson, A.	O'Brien, B. F.	Trello
Cole	Hutchinson, W.	O'Donnell	Vroon
Cornell	Itkin	Oliver	Wachob
Coslett	Johnson, E. G.	Perzel	Wargo
Cowell	Kanuck	Petrarca	Wass
Cunningham	Klingaman	Piccola	Wenger
DeMedio	Knepper	Pievsky	White
DeVerter	Knight	Pistella	Wilson
DeWeese	Kolter	Pitts	Wilt
DiCarlo	Kowalyszyn	Polite	Wright, D. R.
Davies	Kukovich	Pott	Wright, Jr., J.
Dawida	Lashinger	Pucciarelli	Yahner
Dietz	Laughlin	Punt	Yohn
Dininni	Lehr	Pyles	Zeller
Dombrowski	Letterman	Rappaport	Zitterman
Dorr	Levi	Reed	Zord
Duffy	Levin	Richardson	Zwinkl
Dumas	Lewis	Rieger	
Durham	Livengood	Ritter	Seltzer,
Fee	Lynch, E. R.	Rocks	Speaker
Fischer	McCall	Rodgers	

NOT VOTING—17

Beloff	Giammarco	Hayes, D. S.	Peterson
Chess	Gray	Iris	Schmitt
Earley	Greenfield	Johnson, J. J.	Weidner
Fisher	Halverson	Jones	Williams
Freind			

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 Philadelphia, Mr. Berson.

Mr. BERSON. Mr. Speaker, I rise to oppose SB 702 and I would like to point out to the House some of the reasons why I do oppose this bill. It would seem to me that there could hardly be imagined an industry less affected with the public interest than the movie business. Yet in this bill we are fastening upon that industry a straitjacket in which it must operate or otherwise violate the law. There is no public purpose perceivable in this statute except to vindicate the rights of one special-interest group as opposed to another special-interest group. I want to emphasize that this is not the bill that we passed in the last session.

This bill is being labeled a blind bidding bill, but if you analyze its provisions, you will see that the bulk of them do not relate to blind bidding at all. For instance, why are first-run shows limited to 42 days, and what does that have to do with blind bidding? Why do we put credit restrictions on the producers of motion pictures? If an exhibitor is bad

pay, why do we say, well, you have got to sell to them anyway on credit because we forbid advances? Why do we forbid guarantees in this bill? What does that have to do with blind bidding?

This bill is shot through with a whole host of small seemingly innocuous measures designed to protect a special-interest group which have nothing to do with blind bidding but are hiding under the cloak of a blind bidding bill. We ought to stop and think about what we are doing here and whether we want to take an industry which is not affected with the public interest and grant it this kind of special treatment. I do not think we ought to. I think the bill is unconstitutional; there is no demonstrable public purpose in it, and I would urge you to reject the bill. Thank you.

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

Mr. BENNETT. Mr. Speaker, the argument put forth by my friend from Philadelphia just does not hold water. The gentleman indicates that we are involved in something that we ought not to be into, and I indicated earlier that this legislation is very similar to many pieces of legislation that we have acted upon in this legislature for the good of the people, and it is very similar to those.

The gentleman indicates to this House that this is a battle of two giants. No way, Mr. Speaker, is this a battle between two giants; rather like David and Goliath, if you will, simply because when you are talking about a giant you are talking about someone like the Warner Telecommunications System that encompasses all kinds of media, not just movies but television rights and the newsprints and books and magazines.

Mr. Speaker, the largest chain that we are talking about, the largest chain that we are talking about of theater owners—and I am talking about the giants—probably in the whole United States, owns some 800 theaters. More than that, Mr. Speaker, what we are talking about really—and I have heard it said many times on the floor of this great chamber—are the Mom and Pop operations, the guys in your district who are trying their best to make a struggling business go against these great giants of the industry.

A gentleman made reference to the 42 days that are in the bill, and there is darn good reason for that, Mr. Speaker. The gentleman from Philadelphia has many opportunities to see these first-run kinds of things, and if we do not, if we out in the other areas of this Commonwealth do not limit this to a 42-day run, how in the world are we ever expected to enjoy the kinds of entertainment that the large cities like Philadelphia are able to get? I think we deserve a chance as much as they. We do not want to take anything away from them, but we want the opportunity; we want the chance, and the rest of this Commonwealth, my people in Mercer County, the people in Westmoreland County, all those other maybe small places but nevertheless good places, our good people, want to have the same kinds of entertainment that those people in Philadelphia are privileged to have.

Mr. Speaker, I think SB 702 is good legislation. I think it is the kind of legislation that this body would be proud to adopt and I ask the members to vote in favor of SB 702.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Would the gentleman from Mercer stand for interrogation?

The SPEAKER. The gentleman, Mr. Bennett, indicates that he will. The gentleman, Mr. Spencer, may proceed.

Mr. SPENCER. Mr. Speaker, reference was made by the gentleman from Mercer to the effect that we have passed similar legislation as proposed by SB 702. Could you inform me as to specifically what similar legislation has been adopted by this General Assembly?

Mr. BENNETT. Similar legislation—and I enumerated it earlier in debate—Uniform Commercial Code is very similar; the anti-trust legislation that is in many, many states is similar to it; the Condominium Code that we just voted on a week ago, SB 65; the interest rate for automobiles; those kinds of things, I think, Mr. Speaker, are very similar to what we are talking about when we are talking about SB 702 in that we are saying that that little guy shall have a chance at running his business without someone saying to him here is a pig in a poke. Either you take it and like it or we are going to give it to somebody else who is willing to bid more money on it.

Mr. SPENCER. Mr. Speaker, I am sure that the gentleman completely misconstrues the workings of what this bill is trying to attack. Could the gentleman inform me as to how many people are involved in blind bidding under the present situation in Pennsylvania? Approximately how many people are represented in this state and for the movie producers?

Mr. BENNETT. Mr. Speaker, I am hoping to find out what the gentleman is asking me in the question. Is it how many people are totally involved in blind bidding?

Mr. SPENCER. I would just like to know if you know how the operation works. For instance, you are talking about the Mom and Pop theaters. Do the Mom and Pop theaters blind bid for movies?

Mr. BENNETT. In direct answer to that, Mr. Speaker, the answer is "yes." Further, I would state that it is my understanding that 90 percent of the people involved in the theater operations within the Commonwealth of Pennsylvania are involved in blind bidding. Further, it is my understanding that there are approximately six major corporations that are involved in some form of blind bidding here within the Commonwealth. Does that answer the gentleman's question?

Mr. SPENCER. It answers it but incorrectly. Mom and Pop operations do not blind bid. The blind bidding is done through the theater chains and there are approximately 12 theater chains that do the bidding in Pennsylvania. You are talking only about 12 chains that do most of the blind bidding in Pennsylvania. Also, Mr. Speaker, are all movies blind bid?

Mr. BENNETT. I am sorry, Mr. Speaker, give me that again.

Mr. SPENCER. Are all movies blind bid in Pennsylvania?

Mr. BENNETT. No, Mr. Speaker. All movies are not blind bid. About 90 percent of them are. However, I am glad that you brought that point up, Mr. Speaker, and I will answer it in its totality because it is an interesting point to the members of the House, that if a theater chain or theater owner bid a movie on a blind bid and if that movie turned out to be a real bummer and one that they were going to lose a great many things on, a great deal of money, or if it was a pornographic picture that that theater was not aware of at the time that he blind bid it, then there are independent producers who view for and screen for the theater owners, their movies, and they are not blind bid and that theater owner then, if he has to cancel out that movie that he was running - or not really cancel it out because once he is into the contract he cannot cancel it; it is noncancelable - he has got to take the bath on it. But if the people are just staying away from the theater in droves, he has to get in some other kind of movie to try to recoup some of those losses. So what does he do? He goes to one that was not blind bid, put out generally by an independent producer and hopes to recoup some of his losses. So the answer, Mr. Speaker, is no, they are not all blind bid.

Mr. SPENCER. You indicated to the House that pornographic movies are blind bid. Is that correct?

Mr. BENNETT. Well, Mr. Speaker, we have again an argument that the Supreme Court of the United States cannot really define what is pornographic and what is not. Let me answer the question.

Mr. SPENCER. Could the gentleman just answer "yes" or "no"?

Mr. BENNETT. No. I will not just answer "yes" or "no," Mr. Speaker, because it is not a "yes" or "no" answer and you darn well know it. If you are going to ask me a question, I will attempt—

The SPEAKER. Will the gentleman yield? The Chair is having difficulty hearing the gentleman's response, and I am sure if the Chair is, the remainder of the members are.

Has the gentleman completed his response? The gentleman may proceed.

Mr. BENNETT. Well, just in case someone did not hear it, Mr. Speaker, the question that was asked of me from my very astute lawyer over there was, are all pornographic movies blind bid? And in an attempt to answer that, at my level I would say that they are not, and that is the problem, Mr. Speaker because I have in—

Mr. SPENCER. Maybe I could simplify that for you, Mr. Speaker. Are X-rated movies blind bid?

Mr. BENNETT. Well, R-rated movies are bid. R-rated, restricted, but they sometimes turn out to be X-rated, and so if you will give me a chance, I will try to tell the House what we are talking about. May I have that opportunity?

Mr. SPENCER. I just asked for a question and a simple answer. If you have got to go into detail on it, I will conclude my interrogation, Mr. Speaker.

Mr. BENNETT. Mr. Speaker, I would like to give a real simple pat answer, but unfortunately there is not any, I believe.

Mr. SPENCER. Mr. Speaker, could I make a few brief remarks?

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. In the first place, Mr. Speaker, X-rated movies are not blind bid. There is no machinery for it. It has not been done and it has never been done. It is not contemplated by this bill, and the remarks made to the contrary are not so.

Secondly, as I have stated before, this is not going to affect Mom and Pop operations, the small second- and third-run movies. They do not blind bid. The major studios or the major chains do so, and they may contract with the chain for subsequent showings after first runs.

Also, alluding to certain other types of legislation that is passed as being similar to this, there is absolutely no similarity. This is a case of two giants in the industry as was raised by Mr. Berson. It is exactly it. They are in a power struggle that this House of Representatives should have no part of; there should be no legislation to give a leg up on either party. It is something that they should fight out in the courts. It is not something that we should be pawns in and give one side or the other an advantage because nothing accrues, nothing accrues to the consumer on this, despite remarks to the contrary.

Now he is talking about blind bidding. Blind bidding is only done usually when there are well-known actors in the industry. It is a method of financing the industry. Take, for instance, Bo Derek in "10." Everybody is familiar with that box-office hit. That was not blind bid. Bo Derek was an unknown in the industry and so he did a trade screening on that. That was not blind bid. A blind bidding only takes place when everybody knows pretty much who the actors are and what the plot is.

Much has been said about "Cruising," a movie that is out now that is getting quite a bit of problems in local communities because it is a grizzly tale of homosexuality and crime. Everybody knew there was blind bidding on this; these guys are sophisticated in the field. This came from a novel. The novel is much worse than the movie. They knew exactly what they were getting into, and for this legislature to, at the drop of a hat or in this particular case after intense and heavy lobbying, interject itself in a contractual relationship, we are going down the wrong road. And whether you like it or not, this bill ought to be defeated. There should be no measures adopted by this legislature to give either industry a leg up. Thank you.

REMARKS ON VOTE

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

Mr. TAYLOR. I did not want to join in the debate. All I wanted to do was change my vote on the Salvatore amend-

ment to SB 702. I inadvertently voted in the positive. I wanted to be recorded as voting in the negative. Thank you.

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

CONSIDERATION OF SB 702 CONTINUED

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

Mr. STREET. Mr. Speaker, I have, on several occasions, spoken against this bill and I have been listening to the arguments as to why this bill should pass, and I have yet to hear anybody say that I have received "x" number of letters from my constituents because they are dissatisfied with blind bidding. I have not yet heard anybody get up in this House and speak to the hue and cry of the public about this blind bidding and their getting ripped off in the movies. What we have here is a dispute between some manufacturers and some retailers known as exhibitors. That is what we have. And I ask this House of Representatives, what happens when we get into a dispute with the Hershey Chocolate Company and the retailers about the little chocolate Easter bunnies that they have to buy or put a deposit on in advance so that the Hershey Chocolate Company can buy the molds to manufacture the bunnies? Then what happens? Here comes the retailers. I paid for my bunnies and about four, a portion, had but one ear. There was an additional portion that had but one leg. I was ripped off because I had to put my deposit up for the little chocolate Easter bunnies in advance. It does not make sense. That is a dispute between the retailers and the manufacturers, and the public is not complaining about this.

And I think that we are getting in an area that is far out of our responsibility when we start telling the manufacturers of movies how they should market their product, and that is what we are doing. You cannot market your product by writing it up in advance in a brief and going to exhibitors saying, here it is; if you want it, buy it. You cannot market it that way. What you have to do is, go out, make your movie, bring your movie in its little package, hook it up and show it on the screen, and then if the retailer says, hey, I think I like that, what do we have? We have one group of exhibitors who say they like it. That does not mean I am going to like it. That does not mean you are going to like it. What are we going to say is, that the exhibitor of a movie can identify everybody's tastes and they know what I am going to like? I say that we should not be involved in this type of legislation.

I buy cornflakes for my children. I am blind buying those cornflakes; I do not open the box and look in it to see if they are stale or see if they are fresh or see if they are going to be consummable. I buy them blind. I look at the package, and they look real beautiful. They look frosty. They put a little bit of that flour and stuff on it, and I say, wow, I think that is cool, and I buy it. Sometimes I get home and I do not like it. So are we going to get into the area where we start regulating everything that we blind purchase? I ask that question.

I say that we need a "no" vote on this piece of legislation, and I say let the exhibitors and the manufacturers settle their own disputes, and this House of Representatives will be about passing legislation that is going to affect the masses of the people and the people who sent us here. Thank you.

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

Mr. BENNETT. Mr. Speaker, that is utter nonsense. The gentleman well knows that this House of Representatives has, for as long as it has been in existence and probably will for as long as it is in existence, be people oriented.

PARLIAMENTARY INQUIRY

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

Mr. STREET. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STREET. I would like to know from you, Mr. Speaker, how many times is a House member allowed to speak on the bill that is before this House?

The SPEAKER. The rules of the House indicate that each member is entitled to speak twice on legislation without the unanimous consent of the House. The gentleman is only speaking for the second time. The other time he was under interrogation. So the gentleman is in order under the rules of the House.

Mr. STREET. Thank you, Mr. Speaker.

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

Mr. BENNETT. As I indicated, it is nonsense, and the gentleman knows it. This House has always been interested in the people whom you and I represent. We have the weights and measures law; we have packaging laws that tell that the person and industry must be honest in their dealings with the public and be honest in their dealings with whomever they are dealing. We have the Federal Trade Commission. The gentleman knows it is nonsense. It is a people bill, and that is what we ought to be talking about, Mr. Speaker.

Earlier the gentleman from Tioga, Mr. Spencer, indicated in a question to me, the question was, are all movies blind bid? As a matter of fact, Mr. Speaker, the question was, are X-rated movies blind bid? And, as a matter of fact, Mr. Speaker, the rating does not go on a movie until after it is bid. Mr. Speaker, maybe you do not realize that these pictures must be blind bid sometimes as much as a year or more in advance of when they are going to be shown. When this theater owner goes out to blind bid on this bill, to pay these producers all these millions of dollars, they do not know whether it is going to be an X-rated, an R-rated or a G-, or what it might happen to be, because the picture in many, many, many cases has not even begun. They may look at a script or they may not be given a script to look at. They do not know. The gentleman, Mr. Spencer, made mention of the movie that is starting now in local theaters

this week, I am told. The movie is "Cruising," I guess is the title of it, and, Mr. Speaker, this is not to be construed by any, by me as an endorsement of it; however, I would like to bring to the members' attention just the very, very point that Mr. Spencer tried to bring out, only perhaps on the other side of the issue. United Artists, the producers of the movie "Cruising," put out on an interoffice memorandum: "IMPORTANT TO ALL DIVISION MANAGERS," and the date is February 6, last Wednesday. The subject, "Cruising," and I quote from it and I will submit it for the record, quoting:

"The above picture opens in a number of our theatres on February 15th. We"—United Artists,—“have taken the position that the motion picture 'Cruising' should have been rated X.

"Enclosed herewith are cards"—and I submit it to the House and I will insert that for the record—"that signify our position"—United Artists' position—"and are to be displayed in your box office when this picture is playing in any of your theatres."

Mr. Speaker, no one who bid that movie knew it was going to be X-rated. United Artists, who made it, did not know it was going to be x-rated. It is one of the filthiest things, I am told, that anyone would want to see.

Continuing their quote from their interoffice memorandum:

"Please handle the following:" United Artists wants "no rating on marquee." "In your local advertising,"—Mr. Speaker, you and the members of this body—"remove the R rating and insert 'No one under 18 admitted'."

Mr. Speaker, nobody, nobody who bid that thing, nobody who made the thing knew it was going to be the filth that it is and going to be an X-rated. No, they do not bid X-rated movies because they do not know what they are at the time that they are told to bid on them. Mr. Speaker, this bill, SB 702, ought to be passed by this body.

I present the following full memorandum from which I read for the record:

Mr. BENNETT submitted the following memorandum for the record:

UA

Inter-office Memorandum

I M P O R T A N T

To: ALL DIVISION MANAGERS Date: February 6, 1980

From: Milt Daly
"CRUISING"

Subject:

The above picture opens in a number of our theatres on February 15th. We have taken the position that the motion picture "Cruising" should have been rated X.

Enclosed herewith are cards that signify our position and are to be displayed in your box office when this picture is playing in any of your theatres.

Please handle the following:

- (a) No rating on marquee
- (b) No rating on recording except "no one under age 18 admitted"

(c) In your local advertising, remove R rating and insert "No one under 18 admitted"

(d) On the one sheets and other advertising in your theatres, cover up the rating on these displays

(e) You are to hire local guards for each theatre that is playing the picture, and they are to make certain that any packages that come in are to be searched. You are to forward to my attention a copy of the invoice for guard service so that we may recoup this expenditure.

(f) You are to immediately notify me of any problems you may face with the playing of this picture

(g) You are to personally call each theatre's recording to insure that the R rating has been eliminated, and that there is no reference to the rating anywhere in the theatre.

MD:pb

2/20

cc: S. M. Hassanein

A. Pinsker

IN THE OPINION
OF MANAGEMENT,
THIS PICTURE SHOULD
HAVE BEEN
RATED "X".

No one under 18 admitted.

The SPEAKER. The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, I would ask all members of this House to vote for SB 702. Mr. Street says we cannot get involved in controlling the large movie producers. That is not our job here to get involved in controlling anyone. However, he wants to control the price of popcorn, the price of a candy bar and the price of other things. I do not think Mr. Street is consistent in his conversation.

This blind bidding is the issue of this bill, the big issue, and this blind bidding is a very bad business procedure, and it also forces—you cannot force or you should not be allowed to force—a movie owner to show any kind of a picture. Many times he is going to be asked to show what he considers trash, but he will be forced to show it.

Now I would like to speak a little from personal experience. This is one of the ways that the wrong kinds of magazines and books got on the magazine racks. Many undesirable magazines are now shown everywhere. It is commonplace to find them, even though they are not desirable, they are not the best kinds of books, they are not the kinds of books we should have shown in areas where we have children going to school and things like this. However, when we had a store, we bought magazines and books from the news dealer. In order to get the magazines we wanted, the quota of Time or Look or Newsweek, we had to accept all of the other magazines, most of them very sleazy, some pornographic; we had to accept all of this in order to get our regular quota of books and magazines. And while we did not have to put them out if we did not care to, we had to pay for them and go through them and return them and then, finally, get our rebate a little later on, so this caused all kinds of bookkeeping as well. Finally, we ended up discontinuing the sale of magazines altogether because of this very reason of having to take all kinds of stuff, what-

ever the news dealer asked us to take. So I would say that this is just another way of getting all of the wrong kinds of things before people. I would ask you to vote for SB 702.

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

Mr. VROON. Mr. Speaker, there have been a lot of bad statements made here today. For example, the statement that there is no public interest at all involved in this bill. That is absolutely false. The quality, the very quality of the films that you are seeing in your neighborhood theater and the decency of those films are very much at stake in this bill. This blind bidding is a high-handed practice, and as a businessman, I will tell you this is nothing but a lousy, no good monopolistic practice on the part of these movie producers to keep the market by the tail and to give you whatever they can produce. If they produce a failure, you have got to take it and you have got to look at it whether you like it or not. I do not think we should be compelled in this state to permit a practice to go on which lessens competition in this particular business, because when competition prevails, Mr. Speaker, there are going to be better movies produced for our people to look at. This is what is really at the basis of this whole thing, and all we are seeing here today is an effort to camouflage the issue by saying there is nothing involved here but a contractual relationship, and this is so much humbug. It is our interest; it is a public interest what kind of movies are we going to be permitted to look at in our neighborhood theater. Now we say there are no X-rated movies involved in blind bidding, but would you call a homosexual movie an X-rated movie? And I will tell you very emphatically that one of the chains in my neighborhood, not a Mom and Pop shop, but one of the chains was compelled to show a homosexual movie because they had to blind bid it, so this is an illustration of the kind of stuff this produces. I think it is entirely out of order.

X-rated movies, Mr. Speaker, are not the only kind of movies that are bad. We get a lot of rot; we get a lot of inferior quality that I would absolutely abhor, as being mentioned as the art. This is not art. This is just trash that somebody put out, and they had to get a guarantee of moving that particular lousy movie, so they put it into a package.

Now as an analogy, finally, take this particular illustration: You go to a haberdashery store and you look into the haberdashery store and you see a beautiful tie on that mannequin there, and you say, wow, that is a dandy tie. I am going to go in there and buy that tie. So you go in there and you ask the proprietor of that shop, may I buy that tie? And he says, oh, that is a nice tie, but I am sorry, I cannot sell you that tie alone. I have to sell you the suit, the socks, the shirt and the underwear underneath that suit. So you are going to have to buy everything that is on that mannequin in order to get the tie. And this is the kind of practice that we are dealing with here. It is an anti-consumer practice, and I strongly advocate this bill. Vote for it.

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

Mr. STREET. Mr. Speaker, I think Mr. Bennett hit on a point that we all kind of went over, and we did not drive it home to what it will mean to our individual constituents. Mr. Bennett said that these manufacturers charged these exhibitors millions of dollars in advance before the movie was ever made, but he did not go on to tell you that the manufacturers as a business practice get that money and manufacture the movie. They sell that movie to the exhibitor based on a brochure that is put together. And what Mr. Bennett did not tell you was that the manufacturers save million of dollars by using that money from the exhibitors to manufacture these films because they do not have to, in fact, borrow that money. What he did not tell you was that when they get these large films, they deal with mass advertising, and advertising costs a lot of money. They will buy time on the network and advertise that Star Wars will be breaking at such and such a time, and they will advertise all over the country, which keeps the cost of advertising down.

Now, what you do not understand is that if we pass this blind bidding bill for the State of Pennsylvania, we are going to pass the cost of advertising these movies on to our constituents, because our people will not be able to take advantage of the mass advertising, because the advertising is done before the film, sometimes, is even produced, is even finished being made. The advertising is done months in advance. They may start the advertising in July because Star Wars, for example, may be breaking in December. But if we cannot take advantage of Star Wars in December until the exhibitors in the State of Pennsylvania have had an opportunity to see that movie, then we cannot be the recipients of the mass advertising, and as a result of that, the cost to advertise that picture in the State of Pennsylvania is going to escalate. But the exhibitors, they do not care about the cost escalating to us. All they want to know is, are they going to have a good picture that we are going to come to see. Because if we come to see the picture, then they make money, and that is the argument. That is the argument.

Mr. Bennett did not tell you about that and he knows full well that the cost of blind bidding, and the cost of this piece of legislation is going to escalate the cost of the movie industry in the State of Pennsylvania, and if you do not believe that, Mr. Bennett, find out what happened in Ohio. Go to these states that have already passed a blind bidding bill and find out how the cost of that particular movie, in those states that had blind bidding and have put an end to blind bidding, has escalated, and find out if that cost was not, in fact, passed on to your constituents. I just wish this legislation had time to be into law before April 22. But it does not, so the impact of this legislation on our constituents will not take place until after all of us are reelected. This piece of legislation is bad and it is going to cost the people of the State of Pennsylvania money.

In closing, I would like to respond to the young lady who said I was not consistent. Indeed, I am consistent. The

question is whether you are going to be consistent. I had enough sense to know that you had more intelligence and more sophistication than to put in a bill a ceiling in the amount you can charge to go to movies. You cannot do that. But it would be wrong for me to assume that you would not do that; I should ask you. And I say to you that you have been consistent by turning down those two amendments of mine and I say continue to be consistent and defeat this bill, because if you do not, you are the ones that are being inconsistent and not Representative Street.

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

Mr. KOLTER. Mr. Speaker, I do not know where Mr. Street is getting his information.

Last Friday, I was in Columbus, Ohio, with some House members attending a conference. I attended a movie that evening; it cost me \$3.50. I attended a movie Monday night, it cost me \$3.50 here. I see no change in price.

The gentleman, Mr. Street, is complaining about being ripped off all the time. Well, if he feels that he is being ripped off, perhaps he ought to send his children elsewhere.

But that is what the problem is here in Pennsylvania - where are we sending our children for recreation? What is there for our kids to do today? They can go roller-skating; they can go dancing or maybe go to a movie. There is not much choice here today. But I say if we are sending our youngsters to the movies, we should have a choice as to what kinds of movies they are going to see.

I saw Kramer vs. Kramer. The movie is supposed to be a decent movie. I had no knowledge at that time—I had my wife and little girl with me—that there was going to be a scene where the father and his young boy, age about 6 or 7, are having some problems with the wife. She walked out on him. So the father picked up a woman, and, naturally he takes her to bed. During the course of the evening the little boy has to go to the bathroom—

The SPEAKER. Will the gentleman yield? The Chair cannot hear the story.

Mr. KOLTER. Well, it is a good story, Mr. Speaker. During the course of the night, the little boy has to go to the bathroom, but it seems at the same time his father and his girl friend for the night finished their business and she too had to go to the bathroom. And there they were confronted, a little 6-year-old boy and a naked woman, in the hallway. I did not want my little girl to see that or even my boys. Do you want your kids to see that kind of a movie? How about the American Gigolo? I saw that last week here. There he is, proud as a peacock. Yep, there he is, proud as a peacock, bare naked, with a lot of girl friends there too.

You know, if that is what you want to see, that is fine. I think there is a time—and I know some of us, as old as we are, can get set off a little bit too—we might enjoy this. But I do not think I want my youngsters to see this kind of a movie. I think there ought to be some movie houses that are able to play a movie, a decent movie, that my youngster can enjoy.

The opposition here is providing one thing. They are guaranteeing that these Hollywood stars are receiving \$4 and \$5 million salaries for 3 months' work. And I say that it is wrong; I say let us change the system here. It is working effectively in 15 states. Let Pennsylvania be the 16th state. Please vote in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer, for the second time.

Mr. SPENCER. Just a brief remark, Mr. Speaker, to point out one other aspect of the bill that has not been alluded to yet. I would also like to state, in deference to the prior speaker, this has nothing to do with censoring or obscenity; this is a contract relationship. Another little point why this bill is bad is section 10 under the sanctions, that if a distributor does not blind bid under the terms of this bill, then an exhibitor may bring action against him in court, and among the damages or relief that he can receive in that bill are attorney fees.

Now, Mr. Speaker, there are very, very few and limited actions in Pennsylvania where a plaintiff can recover attorney fees as part of that action. It is very, very limited. To have this in that bill would give the lawyers a heyday also. That is another reason, among many others that are in this bill, that it is a bad bill, and we should not be involved. I urge its defeat. Thank you.

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

Mr. GALLEN. Mr. Speaker, I find it really amazing that this House of Representatives has spent this much time on a very special interest piece of legislation. What are we doing? Why are we involved in this area at all? In the name of consumer protection? That is hogwash. This piece of legislation should not be on this calendar, and we should not be considering it. I find it amazing that we are wasting our time talking about a piece of legislation that businesses should solve for themselves.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter, for the second time.

Mr. KOLTER. Mr. Speaker, in answer to Mr. Spencer, this is very important as far as rating goes because, as pointed out by an earlier speaker, the film is bid 12 to 14 months in advance of when the picture is made. Perhaps, 3 to 4 days before the picture is first run, a showing is shown to provide a rating. At that point, at that point only, will the theater owner know what kind of film he is getting. So, I think it is conducive to us to pass SB 702 to guarantee good movies in Pennsylvania.

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

Mr. BURD. Mr. Speaker, I would like to comment on three areas of the debate that has been going on here today about SB 702. I would like to remark to them for the record, number one, this bill has been referred to a couple of times as a special-interest bill. I think we have lost the real reason why we are even considering this bill today. If it is, in fact, a special-interest bill and, as it was said, it has no meaning for the general public, I think it really does

because I believe it affects the morals of the public and forces people, especially in Bible Belt areas, to watch movies they do not necessarily agree with but, because of the lack of entertainment in many areas, subject themselves to such entertainment.

The second area I would like to address is the question of just because a certain artist, a producer, or a star has his or her name committed or connected with a film, there just is not enough information for blind bidding. On the question of rating films, even though an X-rated movie cannot be blind bid, there are a lot of films that are misrated, such as a borderline case where an R-rated film might become an X-rated film, and I believe for those reasons we had better jerk ourselves back into reality as far as what this bill is all about. We are trying to protect the public. We are trying to protect those movie theaters in our own areas that have to go out and buy films that are not necessarily popular in that one given area. For those reasons, Mr. Speaker, I certainly wholeheartedly sponsor SB 702 and wish my colleagues on both sides of the aisle would vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. BERSON. Mr. Speaker, I am reluctant to prolong this, but I have been listening to the remarks of the proponents of this bill with some interest and I have heard a great deal about the evils of blind bidding, X-rated movies, and so forth. But I find, when I examine this bill, which consists of eight pages, of the eight pages, only eight lines in this bill have to do with blind bidding. The entire bill, with the exception of those eight lines, has to do with some other aspect of the movie business. If we are concerned with blind bidding, then why are we allowing ourselves to be imposed upon by dealing with minimum payments, prohibited guarantees, advances, lengths of run, and penalties of all types and sizes? Why do we want to ensure that the bids have to be opened in the presence of competitors and a whole host of other matters which have nothing to do with blind bidding? I will tell you why: Because a special-interest group thinks they can ram this thing through this House and get a whole host of benefits out of this bill under the guise of stop blind bidding. I would urge you, do not be fooled. This bill has a lot of other things in it, and we ought to take the time to find out what they are and who benefits from them. I would urge you to vote against this bill.

The SPEAKER. The gentleman from Mercer, Mr. Bennett, asks for unanimous consent to speak for the third time on this bill. Without objection, the gentleman may proceed. The Chair hears none.

Mr. BENNETT. Very briefly, in summary, the blind bidding aspect of the bill and the points mentioned by the previous speaker are all integral. You cannot separate one from the other. You all received some time ago in the mail a summary of what a blind bid looks like, an actual blind bid. You know the date on which the engagements will commence, the film rental arrangements, the minimum play

time. All of those things mentioned by the gentleman are a part of the blind bid. You cannot separate it. It is all-inclusive and all-integral. Mr. Speaker, finally, I would hope that the House will pass SB 702, and I thank the members for their courtesy.

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

Mr. GEESEY. Mr. Speaker, I would just like to comment on all these comments. There have just been too many of them; let us vote the bill.

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

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate Mr. Bennett.

The SPEAKER. The gentleman, Mr. Bennett, indicates he will stand for interrogation. The gentleman, Mr. Richardson, may proceed with his interrogation.

Mr. RICHARDSON. Mr. Speaker, not to prolong this issue any longer, but in relationship to the court action presently taking effect now, could you tell us what the status of that court battle is?

Mr. BENNETT. Do you have reference to the Ohio court?

Mr. RICHARDSON. Yes, dealing with the court battle that is presently taking place dealing with this issue on blind bidding.

Mr. BENNETT. Mr. Speaker, the status of the Ohio lawsuit is now in process; however, the prohibition of blind bidding is in effect in the state of Ohio. It is in court, but you are still not allowed to blind bid in Ohio.

Mr. RICHARDSON. Okay, so, in other words, what do you think the outcome of that will have on the industry itself as a result of a final disposition passed by the court, even though while the litigation is going on there is still prohibiting of blind bidding?

Mr. BENNETT. Well, Mr. Speaker, I do not know that I could in any way comment on what some court decision might do to affect the business, simply because I do not know what that outcome is going to be. I do not know whether it is going to be in favor of the plaintiff or the defendant. I am sorry I cannot answer the gentleman, Mr. Speaker.

Mr. RICHARDSON. Okay. Thank you very much. The other question I have, Mr. Speaker, is, where do the small theater owners in our communities fit in in relationship to this bill, specifically when there is blind bidding and a particular motion picture goes up, and a small theater owner who does not have an opportunity to bid because he financially is unable? That movie later on does not translate down to him until 6 to 8 weeks later, or whatever. Where does the small theater owner fit in in relationship to having any input in making decisions, particularly minority folks, in these particular movies that are being manufactured? Where does he fit in?

Mr. BENNETT. Mr. Speaker, if I understand the question that the gentleman poses correctly, it is, where does the small Mom and Pop theater fit into the whole picture? Is that the question?

Mr. RICHARDSON. Basically. I will accept that at this point. Yes, sir.

Mr. BENNETT. Okay, well, as the gentleman from Tioga indicated earlier, not all pictures are blind bid. About 90 percent of them are. I cannot tell you at this point, Mr. Speaker, whether the small theater owner operates blind bids on these or not. I would assume that if that person has the wherewithal, that is, the capital to invest a year in advance sometimes to blind bid these, then he fits into the picture the same as everyone else does.

Mr. RICHARDSON. Yes, but he cannot fit into the picture, Mr. Speaker, if he does not have the money or he cannot afford the money to even participate in that process. I beg to differ, I am asking whether or not they get an opportunity to participate in the process? If they cannot afford the money, then it is quite obvious, would you not agree, that they cannot participate in any action that deals with them being able to buy or make a bid on a particular motion picture?

Mr. BENNETT. Well, Mr. Speaker, I think the gentleman's question is relevant, and I think the answer is obvious that if I do not have the money to run for the United States Senate, I run for the Pennsylvania House of Representatives. If I am a theater owner and I do not have the money, the capital, the wherewithal, to bid on a motion picture with the enormity of "Jaws," then I just do not bid on it. But I would say to the gentleman, Mr. Speaker, that there are theater owners in his city of Philadelphia, that great city of Philadelphia, who own just one theater and they blind bid just the same as everyone else does, if they have the capital behind them to do it, and that is business in its normal way.

Mr. RICHARDSON. Fine. That is what I am trying to get to. Now, what will reduce the amount of time, then, in this bill to get a motion picture that a small theater owner cannot, in fact, bid on in relationship to first-run movies which you are saying is about 90 percent? How does my movie theater in my community get it faster?

Mr. BENNETT. Okay. Mr. Speaker, there is a clause in the legislation that the opponents tried to get deleted, and that is the clause that says a 42-day time limit. So the little theater owner whom you are concerned with, and rightly so, will only have to wait that 42 days. Then he can get the film the same as the big-time operators have it. So, in effect, it is to the good of the people whom you are concerned about that SB 702 would pass.

Mr. RICHARDSON. But that is only if he can pay for the film at that particular time, and I am not clear on the reproduction of the number of films that go out, particularly in cases of first-run movies. I am concerned with, at that point, does that 42-day limit allow that individual person what to bid then or to get a film to bring to his movie theater?

Mr. BENNETT. Mr. Speaker, I beg the indulgence of the House. I just am not sure in which direction the gentleman's query is going. Could you try to simplify it for me?

Mr. RICHARDSON. I am trying to find out how a first-run movie which is being manufactured will have the same impact on a small neighborhood movie theater that is being reproduced at a later date, which we are saying we do not get until after 8 to 10 weeks later; but I am saying even if the opportunity is afforded us, at that particular time how do we get the film?

Mr. BENNETT. Mr. Speaker, really, as I said earlier, if we do not have the blind bidding eliminated, it is going to make it more difficult for that little Mom and Pop operation to continue in business. We have a clause in here that limits it to that 42 days on the first run so that the little guy will then have an opportunity to bid on that thing and to make a good living that he wants to make based on his investment.

Mr. RICHARDSON. Finally, Mr. Speaker—and as I indicated, I do not want to prolong this issue because I know that there are a lot of feelings about it—just on the face of this bill, the big time or those who consider themselves the big-time movie industry persons and those who are the theater owner persons who cannot see the film, at what point in this particular bill do they see the film? In other words, you are bidding on something that you do not see. At what point do you get an opportunity to see the film?

Mr. BENNETT. In many, many, many cases you never get to see it until the thing is up on your screen, because you are a theater owner; you bid on this thing a long, long time ago; you really do not know what it was; and therefore, the first time in many cases is when you see it when it comes up. That is why, Mr. Speaker, I alluded to the inter-office memorandum earlier, and the theater owners in the United Artists chain are now told to put this in the box office, and by "this," I mean for the record, and I will quote from it: "In the opinion of management, this picture should have been rated 'X.' No one under 18 admitted." So these people who own this chain of theaters never saw that thing until this time, and now they are desperately trying to get people to understand what that movie is before they pay their money and go in to see it.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

I would like to address the House, Mr. Speaker, if I can on the bill.

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

Mr. RICHARDSON. I just have a series of problems with this whole piece of legislation. I cannot for the life of me understand how we begin to deal with the Mom and Pop theater owners, because I do not know whether or not actually this bill is a bill that belongs here or not. I concur with the speaker a little earlier who said that his feeling was that this bill is unconstitutional.

There are some concerns that were raised particularly by my own theater owners who have called me and said how do we get in on the fat cats? And I can only say to them that they can never get in on the fat cats because they are

not a fat cat, and the situation is such that if this industry, the movie industry, gives some other kinds of answers that will allow persons who specifically go to theaters, who are our consumers, who are constituents on a daily basis, and guarantee us that this will not give a rise in the cost of theaters, perhaps maybe we could vote for the bill. But no one yet has guaranteed us that. No one has said to us that we will not have to pay an exuberant price higher than what is being paid now on these weekends for these first-run movies, and in a lot of cases and a lot of instances, by the time it reaches the Mom and Pop theater, you can watch it on your movie-box, home TV screen. The films are being produced at that rate that you can see it on television, and I am saying that in relationship to those small theater owners, they will not have the same opportunity to go and visit the movie because invariably they will have an opportunity to watch it on their TV.

For those reasons, Mr. Speaker, and others, I would say that I am very much concerned with the fact that we have not dealt with that issue, and I think that those who have been lobbyists for this bill and against this bill have not brought those particular issues to light, particularly for my benefit. For this reason, Mr. Speaker, I am going to be voting "no" on this bill and ask that perhaps Mr. Bennett in his wisdom would see fit to at least share or gather more information so that we all can be knowledgeable on this subject matter. I would ask that maybe he could hold this bill to further get that information that we feel is necessary to deal with the problems of the Mom and Pop theaters, because I think that is being missed completely in this entire bill.

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

Mr. DAVIES. Mr. Speaker, would Mr. Bennett stand for one or two questions of interrogation?

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

Mr. DAVIES. Mr. Speaker, for my own information in making a determination on what you stated about the display that the dealer is placing in the window of the box office, how many such determinations were made in that particular chain in the last year on the distribution in 1979 of the films distributed by that particular chain?

Mr. BENNETT. I have no knowledge, Mr. Speaker.

Mr. DAVIES. How many dealerships in the Commonwealth go through that process?

Mr. BENNETT. Through which process?

Mr. DAVIES. Through that determination in the chain. Is that a matter of prerogative of the local dealer or is that a matter of the policy of that particular chain?

Mr. BENNETT. I would rather guess, Mr. Speaker, that each individual theater and each individual chain of theaters make their own decisions on how they want to run their particular business.

Mr. DAVIES. Who then makes that particular determination? Is it then the matter of after the first showing by that particular dealership that they make that determina-

tion, or is it just a matter that it is precluded by the fact that that card is distributed?

Mr. BENNETT. If the question is, Mr. Speaker, who determines what rating a picture would have—

Mr. DAVIES. No, sir. I am saying, who would make that determination to display the card?

Mr. BENNETT. Well, in this particular case, Mr. Speaker—and I will refer to that because I have it in my hand—it was from a gentleman by the name of Milt Daly, who I would guess is—I do not know his title, but it is addressed to all division managers of United Artists' theaters.

Mr. DAVIES. All right, sir. Is there any particular amount of scenes that you have at your disposal that were distributed in these particular films in the past year that you or the individuals find objectionable as to the area which changes it from an R rating to an X rating or a general public rating to an R rating? Do you have the number of figures of those blind-bid films that were in that category in the last year? That is in the Commonwealth of Pennsylvania.

Mr. BENNETT. Mr. Speaker, I do not have any figures on what the gentleman is asking for. I can only say that in this particular situation, Mr. Speaker, that I quoted for the record and in furtherance of that, I would say that these people are really concerned about this particular movie because this gentleman, Milt Daly, is telling his division managers that you are to hire local guards for each theater that is playing the picture and to make certain that any packages that come in are to be searched. I do not know what anybody else thinks about it, but to me that is pretty hairy.

Mr. DAVIES. What specific actions or promiscuities were supposed to be portrayed in this particular film or the scenes of the film that, of course, made it objectionable and they are making the determination to change that from the one rating to the other rating?

Mr. BENNETT. Mr. Speaker, I cannot speak from knowledge. I have not seen the movie. I have no intentions of seeing it. However, if the gentleman is asking what explicit acts are, I can only say to him—

Mr. DAVIES. No, sir. I am asking specifically in this instance what has been that determination in this particular instance, where and how many we have, and just what we are speaking to as far as the legislation. Or are we taking something and making particularly just a projection on what the potential is? Or are we talking about 1 example, 10,000 examples, 95,000 scenes depicted in 8,000 movies? Just what are we addressing ourselves to in the piece of legislation?

Mr. BENNETT. Mr. Speaker, in no way do I attempt not to answer the gentleman, but I find it most difficult for several reasons. I really do not know what answer he is searching for. I said for the record that in the particular movie that I made reference to—and I said what they told me—I do not know how many explicit acts—

The SPEAKER. The gentleman's response is that he does not know.

Mr. DAVIES. All right. Thank you, Mr. Speaker. I would like to make a brief statement relative to those answers.

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

Mr. DAVIES. I think again what we are doing and what we are demonstrating or what I am trying to demonstrate by that direct line of questioning relative to these concerns is again a matter of where this House is trying to become the moral guardian for the fabric and fiber of the entire 12 1/2 million people in this Commonwealth.

Essentially what we are doing again is sticking our nose into an area which essentially is a matter of, I guess, moral control of, let us say, what is demonstrated supposedly in the name of art's sake. What I think we are doing again is a matter of interjecting ourselves on an industry and getting into an industry that has failed to in fact patrol itself, has not held up to its own moral responsibility, and if that is the case, then, of course, I do not know whether or not we are going to be able to actually do that if the industry itself would fail. If we cannot enforce the law; we can put all the laws on the books that we want, but when we fail to create additional law and another labyrinth of law where we are going to be unable to address ourselves to it, I think we are making another sad mistake.

No one is forcing any one individual to go in and see those particular films. It is a matter of individual choice no matter what is being demonstrated as far as that film is concerned, whether it be X rated, whether it be R rated, or whether it be to the general audience. The matter is that you have the choice of turning off the TV set; you have a matter of also not partaking or going in or paying the admission into those particular films. I think again that we are going far afield from what we can say is an enforceable law. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

(A rollcall vote was taken which was later retaken.)

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest that we break now until 3 o'clock, that the Republicans report to the caucus room at 2:30.

The SPEAKER. Will the gentleman yield?

VOTE ON SB 702 TO BE RETAKEN

The SPEAKER. The Chair has just been informed that the roll call was not recorded in the hard copy. The roll vote will have to be retaken on this bill. The Chair asks the

members to please stay in their seats. It will take a few moments for the machine to be put back in the proper position.

The Chair recognizes Mr. Ryan in the interim to make a few remarks.

Mr. RYAN. Mr. Speaker, I am suggesting that when we break, we break until 3 o'clock, that the Republican caucus meet at 2:30. We will be caucusing on three bills which we intend to run this afternoon. I would appreciate it if we have attendance at that time.

In addition, Mr. Goebel wishes to discuss with the caucus the discharge resolution on HR 20. I am suggesting that the Democratic members might also caucus on the discharge resolution. I am not assuring the members that that will be voted on; the possibility exists that that discharge will be voted on, and I would like at least the Republican members to attend caucus on that issue, and I feel certain the Democratic floor leader feels the same way.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the Democrats will meet in caucus at 2:30. There are several important matters that must be discussed in caucus. There are three or four pieces of legislation that may come up this afternoon that we have not caucused on, but aside from that legislation, there are other important matters that must be discussed in caucus, one of which is scheduling of this House for the next several weeks, and I would like every member who can be there to be at the caucus.

The SPEAKER. The members will please stay in their seats so that the roll can be taken on SB 702.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, so the members of the House understand what is happening right now, the fancy new computer equipment is broken again. The vote on SB 702 is not in a hard copy. I have discussed this problem with the minority whip, Mr. Manderino. We can wait for 10 or 15 minutes and roll it, or we can go out, come back at 3, take a vote on it again with a complete understanding that Mr. Manderino and I will oppose any further debate or offering of amendments.

I guess it was agreed to. That is the first thing I have said this session that everybody clapped for.

RECESS

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

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1948, PN 2892 (Amended)

By Rep. SCHEAFFER

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

MILITARY AND VETERANS AFFAIRS.

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. I ask unanimous consent to spread a few remarks on the record.

The SPEAKER. The Chair hears no objection. The gentleman is in order and may proceed.

Mr. DAVIES. Mr. Speaker, this morning, coming into the Capitol, I heard a news program which, of course, was speaking to the merits and demerits, I guess, of the unilateral divorce bill that is now being contemplated and considered by the other body, the upper House. For some reason or other that story seemed to intimate that the bill either originated there or was sponsored by one of the good Senators in error. I called the station and asked them to correct that statement and also would have the record here show that we, of course, had run that bill in this body, deliberated on the bill, and passed what I thought to be an acceptable bill. The bill that came out of that committee over there was somewhat different, and I just want the record to show that the Fourth Estate or that particular station erred again in its presentation and that the correct record should state that, of course, the bill was sponsored and originated here in this House, and, of course, we should be given credit for at least that deliberation and that action. Thank you, Mr. Speaker.

CALENDAR

CONSIDERATION OF SB 702 RESUMED

The House resumed consideration of SB 702, PN 753, entitled:

An Act regulating the practices of feature motion picture exhibitors and distributors or licensors and providing remedies for violations and penalties.

On the question recurring,
Shall the bill pass finally?

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

YEAS—148

Anderson	Gallagher	McCall	Salvatore
Armstrong	Gamble	McClatchy	Scheaffer
Arty	Gannon	McIntyre	Schweder
Austin	Gatski	McKelvey	Serafini
Barber	Geesey	McMonagle	Seventy
Belardi	Geist	McVerry	Shadding
Bennett	George, C.	Mackowski	Shupnik
Borski	Gladeck	Madigan	Sieminski

Brandt	Goebel	Manderino	Sirianni
Brown	Goodman	Manmiller	Smith, E. H.
Burd	Greenfield	Michlovic	Smith, L. E.
Burns	Grieco	Micozzie	Spitz
Caltagirone	Gruppo	Milanovich	Stairs
Cessar	Harper	Miller	Steighner
Cimini	Hasay	Mrkonic	Stewart
Clark, B. D.	Hayes, Jr., S.	Mullen	Stuban
Clark, M. R.	Helfrick	Nahill	Sweet
Cochran	Honaman	Novak	Swift
Cole	Hutchinson, A.	Noye	Taddonio
Cornell	Hutchinson, W.	O'Brien, B. F.	Taylor, E. Z.
Coslett	Itkin	Perzel	Taylor, F.
Cowell	Johnson, E. G.	Petrarca	Telek
DeMedio	Johnson, J. J.	Piccola	Thomas
DeVertter	Kanuck	Pistella	Trello
DeWeese	Klingaman	Pitts	Vroon
DiCarlo	Knepper	Polite	Wargo
Dawida	Knight	Pott	Wass
Dietz	Kolter	Pratt	Wenger
Dininni	Kowalyszyn	Pucciarelli	White
Dombrowski	Laughlin	Punt	Wilson
Dorr	Lehr	Pyles	Wright, D. R.
Duffy	Letterman	Rappaport	Wright, Jr., J.
Fee	Levi	Reed	Yahner
Fischer	Levin	Rieger	Zeller
Foster, W. W.	Lewis	Ritter	Zitterman
Foster, Jr., A.	Livengood	Rocks	Zord
Fryer	Lynch, E. R.	Rodgers	Zwilk

NAYS—33

Alden	Durham	Mowery	Street
Berson	Fisher	Murphy	Wachob
Bittle	Gallen	O'Brien, D. M.	Williams
Bowser	George, M. H.	O'Donnell	Wilt
Cappabianca	Grabowski	Oliver	Yohn
Cohen	Hoeffel	Pievsky	
Cunningham	Kukovich	Richardson	Seltzer,
Davies	Lashingier	Ryan	Speaker
Dumas	Moehlmann	Spencer	

NOT VOTING—15

Beloff	Giammarco	Irvis	Rhodes
Chess	Gray	Jones	Schmitt
Earley	Halverson	Musto	Weidner
Freind	Hayes, D. S.	Peterson	

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 188, PN 1440**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," authorizing Authorities to provide business improvements and business administrative services.

On the question,

Will the House agree to the bill on third consideration?

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Sec. 1 (Sec. 4), page 5, lines 29 and 30, by striking out "A MAJORITY" and inserting two-thirds

Amend Sec. 1 (Sec. 4), page 6, line 3, by striking out "fifty per cent" and inserting two-thirds

On the question,

Will the House agree to the amendments?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, this is a simple amendment, and I think it is easily understood. The bill as it now stands would in effect permit the creation of a special taxing district for downtown improvements. It would permit those special taxes or assessments to be imposed by an authority of unelected people upon approval of a bare majority of the property owners in the affected area. I have concern about any bill that says that the voting on such an important governmental power as the taxing power is going to be based upon property ownerships, a property qualification, if you will. Nevertheless, considering the state of the downtown areas in our Commonwealth, I think some legislation is needed. We must do something to revitalize them. I think, however, that to insure that the community—and when I say "the community," the affected people who will be paying these assessments, the owners—is behind it, a bare 51-49 majority is not enough, and so all I say is that you cannot impose that special tax unless you get a two-thirds approval of the people affected in the area. That is all this amendment does. I think it is a good amendment, and I ask your support for it.

I might say that my interest in this bill goes back to a situation in the city of Pottsville a couple of years ago when there was a referendum on this kind of thing and it was turned down. I believe that one of the reasons that it was turned down was because the little shopowner, the barber-shop owner and so on, was afraid of putting this kind of control in the hands of the big property owners, and I think it is a legitimate fear. The banks, the insurance companies, the professional offices are for it. I think we ought to try to protect those little owners down in that area, and this is a step in that direction. I ask you to support the amendment. With it I think I can support the bill for the reasons that I have given; without it I think you have a major problem. Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, will the gentleman from Schuylkill consent to interrogation?

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

Mr. RAPPAPORT. Mr. Speaker, could the gentleman enlighten me, is this two-thirds in terms of the number of property owners or two-thirds in terms of the assessment value of this area?

Mr. W. D. HUTCHINSON. Both. The bill already has, Mr. Speaker, a dual test. If the gentleman will bear with me, it is something like the voting method under the current bill that is used under the Bankruptcy Act for the election of a trustee, that you must get a majority in amount and a majority in number. I am raising the majority both in amount and number to two-thirds.

Mr. RAPPAPORT. I thank the gentleman, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, last year we had hearings—I should say a consultation—with the representatives of cities in the majority caucus room under the Honorable Mr. Weidner and the Local Government Committee. At that time I felt just exactly the way Mr. Hutchinson is stating in his amendment that that should be done, because under the present wording of the bill, you can have, like we have in our area, one large city, whereas possibly a newspaper and one large, in other words, commercial interest could control the entire downtown area by having more than one-half, and that is the newspaper. So God forbid that ever to happen. Now, in other words, what Mr. Hutchinson is doing is raising this to a point where you could eliminate that possibly to happen. I do not see where they would have that much control, and therefore, give a chance to the little guy downtown to have something to say. So that is why I favor the amendment, because I was concerned about that and spoke about it during the hearings last year in the majority caucus room. So with that, I feel it should be supported.

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

Mr. GATSKI. Mr. Speaker, I rise to oppose this amendment also. Leaving this whole section in is going to spell doom to the revitalization of any organization, because this amendment is changing the majority of property owners to vote for this to a two-thirds majority. Many property owners, taking a selfish or narrow point of view in this, will not go along with it, and I think it has been proven in the past. This amendment will hurt the bill completely. I urge your support with me to defeat the amendment.

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

Mr. TRELLO. Mr. Speaker, I rise to oppose the amendment. I think just the opposite will happen with this amendment. The sponsor of the amendment says this is to protect the little man when, in fact, what it will do, it will hurt the little man, because in most cases your downtown area is owned by big commercial conglomerates, and they will have the say-so in anything. My God, we cannot get two-thirds of the members in this House to override a veto. How are you going to get two-thirds of the people to approve anything now?

To give you an example, in my hometown we have been living this bill for the last 10 years on a revitalization program. If you ever have an opportunity to come to Coraopolis, you will see a revitalization program personified down there, and it worked well with just a majority of the businesses. But what they need is the same authority as any authority, the power to float bonds and borrow money at a low interest rate.

If you pass this amendment to make it a two-thirds majority, you might as well throw the bill down the drain, because it will absolutely kill the bill and big business will

control it and they will get what they want. I urge defeat of the amendment.

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

Mr. ZELLER. Mr. Speaker, to the gentleman who just spoke last—and we debated this in the meeting last year—they can do it now. They can do it now without the bill, and they still have problems. What we are saying is that if those areas want to do it, go ahead and do it. A lot of them can do it now. All we are saying is that in those areas now that have problems—we have some areas in which one or two large organizations run the downtown area, run it—all we are saying is, let us give that little guy a chance; let us bring it to two-thirds. If they can do it now, why were they not doing it? They were not doing it, and do you know why? Because they have been bickering and fighting. Even if they did not have a half, even if they did not have a majority, they would still be bickering and fighting. But they can do it. Some did it. A couple of them mentioned to us in the meeting that they had no problems, but we do have problems in some areas, and the problems we have are large conglomerates that own more than 50 percent. They own 51 percent, 52 percent, 55 percent, and all we are raising that to is a two-thirds so that we can, in other words, allow the little guy to breathe. They cannot shove it down his throat if they want to come in with some big operation and shove it down his throat. So these people who say that nothing is wrong with it now are not taking care of their problems now, and that is the law. Allow them to do it. They do not do anything about it anyway.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I do not intend to be long in the debate on this bill. I would only say that it seems to me that the problem is exactly as the gentleman, Mr. Zeller, has stated it, and I speak from the experience that we had in Pottsville. The people who were absolutely for this and wanted to have a self-perpetuating authority that could impose taxes on the people of the downtown area without regard to the wishes of the majority of that people and the people who drummed it up were the big property owners who wanted to take care of themselves. They were not looking at the little person.

I favor this bill in principle if this is put in, but I think that if you are going to have a successful downtown improvement program and assessment program, by gosh, you ought to have two-thirds of the people behind you for it before you start taxing them, especially where the tax is based on property. You know if any bill came up in this House that said that we were to have property qualifications for voters, why there would be screams from the members of this House and especially from some of the members on the other side of the aisle that we were trying to take away something and that we were for big business. It took us 200 years in this country to get away from that concept so that every person would have a vote.

Now we have a special problem. We need to meet that problem, but I do not think that we should go back to it without having some protection in for that average person, and I do not think 51 percent is enough. I think two-thirds is what is needed, and that is why I propose the amendment.

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

Mr. TRELLO. Mr. Speaker, my colleague from Lehigh was absolutely right saying that they could do it now. Of course they can do it now, except for one thing - the high interest rates at the bank. This bill will allow the business people to float bonds and take advantage of maybe lower interest rates.

My colleague, Mr. Hutchinson, over there also says we need this now and we need the two-thirds. Well, he is saying exactly what the people who own the shopping malls want us to say. Go ahead and fight and get two-thirds, because you will never get it done. In the meantime we will have our big malls for you to come to, and you will still have your drabby, shabby old business districts in your downtown areas. So if you want that to continue to happen, and let your downtown business districts go to the dogs, then vote for this amendment; but if you want your business districts to come back to life, then vote against this amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Schuylkill, Mr. Hutchinson, because I do agree that projects of this nature succeed when there is a genuine consensus, and I feel if we have a mere 51-percent to 49-percent majority of the property owners in the area, you are really almost dooming a project to failure. I think there needs to be a broader consensus than that before the projects can successfully fly, and I would urge the adoption of the gentleman's amendment.

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

The following roll call was recorded:

YEAS—95

Alden	Fryer	Lewis	Rocks
Armstrong	Gamble	Lynch, E. R.	Ryan
Arty	Gannon	McClatchy	Salvatore
Belardi	Geesey	McKelvey	Scheaffer
Bittle	Geist	McVerry	Schweder
Bowser	George, C.	Mackowski	Serafini
Brown	Goebel	Madigan	Sieminski
Burd	Goodman	Manmiller	Sirianni
Burns	Grieco	Micozzie	Smith, E. H.
Cessar	Gruppo	Moehlmann	Spitz
Cimini	Harper	Mowery	Street
Clark, M. R.	Hasay	Mullen	Swift
Cohen	Hayes, Jr., S.	Noye	Taddonio
Coslett	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Cunningham	Honaman	Perzel	Telek
DeVerter	Hutchinson, W.	Piccola	Thomas
DiCarlo	Johnson, E. G.	Pitts	Vroon
Davies	Kanuck	Polite	Wilson
Dietz	Klingaman	Pott	Wright, Jr., J.
Dininni	Knepper	Punt	Yahner

Dorr	Kowalshyn	Pyles	Yohn
Durham	Laughlin	Rappaport	Zeller
Foster, W. W.	Lehr	Reed	Zord
Foster, Jr., A.	Levi	Richardson	

NAYS—86

Anderson	Fisher	Manderino	Smith, L. E.
Austin	Gallagher	Michlovic	Spencer
Barber	Gallen	Milanovich	Stairs
Bennett	Gatski	Miller	Steighner
Berson	George, M. H.	Mrkonic	Stewart
Borski	Gladeck	Murphy	Stuban
Brandt	Grabowski	Musto	Sweet
Caltagirone	Greenfield	Nahill	Taylor, F.
Cappabianca	Hoeffel	Novak	Trello
Clark, B. D.	Hutchinson, A.	O'Brien, B. F.	Wachob
Cochran	Itkin	O'Donnell	Wargo
Cole	Johnson, J. J.	Oliver	Wass
Cornell	Knight	Petrarca	Wenger
Cowell	Kolter	Pievsky	White
DeMedio	Kukovich	Pistella	Williams
DeWeese	Lashinger	Pratt	Wilt
Dawida	Letterman	Pucciarelli	Wright, D. R.
Dombrowski	Levin	Rieger	Zitterman
Duffy	Livengood	Ritter	Zwinkl
Dumas	McCall	Seventy	
Fee	McIntyre	Shadding	Seltzer,
Fischer	McMonagle	Shupnik	Speaker

NOT VOTING—15

Beloff	Giammarco	Irvis	Rodgers
Chess	Gray	Jones	Schmitt
Earley	Halverson	Peterson	Weidner
Freind	Hayes, D. S.	Rhodes	

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. W. D. HUTCHINSON offered the following amendment:

Amend Sec. 1 (Sec. 4), page 5, line 9, by striking out "UNIFORM credit policies"

On the question,

Will the House agree to the amendment?

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

Mr. W. D. HUTCHINSON. If the members who are familiar with the bill would refer to line 9 of page 5 and the section immediately preceding it, section 4 of section 1, they would see that this authority is given first a very broad general power to do practically anything that would improve the downtown areas, and I am in favor of that.

They then go on to cite certain specific things that the authority can do, and one of the specific things that I frankly do not understand and that I think should be deleted is the specific mention of uniform credit policies. It says that the authority has something to do with uniform credit policies.

Now I think that the question of what the credit policy of a particular business should be should be up to that business. For instance, I know that I have some stores in my area that always send their customers to the friendly local finance company. I have some others that send their

customers to the friendly local bank before they will give any credit. I have others—and I admire them—who say we will advance credit to you, and that is usually at a lot cheaper kind of interest rate. I do not know exactly what this uniform credit policy is or what it means or what it is going to be, so this amendment simply would delete that language, “uniform credit policies,” as a specific power of the authority, because I am not sure what that has to do with the improvement of the downtown area. That is the amendment. I urge your support.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the amendment. In discussions that Mr. Zwinkl and I had with our city officials and the people in the business improvement area, when we talked about uniform credit policies one of the things they mentioned was the possibility of this association getting together and getting its own credit card that would be recognized by all of the stores, all of the merchants in that area. They talked about the possibility of generally getting together and all of them agreeing to accept Master Charge or Visa or whatever it was. They thought that this was just another one of the intangible things that they could do as an authority, as I said, because I questioned them on that also. The explanation they gave to me seemed to make some sense. It is not mandatory on the part of the authority, but it does give some more flexibility. So I would in that instance, Mr. Speaker, ask that we oppose the amendment and leave those words in the bill.

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

Mr. W. D. HUTCHINSON. Would the gentleman from Lehigh, Mr. Ritter, stand for brief interrogation?

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

Mr. W. D. HUTCHINSON. Is it the understanding of the gentleman that the uniform credit policy could not be imposed unless everybody consented?

Mr. RITTER. My understanding, Mr. Speaker, was that this was part of this whole business of administrative services. There may be a merchant, for instance, who does not want to pay for street removal, but if the authority says we are going to pay for it, everybody will. But the idea behind it was that if they decided among themselves that in fact they wanted to have a new credit card just for those merchants within that area, this would allow them to do that. This has nothing to do with setting higher interest rates, for example, than what the law allows, but it would allow them to collectively decide on a policy perhaps that all would accept a certain card or that they could get their own card that would be recognized by all the merchants, et cetera. That was basically what they said to me.

Mr. W. D. HUTCHINSON. May I ask the gentleman, Mr. Speaker, another question? If they did adopt this policy though, if the authority adopted the policy—because it is a power of the authority—and suppose they said Master Charge, and assuming it was done in accordance

with the statute and so on, would every merchant in that area then be compelled to take Master Charge? That is my real concern about it.

Mr. RITTER. Mr. Speaker, I wish I could give you an absolute answer. My understanding of the conversation we had was that this would be again something discussed by the merchants in the area and come to a unanimous agreement. Whether the authority can do it as you pointed out and everybody would have to accept it, I suppose that is open to question.

Mr. W. D. HUTCHINSON. Okay. Well, that is my problem. If it were just and I were certain that under the bill it were just what the gentleman said, I think it would be a desirable thing, but it does not say that. Therefore, I think since we are really talking in this bill about an element of compulsion, I think the amendment should go in, because I think that could be a very dangerous thing. And I do not think each merchant—let us take my friendly barber in Pottsville, for instance, who was in the downtown area that was proposed for this, or my local furniture store. I am concerned that they might have to accept a certain thing, and that is the reason for the amendment. If we could be assured otherwise, I would not have offered it.

I urge support of the amendment. Perhaps it will be cleared up in a conference committee or in the Senate or some other place, but until that is done, I think we should take the language out.

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

Mr. ZELLER. Mr. Speaker, while Mr. Hutchinson was interrogating Mr. Ritter and since we found that it is hazy as to exactly what it does, I feel it should be taken out. I feel we should support the amendment for this reason: Once they are set up, any organization, bank, or what have you could set up their own credit card operation. I do not see any laws against that. But who are we to tell them that they can only allow one type of credit card? What will people do with Visa, BankAmericard, all the other cards? There are probably 50 different cards running around. Who are we to say that they cannot honor those cards? Since when are we going to be setting up policies on credit? Maybe we may on percentages, but not on whose credit card is eligible. Now we are getting into a real hairy area.

That is why I say, I believe that since it is hazy and since no one has been able to answer it yet, that is why I feel it should be taken out, and maybe it will be settled in a conference committee. So that is why this is a very good amendment.

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

The following roll call was recorded:

YEAS—109

Alden	Fisher	Kolter	Rocks
Armstrong	Foster, W. W.	Kowalyszyn	Ryan
Arty	Foster, Jr., A.	Laughlin	Salvatore
Barber	Fryer	Levi	Scheaffer
Belardi	Gallen	Lewis	Schweder
Bittle	Gamble	Lynch, E. R.	Serafini
Bowser	Gannon	McCall	Seventy

Brown	Geesey	McClatchy	Shupnik
Burd	Geist	McIntyre	Sieminski
Burns	George, C.	McKelvey	Sirianni
Cessar	George, M. H.	McVerry	Smith, E. H.
Cimini	Gladeck	Mackowski	Spitz
Clark, M. R.	Goebel	Madigan	Stewart
Cohen	Goodman	Manmiller	Street
Cole	Grieco	Micozzie	Swift
Coslett	Gruppo	Miller	Taylor, E. Z.
Cowell	Harper	Mullen	Telek
Cunningham	Hasay	Noye	Thomas
DeMedio	Hayes, Jr., S.	O'Brien, D. M.	Vroon
DeVerter	Helfrick	Perzel	Wargo
DiCarlo	Hoeffel	Piccola	Wass
Davies	Honaman	Pitts	Wilson
Dawida	Hutchinson, A.	Polite	Wright, Jr., J.
Dietz	Hutchinson, W.	Pott	Yahner
Dininni	Johnson, E. G.	Punt	Yohn
Dorr	Kanuck	Pyles	Zeller
Dumas	Klingaman	Rappaport	Zord
Durham			

NAYS—69

Anderson	Grabowski	Nahill	Stairs
Austin	Greenfield	Novak	Steighner
Bennett	Itkin	O'Brien, B. F.	Stuban
Berson	Knight	O'Donnell	Sweet
Borski	Kukovich	Oliver	Taylor, F.
Brandt	Lashingier	Petrarca	Trello
Caltagirone	Lehr	Pievsky	Wachob
Cappabianca	Letterman	Pistella	Wenger
Clark, B. D.	Levin	Pratt	White
Cochran	Livengood	Pucciarelli	Williams
Cornell	McMonagle	Reed	Wilt
DeWeese	Manderino	Rhodes	Wright, D. R.
Dombrowski	Michlovic	Richardson	Zitterman
Duffy	Milanovich	Rieger	Zwilk
Fee	Moehlmann	Ritter	
Fischer	Mrkonic	Shadding	Seltzer,
Gallagher	Murphy	Smith, L. E.	Speaker
Gatski	Musto	Spencer	

NOT VOTING—18

Beloff	Gray	Jones	Rodgers
Chess	Halverson	Knepper	Schmitt
Earley	Hayes, D. S.	Mowery	Taddonio
Freind	Irvic	Peterson	Weidner
Giammarco	Johnson, J. J.		

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

On the question recurring,

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

Mr. RITTER offered the following amendments:

Amend Sec. 1 (Sec. 4), page 6, line 10, by striking out "may" and inserting shall

Amend Sec. 1 (Sec. 4), page 6, line 30, by inserting after "the" governing body of the

Amend Sec. 1 (Sec. 4), page 7, line 1, by striking out "municipality" and inserting governing body

Amend Sec. 1 (Sec. 4), page 7, line 2, by inserting after "cost." The governing body shall have thirty days to act on the method of assessment. In the event the governing body disapproves the method of assessment, it shall, by appropriate action, select one of the two remaining methods of assessment, and that method shall then be used by the Authority.

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, this bill sets up, as the gentleman, Mr. Hutchinson, pointed out, an authority, and it gives the authority a lot of power in terms of business improvement projects. It says that the authority shall have public hearings and the authority may establish a method of assessment. Then it goes on that at the public hearing they have to state what method of assessment they intend to use. Then the bill says that "The Authority may impose an assessment on each benefited property within a business improvement district, . . ."

One part of my amendment will say that the authority shall impose that assessment. What happened in my hometown was we had a business improvement project called the Hamilton Street Mall. When the city people decided that was a good idea to do that, they decided not to assess the property owners in the area to be improved, and they spread that around among the whole city, among people who did not get any benefit whatsoever, and that is because somebody decided that they did not want to do that. I am saying that now with Mr. Hutchinson's amendment, if two-thirds of the property owners in that area to be improved say, "Yes, we want this project; yes, we agree to that assessment," then I am saying that the authority at that point then shall assess those property owners and they will pay the bill, and then there will not be any danger of the rest of the taxpayers having to pay for it.

Then my amendment goes one step further, where it points out that on page 6 of the bill, it says ". . . the authority shall submit the plan, estimated costs and the proposed method of assessment for the business improvements to the municipality. . ." My amendment says, ". . . to the governing body of the municipality in which such project is to be undertaken. . ." Then my amendment also says, ". . . and the governing body shall have approved the plan, the proposed method of assessment, . . ." et cetera.

Then one further point, because I think this is important. What we are doing in effect is giving an authority the right to impose taxes, because you can call them assessments, but they are really basically the same as additional taxes. My amendment then says that "The governing body shall have thirty days to act on the method of assessment. In the event the governing body disapproves the method of assessment, it shall, by appropriate action, select one of the two remaining methods of assessment, and that method shall then be used by the Authority."

Mr. Speaker, what I am attempting to do is to insure that if the project is to go through, that the property owners in the area to be improved will pay the bill; and second, that the governing body of the municipality shall by its action approve the method of assessment so that there is not any question whatsoever about the right of taxation by non-elected officials. Mr. Speaker, I would ask for approval of my amendment.

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

Mr. A. C. FOSTER. I rise in opposition to the amendment offered by the gentleman, Mr. Ritter. I feel that we have just adopted the Hutchinson amendment which requires a consensus, a two-thirds majority, of the property owners within the business district, and I think it is important that we keep that consensus. If we give the authority the power to impose or at least mandate that they shall levy assessments against each property owner, we are once again going to sow the seeds of strife and disunity that I feel will destroy the project.

At the present time the authority may levy assessments against each property owner. We can leave that to their discretion. If they see that they are faced with a small minority, very vocal minority, who will not go along with an assessment, they have the option of dropping those. On the other hand, if they feel the necessity of levying an assessment against each property owner, they may do it under the bill as it is written. But I think we will be doing them a disservice if we mandate that they must levy an assessment against each property owner, and I would ask for a negative vote on the amendment.

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

Mr. ZELLER. Mr. Speaker, I have mixed emotions, but I feel I am compelled because of present authority law to make it the same as all authority laws having that power to assess, because it can be created by school districts, you name it. Any municipality could create an authority, and they have more power. They can circumvent the right of almost anybody, which I have been totally against most of my life. But since this is the law and since we do have dying downtown areas, I really do not know how this authority is going to be able to function unless it has the kind of power that Mr. Ritter is talking about.

Now we do have the safeguards in regard to Mr. Hutchinson's amendment, and I feel that the two-thirds is going to give us a chance to hear from the almost total business people in that area. Therefore, that safeguard is there, so if they do vote in favor and they set up this authority and they move on the project, then I think they have got to be paid. In other words, they have got to pay for the project, and those that are going to be delinquent they are going to have to assess. They are going to have to do something.

I have been against authorities all my life, but since it is the law and since it is functioning, I feel that we cannot spank the downtown areas that do need it or take any power away from them to be able to assess. For that reason I feel that the amendment is correct.

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

Mr. DAVIES. Mr. Speaker, would Mr. Foster submit to a question of interrogation?

Mr. A. C. FOSTER. I will, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Foster, indicates that he will. Mr. Davies may proceed.

Mr. DAVIES. Mr. Speaker, under the provisions of the U.S. Constitution in which all citizens, all persons either born or naturalized in the United States, may not be deprived in any manner of their life, liberty, or property or the process of law or not deny any person within that jurisdiction the equal protection of the law, do you feel that without going to the governing body of a municipality, by only having property owners represented in the assessment and the establishment of the assessment, that people living within that area who are not given the right to vote in any manner, shape, or form in such an election or such an assessment, even though that tax may be directly or indirectly passed on to those individuals, is within the keeping of the amendments of the Constitution of the United States guaranteeing that process?

Mr. A. C. FOSTER. Is that all one question, Mr. Speaker?

Mr. DAVIES. Yes, sir. That is one question, sir.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

In response I would say that the point that you raised is the very reason I oppose the present amendment, whereby a citizen in that area would be required or an entity in that area would be required to pay an assessment that they strenuously objected to.

Mr. DAVIES. I beg your pardon, sir. I think you are hedging on the question. The question is directly to you that they are given that due process, the very due process upon which this Nation was established, and that is no taxation without representation. That is the question. There is no other question but that question, and that is the due process to which I am speaking. That essentially is it. There is no other question, sir.

Mr. A. C. FOSTER. Mr. Speaker, as the bill is written, I see no infringement upon that constitutional privilege, but I think if we adopt the amendment, we will be treading in a dangerous area there, because we will be mandating what is in effect a tax. But, no I do not see any infringement as the bill is presently written.

Mr. DAVIES. All right. Thank you, Mr. Speaker.

May I ask the maker of the amendment the same question essentially, Mr. Speaker?

The SPEAKER. Will the gentleman, Mr. Ritter, stand for interrogation? The gentleman indicates that he will.

Mr. DAVIES. Mr. Speaker, with your amendment do you feel that the provisions of the amendment to the United States Constitution which guarantees that due process, since it is going to the elected body of the municipality and it must go to that body, that then the due process and the guarantee of representation to be taxed, whether it be direct or indirect with such an assessment, is served by your amendment or is it not served by your amendment, so that I can at least cast a vote either upholding that constitutionality or at least know in which direction I am going?

Mr. RITTER. Mr. Speaker, what I am attempting to do basically, if you read the bill, it already says, "Before any assessments are made"—that is provided you take the first part of my amendment which says they shall be made—

“the Authority shall submit the plan, estimated costs and the proposed method of assessment for the business improvements to the municipality in which such project is to be undertaken and the municipality shall have approved the plan, the proposed method of assessment,...” et cetera.

What my amendment is simply saying is that it is changing the word “municipality” to “governing body of the municipality.” I want to make it absolutely clear that we are talking about those elected officials. Part of that language is just technical, in my opinion, but what I am saying is if under the bill the municipality or the governing body decides it does not want to approve that plan, then the authority has to go back and under the bill have another hearing on another method of assessment, because there are three alternatives available.

My amendment further says that if the governing body decides they do not like that method of assessment, they shall within 30 days say this is one of the three methods that we will approve, and that will become the method that the authority will use. I just think the bill is deficient without that. Otherwise you are going to have to have public hearings on each of the three methods if in fact the governing body rejects each one. This says that they can look at the first one. If they approve it, fine; the governing body is fine. If not, then the governing body makes the determination as to which of the two remaining methods they are going to accept. Once they make that determination by appropriate action, then the authority must be bound by that method of assessment.

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

The following roll call was recorded:

YEAS—75

Austin	Fee	McCall	Seventy
Barber	Gallagher	McVerry	Shupnik
Bennett	Gamble	Michlovic	Sieminski
Brown	Gatski	Milanovich	Spitz
Burns	Geist	Mrkonic	Steighner
Caltagirone	George, C.	Murphy	Stewart
Clark, B. D.	George, M. H.	Musto	Street
Clark, M. R.	Goodman	Nahill	Stuban
Cochran	Grabowski	O'Brien, B. F.	Taddonio
Cole	Gruppo	O'Donnell	Telek
Cowell	Harper	Petrarca	Wargo
DeMedio	Hutchinson, A.	Pistella	Wilson
DeWeese	Itkin	Pyles	Wright, Jr., J.
DiCarlo	Kanuck	Reed	Yahner
Davies	Kowalyshyn	Rhodes	Zeller
Dawida	Kukovich	Richardson	Zitterman
Dombrowski	Lashingier	Ritter	Zord
Duffy	Laughlin	Rodgers	Zwinkl
Dumas	Letterman	Schweder	

NAYS—105

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallen	Madigan	Serafini
Armstrong	Gannon	Manderino	Shadding
Arty	Geesey	Manmiller	Sirianni
Belardi	Gladeck	Micozzie	Smith, E. H.
Berson	Greenfield	Miller	Smith, L. E.
Bittle	Grieco	Moehlmann	Spencer
Borski	Hasay	Mowery	Stairs
Bowser	Hayes, Jr., S.	Mullen	Sweet
Brandt	Helfrick	Novak	Swift
Burd	Hoeffel	Noye	Taylor, E. Z.

Cappabianca	Honaman	O'Brien, D. M.	Taylor, F.
Cessar	Hutchinson, W.	Oliver	Thomas
Cimini	Johnson, E. G.	Perzel	Trello
Cohen	Klingaman	Piccola	Vroon
Cornell	Knepper	Pievsky	Wachob
Coslett	Knight	Pitts	Wass
Cunningham	Kolter	Polite	Wenger
DeVerter	Lehr	Pott	White
Dietz	Levi	Pratt	Williams
Dininni	Levin	Pucciarelli	Wilt
Dorr	Lewis	Punt	Wright, D. R.
Durham	Livengood	Rappaport	Yohn
Fischer	Lynch, E. R.	Rieger	
Fisher	McIntyre	Rocks	Seltzer,
Foster, W. W.	McKelvey	Ryan	Speaker
Foster, Jr., A.	McMonagle	Salvatore	

NOT VOTING—16

Beloff	Giammarco	Hayes, D. S.	McClatchy
Chess	Goebel	Irvis	Peterson
Earley	Gray	Johnson, J. J.	Schmitt
Freind	Halverson	Jones	Weidner

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

WELCOMES

The SPEAKER. The Chair welcomes to the floor of the House from Ross Township, Allegheny County, Commissioner Mark Purcell, who is here today as the guest of Mr. Goebel.

The Chair also welcomes to the balcony employes from the Alcoa operations in Lancaster, Lebanon, and Valley Forge, who are here as the guests of Messrs. Miller, Wenger, Mrs. Honaman, Mr. Brandt and the Speaker.

CONSIDERATION OF SB 188 CONTINUED

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

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

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

Mr. TRELLO. Mr. Speaker, you know, there has been a lot of talk about due process and taxation without representation, and I think that is fine, which is living proof that we are looking out for our constituents back home. But let me tell you the purpose of this bill.

Now most of us come from old but well-established communities, and our business districts are dying. And you who come from old and established communities have seen in the past that big shopping centers are sprouting out all over the place and they are pretty fancy. They have beautiful lighting; they even have merry-go-rounds and little cars for your kids to ride on; they have security guards; they have everything. But the business people who operate out of those shopping centers—if the owner wants to make some improvements, he does not ask anybody. He just

makes them and you are automatically assessed. That is why they have been so successful. What we want to do to these old and established communities where the business districts are dying is do the same thing for them, make some cheap money available for them so that we can revitalize our business districts and have the people shop in the community in which they live.

This bill is going to go to a conference committee if this bill is passed, and I urge everybody to support the bill and make sure it goes to a conference committee. Thank you very much.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of the bill, and I urge all of the members on both sides of the aisle to vote for the bill on final passage.

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

Mr. DAVIES. Mr. Speaker, I rise to oppose the bill on the very grounds that I asked the question of one of the former speakers relative to the bill. I sympathize with everything that has been said about the need for redevelopment of downtown areas and everything else. No matter how you cut it, again somebody living in that area who is not a property owner is being denied the very due process the Constitution of the United States guarantees them, and that is that they are not going to have taxation without representation under due process. It is an essential thing; it cannot be avoided without the Ritter amendment. This bill has that very essence to it. It was not until 1832 in this Nation that we established that very process by the action of states rights. Now we are going to turn around over 100 years later and we are going to reverse all of that, and we are going to say, go ahead, tax them, whether it be direct or indirect, without that representation. Therefore, I stand in opposition to the bill. Thank you, Mr. Speaker.

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

Mr. A. C. FOSTER. I rise in support of the bill. As I look at our downtown areas, I feel that we must give them the tools with which to operate and bring themselves out of the morass that many of them are in. I think this bill has possibilities in that direction. I think we must give them that tool, and I would urge the members on both sides to give an affirmative vote.

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

Mr. STREET. Mr. Speaker, I only have one question. I am not sure I understand what cheap money is. We are going to give the downtown businesses some cheap money. Does that mean that there is a particular rate that we are attaching to that? What does that mean? I am not sure I understand. Could somebody explain that to me?

Mr. W. D. HUTCHINSON. Mr. Speaker, I think the purpose of it is—if the gentleman will—that by permitting this to be done through a municipal authority, the municipal authority under provisions of the Internal Revenue

Code, the Federal tax law can issue bonds for the improvements which are tax exempt. Those bonds will bear an interest rate for the improvement of some 3 to 4 percent less than they would bear if the private business had to go out and sell the bonds themselves. It is like we do with industrial development authorities, minority business administration-type bonds. In any number of areas you can get a cheaper interest rate, and that saves money for the taxpayers because the body is a public body and can get the advantage of the lower interest rate because there is no tax on the interest rate that those bonds earn.

Mr. STREET. Mr. Speaker, maybe I should ask if the gentleman would stand for brief interrogation. I am still somewhat confused.

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

Mr. STREET. Mr. Speaker, are we talking about investing in the municipalities or the counties the ability to float tax-free bonds and the purpose of floating those bonds will be to revitalize our deteriorating business sections? Is that what we are talking about?

Mr. W. D. HUTCHINSON. That is correct, Mr. Speaker, as I understand the bill.

Mr. STREET. I thank you. I think I understand now.

Mr. W. D. HUTCHINSON. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, prior to the last discussion and prior to Mr. Foster, a gentleman talked in regard to the so-called constitutionality and all that and the Ritter amendment and so forth, but the Ritter amendment had nothing to do with that so-called constitutionality. The thing we are getting at is this is no different than the authorities I talked about which some of the people in this very room have been the product of if they had been a teacher or what have you, the product of the school district authorities, which is a different kind of borrowing, but it is an authority. It is an authority, and they have the power to assess. The only difference with this bill is they are going to be assessing in the downtown areas that are affected, not the rest of the city. I hope that is clear, because this is what it is doing. It is the downtown section.

I see nothing wrong with this bill at this point in time with the two-thirds in it and I feel that it should not be confused with the so-called constitutionality. It is no different than the authorities that you have running today. Sure, as Mr. Hutchinson said, you get the money a little cheaper under the municipal operation rather than going out and buying these bonds under other means with the coupon clippers and the Wall Street brokers and that crowd, but this is a little bit different. But the authority is an authority, and once you give them that power, they can do it; they can assess. But in our bill here, this bill, it only is assessing the downtown areas that are affected.

On the question recurring,

Shall the bill pass finally?

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

YEAS—175

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

NAYS—6

Davies	Gallen	Lewis	Schweder
Fryer	Kanuck		

NOT VOTING—15

Beloff	Giammarco	Hayes, D. S.	Peterson
Chess	Gray	Irvis	Schmitt
Earley	Greenfield	Johnson, J. J.	Weidner
Freind	Halverson	Jones	

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

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

BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed third consideration of **HB 1155, PN 2068**, entitled:

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), redefining certain terms; authorizing temporary suspension of coverage; ***.

On the question recurring,

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

HB 1155 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1155 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, for the benefit of the House, the motion to put HB 1155, which is the no-fault bill, on the table is not done with any design whatsoever to kill or delay that particular bill, but rather to remove it off the calendar for a week or 2 weeks while a group representing both sides meets in hopes of bringing out one amendment that will clear the bill up and make it satisfactory for a final passage vote. This is done at the request of the proponents and opponents of the measure.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1375, PN 1605**, entitled:

An Act providing for the certification of professional geologists.

On the question,

Will the House agree to the bill on third consideration?

Mr. POLITE offered the following amendments:

Amend Table of Contents, page 1, line 12, by striking out "registration." and inserting certification.

Amend Table of Contents, page 1, line 14, by striking out "of registration"

Amend Table of Contents, page 2, line 3, by removing the period after "date" and inserting and automatic termination.

Amend Sec. 3, page 2, line 27, by striking out "of registration"

Amend Sec. 3, page 2, by inserting between lines 29 and 30 "Certification or certifying." The act by the board of certifying the qualifications of a professional geologist to engage in the practice of geology.

Amend Sec. 3, page 3, line 4, by striking out "registered" and inserting certified

Amend Sec. 3, page 3, line 5, by striking out "registration" and inserting certification

Amend Sec. 3, page 3, line 14, by striking out "registration" and inserting certification

Amend Sec. 3, page 4, line 30; page 5, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 5, page 6, line 5, by striking out "registered" and inserting certified

Amend Sec. 5, page 6, line 6, by striking out "registration" and inserting certification

Amend Sec. 5, page 6, line 14, by striking out "of registration"

Amend Sec. 5, page 6, line 29, by striking out "registration" and inserting certification

Amend Sec. 5, page 6, line 30, by striking out "registered" and inserting certified

Amend Sec. 5, page 7, line 2, by striking out "registration" and inserting certification

Amend Sec. 7, page 9, line 16, by striking out "of registration"

Amend Sec. 9, page 11, line 11, by striking out "of registration"

Amend Sec. 9, page 11, line 14, by striking out "registration" and inserting certification

Amend Sec. 9, page 11, line 15, by striking out "registration" and inserting certification

Amend Sec. 9, page 11, line 16, by striking out "of registration"

Amend Sec. 9, page 13, line 6, by striking out "registered" and inserting certified

Amend Sec. 9, page 13, line 6, by striking out "registration" and inserting certification

Amend Sec. 10, page 13, line 30, by striking out "registration" and inserting certification

Amend Sec. 10, page 14, line 5, by striking out "registration" and inserting certification

Amend Sec. 10, page 14, line 7, by striking out "registration" and inserting certification

Amend Sec. 10, page 14, line 9, by striking out "registration" and inserting certification

Amend Sec. 10, page 14, line 15, by striking out "registration" and inserting certification

Amend Sec. 10, page 14, line 16, by striking out "registration" and inserting certification

Amend Sec. 11, page 16, line 24, by striking out "registration" and inserting certification

Amend Sec. 11, page 16, line 25, by striking out "of registration"

Amend Sec. 11, page 17, line 6, by striking out "Registration" and inserting Certification

Amend Sec. 11, page 17, line 8, by striking out "registration" and inserting certification

Amend Sec. 11, page 17, line 9, by striking out "of registration"

Amend Sec. 11, page 17, line 10, by striking out "of registration"

Amend Sec. 11, page 17, line 11, by striking out "registering" and inserting certifying

Amend Sec. 11, page 17, line 14, by striking out "registration" and inserting certification

Amend Sec. 11, page 17, line 18, by striking out "registration" and inserting certification

Amend Sec. 11, page 17, line 21, by striking out "registration" and inserting certification

Amend Sec. 12, page 18, line 1, by striking out "of registration"

Amend Sec. 12, page 18, lines 2 and 3, by striking out "of registration"

Amend Sec. 12, page 18, line 3, by striking out "registration" where it appears the second time and inserting certification

Amend Sec. 12, page 18, line 6, by striking out "of registration"

Amend Sec. 12, page 18, line 7, by striking out "registrant" and inserting individual certified

Amend Sec. 12, page 18, line 9, by striking out "of registration"

Amend Sec. 12, page 18, line 12, by striking out "registrant" and inserting individual certified

Amend Sec. 12, page 18, lines 13 and 14, by striking out "of registration"

Amend Sec. 12, page 18, line 15, by striking out "registrant" and inserting individual certified

Amend Sec. 12, page 18, line 16, by striking out "registration" where it appears the first time and inserting certification

Amend Sec. 12, page 18, line 16, by striking out "registration" where it appears the second time and inserting certification

Amend Sec. 12, page 18, line 17, by striking out "registrant's" and inserting certified individual's

Amend Sec. 12, page 18, line 19, by striking out "registrant's"

Amend Sec. 12, page 18, line 20, by striking out "of registration"

Amend Sec. 12, page 18, line 21, by striking out "registration" and inserting certification

Amend Sec. 12, page 18, line 21, by striking out "registered" and inserting certified

Amend Sec. 12, page 18, line 26, by striking out "of registration"

Amend Sec. 12, page 18, line 28, by striking out "registrant" and inserting certified individual

Amend Sec. 12, page 18, line 30, by striking out "a registrant" and inserting such person

Amend Sec. 12, page 19, line 4, by striking out "of registration"

Amend Sec. 12, page 19, line 7, by striking out "registration" and inserting certification

Amend Sec. 12, page 19, line 9, by striking out "of registration"

Amend Sec. 14, page 19, line 30, by striking out "registered" and inserting certified

Amend Sec. 14, page 20, line 3, by striking out "of registration"

Amend Sec. 14, page 20, line 16, by striking out "registrant" and inserting individual certified

Amend Sec. 14, page 20, line 20, by striking out "registration" and inserting certification

Amend Sec. 14, page 20, line 20, by striking out "registrant" and inserting certified individual

Amend Sec. 14, page 20, line 21, by striking out "registrant" and inserting certified individual

Amend Sec. 15, page 20, line 30, by striking out "of registration"

Amend Sec. 15, page 21, line 3, by striking out "of registration"

Amend Sec. 15, page 21, line 13, by striking out "registration" and inserting certification

Amend Sec. 15, page 21, line 16, by striking out "registrant" and inserting certified individual

Amend Sec. 15, page 22, line 22, by striking out "registrant" and inserting certified individual

Amend Sec. 15, page 22, line 28, by striking out "of registration"

Amend Sec. 17, page 23, line 4, by removing the period after "date" and inserting and automatic termination.

Amend Sec. 17, page 23, line 5, by removing the period after "immediately" and inserting and shall expire in seven years unless sooner reenacted by the General Assembly.

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

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

Mr. POLITE. Amendment A4420 is purely technical in nature. It changes the word "registration" to "certification," and I move that it be adopted.

MOTION TO RECOMMIT

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

Mr. DAWIDA. Mr. Speaker, would a motion to recommit be in order at this time?

The SPEAKER. In response to the gentleman's inquiry, the motion to recommit takes precedence over the motion to amend. Is the gentleman making the motion?

Mr. DAWIDA. Yes, sir. I move that HB 1375 and the amendment be recommitted to the Committee on Professional Licensure.

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

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

Mr. DAWIDA. Mr. Speaker, I have voiced my disapproval of this bill to many people, but my motion to recommit is based on a bill which I just introduced, which would bring a systematic change to the entire way we do professional licensure in this state. The method we use right now is very slipshod and not at all systematic, and each group that comes to us, comes to us on the basis of political clout rather than the need for their particular profession to be licensed.

My bill is based on a New York bill which asks each group to submit 18—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. GEESEY. Mr. Speaker, is the gentleman speaking to the recommitment of the bill?

The SPEAKER. The Chair would ask the gentleman, Mr. Dawida, to please confine his the debate to the motion to recommit. The gentleman, Mr. Dawida, may proceed.

Mr. DAWIDA. The reason I believe this bill should be recommitted is my philosophical belief that we are handling the problems of professional licensure in this state improperly. I intend to do something about it in the future, but right now I would ask that you recommit this bill so that that effort can be made. I am sure all of us would not like

to do something right now which we would regret later, so I ask your support to recommit.

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

Mr. GEESEY. Mr. Speaker, would the Speaker please clarify the motion on recommitment? Recommit to where?

Mr. DAWIDA. Professional Licensure.

The SPEAKER. To the Committee on Professional licensure.

Mr. GEESEY. All right, Mr. Speaker. Thank you.

I can assure not only the gentleman but all of the members of the House that the Committee on Professional Licensure spent many, many long hours of deliberation, not only in the preparation of the bill but also in committee meetings on the amendment process. I think that the bill is in a position to vote. It has been deliberated fully in committee, and it had bipartisan support in committee, and I really would oppose recommitment and would hope that the members would take this opportunity to finally debate and decide the fate of the bill. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—50

Alden	Gatski	Livengood	Schweder
Austin	Grabowski	Michlovic	Seventy
Bowser	Helfrick	Milanovich	Steighner
Clark, B. D.	Hoeffel	Mrkonic	Street
Cohen	Hutchinson, A.	Murphy	Stuban
Cowell	Itkin	Novak	Sweet
Cunningham	Kanuck	O'Donnell	Taylor, F.
DeWeese	Klingaman	Petrarca	Telek
Dawida	Knight	Pistella	Trello
Duffy	Kowalyszyn	Pratt	Wachob
Fisher	Kukovich	Rhodes	Wargo
Fryer	Laughlin	Richardson	Wright, D. R.
Gannon	Lewis		

NAYS—123

Anderson	Foster, W. W.	Madigan	Serafini
Armstrong	Foster, Jr., A.	Manderino	Shadding
Arty	Gallagher	Manmiller	Shupnik
Belardi	Gallen	Micozzie	Sieminski
Bennett	Gamble	Miller	Sirianni
Berson	Geesey	Mochlmann	Smith, E. H.
Bittle	Geist	Mowery	Smith, L. E.
Borski	George, C.	Mullen	Spencer
Brandt	George, M. H.	Musto	Spitz
Brown	Gladeck	Nahill	Stairs
Burd	Goebel	Noye	Stewart
Burns	Goodman	O'Brien, B. F.	Swift
Caltagirone	Grieco	O'Brien, D. M.	Taddonio
Cappabianca	Gruppo	Oliver	Taylor, E. Z.
Cessar	Hasay	Perzel	Thomas
Cimini	Hayes, Jr., S.	Piccola	Vroon
Clark, M. R.	Honaman	Pievscky	Wass
Cochran	Johnson, E. G.	Pitts	Wenger
Cole	Knepper	Polite	White
Cornell	Kolter	Pott	Wilson
Coslett	Lashinger	Punt	Wilt
DeMedio	Lehr	Pyles	Wright, Jr., J.
DeVerter	Letterman	Rappaport	Yahner
DiCarlo	Levi	Reed	Yohn
Davies	Levin	Rieger	Zeller
Dietz	Lynch, E. R.	Ritter	Zitterman
Dininini	McCall	Rocks	Zord
Dombrowski	McIntyre	Rodgers	Zwikl
Dorr	McMonagle	Ryan	

Durham	McVerry	Salvatore	Seltzer,
Fee	Mackowski	Scheaffer	Speaker
Fischer			

NOT VOTING—23

Barber	Giammarco	Hutchinson, W.	Peterson
Beloff	Gray	Irvis	Pucciarelli
Chess	Greenfield	Johnson, J. J.	Schmitt
Dumas	Halverson	Jones	Weidner
Earley	Harper	McClatchy	Williams
Freind	Hayes, D. S.	McKelvey	

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

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

The following roll call was recorded:

YEAS—164

Alden	Gallagher	McMonagle	Salvatore
Anderson	Gallen	McVerry	Scheaffer
Armstrong	Gamble	Mackowski	Schweder
Arty	Gannon	Madigan	Serafini
Austin	Gatski	Manderino	Seventy
Barber	Geesey	Manmiller	Shadding
Belardi	Geist	Michlovic	Shupnik
Bennett	George, C.	Micozzie	Sieminski
Berson	George, M. H.	Milanovich	Sirianni
Bittle	Gladeck	Miller	Smith, E. H.
Borski	Goebel	Moehlmann	Smith, L. E.
Bowser	Goodman	Mowery	Spencer
Brandt	Grabowski	Mrkonic	Spitz
Brown	Grieco	Murphy	Stairs
Burd	Gruppo	Musto	Steighner
Caltagirone	Harper	Nahill	Stewart
Cappabianca	Hasay	Novak	Street
Cessar	Hayes, Jr., S.	Noye	Stuban
Cimini	Helfrick	O'Brien, B. F.	Swift
Clark, B. D.	Honaman	O'Brien, D. M.	Taddonio
Clark, M. R.	Hutchinson, A.	O'Donnell	Taylor, E. Z.
Cochran	Hutchinson, W.	Oliver	Taylor, F.
Cole	Itkin	Perzel	Telek
Cornell	Johnson, E. G.	Petrarca	Thomas
Coslett	Kanuck	Piccola	Trello
Cowell	Klingaman	Pievsky	Vroon
Cunningham	Knepper	Pistella	Wargo
DeMedio	Knight	Pitts	Wass
DeVerter	Kolter	Polite	Wenger
DiCarlo	Kowalyszyn	Pott	White
Dietz	Lashinger	Pratt	Wilt
Dininni	Laughlin	Pucciarelli	Wright, D. R.
Dombrowski	Lehr	Punt	Yahner
Dorr	Letterman	Pyles	Yohn
Duffy	Levi	Reed	Zeller
Dumas	Levin	Richardson	Zitterman
Durham	Lewis	Rieger	Zord
Fee	Livengood	Ritter	Zwinkl
Fisher	Lynch, E. R.	Rocks	
Foster, W. W.	McCall	Rodgers	Seltzer,
Foster, Jr., A.	McClatchy	Ryan	Speaker
Fryer	McIntyre		

NAYS—4

DeWeese	Hoeffel	Kukovich	Rappaport
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NOT VOTING—28

Beloff	Fischer	Irvis	Schmitt
Burns	Freind	Johnson, J. J.	Sweet
Chess	Giammarco	Jones	Wachob
Cohen	Gray	McKelvey	Weidner
Davies	Greenfield	Mullen	Williams
Dawida	Halverson	Peterson	Wilson
Earley	Hayes, D. S.	Rhodes	Wright, Jr., J.

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. GEESEY offered the following amendments:

Amend Sec. 9, page 12, line 6, by inserting after "act" are hereby appropriated to the department for administration of this act and any balance at the end of each fiscal year

Amend Sec. 9, page 12, line 7, by inserting a period after "Fund"

Amend Sec. 9, page 12, line 7 and 8, by striking out "in the same manner and subject to the same restrictions as other moneys received by the department."

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

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

Mr. GEESEY. Mr. Speaker, this amendment simply does what was originally intended when the bill was initially drafted, and it simply appropriates all of the license moneys to the department for administration of the act, as opposed to putting it into the General Fund. That was intended, and with this amendment the Department of Environmental Resources is in agreement with the bill. Thank you.

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

The following roll call was recorded:

YEAS—177

Alden	Foster, Jr., A.	McKelvey	Schweder
Anderson	Fryer	McMonagle	Serafini
Armstrong	Gallagher	McVerry	Seventy
Arty	Gallen	Mackowski	Shadding
Austin	Gamble	Madigan	Shupnik
Barber	Gannon	Manderino	Sieminski
Belardi	Gatski	Manmiller	Sirianni
Bennett	Geesey	Michlovic	Smith, E. H.
Berson	Geist	Micozzie	Smith, L. E.
Bittle	George, C.	Milanovich	Spencer
Bowser	George, M. H.	Miller	Spitz
Brandt	Gladeck	Moehlmann	Stairs
Brown	Goebel	Mowery	Steighner
Burd	Goodman	Mrkonic	Stewart
Burns	Grabowski	Mullen	Street
Caltagirone	Grieco	Murphy	Stuban
Cappabianca	Gruppo	Musto	Sweet
Cessar	Harper	Nahill	Swift
Cimini	Hasay	Novak	Taddonio
Clark, B. D.	Hayes, Jr., S.	Noye	Taylor, E. Z.
Clark, M. R.	Helfrick	O'Brien, B. F.	Taylor, F.
Cochran	Hoeffel	O'Brien, D. M.	Telek
Cohen	Honaman	O'Donnell	Thomas
Cole	Hutchinson, W.	Oliver	Trello
Cornell	Itkin	Perzel	Vroon
Coslett	Johnson, E. G.	Petrarca	Wachob
Cowell	Kanuck	Piccola	Wargo
Cunningham	Klingaman	Pistella	Wass
DeMedio	Knepper	Pitts	Wenger
DeVerter	Knight	Polite	White
DeWeese	Kolter	Pott	Williams
DiCarlo	Kowalyszyn	Pratt	Wilson
Davies	Kukovich	Pucciarelli	Wilt
Dawida	Lashinger	Punt	Wright, D. R.
Dietz	Laughlin	Pyles	Wright, Jr., J.
Dininni	Lehr	Rappaport	Yahner
Dombrowski	Letterman	Reed	Yohn

Dorr	Levi	Richardson	Zeller
Duffy	Levin	Rieger	Zitterman
Dumas	Lewis	Ritter	Zord
Durham	Livengood	Rocks	Zwikl
Fee	Lynch, E. R.	Rodgers	
Fischer	McCall	Ryan	Seltzer,
Fisher	McClatchy	Salvatore	Speaker
Foster, W. W.	McIntyre	Scheaffer	

NAYS—2

Hutchinson, A. Pievsky

NOT VOTING—17

Beloff	Giammarco	Hayes, D. S.	Peterson
Borski	Gray	Irvis	Rhodes
Chess	Greenfield	Johnson, J. J.	Schmitt
Earley	Halverson	Jones	Weidner
Freind			

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. ITKIN offered the following amendment:

Amend Sec. 5, page 7, line 7, by inserting after "application." Until such time as the board considers the application, the person practicing geology shall be exempt from registration under this act.

On the question,

Will the House agree to the amendment?

REMARKS ON VOTE

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

Mr. ITKIN. Mr. Speaker, before I begin to discuss the amendment, I may have voted in error on recommittal. I want to make it understood that I wished to have voted against the motion to recommit.

CONSIDERATION OF HB 1375 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, to debate his amendment No. 3279.

Mr. ITKIN. Mr. Speaker, there is a time period in the bill allowing a person coming from out of state who is a geologist to make application, and the board has 90 days to consider that date of application. Because of that, that person would be prohibited from practicing geology in Pennsylvania until the board acts on the application. It seems to me that if we want to have a practicing geologist come into Pennsylvania, he ought to be allowed to practice that field until such time as the board fails to approve his application. So this is really an interim-type thing which would allow a person to practice geology, provided he makes such application and only during that interim period where the application is pending.

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

Mr. POLITE. I support the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—173

Anderson	Gallagher	McMonagle	Schweder
Armstrong	Gallen	McVerry	Serafini
Arty	Gamble	Mackowski	Seventy
Austin	Gannon	Madigan	Shadding
Barber	Gatski	Manderino	Shupnik
Belardi	Geesey	Manmiller	Sieminski
Bennett	Geist	Michlovic	Sirjanni
Berson	George, C.	Micozzie	Smith, E. H.
Bittle	George, M. H.	Milanovich	Smith, L. E.
Borski	Gladeck	Miller	Spencer
Bowser	Goebel	Moehlmann	Spitz
Brandt	Goodman	Mowery	Stairs
Brown	Grabowski	Mrkoncic	Steighner
Burd	Grieco	Mullen	Stewart
Burns	Gruppo	Murphy	Street
Caltagirone	Harper	Musto	Stuban
Cappabianca	Hasay	Nahill	Sweet
Cessar	Hayes, Jr., S.	Novak	Swift
Cimini	Helfrick	Noye	Taddonio
Clark, B. D.	Hoefel	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Honaman	O'Brien, D. M.	Taylor, F.
Cochran	Hutchinson, A.	Oliver	Telek
Cohen	Itkin	Perzel	Thomas
Cole	Johnson, E. G.	Petrarca	Trello
Coslett	Kanuck	Piccola	Vroon
Cowell	Klingaman	Pievsky	Wachob
Cunningham	Knepper	Pistella	Wargo
DeMedio	Knight	Pitts	Wass
DeVerter	Kolter	Polite	Wenger
DeWeese	Kowalyshyn	Pott	White
DiCarlo	Kukovich	Pratt	Williams
Dietz	Lashinger	Pucciarelli	Wilson
Dininni	Laughlin	Punt	Wilt
Dombrowski	Lehr	Pyles	Wright, D. R.
Dorr	Letterman	Reed	Wright, Jr., J.
Duffy	Levi	Rhodes	Yohn
Dumas	Levin	Richardson	Zeller
Durham	Lewis	Rieger	Zitterman
Fee	Livengood	Ritter	Zord
Fischer	Lynch, E. R.	Rocks	Zwikl
Fisher	McCall	Rodgers	
Foster, W. W.	McClatchy	Ryan	Seltzer,
Foster, Jr., A.	McIntyre	Salvatore	Speaker
Fryer	McKelvey	Scheaffer	

NAYS—3

Cornell	Rappaport	Yahner
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NOT VOTING—20

Alden	Earley	Halverson	Jones
Beloff	Freind	Hayes, D. S.	O'Donnell
Chess	Giammarco	Hutchinson, W.	Peterson
Davies	Gray	Irvis	Schmitt
Dawida	Greenfield	Johnson, J. J.	Weidner

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

On the question recurring,

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

Mr. ITKIN offered the following amendment:

Amend Sec. 3, page 3, line 7, by striking out "Environmental Resources." and inserting State, Bureau of Professional and Occupational Affairs.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this amendment would place this board where all the other boards are - in the Department of State, the Bureau of Professional and Occupational Affairs.

I know that there has been increasing criticism of that particular bureau, but I feel that if we are going to make certain changes, we all ought to make it at the same time. What I am concerned about is if we start with a proliferation of new agencies to handle registration, it is going to be extremely difficult for our constituents to get the proper service. It seems to me that since we have placed engineers and other technical personnel for registration purposes in the Bureau of Professional and Occupational Affairs, that until such time that we are to transfer that particular function, then this board relating to geologists should be in the same bureau. Therefore, I ask an affirmative vote on the amendment.

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

Mr. GEESEY. Mr. Speaker, I regretfully have to oppose the amendment. First, it is technically incorrect in that it only changes one portion of the bill as opposed to changing all of the portions in the bill where the term "DER" is utilized. I would also oppose it because the way the gentleman is approaching the problem is the most expensive way to do it.

In trying to look at what we were attempting to accomplish in this instance, we tried to determine first of all whether or not the need was there. After we determined that, we then tried to determine the most practical and economical way to accomplish the need. We made the assessment that since the Commonwealth already has a state geologist and assistant geologists and those people are presently located within DER, the most economical way to accomplish the solution to the problem is to place this particular licensing sphere in the province of DER. By doing this we can take care of the problem at hand in a far more economical way, certainly far less than the fiscal note would indicate, and we are doing it with people who are already in place and who know what geology is all about.

I might add that this particular problem had received the approval of DER. We approached them initially when the bill was being drawn up, and they are not opposing the approach that we have taken. We are striving for economy. We are striving for expertise. By taking the approach that we have taken, we have achieved those things, and I would hope that the members would defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Itkin, wish to debate the amendment further?

Mr. ITKIN. Yes, sir.

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

Mr. ITKIN. Mr. Speaker, Mr. Geesey is quite correct. There are a couple of places where it should have been changed, and I apologize for that. If the amendment is adopted, I am sure those technical corrections can be made subsequently here in the House or in the Senate, if this bill should pass.

Beyond those minor technical corrections, the concern that I have is that the Bureau of Geologic and Topographic Survey in the Department of Environmental Resources is really not a licensing agency. It is a collection of geologists whose desire is to do geology and not to act as an evaluation of potential geologists' registration. It would be the same thing as having physicians, whose job is to do heart surgery, concern themselves about licensing physicians. It does not make sense for a research-oriented group to be also into the licensing and evaluation business.

I would think it would be far more suitable to have a licensing board that does not impinge upon those particular duties, and I respectfully request that we place this particular job function where it presently should be placed; that is, in the Bureau of Professional and Occupational Affairs. If at such time we decide that that bureau should be disbanded, then perhaps appropriate relocation should be made at that time, but as long as you have all the other licensing boards within that particular agency, you should continue that practice until you choose to do otherwise. Thank you, Mr. Speaker.

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

Mr. GEESEY. Mr. Speaker, just briefly, I share the gentleman's concern. I, however, can assure him that the bill as drawn will take care of the problems that he has just elucidated, and I would request a "no" vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—49

Barber	Goodman	Letterman	Pott
Bennett	Grabowski	Lewis	Rhodes
Berson	Harper	Livengood	Richardson
Bowser	Hoeffel	McCall	Ritter
Caltagirone	Hutchinson, A.	Manderino	Rodgers
Clark, B. D.	Itkin	Michlovic	Seventy
Cochran	Kanuck	Micozzie	Spitz
Cowell	Klingaman	Milanovich	Trello
DeMedio	Knight	Murphy	Wargo
Duffy	Kolter	Musto	Wright, D. R.
Gallagher	Kowalyszyn	Novak	Zeller
Gamble	Laughlin	Pievsky	Zwilk
Gatski			

NAYS—125

Alden	Foster, Jr., A.	Manmiller	Smith, E. H.
Anderson	Fryer	Miller	Smith, L. E.
Armstrong	Gallen	Mochlmann	Spencer
Arty	Gannon	Mowery	Stairs
Austin	Geesey	Mrkonc	Steighner
Belardi	Geist	Mullen	Stewart
Bittle	George, C.	Nahill	Street
Brandt	George, M. H.	Noye	Stuban
Brown	Gladeck	O'Brien, D. M.	Sweet
Burd	Goebel	O'Donnell	Swift
Burns	Grieco	Oliver	Taddonio
Cappabianca	Gruppo	Perzel	Taylor, E. Z.

Cimini	Hasay	Petrarca	Taylor, F.
Clark, M. R.	Hayes, Jr., S.	Piccola	Telek
Cohen	Helfrick	Pitts	Thomas
Cole	Honaman	Polite	Vroon
Cornell	Hutchinson, W.	Pratt	Wachob
Coslett	Johnson, E. G.	Pucciarelli	Wass
Cunningham	Knepper	Punt	Wenger
DeVerter	Kukovich	Pyles	White
DeWeese	Lashingier	Rappaport	Williams
DiCarlo	Lehr	Reed	Wilson
Davies	Levi	Rieger	Wilt
Dawida	Levin	Rocks	Wright, Jr., J.
Dietz	Lynch, E. R.	Ryan	Yahner
Dininni	McClatchy	Salvatore	Yohn
Dombrowski	McIntyre	Scheaffer	Zitterman
Dorr	McKelvey	Schweder	Zord
Durham	McMonagle	Serafini	
Fee	McVerry	Shadding	Seltzer,
Fisher	Mackowski	Sieminski	Speaker
Foster, W. W.	Madigan	Sirianni	

NOT VOTING—22

Beloff	Fischer	Hayes, D. S.	Peterson
Borski	Freind	Irvis	Pistella
Cessar	Giammarco	Johnson, J. J.	Schmitt
Chess	Gray	Jones	Shupnik
Dumas	Greenfield	O'Brien, B. F.	Weidner
Earley	Halverson		

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. DAWIDA offered the following amendment:

Amend Sec. 10, page 14, lines 21 through 27, by striking out “, which experience shall be under” in line 21, all of lines 22 through 27 and inserting a period

On the question,

Will the House agree to the amendment?

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

Mr. DAWIDA. This amendment will eliminate the grandfather clause in the present legislation. I think one of the problems with this legislation that I have, and which many other people should have, is that it is aimed at a small group of people who will be able to take increasing control of what is a wide-open business right now. I do not feel that the grandfather clause is appropriate if we are truly trying to protect the public, and I would ask that you vote “yes” to eliminate the grandfather clause.

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

Mr. POLITE. Mr. Speaker, this amendment would strike out the provisions that require geology experience to be under a certified geologist or a person acceptable to the board. This type of language is found in almost all licensing boards. Proponents of such language would argue that without it a person could receive questionable experience and may endanger the public safety. The geologist applicant may not receive proper supervision and/or practical experience. Opponents of such language would argue that it is too restrictive. A geologist applicant could receive experience by

working with personnel trained in highly technical areas that relate to geology, but such personnel may not be geologists. The administered geology tests, if properly designed, should serve to reveal the incompetent, regardless of the background of the supervisor.

This is standard language in licensing laws, and because it allows persons other than geologists to be supervisors and because I fear the outcome of not having such language, I disagree with the amendment and I ask for a “no” vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—29

Borski	Goodman	Livengood	Reed
Cohen	Grabowski	McCall	Seventy
DeVerter	Hoefel	Mullen	Shadding
DeWeese	Klingaman	Murphy	Sweet
Dawida	Kolter	O'Donnell	Telek
Duffy	Kukovich	Pistella	Wachob
Gallagher	Letterman	Pott	Wright, D. R.
Gannon			

NAYS—145

Alden	Foster, W. W.	Mackowski	Serafini
Anderson	Foster, Jr., A.	Madigan	Shupnik
Armstrong	Fryer	Manderino	Sieminski
Arty	Gallen	Manmiller	Sirianni
Austin	Gatski	Michlovic	Smith, E. H.
Barber	Geesey	Micozzie	Smith, L. E.
Belardi	Geist	Milanovich	Spencer
Bennett	George, C.	Miller	Spitz
Berson	George, M. H.	Moehlmann	Stairs
Bittle	Gladeck	Mowery	Steighner
Bowser	Goebel	Mrkonic	Stewart
Brandt	Grieco	Musto	Street
Brown	Gruppo	Nahill	Stuban
Burd	Harper	Novak	Swift
Burns	Hasay	Noye	Taddonio
Caltagirone	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cappabianca	Helfrick	O'Brien, D. M.	Taylor, F.
Cimini	Honaman	Oliver	Thomas
Clark, B. D.	Hutchinson, W.	Perzel	Trello
Clark, M. R.	Itkin	Petrarca	Vroon
Cochran	Johnson, E. G.	Piccola	Wargo
Cole	Kanuck	Pievsy	Wass
Cornell	Knepper	Pitts	Wenger
Coslett	Knight	Polite	White
Cowell	Kowalshyn	Pratt	Williams
Cunningham	Lashingier	Pucciarelli	Wilson
DeMedio	Laughlin	Punt	Wilt
Davies	Lehr	Pyles	Wright, Jr., J.
Dietz	Levi	Rappaport	Yahner
Dininni	Levin	Richardson	Yohn
Dombrowski	Lewis	Rieger	Zeller
Dorr	Lynch, E. R.	Ritter	Zitterman
Dumas	McClatchy	Rocks	Zwilk
Durham	McIntyre	Ryan	
Fee	McKelvey	Salvatore	Seltzer,
Fischer	McMonagle	Scheaffer	Speaker
Fisher	McVerry	Schweder	

NOT VOTING—22

Beloff	Gamble	Hutchinson, A.	Rhodes
Cessar	Giammarco	Irvis	Rodgers
Chess	Gray	Johnson, J. J.	Schmitt
DiCarlo	Greenfield	Jones	Weidner
Earley	Halverson	Peterson	Zord
Freind	Hayes, D. S.		

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. DAWIDA offered the following amendments:

Amend Sec. 10, page 14, line 27 by striking out "or (f)"

Amend Sec. 11, page 16, lines 22 through 30; page 17, lines 1 through 6, by striking out all of lines 22 through 30 on page 16, all of lines 1 through 5, and "(f)" in line 6, page 17 and inserting (e)

Amend Sec. 11, page 17, line 17 by striking out "(g)" and inserting (f)

Amend Sec. 11, page 17, line 19 by striking out "(h)" and inserting (g)

Amend Sec. 11, page 17, lines 26 and 27 by striking out "or (f)"

On the question,

Will the House agree to the amendments?

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

Mr. DAWIDA. Mr. Speaker, I did a whole lot better on busing, but I will try again. Sorry, I am a little bit disorganized because this bill came up all of a sudden after several months of being on the table.

This amendment, A1468, basically says that registration for out-of-state geologists is very unworkable, and those of us who live in areas that are on the periphery with other states, particularly those in the coal areas, I think should support this amendment. The bill as written is too restrictive, I think. Particularly I am talking in the coal areas, but there are other elements of geology that this can be applied to. Coal companies, for instance, on the periphery in western Pennsylvania where I live often need a specialist in geology who might happen to be from West Virginia, and I think the way this statute was written, we would unfairly exclude those companies from using the people who are best at their jobs, and it flies in the face of what I think the free enterprise system should be all about. So I would ask your support on this amendment.

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

Mr. POLITE. Mr. Speaker, I just cannot believe that the gentleman would want to reduce the educational qualifications for geologists and not be a geologist, really. This omits the language that would limit this, and I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—25

Cohen	Grabowski	Milanovich	Trello
DeWeese	Hutchinson, A.	Murphy	Wachob
Dawida	Knight	Pistella	Wargo
Duffy	Kukovich	Pott	Wright, D. R.
Fisher	Letterman	Seventy	Yohn
Gamble	Livengood	Sweet	Zitterman
Gannon			

NAYS—154

Alden	Fischer	McIntyre	Ryan
Anderson	Foster, W. W.	McKelvey	Salvatore
Armstrong	Foster, Jr., A.	McMonagle	Scheaffer
Arty	Fryer	McVerry	Schweder
Austin	Gallagher	Mackowski	Serafini
Barber	Gallen	Madigan	Shadding
Belardi	Gatski	Manderino	Shupnik
Bennett	Geesey	Manmiller	Sieminski
Berson	Geist	Michlovic	Sirianni
Bittle	George, C.	Micozzie	Smith, E. H.
Borski	George, M. H.	Miller	Smith, L. E.
Bowser	Gladeck	Moehlmann	Spencer
Brandt	Goebel	Mowery	Spitz
Brown	Goodman	Mrkonic	Stairs
Burd	Grieco	Mullen	Steighner
Burns	Gruppo	Musto	Stewart
Caltagirone	Harper	Nahill	Street
Cappabianca	Hasay	Novak	Stuban
Cessar	Hayes, Jr., S.	Noye	Swift
Cimini	Helfrick	O'Brien, B. F.	Taddonio
Clark, B. D.	Hoefel	O'Brien, D. M.	Taylor, E. Z.
Clark, M. R.	Honaman	O'Donnell	Taylor, F.
Cochran	Hutchinson, W.	Oliver	Telek
Cole	Itkin	Perzel	Thomas
Cornell	Johnson, E. G.	Petrarca	Vroon
Coslett	Kanuck	Piccola	Wass
Cowell	Klingaman	Pievsky	Wenger
Cunningham	Knepper	Pitts	White
DeMedio	Kolter	Polite	Williams
DeVerter	Kowalshyn	Pratt	Wilson
DiCarlo	Lashingier	Pucciarelli	Wilt
Davies	Laughlin	Punt	Wright, Jr., J.
Dietz	Lehr	Pyles	Yahner
Dininni	Levi	Rappaport	Zeller
Dombrowski	Levin	Reed	Zord
Dorr	Lewis	Richardson	Zwkl
Dumas	Lynch, E. R.	Rieger	
Durham	McCall	Ritter	Seltzer,
Fee	McClatchy	Rocks	Speaker

NOT VOTING—17

Beloff	Gray	Irvis	Rhodes
Chess	Greenfield	Johnson, J. J.	Rodgers
Earley	Halverson	Jones	Schmitt
Freind	Hayes, D. S.	Peterson	Weidner
Giammarco			

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. DAWIDA offered the following amendments:

Amend Sec. 11, page 16, line 22, by striking out "At" and inserting Notwithstanding any other provision of this act to the contrary,

Amend Sec. 11, page 16, lines 27 through 30; page 17, lines 1 through 5, by striking out the colon after "applicant" in line 27, all of lines 28 through 30, page 16; and all of lines 1 through 5, page 17, and inserting has completed the educational requirements specified in section 10(b) without the necessity of examination and experience requirements.

On the question,

Will the House agree to the amendments?

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

Mr. DAWIDA. Mr. Speaker, this amendment, A1479, takes an opposite approach of what I tried to do earlier, and it grandfathers in all working geologists at present.

I think people ought to be aware that the field of geology has exploded in the last few years, and subspecialties have come up that did not exist 10 years ago, and oftentimes it is the younger geologist with 1 or 2 or 3 years' experience who is the only person in these subspecialties who really knows what he is talking about. Instead of saying that a 10-year geologist automatically should be grandfathered because they have specialized knowledge, we ought to be aware that quite often the opposite is the case, particularly in an area which has exploded so quickly in the last few years. So I would ask that you consider this amendment a little more closely than the other ones, because it does something that needs to be done. It keeps people working who know what they are doing in certain areas, and with at least 100 subspecialties in geology—and it is growing every day—I would appreciate if you would consider a "yes" vote on this.

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

Mr. POLITE. Mr. Speaker, I oppose this amendment also. He is giving the same arguments that would lower the qualification needed for those who are currently practicing geology, and the people of the Commonwealth deserve more than that. We do not want to lower the standards; we want to keep our standards high, and we are going to need it, so I oppose the amendment.

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

The following roll call was recorded:

YEAS—31

Cohen	Knight	Michlovic	Seventy
DeWeese	Kukovich	Micozzie	Sweet
Dawida	Lehr	Milanovich	Telek
Duffy	Letterman	Murphy	Trello
Gamble	Levi	Novak	Wachob
Gannon	Lewis	Pistella	Wright, D. R.
Grabowski	Livengood	Pratt	Yohn
Hutchinson, A.	Manderino	Reed	

NAYS—143

Alden	Fee	McClatchy	Scheaffer
Anderson	Fischer	McIntyre	Schweder
Armstrong	Fisher	McKelvey	Serafini
Arty	Foster, W. W.	McMonagle	Shadding
Austin	Foster, Jr., A.	McVerry	Shupnik
Barber	Fryer	Mackowski	Smith, E. H.
Belardi	Gallagher	Madigan	Smith, L. E.
Bennett	Gallen	Manmiller	Spencer
Berson	Gatski	Miller	Spitz
Bittle	Geesey	Moehlmann	Stairs
Borski	Geist	Mowery	Steighner
Bowser	George, C.	Mrkonic	Stewart
Brandt	George, M. H.	Mullen	Street
Brown	Gladeck	Musto	Stuban
Burd	Goebel	Nahill	Swift
Burns	Goodman	Noye	Taddonio
Caltagirone	Grieco	O'Brien, B. F.	Taylor, E. Z.
Cessar	Gruppo	O'Brien, D. M.	Taylor, F.
Cimini	Harper	Oliver	Thomas
Clark, B. D.	Hasay	Perzel	Vroon
Clark, M. R.	Hayes, Jr., S.	Petrarca	Wargo
Cochran	Helfrick	Piccola	Wass
Cole	Hoeffel	Pievsky	Wenger
Cornell	Honaman	Pitts	White
Coslett	Hutchinson, W.	Polite	Williams
Cowell	Itkin	Pott	Wilson

Cunningham	Johnson, E. G.	Pucciarelli	Wilt
DeMedio	Klingaman	Punt	Wright, Jr., J.
DeVerter	Knepper	Pyles	Yahner
DiCarlo	Kolter	Rappaport	Zeller
Davies	Kowalshyn	Richardson	Zitterman
Dietz	Lashinger	Rieger	Zord
Dininni	Laughlin	Ritter	Zwikl
Dombrowski	Levin	Rocks	
Dorr	Lynch, E. R.	Ryan	Seltzer,
Dumas	McCall	Salvatore	Speaker
Durham			

NOT VOTING—22

Beloff	Gray	Jones	Rodgers
Cappabianca	Greenfield	Kanuck	Schmitt
Chess	Halverson	O'Donnell	Sieminski
Earley	Hayes, D. S.	Peterson	Sirianni
Freind	Irvis	Rhodes	Weidner
Giammarco	Johnson, J. J.		

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. DAWIDA offered the following amendments:

Amend Sec. 5, page 6, lines 9 through 17, by striking out "and provided" in line 9, all of lines 10 through 16 and "engaged in this Commonwealth;" in line 17

Amend Sec. 5, page 7, line 6, by striking out "90" and inserting ten

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

AMENDMENTS WITHDRAWN

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

Mr. DAWIDA. Mr. Speaker, I will withdraw these amendments.

The SPEAKER. The Chair thanks the gentleman. Does the gentleman have a fifth set of amendments?

Mr. DAWIDA. I will withdraw those also.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DORR offered the following amendments:

Amend Sec. 3, page 4, line 11, by inserting after "include" the drilling of wells for water supply, the conduct of sewage enforcement officers or determinations made pursuant to the requirements of the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act,"

Amend Sec. 6, page 8, lines 10 and 11, by striking out "proper notification has" in line 10 and "been afforded in" in line 11 and inserting news releases have been made available to

Amend Sec. 6, page 8, line 11, by removing the period after "circulation" and inserting to the effect that applications are being sought.

Amend Sec. 8, page 10, lines 8 through 10, by striking out "Provided, however, That no board meeting" in line 8 and all of lines 9 and 10 and inserting a period

Amend Sec. 11, page 17, lines 21 through 23, by striking out "attesting to" in line 21, all of line 22, and "certified professional geologists," in line 23 and inserting for hearing,

Amend Sec. 14, page 20, line 25, by striking out "\$1,000" and inserting \$300

Amend Sec. 14, page 20, lines 25 and 26, by striking out "six" in line 25 and "months," in line 26 and inserting 90 days,

Amend Sec. 14, page 20, line 26, by inserting after "both." Any person convicted of violating provisions of this section for the second time shall be guilty of a misdemeanor of the second degree and upon conviction thereof shall be sentenced to pay a fine of \$500 or to imprisonment not exceeding two years, or both.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, this amendment contains several provisions. I will try to explain them as briefly as possible.

The first clause in the amendment simply clarifies that we are not attempting to include persons who drill wells for water within the provisions of this act.

The second clause of the amendment would strike from the bill a requirement, which in my judgment is somewhat ambiguous, calling for what might appear to be advertising, legal advertising in newspapers of applications for certification. Actually it substitutes therefor the requirement that the board issue news releases to the effect of the names of the applicants who have submitted requests for certification instead of having to pay for legal advertising.

The third clause strikes from the bill the provision that a quorum must contain the presence of the public members of the board, and the next clause strikes from the bill a provision which seems to require a person who is asking for a hearing before the board to have five certified geologists recommend his professional qualifications. It seems to me that this particular provision as it is written in the bill may well strike against the due process clause and be called unconstitutional if someone would challenge it in court.

The last provisions of the amendment reduce the fines for first offenses, because even though summary jurisdiction is called for in the bill, the fines are generally much higher than we generally attribute to summary jurisdiction or justices of the peace. The first offense is therefore reduced to a \$300 fine and 90 days in jail instead of what is called for in the bill, and we insert a provision calling for much higher fines in the event of conviction in a second-offense-type situation, calling for misdemeanor prosecution in that event.

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

Mr. POLITE. I support the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—163

Alden	Foster, Jr., A.	McClatchy	Salvatore
Anderson	Fryer	McIntyre	Serafini
Armstrong	Gallagher	McKelvey	Seventy
Arty	Gallen	McVerry	Shadding

Austin	Gamble	Mackowski	Shupnik
Barber	Gannon	Madigan	Sieminski
Belardi	Gatski	Manderino	Sirianni
Bennett	Geesey	Manmiller	Smith, E. H.
Berson	Geist	Micozzie	Smith, L. E.
Bittle	George, C.	Miller	Spencer
Borski	George, M. H.	Mochlmann	Spitz
Bowser	Gladeck	Mowery	Stairs
Brandt	Goebel	Mrkonic	Steighner
Brown	Goodman	Mullen	Stewart
Burd	Grabowski	Murphy	Stuban
Burns	Grieco	Musto	Sweet
Caltagirone	Gruppo	Nahill	Swift
Cappabianca	Harper	Novak	Taddonio
Cessar	Hasay	Noye	Taylor, E. Z.
Cimini	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Clark, B. D.	Helfrick	O'Brien, D. M.	Telek
Clark, M. R.	Hoeffel	Oliver	Thomas
Cochran	Honaman	Perzel	Trello
Cole	Hutchinson, A.	Petrarca	Vroon
Cornell	Hutchinson, W.	Piccola	Wachob
Coslett	Itkin	Pievsky	Wargo
Cowell	Johnson, E. G.	Pistella	Wass
Cunningham	Kanuck	Pitts	White
DeMedio	Klingaman	Polite	Wilson
DeVertter	Knepper	Pott	Wilt
DeWeese	Kolter	Pratt	Wright, D. R.
DiCarlo	Kowalshyn	Pucciarelli	Wright, Jr., J.
Davies	Lashinger	Punt	Yahner
Dietz	Laughlin	Pyles	Yohn
Dininni	Lehr	Reed	Zeller
Dombrowski	Letterman	Rhodes	Zitterman
Dorr	Levi	Rieger	Zord
Duffy	Lewis	Ritter	Zwinkl
Durham	Livengood	Rocks	
Fee	Lynch, E. R.	Rodgers	Seltzer,
Fischer	McCall	Ryan	Speaker
Fisher			

NAYS—15

Cohen	Knight	Milanovich	Street
Dawida	Kukovich	Rappaport	Wenger
Dumas	McMonagle	Richardson	Williams
Foster, W. W.	Michlovic	Scheaffer	

NOT VOTING—18

Beloff	Gray	Johnson, J. J.	Peterson
Chess	Greenfield	Jones	Schmitt
Earley	Halverson	Levin	Schweder
Freind	Hayes, D. S.	O'Donnell	Weidner
Giammarco	Irvis		

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. DORR offered the following amendments:

Amend Sec. 3, page 3, line 3, by striking out "a person"

Amend Sec. 5, page 7, line 12, by striking out "does" and inserting is

Amend Sec. 6, page 7, line 27, by striking out "and" and inserting who

Amend Sec. 6, page 8, line 4, by striking out "board shall include the"

Amend Sec. 6, page 8, line 5, by inserting after "department" shall serve

Amend Sec. 6, page 8, line 5, by inserting after "member" of the board

Amend Sec. 6, page 8, line 16, by striking out "Each" and inserting Except as otherwise provided in this act, each

Amend Sec. 6, page 9, line 3, by striking out “be” and inserting have been

Amend Sec. 6, page 9, line 8, by striking out “Each” and inserting Except as otherwise provided in this act, each

Amend Sec. 7, page 9, line 19, by striking out “shall meet the requirements set forth in section 6(e) and”

Amend Sec. 7, page 9, line 29, by striking out “it” and inserting it’s

Amend Sec. 8, page 10, line 24, by inserting after “the” proposed

Amend Sec. 8, page 10, line 29, by inserting after “occur,” the proposed

Amend Sec. 8, page 10, line 29, by striking out “adopted”

Amend Sec. 8, page 10, line 30, by striking out “pursuant to” and inserting in compliance with

Amend Sec. 8, page 11, line 3, by inserting after “any” proposed

Amend Sec. 8, page 11, line 6, by striking out “such RULE OR regulation” and inserting it

Amend Sec. 8, page 11, line 7, by striking out “final”

Amend Sec. 9, page 12, line 15, by striking out “geologist” and inserting geologists

Amend Sec. 9, page 12, line 17, by inserting after “such” general

Amend Sec. 9, page 13, line 24, by striking out “Certificates” and inserting Number of alleged violations

Amend Sec. 9, page 13, line 25, by striking out “incurred” and inserting made

Amend Sec. 11, page 15, line 20, by inserting after “all” qualified

Amend Sec. 11, page 17, line 8, by removing the comma after “registration” and inserting without examination,

Amend Sec. 11, page 17, line 11, by striking out “that” and inserting any

Amend Sec. 11, page 17, line 13, by striking out “political subdivision

Amend Sec. 11, page 17, line 24, by striking out “signatures,” and inserting signature,

Amend Sec. 12, page 18, line 7, by inserting after “have” a

Amend Sec. 12, page 18, line 7, by striking out “numbers,” and inserting number,

Amend Sec. 12, page 18, line 16, by striking out “or” and inserting and/or

Amend Sec. 13, page 19, line 13, by insertig after “issue” a

Amend Sec. 13, page 19, line 13, by striking out “certificates” and inserting certificate

Amend Sec. 13, page 19, line 13, by inserting after “to” an

Amend Sec. 13, page 19, line 14, by striking out “applicants” and inserting applicant

Amend Sec. 13, page 19, line 14, by striking out “have” and inserting has

Amend Sec. 13, page 19, line 14, by inserting after “as” a

Amend Sec. 13, page 19, line 15, by striking out “trainees,” and inserting trainee,

Amend Sec. 13, page 19, line 15, by striking out “certificates” and inserting certificate

Amend Sec. 13, page 19, line 16, by inserting after “have” a

Amend Sec. 13, page 19, line 16, by striking out “numbers,” and inserting number,

Amend Sec. 14, page 19, line 23, by striking out “practicer” and inserting practices

Amend Sec. 14, page 19, line 26, by striking out “act, for other;” and inserting act;

Amend Sec. 15, page 21, line 4, by inserting a period after “felony”

Amend Sec. 15, page 21, lines 4 and 5, by striking out “arising from, or in connection with, the” in line 4 and all of line 5

Amend Sec. 15, page 21, line 22, by inserting after “any” documents filed in cases resulting in

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment is a whole series of corrections of grammatical errors. That is all it amounts to.

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

Mr. GEESEY. Mr. Speaker, I have always been in favor of the King’s English, and the gentleman from York has shown us what it really is.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

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

NAYS—4

Hutchinson, A.	Milanovich	Rappaport	Richardson
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NOT VOTING—15

Beloff	Giammarco	Hayes, D. S.	Peterson
Chess	Gray	Irviss	Schmitt
Earley	Greenfield	Johnson, J. J.	Weidner
Freind	Halverson	Jones	

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

On the question recurring,

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

Bill as amended was agreed to.

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 Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, would Mr. Polite stand for interrogation?

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

Mr. DAWIDA. Mr. Speaker, in the bill, DER is listed as handling the licensure for geologists. Is Director Jones in approval of this move?

Mr. POLITE. I did not hear the question.

Mr. DAWIDA. Is the director of DER in favor of his department handling this particular licensure?

Mr. POLITE. I believe so, but I will yield to Mr. Geesey.

The SPEAKER. The gentleman yields to the gentleman from York, Mr. Geesey.

Mr. GEESEY. I should like to advise the gentleman that from the beginning the Secretary of DER was contacted about the entire concept, and when I explained to him what we had in mind, he said, I am supportive of you 100 percent and anything you want to do along that line is fine with me, and that is a fact.

Mr. DAWIDA. Okay. In line with that—

Mr. GEESEY. There was subsequent flak, however, but that is the truth.

Mr. DAWIDA. Why should DER be doing this instead of Professional Licensure?

Mr. GEESEY. Mr. Speaker, we explained that when we discussed one of the amendments that the gentleman had submitted, or the gentleman, Mr. Itkin.

Mr. DAWIDA. The noise level was very high, and I do not think I heard it.

Mr. GEESEY. I do not think the noise level has decreased very much.

Mr. DAWIDA. You are right.

Mr. GEESEY. The reason DER was selected is because it is the most efficient and economical way to go. The most expensive, the most inefficient way to go would be putting it with the Bureau of Occupational and Professional Affairs, which, incidentally, does not want it, and you can check with Stan Miller to verify that statement.

Mr. DAWIDA. Could Mr. Polite, or either one, answer what abuses are we protecting from? Why are geologists being singled out to be licensed?

Mr. GEESEY. Mr. Speaker, I should like to advise the gentleman that according to recent Federal regulations, certain plans are required to have a geologist's seal. Pennsylvania does not register geologists at the present time as a separate entity but simply as an engineer. Therefore, they cannot provide a separate geologist's seal. In order to receive that geological seal, they have to go to someone who is registered out of state. In the event that person registered out of state does not properly perform his job, in the event he deliberately misrepresents the contents of the plan or, for that matter, accidentally misrepresents the contents of the plan, Pennsylvania has no recourse of discipline against that individual, and inasmuch as a geologist's seal is now required by the Feds and inasmuch as that particular requirement is in effect, we as a state must have discipline over the person who is putting that seal on those plans, and that is what we are attempting to accomplish.

Mr. DAWIDA. Thank you. Is there going to be a test involved in this? Will the geologist have to take a test?

Mr. GEESEY. Yes, Mr. Speaker.

Mr. DAWIDA. How will this test manage to take in the 100 or so subspecialties of geology that exist? How are you going to devise that test?

Mr. GEESEY. Mr. Speaker, the test will be devised by the board; it will be approved by the board. The board will secure the test from a national standards examination, and I should like to advise the gentleman that the bill itself has legislative oversight in it so that if there are any rules and regulations we do not like, we can countermand them.

Mr. DAWIDA. Thank you.

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

Mr. DAWIDA. Mr. Speaker, obviously this bill is going to pass, and what words I say are not going to be able to do anything, but I would like to point out that this bill and this concept of licensure flies in the face of everything that I have learned on the other side of the aisle. It flies in the face of the free enterprise system, which has been doing a fairly good job of keeping the quality up in this field. It flies in the face of deregulation, which seems to be the trend the public is asking for.

I do not deny that there is some benefit, however minor, in licensing, but we could license every group and every business that exists in this Commonwealth, and I do not see that there is any particular reason to allow a small group of geologists to be able to register and certify as a group, and to my mind the only benefit that will come out of this bill will be to that small group of geologists who will be able to raise their rates. Right now the marketplace is doing a job; specialists in the field of geology are doing their job. I do not think this bill will contribute one iota to the public good, and it will just cost additional money. I would urge you to defeat this bill.

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

Mr. GEESEY. Mr. Speaker, in replying to the gentleman's interrogation, I think we very clearly disputed the presentation that he had just made, and I would hope for a positive vote. Thank you, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, I just want to make one brief comment about the last remarks of the gentleman, Mr. Dawida. I sympathize with what I guess is his preference that we do not get into a lot more licensing and overregulation. However, I think the members should be aware of the extreme and growing importance of this particular field to the public. If there is one thing that we ought to be concerned about as a government today, it is the matter of energy, and it is these people, the geologists, who have a very great impact and input into the searching for new sources of energy and searching for the location of existing sources of energy. I think it is appropriate that we enter into a program of licensing from that standpoint and that we protect the public from any possibility of being gouged by unprofessional practitioners of this art.

On the question recurring,
Shall the bill pass finally?

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

YEAS—124

Table listing names of members who voted 'YEAS' (124 total). Includes names like Armstrong, Arty, Belardi, Bennett, Berson, Bittle, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Cimini, Clark, M. R., Cochran, Cornell, Coslett, DeVerter, DiCarlo, Davies, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Fischer, Fisher, Foster, W. W., Foster, Jr., A., Gallagher, Gallen, Gamble, Gannon, Geesey, Geist, George, M. H., Gladeck, Goebel, Goodman, Grieco, Gruppo, Hayes, Jr., S., Honaman, Hutchinson, W., Itkin, Johnson, E. G., Kowalshyn, Lashinger, Laughlin, Lehr, Levi, Lynch, E. R., McCall, McClatchy, McIntyre, McKelvey, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Miller, Moehlmann, Mowery, Mullen, Musto, Nahill, Noye, O'Brien, D. M., Oliver, Perzel, Piccola, Pievsky, Pitts, Polite, Pott, Pucciarelli, Punt, Pyles, Reed, Rhodes, Rieger, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Schweder, Serafini, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Stairs, Steighner, Stewart, Stuban, Swift, Taddonio, Taylor, E. Z., Taylor, F., Thomas, Vroon, Wargo, Wass, Wenger, White, Wilson, Wilt, Wright, Jr., J., Yohn, Zeller, Zitterman, Zord, Zwick, Seltzer, Speaker.

NAYS—54

Table listing names of members who voted 'NAYS' (54 total). Includes names like Alden, Anderson, Austin, Barber, Borski, Fee, Fryer, Gatski, George, C., Grabowski, Kukovich, Levin, Lewis, McMonagle, McVerry, Pratt, Rappaport, Richardson, Seventy, Spitz.

Table listing names of members who were present but did not vote. Includes Clark, B. D., Cohen, Cole, Cowell, Cunningham, DeMedio, DeWeese, Dawida, Dumas, Greenfield, Harper, Hasay, Hoeffel, Hutchinson, A., Kanuck, Klingaman, Knight, Kolter, Milanovich, Mrkonic, Murphy, Novak, O'Brien, B. F., O'Donnell, Petrarca, Pistella, Street, Sweet, Telek, Trello, Wachob, Williams, Wright, D. R., Yahner.

NOT VOTING—18

Table listing names of members who did not vote. Includes Beloff, Chess, Earley, Freind, Giammarco, Gray, Halverson, Hayes, D. S., Helfrick, Irvis, Johnson, J. J., Jones, Knepper, Letterman, Livengood, Peterson, Schmitt, Weidner.

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

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

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House a former Democratic member of this House from Fayette County, 10-year veteran Pat Trusio.

RECONSIDERATION OF VOTE
ON SB 518

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

Mr. ZELLER. Mr. Speaker, I move that the vote by which SB 518 was defeated on the 11th day of February, 1980, be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, I second the motion.

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

The following roll call was recorded:

YEAS—163

Table listing names of members who voted 'YEAS' (163 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bennett, Berson, Bittle, Borski, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cimini, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Foster, W. W., Foster, Jr., A., Fryer, Gallagher, Gamble, Gannon, Geesey, Geist, George, C., George, M. H., Gladeck, Goodman, Grieco, Gruppo, Harper, Hasay, Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Itkin, Johnson, E. G., Kowalshyn, Lashinger, Laughlin, Lehr, Levi, Lynch, E. R., McCall, McClatchy, McIntyre, McKelvey, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Miller, Moehlmann, Mowery, Mullen, Musto, Nahill, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Oliver, Perzel, Petrarca, Piccola, Pistella, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart, Street, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello.

Coslett	Klingaman	Pitts	Vroon
Cowell	Knight	Polite	Wachob
Cunningham	Kolter	Pott	Wargo
DeMedio	Kowalyszyn	Pratt	Wass
DeVerter	Kukovich	Pucciarelli	Wenger
DeWeese	Lashingier	Punt	White
DiCarlo	Laughlin	Pyles	Williams
Davies	Lehr	Rappaport	Wilt
Dawida	Levi	Rhodes	Wright, D. R.
Dietz	Levin	Richardson	Yahner
Dininni	Lewis	Rieger	Yohn
Dombrowski	Livengood	Ritter	Zeller
Dorr	Lynch, E. R.	Rocks	Zitterman
Duffy	McCall	Rodgers	Zwilk
Dumas	McIntyre	Ryan	
Durham	McKelvey	Salvatore	Seltzer,
Fee	McMonagle	Scheaffer	Speaker
Fisher			

NAYS—3

Grabowski	Milanovich	Reed
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NOT VOTING—30

Beloff	Giammarco	Johnson, J. J.	Peterson
Bowser	Goebel	Jones	Pievsky
Cessar	Gray	Kanuck	Schmitt
Chess	Greenfield	Knepper	Weidner
Earley	Halverson	Letterman	Wilson
Fischer	Hayes, D. S.	McClatchy	Wright, Jr., J.
Freind	Hayes, Jr., S.	Miller	Zord
Gallen	Irvis		

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

On the question recurring,
Shall the bill pass finally?

**SB 518 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

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

Mr. ZELLER. Mr. Speaker, I move that SB 518 be placed on the final passage postponed calendar.

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

SB 449 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 449 be placed on the table.

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DAVIES. Mr. Speaker, in the debate on SB 188, the gentleman, Mr. Zeller from Lehigh County—and I use that term with some reluctance—referred to me as the product of an authority. I not only take personal exception to his remarks, but I want the House record to clearly indicate I was born and reared by 100-percent American stock. I was educated in the grade schools of this Commonwealth. I profess to a practice of a recognized religion, and I pride myself on being a full-time member of this deliberating body. Thank you, Mr. Speaker.

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

SB 790, PN 1403

An Act authorizing the Department of Environmental Resources, with the approval of the Governor, to transfer a right-of-way in that portion of the Boal Gap Road passing through the Rothrock State Forest situate in the Township of Potter, County of Centre and Commonwealth of Pennsylvania, to said Potter Township.

**SB 449 REMOVED FROM
TABLE TO CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 449 be removed from the table and placed on the calendar.

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

SB 544 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, could the Chair advise me as to whether or not SB 544 has gone to the table and been removed from the table on page 14? It is on the 15th day.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 544 be laid on the table.

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

**SB 544 REMOVED FROM TABLE
TO CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 544 be taken from the table and placed on tomorrow's active calendar.

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

ADDITION OF SPONSOR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit, in accordance with our rules, the following member who wishes to be added as a sponsor of a bill:

HB 222, Wilson.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there will be no further floor action today. We apologize to the members who were delayed by our delay in reaching the floor at 3 o'clock. We became involved in the caucus activity and, frankly, did not keep our eye on the clock. Because there were some matters left undecided in caucus, I am going to ask that our members return to caucus for one-half hour for a general discussion of caucus activities and floor activities concerning HR 20 and other measures.

Now I hate to display our dirty wash, and I know the minority side has the same problem, so I think when I speak, I speak for both sides. Members of both caucuses have complained to their leadership at the lack of attendance at the caucus meetings. I have talked to the leaders from the other side, and they advise me when you have a short caucus, and they also understand when we have a sparsely attended caucus. I am asking that our members place some priority on the next half hour and agree to come to our caucus room for a half hour. Thank you, Mr. Speaker.

NO DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there will be no need for a Democratic caucus this afternoon.

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, on HB 1375 I was erroneously recorded as voting in the negative when I in fact voted in the affirmative. Thank you.

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

The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, when the reconsideration vote was taken on SB 518, my new switch was not functioning. I would like to be recorded in the affirmative on reconsideration.

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

STATEMENTS

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

Mr. ZELLER. Mr. Speaker, in answer to what Mr. Ryan said in regard to attending caucuses, I want to say I do not have a problem, because I can pretty well—and I am not bragging about it, but I say if I have got something to say, I will say it, and I am going to argue it, whether it is in caucus or anywhere else. The point is, there are a lot of members who are very discouraged about the fact that they get shot down in caucus and they do not get a chance to speak, and there are a lot of members who have said this. That is a fact, and I have had members tell me that, and that is one of the reasons why a lot of them do not go to caucuses, because of the fact they get shot down in there. Now that is a fact of life. So once the leadership realizes that members have got to get a chance to speak their word and they will knock off this idea of shutting them up and they have got to go along with the so-called ride, that is the problem you have got in your caucuses. The members say, if I do not have a word to say, I might as well stay out. That is the fact, Mr. Speaker. That is the problem you have.

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

Mr. RYAN. Mr. Speaker, if I may. Would the gentleman yield to me for a moment?

The SPEAKER. The gentleman, Mr. Shupnik, yields. The Chair recognizes the majority leader.

Mr. RYAN. In brief reply to the gentleman, Mr. Zeller, we have true democracy in our caucus. I only wish I could stop some of our members from talking on occasion. I suggest that you and those from your caucus who are unhappy with your right to speak up, change registration, come on over.

The SPEAKER. I vote "no."

The Chair recognizes the gentleman from Luzerne, Mr. Shupnik.

Mr. SHUPNIK. Mr. Speaker, I realize that the leaders on both sides of the aisle have problems, but I just wonder if it is possible, on the days that we are breaking for the week, if we could not start a little earlier and maybe just keep some people quiet, you know, just keep it down, and we could possibly leave earlier here on the days we break. I know some of your side and some of our side have been talking about leaving and going home when it is dark and running into problems. If not tomorrow, maybe next week or the week after.

Mr. RYAN. Mr. Speaker, next week you can leave early every day.

The SPEAKER. The Chair wants the record to show that Mr. Shupnik is scared of the dark.

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

Mr. ZWIKL. Mr. Speaker, while we are on the subject of scheduling, perhaps I could bring to your attention the fact that for the past two Wednesdays and I believe again next Wednesday, I have three committee meetings scheduled at the same time. I think this is a problem that a number of members have raised. I do not know if everyone is suffering this sort of thing, but I think we should look at the scheduling.

I think in reference to the caucuses, if you would have the caucuses at an established time on a Monday afternoon, perhaps a little bit earlier than 5, 5:30, quarter of 6, you will get a decent attendance. That is my impression and my observation, and I think perhaps if we were to vote a few bills early on a Monday and go to caucus, we would get a better attendance.

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, just to say that had I been in my seat on the second vote on SB 702, I would have voted in the affirmative.

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

BILLS AND RESOLUTION PASSED OVER

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

The Chair hears no objection.

ADJOURNMENT

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

Mr. GRUPPO. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 13, 1980, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:14 p.m., e.s.t., the House adjourned.